

ADJOURNED PLANNING COMMITTEE MEETING

Date: Thursday 24 February 2022
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Brindle, Cox, English, Eves, Harwood, Holmes, Kimmance, Munford, Perry (Vice-Chairman), M Rose, 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 Items withdrawn from the Agenda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. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
6. Disclosures by Members and Officers
7. Disclosures of lobbying
8. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
9. 21/506322/FULL - Rose Cottage, Bearsted Road, Weaving, Kent 1 - 13
10. 21/505932/FULL - Wares Farm, Redwall Lane, Linton, Kent 14 - 28
11. 21/506183/FULL - Pinelodge Cottage, Somerfield Road, Maidstone, Kent 29 - 35
12. Appeal Decisions 36 - 37

Issued on Friday 18 February 2022

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

PLEASE NOTE

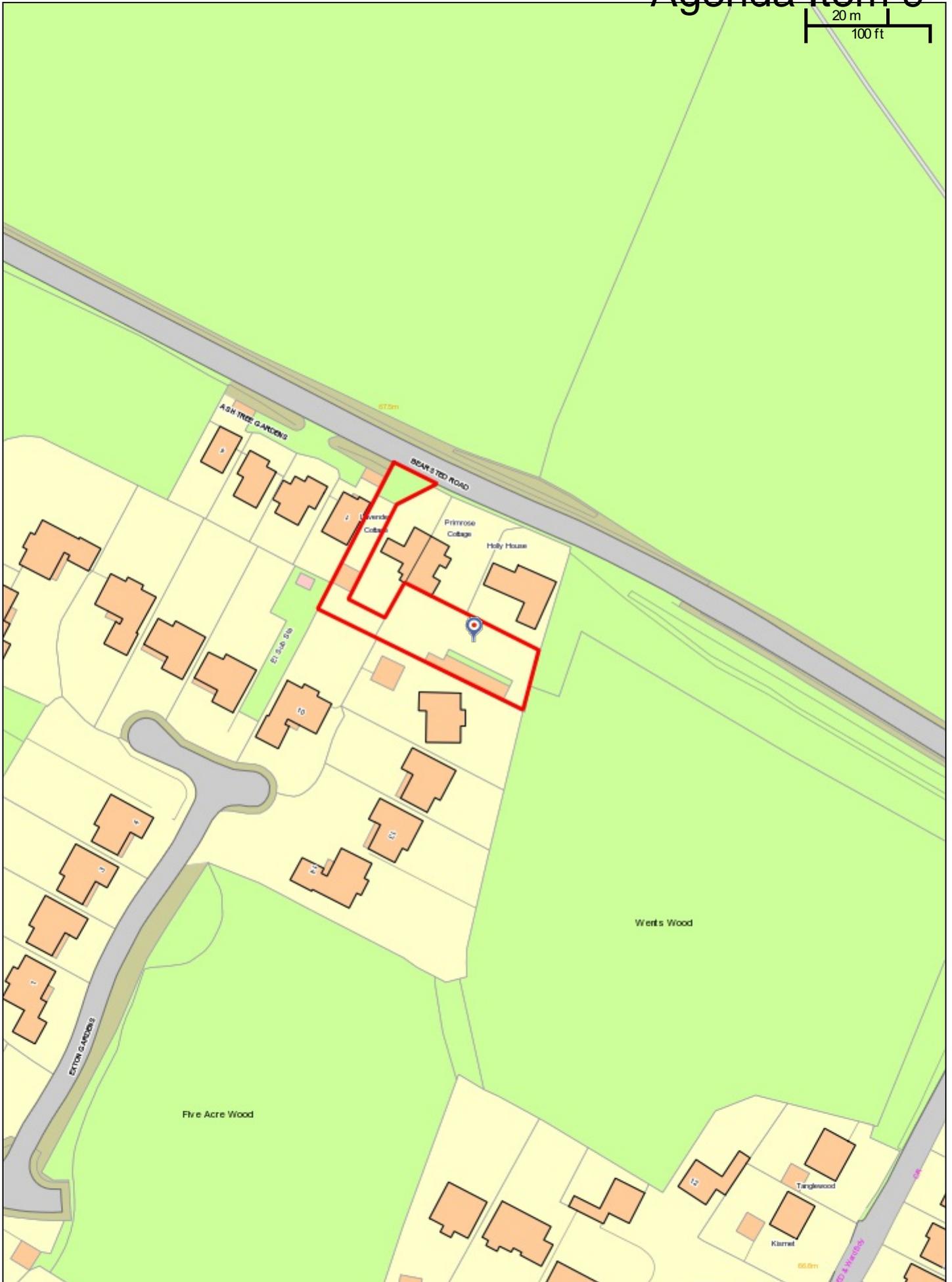
The order in which items are taken at the meeting may be subject to change.

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/>

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21/506322/FULL Rose Cottage, Bearsted Road, Weaving, Kent

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REPORT SUMMARY

REFERENCE NO - 21/506322/FULL			
APPLICATION PROPOSAL Erection of single storey rear extension to bungalow, construction of detached single garage and erection of shed in back garden.			
ADDRESS Rose Cottage Bearsted Road Weaving Kent ME14 5LD			
RECOMMENDATION : GRANT subject to the planning conditions set out in Section 8.0 of the report			
SUMMARY OF REASONS FOR RECOMMENDATION For the reasons set out below it is considered that the proposed extensions and alteration to the property would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor be unacceptable in terms of any other material planning considerations such as the proposed development is considered to be in accordance with current policy and guidance.			
REASON FOR REFERRAL TO COMMITTEE The recommendation is contrary to the views of Boxley Parish Council who have requested the application be presented to the Planning Committee			
WARD Boxley	PARISH/TOWN COUNCIL Boxley	APPLICANT Mr and Mrs Christopher and Deborah Le-Core AGENT JK Designs	
DECISION DUE DATE 25/01/22	PUBLICITY EXPIRY DATE 24/12/21	OFFICER SITE VISIT DATE 21/1/22	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
20/501279/REM	Approval of reserved matters following outline application 19/503191/OUT - Outline application for access, layout, and scale for the demolition of existing outbuildings and erection of a single storey detached dwelling with associated access and parking (Appearance and Landscaping being sort).	Permitted	11/5/2020
19/503191/OUT	Outline application for access, layout, and scale for the demolition of existing outbuildings and erection of a single storey detached dwelling with associated access and parking (including Lavender Cottage).	Permitted	16/9/2019
15/508305/OUT	Outline application for demolition of	Refused	14/3/2016

	existing cattery and outbuildings and the erection of a two storey detached dwelling with associated double garage, parking and turning. Shared access with Lavender Cottage. with access to be considered at this stage		
<p><i>Given: (i) the location and siting of the proposed two-storey dwellinghouse, (ii) its proximity to the properties to the north (i.e. Primrose Cottage and Holly House), (iii) orientation of the site and spatial relationship with the said curtilages; the proposed two-storey dwellinghouse would be likely to cause serious harm to residential amenities of occupiers of the affected curtilages; including loss of outlook and loss of daylight/sunlight; by reason of overshadowing and, being overbearing and intrusive.; this is unacceptable. The proposal is also contrary to the following material considerations: Sections 3 & 7 of the NPPF.</i></p>			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to a single storey bungalow recently constructed on a backland site to the rear of the gardens of those dwellings fronting Bearsted Road (Lavender and Primrose Cottage and Holly House). The site was previously a cattery, however the redevelopment has taken place and the dwelling appears to be complete and occupied.
- 1.02 The site is access by a private driveway from Bearsted Road which leads to a large parking and turning area. The dwelling is situated in a fairly spacious plot for its location with a flat garden to the rear. A mix of hedging and close boarded fencing enclose the site.
- 1.03 The site is within the urban settlement boundary, adjacent to protected woodland which is sited to the east of the site and within the 500m buffer of a local wildlife site.

2.0 PROPOSAL

- 2.01 The proposal is for the erection of a single storey rear extension to the bungalow, construction of detached single garage and erection of shed in back garden.

Single storey rear extension

- 2.02 The extension would be to the rear of the existing dwelling and would extend approximately 3m rearwards, have a width of 6m (approximately half the width of the existing dwelling) and would have a pitched roof with an eaves height to match the existing dwelling (approximately 2.6m) and a ridge height of 4.1m. Materials would match the existing dwelling and a single rooflight would be present in both side facing roofslopes.

Detached single garage

- 2.03 The garage would be sited in the north-western corner of the site adjacent to the boundaries with Lavender and Primrose Cottages. It would have a length of

approximately 5.5m, width of 4m, with a pitched roof with an eaves height of 2.4m and a ridge of approximately 4m.

Shed

- 2.04 The shed would be sited in the south-eastern corner of the garden and would have a square footprint of approximately 3m and would have a shallow pitched roof with a maximum height of 2.5m. It would be timber clad with a felt roof.

Other matters

- 2.05 A flue is shown to project from the side facing roof of the extension. This would serve a log burner proposed in an existing part of the dwelling. Part 1, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), allows for flues to be permitted development provided they would not exceed the highest part of the roof by 1metre or above. The proposed flue would not exceed this criteria and is therefore not considered to require planning permission and could be inserted into the existing roof without the need for consent. As such no further consideration is given to the proposed flue. Matters are raised from neighbours regarding smoke and fumes, however these would be dealt with through other legislation, initially by building regulations compliance.
- 2.06 The site plan indicates that an existing part of the hedge to the rear of Primrose Cottage would be removed and replaced by 1.8m Close Boarded fencing. Due to the recent nature of the existing dwelling planting and boundary treatment does remain to be controlled by conditions, with the following conditions being pertinent :

Condition 4 of 19/503191/OUT

*(4) Within the area identified as garden land shown on drawing no: 7098-P-01 Rev C and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, D, E and F and **part 2 Class A** to that Order shall be carried out.*

Reason: In the interests of visual and residential amenity.

This condition removes permitted development rights for new boundary treatment.

Condition 5 of 19/503191/OUT

(5) Before first occupation of the approved dwellings, fencing shall be erected along the common boundary with the existing neighbouring dwellings shown on drawing no: 7098- P-01 Rev C that shall be no less than 1.8 metres in height and be of close boarded construction.

Reason: To safeguard the residential amenities of the occupiers of neighbouring buildings.

This intimates but does not explicitly show that the boundary treatment proposed with all neighbouring properties would be 1.8m close boarded fencing.

Conditions 9 and 10 of 19/503191/OUT

(9) No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

(10) The submitted Landscaping details shall be implemented in the first available planting season following first occupation of the development hereby approved. Any part of the approved landscaping scheme that is dead, dying or diseased within 5 years of planting shall be replaced with a similar species of a size to be agreed in writing beforehand with the Local Planning Authority.

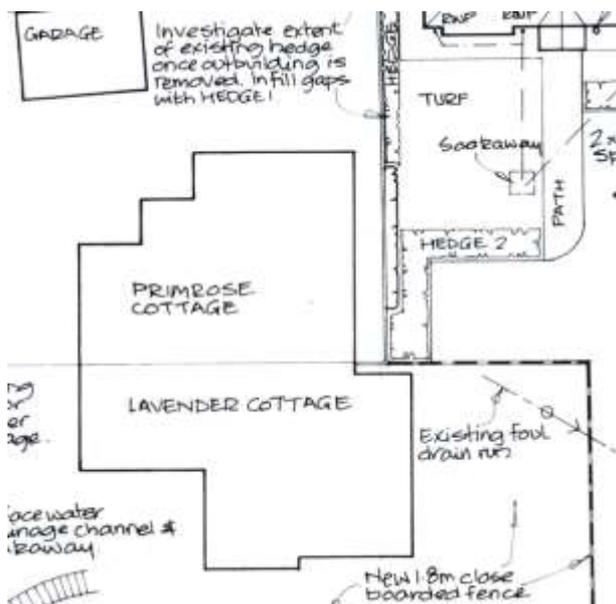
Reason: In the interests of visual amenity.

The landscaping details referred to in Condition 9 were submitted as part of the reserved matters application. This showed hedging along the boundary with Primrose Cottage (see extract below) and was further conditioned to be implemented by condition 2 of that consent (20/501279/REM).

The supporting statement accompanying 20/501279/REM with reference to the hedging set out :

To the boundary with Primrose Cottage. Investigate the nature of the existing hedge once the outbuilding is demolished. As required reinforce/infill gaps/install new Privet double staggered hedge planted 4no. per square metre pot grown (300mm pot size).

Around the turning head to the rear of Primrose Cottage. Double staggered hedge with a mix of 80% hawthorn, 10% beech and 10% field maple planted 4no. per square metre pot growth (300mm pot size)



Based on the above, although not explicitly referred to in the description, planning permission would be required for the replacement of the hedging with close boarded fencing as those works would be in breach of conditions relating to landscaping and the removal of permitted development rights relating to boundary treatment.

3.0 POLICY AND OTHER CONSIDERATIONS

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

Maidstone Borough Local Plan 2017 : Policies DM1, DM9 and DM23

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 19) dated October 2021. : Policies Policy LPRSP15 – Principles of Good Design Policy LPRHOU 2 : Residential extensions, conversions, annexes and redevelopment in the built-up area

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 Three neighbour representations have been received, objecting to the proposals on the following grounds (summarised) :

- Rear extension due to roof line would overshadow garden and remove remaining light. Garden is shallow towards the bungalow.
- Rear extension would dominate view from living accommodation and block view of sky.
- Development recently completed and the proposal would make situation worse and wouldn't be in accordance with plans that were previously approved.
- Holly House is at a lower level than the application site (approximately 1m)
- Impact of flue shown on side elevation (smoke and fumes)
- Removal of hedge (not in applicants ownership)
- Garage would result in loss of light to kitchen and upstairs bathroom of Primrose Cottage
- Loss of privacy and overlooking due to velux rooflight and ground floor windows
- Overdevelopment
- Landscaping scheme not fully implemented

5.0 CONSULTATIONS

5.01 Boxley Parish Council

1. It is overdevelopment of the site.
 2. The original plans were approved with very stringent conditions. For the developer to put in an application for an extension before the building is completed is not acceptable.
 3. The plans for the first floor extension will have an adverse affect on the neighbouring properties by causing a dominant negative feature on their line of sight given that Rose Cottage is on higher ground. It will also block light causing overshadowing and loss of privacy.
 4. The positioning of the solid fuel flue facing towards Holly House is likely to cause harm to the occupants by emitting smoke and fumes into their lower level property.
 5. The proposed garage is too close to the neighbouring property. It will cause overshadowing and loss of privacy. The removal of the established hedge and replacement with a panel fence would have a negative visual impact for the neighbouring property.
- If the case officer is minded to approval Boxley Parish Council would like this application determined by the Planning Committee.

6.0 APPRAISAL

6.01 The key issues for consideration relate to:

- Site Background/Principle of development/Policy context
- Visual amenity
- Residential amenity
- Parking/Highway safety
- Other matters

Site Background/Principle of Development/Policy Context

- 6.02 The application site was recently redeveloped from a former cattery to that of a single detached dwelling, with outline consent approved under 19/503191/OUT and the subsequent reserved matters approved under application 20/501279/REM. This consent removed permitted development rights for extensions, outbuildings and boundary treatment, as highlighted in bold within the condition wording below. The reason for removing these rights was to protect visual and residential amenity. This does not mean that all proposals falling within those parts quoted would be unacceptable, solely that they require planning permission and as such more robust consideration.

Condition 4 of 19/503191/OUT

*(4) Within the area identified as garden land shown on drawing no: 7098-P-01 Rev C and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, **Part 1, Classes A, D, E and F and part 2 Class A** to that Order shall be carried out.*

Reason: In the interests of visual and residential amenity.

- 6.03 The application site is within the defined urban boundary, Policy DM9 of the local plan allows for residential extensions provided that :
- i) The scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the street scene and/or its context;
 - ii) The traditional boundary treatment of an area would be retained and, where feasible, reinforced;
 - iii) The privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents would be safeguarded; and
 - iv) Sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene.
- 6.04 Policy DM1 (ii) in terms of design refers to developments responding positively to the local character of the area, with regard being paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage. DM1 (iv) re-iterates consideration to be paid to adjoining neighbouring amenity.
- 6.05 The Residential extensions SPD in relation to rear extensions sets out that rear extensions should not normally exceed 3metres in depth and neighbouring amenity should be protected. Regarding detached garages the SPD sets out :
- ‘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 4.45)*
- ‘In order to appear ancillary to the property, fit well within the street scene and prevent detrimental impact on neighbouring properties, such as excessive overshadowing of a garden or principal window, garages and outbuildings should not generally be located in front of the building line of domestic properties’ (para 4.46)*
- ‘The form (including roof pitches) and materials of garages and outbuildings should be in keeping with the existing and surrounding properties.’ (para 4.47)*
- ‘Garages and other outbuildings should be subservient in scale and position to the original dwelling and not impact detrimentally on the space surrounding buildings or the street scene by virtue of their scale, form or location. Garages or outbuildings set in front of the building line will not normally be allowed.’*
- 6.06 The principle of extensions to the property is acceptable, given its location within the urban area, however this is subject to consideration of the key issues set out above which are discussed below

Visual Impact

- 6.07 The application site is situated in a backland position and thus has no public visibility and is screened by the dwellings to the north and west which front Bearsted Road and the woodland and land levels to the east. As such the proposals, which are in themselves of a modest scale would not impact on the visual amenity of the street scene or the character and appearance of the surrounding area.
- 6.08 Concerns have been raised regarding the overdevelopment of the site. The proposed outbuildings are both modest in size and scale and are what could be reasonably be expected for outbuildings and meet policy criteria. The rear extension would be modest with a projection of 3m from the existing dwelling. There would

remain significant undeveloped space within the plot and it is not considered that the proposals could be considered as overdevelopment.

- 6.09 The loss of a small portion of hedging to be replaced with fencing is considered visually acceptable.
- 6.10 Overall the proposed extension and outbuildings are of an acceptable design and appearance which would appear as subservient to the existing dwelling and would not harm visual amenity of the street scene or character of the surrounding area, nor would harm the site itself.

Residential Amenity

- 6.11 Representation has been received from three of the four adjoining neighbouring properties (Holly House, Primrose Cottage and 11 Exton Gardens). It is those properties together with Lavender Cottage which would be most likely be impacted upon by the proposed developments, other neighbouring properties are considered to be a significant distance away to be unaffected by the proposals.

6.12 *Holly House*

The proposed garage and shed would be a significant distance away to not impact on this property. The single storey extension would extend beyond the rear wall of the existing dwelling, but this would be of a modest scale, projecting no more than 3m and have a roofscape that would slope away from the neighbouring boundary and the overall height would be lower than the existing dwelling. It would be no closer to the boundary than the existing dwelling and separated by at least 1m, with a significant distance separating the extension from the south facing windows of Holly House.

The extension would not be overly overbearing, overshadowing or cause loss of outlook, light or privacy such that would be harmful to the amenity of Holly House.

6.13 *Primrose House*

The proposed single storey rear extension and shed would be a significant distance away to not impact on this property. The main impact would be from the proposed detached garage. This would be sited approximately 0.7m from the adjoining boundary, and to facilitate its construction a section of hedging would be removed and replaced by close boarded fencing to a height of 1.8m. The rear wall of the garage would then extend approximately 0.6m above this new fencing and would have a roofslope that would slope away from the boundary.

The property has a single storey rear extension with rooflights facing towards the application site (understood to serve the kitchen but are not the sole openings to serve the room) and a first floor facing window (understood to serve a bathroom). The extension brings the property in close proximity to the boundary with the application site and there is not usable amenity space between the extension and the boundary, with the garden serving Primrose House being predominantly to the east of the dwelling.

The proposed replacement of the existing hedge with fencing would not impact on the amenity of the neighbouring occupier. It is noted that representation suggests this would change the 'cottage' appeal of the site, however the new fencing would be for a small proportion of the boundary which encloses space which has limited usability and would not affect the wider character of the application site or its neighbour.

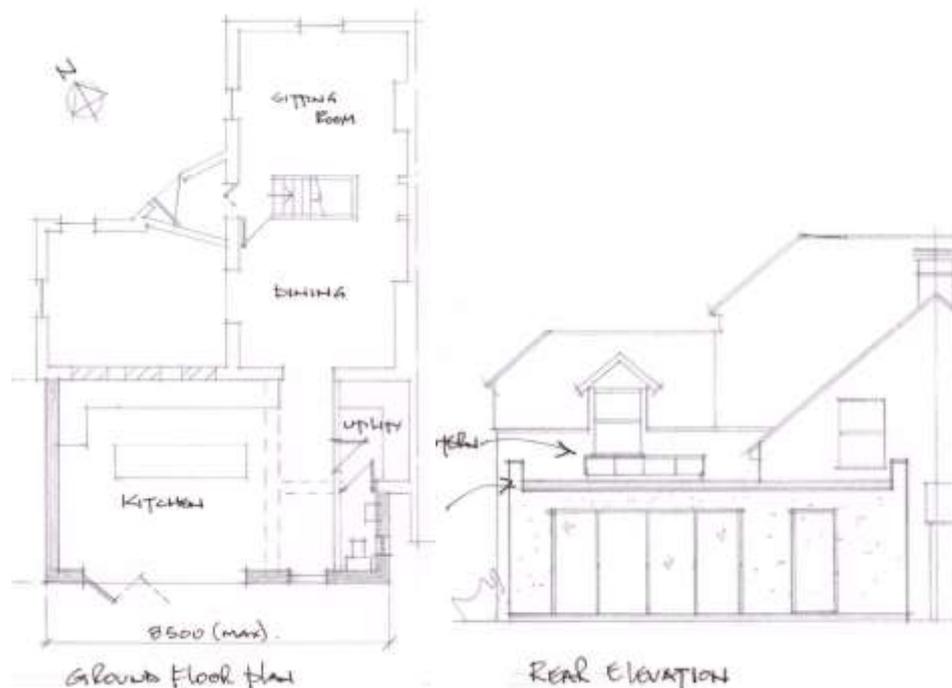
No windows or openings are proposed other than in the elevation facing towards the application site itself so no harm would result through overlooking or loss of privacy. The outlook from any fenestration would not be harmed detrimentally as the south elevation has the characteristics of secondary elevation and any outlook is currently compromised by thick hedging. No impact would occur to the principal outlook from rooms facing towards the east. Although the garage would extend above the height of the proposed fence, with the roof sloping away from the boundary, its single storey nature and proposed footprint it could not be considered to be significantly overbearing and loss of light and overshadowing would be limited due to the nature of openings, characteristics of the neighbouring site and the proposal itself.

It is noted that the garage would be sited fairly close to the boundary and introduce additional built form where there currently is none, however due to its size, proportions and relationship with the neighbouring dwelling it is not considered that the proposal would result in undue harm to amenity that would warrant refusal of the application.

6.14 Lavender House

The proposed single storey rear extension and shed would be a significant distance away to not impact on this property. The main impact would be from the proposed detached garage. This would be sited approximately 0.7m from the adjoining boundary, it would have an eaves height which would be approximately 0.6m above the existing close boarded fencing and would have a roofslope that would slope away from the boundary.

The roof and top part of the flank would be visible above the boundary fencing. Lavender House was extended to the rear by a single storey extension under application (16/504070/FULL), the plan extract below show that those ground floor openings nearest the boundary serve a back door to the kitchen, with another large opening serving the same room.



In terms of loss of light when assessed in relation to the 45 degree light test, the proposed garage would pass on both the elevation and floorplan test whereby any impact would be on the secondary opening to the kitchen which would not result in significant harm to amenity in terms of loss of light.

Although the garage would extend along a large proportion of the eastern boundary, it would not enclose the full boundary and the side wall would not extend significantly above the existing fence with the roof sloping away from the boundary such that it is not considered that the building would be unduly overbearing, overshadowing or result in loss of outlook. No loss of privacy would result.

On balance it is considered that the proposed garage building due to its design, position and height would not result in significant harm to the amenity of Primrose House.

6.15 *11 Exton Gardens*

The proposed garage would be a significant distance away to not impact on this property. The single storey rear extension would have a modest projection from the rear of the existing dwelling and would be a significant distance from the neighbouring boundary to not result in any harm through loss of outlook, light or be overshadowing or overbearing. Concerns have been raised regarding overlooking, however the extension would be single storey, the rear doors would look towards the amenity space of the application site and not towards the neighbouring property and the rooflights would not give rise to any direct overlooking due to their position and height above floor level. The proposed shed to the rear corner of the garden would be close to the neighbouring boundary but due to its size, scale and height would not result in any harm to neighbouring amenity.

6.16 *Overall*

The proposals both individually and cumulatively would not result in significant harm to neighbouring residential amenity that would warrant refusal.

Matters relating to boundary treatment ownership are a civil matter, there is nothing in this submission or previous submissions to suggest that the boundary hedge is not in the ownership of the applicant and there would be space to erect fencing within the red line of the application site.

Parking/Highway safety

- 6.17 Parking provision is sought to be protected by condition on the original consent for the dwelling, those parts of the proposal which would impact on current parking is the garage to the front of the dwelling. The proposal would however provide additional enclosed parking rather than preclude parking and there would remain sufficient parking and turning on the site. It is not considered any part of the proposed development would cause harm to parking arrangements or highway safety.

Other Matters

- 6.18 The site is adjacent to an area of woodland which is protected by a tree preservation order (TPO) (to the south-east of the site). The garage and rear extension are a significant distance away from the nearest trees to be unaffected by the proposed development. The shed would be in close proximity to the boundary, however due to the proposal it is not considered there would be any impact on protected trees.

- 6.19 The NPPF, Local Plan and residential extensions SPD all seek to promote biodiversity enhancements. It is not considered that there would be any material impacts on existing ecology as a consequence of the proposal, however due to the nature of the proposal, the site constraints and the encroachment into the existing garden it is considered that ecological enhancement are necessary and could be secure by condition.
- 6.20 The NPPF, Local Plan and residential extensions SPD all seek to promote the use of renewables and energy/water efficient buildings. The proposals by their nature are fairly modest and it is noted that original development did not require the use of renewable technologies, such that it would be unreasonable to seek to secure such measures for a small extension to the dwelling. However, energy efficiency can be secured through construction or water efficient for use of measures such as water butts, as such to secure such measure a condition is considered reasonable to ensure that the development incorporates appropriate measures.

7.0 CONCLUSION

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

8.0 RECOMMENDATION – GRANT Subject to the following conditions

CONDITIONS

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

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

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

Drawing no. 025.1318.03 Rev D (Proposed Site Plan)
Drawing no. 025.1318.04 Rev B (Proposed Garage Floor Plan, Roof Plans and Elevations)
Drawing no. 025.1318.07 Rev A (Proposed Floor and Roof Plans)
Drawing no. 025.1318.08 Rev A (Proposed Elevations)
Drawing no. 025.1318.09 (Proposed Shed Floor Plan, Roof Plans and Elevations)

Reason: To clarify which plans have been approved.

- (3) The materials to be used in the development hereby approved shall be as indicated on the approved plans and application form.

Reason: To ensure a satisfactory appearance to the development

- (4) No part of the development hereby approved shall commence above slab level until details of a scheme for the enhancement of biodiversity on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through at least one integrated method into the design and appearance of the extension/outbuilding by means such as swift bricks, bat tubes or bee bricks, and through the provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to first use of any part of the development hereby approved and all features shall be maintained thereafter.

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

- (5) The development shall not commence above slab level until details of how the proposal hereby approved shall be constructed to secure the optimum energy and water efficiency of the extension/building have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first use and maintained thereafter; The details shall demonstrate that consideration has been given to incorporating small scale renewable energy generation options have been considered first and shall only be discounted for reasons of amenity, sensitivity of the environment or economies of scale, installing new energy efficient products, such as insulation, energy efficient boilers, low energy lighting shall be considered as a secondary option if the use of renewables has been demonstrated to not be appropriate.

Reason: To ensure an energy efficient form of development.

- (6) The garage hereby approved shall be kept available for the parking of vehicles and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land or in such a position as to preclude vehicular access thereto.

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users and in a manner detrimental to highway safety and amenity.

INFORMATIVES

- (1) The grant of this permission does not convey any rights of encroachment over the boundary with the adjacent property in terms of foundations, eaves, guttering or external cladding, and any persons wishing to implement this permission should satisfy themselves fully in this respect. Regard should also be had to the provisions of the Neighbour Encroachment and Party Wall Act 1995 which may apply to the project.

Case Officer: Rachael Elliott

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

Agenda Item 10



Ordnance Survey - data derived from OS Premium

REFERENCE NO - 21/505932/FULL		
APPLICATION PROPOSAL Retrospective application for erection of a temporary single storey extension to existing packhouse including access, parking and associated works.		
ADDRESS Wares Farm, Redwall Lane, Linton, Kent, ME17 4BA		
RECOMMENDATION GRANT TEMPORARY PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The application which seeks a temporary extension would have minimal visual impact on the surrounding area and is compliant with local and national planning policies.		
REASON FOR REFERRAL TO COMMITTEE The application has been called in by Linton Parish Council on the grounds that development would have a harmful impact upon the character and appearance of the area, the wider landscape, have a harmful highway impact and impact detrimentally upon the amenity of neighbouring properties.		
WARD Coxheath and Hunton Ward	PARISH/TOWN COUNCIL Linton	APPLICANT Integrated Service Solutions Ltd AGENT Mr Alexander Payne
TARGET DECISION DATE 25/02/2022 (EOT)		PUBLICITY EXPIRY DATE 21/12/2021

Relevant Planning History

- 0.1 04/0297 - Extension of existing industrial building to provide for a loading bay, canopy and loading dock to serve unit 2 including the change of use of agricultural land to provide for vehicle circulation and the provision of revised parking, as shown on dwg nos PKD033724, PKD033724/1 received on 11/02/04 and DHA/4816/01A, DHA/334/03 received on 19.02.04.

Permitted – 31/03/2004
- 0.2 04/2034 - Erection of new warehouse to provide the relocation and expansion of existing businesses including the provision of revised vehicle circulation and parking as shown on dwg nos. PKD043729, DHA/5114/01 received on 18.10.04.

Permitted – 15/02/2005
- 0.3 05/1172 - Extension of existing industrial building to provide for a loading bay, access ramp and loading dock to serve units 2 and 3 including the provision of revised parking and vehicle circulation as shown on PKD053731, 53731/2, 537311, DHA/4816/02, received on 15/06/05.

Planning Committee

17 February 2022

Permitted – 08/08/2005

- 0.4 08/0694 - Erection of industrial/warehouse building and extension to loading bay to provide for the relocation and expansion of existing businesses including revised parking and landscaping as shown on drawing numbers 083701/1, 083701/2, 083701/3, 083701/4, 083701/5083701/6, DHA/6620/01 and DHA/6620/02 received on 1/4/08.

Permitted – 22/05/2008

- 0.5 12/0153 - Erection of two single storey extensions to existing industrial/warehouse building to provide an ancillary chill store and office for the existing packhouse as shown on drawing nos. 1400/1, 1400/2b, 1400/3 and DHA/9266/01 received on 31st January 2012.

Permitted – 26/03/2012

- 0.6 16/508659/FULL (Berry Gardens) - Demolition of existing dwelling and erection of B8 warehouse building with ancillary offices, dock levellers, access, parking and landscaping including the creation of new woodland and attenuation pond.

Permitted – 06/07/2017

1 DESCRIPTION OF SITE

- 1.01 The site is located at Wares Farm to the north of Redwall Lane and west of Laceys Lane. The proposed extension would be located entirely within the recessed area adjacent to the north of the main building and adjacent to the east of the connection between the main building and the northern section. This area currently comprises of hard standing and car parking.
- 1.02 The site is accessed via the existing access from Redwall Lane.
- 1.03 The site is located in the countryside by virtue of being outside any defined settlement boundary but consists of entirely previously developed land within Wares Farm. The Wares Farm complex itself is entirely surrounded by land in agricultural use with a fruit packhouse and other agricultural buildings and uses located to the south including the Berry Gardens facility, with agricultural land to the west, north and east. There also a few dwellings sporadically set out in proximity to the site.

2. PROPOSAL

- 2.01 The application seeks temporary (3 years), retrospective planning permission for the 'Extension to existing packhouse and associated access, parking and associated works'
- 2.02 The proposed extension is 35m in length and 20m in width. The height of the eaves is 7.2m with a ridge height of 10.2m and provides 700m² of floorspace which would be used as a coldstore for storing fruit prior to distribution or transportation to a distribution centre.
- 2.03 The proposed extension is a rectangular building with a dual-pitch roof. It comprises an aluminium frame clad with insulated steel sandwich cladding with polymer composite insulated wall panels and roof consisting of translucent plastic-coated membranes which are inflated to provide insulation for the cold store. The external appearance of the building is white as shown below.

- 2.04 The extension would operate on a 24 hour 7 day a week basis as per the operation of the existing premises and would result in a maximum of up to 12 additional HGV vehicles visiting the site with around 80 new additional employees working in shifts that are split over 4 shifts (2 days/2 nights) resulting in a maximum of up to 40 additional employees coming and going to the site each day with the start/end shift times being 6a.m to 6 p.m.
- 2.05 As taken from the applicants supporting statement; "The proposed development includes seven additional parking spaces adjacent to the west of the site and a further eight spaces have been allocated to the applicant in the wider Wares Farm complex. In addition, the applicant has access to the overflow car park to the southwest corner of the Wares Farm complex which comprises 53 spaces. The applicant has access to a minimum of 68 car parking spaces on the Wares Farm site.



3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017:

SP17 – Countryside

SP21 – Economic Development

DM1 – Principles of good design

DM6 – Air Quality

DM21 - Assessing the transport impacts of development

DM23 – Parking Standards

DM30 – Design principles in the countryside

DM37 – Expansion of existing businesses in the rural area

The National Planning Policy Framework (NPPF 2021):

Section 12 – Achieving well-designed places

Local Plan Review (2021)

The Council's Regulation 19 Local Plan has recently finished public consultation and provides assessment criteria for economic development proposals in the countryside.

Whilst this document is a material planning consideration, at this time it is not apportioned much weight. 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.

Policy SP11 of the review states that the Council will support the economy of the borough by "Supporting proposals for the expansion of existing economic development premises in the countryside, including tourism related development, provided the scale and impact of the development is appropriate for its countryside location, in accordance with policy CD7."

Policy CD7 (Expansion of existing businesses in rural areas) states that planning permission will be granted where;

- i. New buildings and proposed access thereto are small appropriate in scale and provided the resultant development as a whole is appropriate in scale for the location and can be satisfactorily integrated into the local landscape;
- ii. The increase in floorspace would not result in unacceptable traffic levels or types on nearby roads or a significant increase in use of an existing substandard access;
- iii. The new development, together with the existing facilities, will not result in an unacceptable loss in impact on the amenity of the area. In particular the impact on nearby properties and the appearance of the development from public roads will be of importance; and
- iv. No open storage of materials will be permitted unless adequately screened from public view throughout the year.

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.1 In addition to the site notice, 35 neighbouring properties were consulted by direct mail regarding the proposed development. Three representations were received in objection to the development.

5. CONSULTATIONS

Linton Parish Council

Linton Parish Council have submitted an objection to the development and requested that it be brought before planning committee.

The material planning considerations raised are summarised as follows:

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- That the development has a harmful impact upon visual amenity – Specifically that the building is not in keeping with surrounding development, it is overly visible from long distance views and is 'overly' lit at night.
- Highway issues - Specifically traffic generation, vehicular access and highway safety
- Noise or disturbance resulting from use, including proposed hours of operation
- Vehicle movements impacting upon conservation areas.
- Capacity of Infrastructure, specifically highways. The bulk of the comments issued relates to highways safety, damage to the highway network as a result of HGV movements and the number of HGV movements taking place in the area, which the Parish state should be reduced.

A number of non-material planning considerations are also raised. These are as follows:

- That the proposal is not a temporary addition.
- Matters controlled under other legislation i.e. traffic incidents.

KCC Highways

Development is accessed from Redwall Lane, the ingress is sufficient in width and provides good visibility sight lines in both directions when exiting the site.

Proposed extension is for 700sqm storage. Vehicular Parking has a total number of 68 spaces, which is sufficient for the whole site. Shift change takes place at 6am and 6pm, which is outside of the conventional peak traffic hours and will not cause a severe impact as set out within NPPF.

I can confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

Submission of a Construction Management Plan before the commencement of any development on site.

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

Environmental Health

A noise impact assessment was submitted to the application by RSK Acoustics (Report No. 206/0429/R1 dated 29th Sept 2021). This assessment, using worst-case scenarios for the purpose of calculations, found that the impact for the new development would not increase noise levels from the existing use and thus I am satisfied a noise condition would not be required.

An air quality impact assessment was submitted with the application by SLR consulting (Ref: 403.12171.002 dated October 2021). Section 7.1 of this document determined during construction air quality impacts can be mitigated through specific measures and I would recommend the applicant adhere to these. The air quality impact assessment considered the impacts from operational phase trips of the development to have an insignificant effect. I would recommend the installation of EV charging points to encourage the use of sustainable travel methods.

The site is on potentially contaminated land due to its use as a packhouse but as the proposed development is erected on top of a concrete slab with no ground breaking activities involved in the process, I am satisfied this would not cause significant harm to receptors.

Natural England

No comments issued.

6. APPRAISAL

6.01 The key issues for consideration relate to:

- Principle
- Character, appearance, and scale
- Landscape
- Neighbouring amenity
- Highways
- Ecology
- Other matters

Principle

6.02 The application is for retrospective permission for the erection of a temporary single storey extension to the existing packhouse including access, parking and associated works.

6.03 Local Plan Policy SP17 states "Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area."

6.04 Local Plan Policy SP21 states that the Council will support the economy of the borough by "Supporting proposals for the expansion of existing economic development premises in the countryside, including tourism related development, provided the scale and impact of the development is appropriate for its countryside location, in accordance with policy DM37."

6.05 Local Plan Policy DM37 details the assessment criteria for this type of development. It states the following:

6.06 Planning permission will be granted for the sustainable growth and expansion of rural businesses in the rural area where:

- i. New buildings are small in scale and provided the resultant development as a whole is appropriate in scale for the location and can be satisfactorily integrated into the local landscape;
- ii. The increase in floorspace would not result in unacceptable traffic levels on nearby roads or a significant increase in use of an existing substandard access;
- iii. The new development, together with the existing facilities, will not result in an unacceptable loss in the amenity of the area. In particular the impact on nearby properties and the appearance of the development from public roads will be of importance and;

- iv. No open storage of materials will be permitted unless adequately screened from public view throughout the year.
- 6.07 Where significant adverse impacts on the rural environment and amenity would result from expansion, rural businesses requiring expanded premises should look to relocate to one of the Economic Development Areas identified in Policy SP22 or to a site within Maidstone urban area or one of the rural service centres.
- 6.08 The principle of an extension to the existing 'complex' is considered acceptable, subject to the development meeting the specific requirements of policies SP17 and DM37 which are discussed below.

Character, appearance, and scale

- 6.09 Policy DM1 states that development must not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity, or vehicular movements, it requires development to incorporate a high-quality design which responds to areas of heritage, townscape and landscape value or uplifts an area of poor environmental quality. Policy DM30 has similar requirements.
- 6.10 Policy DM37 also has design criteria i.e., that development must be appropriate in scale for the location and that development must not result in harm to the amenity of the area "and the appearance of the development from public roads will be of importance"
- 6.11 The application site is within the Yalding Farmlands landscape character area. The Maidstone Landscape Character Assessment notes that this landscape is in 'Very Good' condition and of 'High' sensitivity. The Character Assessment notes that the landscape consists of low-lying landscapes, reservoirs and water bodies, enclosed pastures, orchards, parkland and historic settlements. An identified action is to soften the impact of agricultural buildings and fruit equipment storage areas with native planting. To summarise the assessment concludes that this landscape must be conserved.
- 6.12 Assessing these points, the proposed new extension building is small in scale relative to the existing building and the Wares Farm complex. The proposal provides a logical infill of a gap between two existing buildings within an existing industrial and warehousing complex. Whilst in policy terms the application site is in the countryside, the immediate surround area is very much seen as a semi-industrial/warehousing complex.



- 6.13 Concerns have been raised regarding the visual impact of the extension particularly from short and long-distance views, however the extension has to be viewed in the context of its surroundings. It does not look out of place associated with the existing 'industrial and warehouse' buildings, as the photo below demonstrates it is of a similar scale to the existing buildings on site and is "seen" in the context of the existing Wares Farm buildings. Views of the development are possible when traveling towards the site along Red Wall Lane from the west and the east of the site but these are glimpsed views in accordance with policy DM37 (iii), the appearance of the development is acceptable when viewed from public roads. The below photo is taken from the roadside to the front of 'The Oast', a property approximately 200m to the west of the application site. The white building relating to this application is just visible through the tree line, above the surrounding buildings.



- 6.14 It is not considered that the white colouration or that it is visible over the top of the existing buildings results in such significant harm that a refusal would be warranted on these grounds as the building is read in the landscape against the wider complex of buildings at the Wares Farm site.. Whilst landscaping is not necessarily a permanent feature, equally once the trees pictured above have come into leaf the building would not be as visible from this view point.
- 6.15 Concerns have also been raised regarding the 'visibility' of the proposal from the Bull Inn public house on Linton Hill. The Bull Inn is within the Greensand Ridge Landscape character area, and the application site is within the Yalding Farmlands. The below photo was taken from the car park of the Bull Inn which is approximately 2km to the north of the application site, the Bull Inn overlooks both landscape areas.



- 6.16 Whilst the white building can be discerned from the green 'existing' buildings, the building is seen in association with these buildings and the Berry Gardens complex to the south. It is not considered that the proposed building (which is temporary) is so glaring that it causes such an impact on the wider landscape that would warrant a refusal on landscape grounds. This being especially so as the application proposes a temporary permission for three years.
- 6.17 The proposal seeks a temporary building and as such on the basis of this the landscape would be restored to its present state once the temporary permission expires. Additionally, the building is contained amongst the existing industrial and storage buildings, is of a similar scale to the existing buildings and is "read" in the context of those existing buildings. Whilst the roof of the extension can be readily identified from medium range views, this is not so harmful over a three-year period to warrant a refusal of the application on landscape harm. Short distance views are limited to glimpses or are not readily visible from public roads. Overall, it is not considered that the extension causes a degree of landscape harm that would warrant a refusal of the application

Neighbouring amenity

- 6.18 Policies DM1 and DM37 (iii) both require development to safeguard the amenity of neighbouring properties.
- 6.19 The nearest properties to the proposal are the two dwellings located approximately 70m to the east of proposed building, east of Laceys Lane (nos. 1 and 2 Spring Cottages). However, there is existing screening along the eastern boundary of Wares Farm adjacent to Laceys Lane which minimises the visual impact. In addition, only a small section of the extension would be visible above the existing building that connects the building to the north to the main building from the east but any views of this would again be seen within the context of the extensive existing built form of Wares Farm.

- 6.20 The proposed activities associated with the proposal involve the storage of fruit in an atmosphere-controlled store and all activities would be internal. A Noise Impact Assessment and Air Quality Assessment has been submitted with the application and this demonstrates that there would be no detrimental impacts on noise or air quality.
- 6.21 The Councils Environmental Health Officer has raised no objection to the Noise Impact Assessment or Air Quality Assessment and has suggested the use of conditions in terms of installation of EV charging points to encourage the use of sustainable travel methods. Whilst the operation of the cold extension covers a 24 hour period, it is not considered that there will be an impact on the amenity of nearby residents as a result of this 24 hour activity.
- 6.22 Overall, there is not considered to be an impact on amenity to neighbouring properties as a result of the temporary extension.

Highways

- 6.23 Local Plan policies DM1 and DM37 both detail the need to ensure proposals do not result in vehicle movements, that could have a harmful effect on the amenity of residents and the wider highway network.
- 6.24 A Transport Statement (TS) has been submitted in support of the application and confirms that the site is expected to generate approximately one additional HGV movement per hour on average over the 24-hour period (12 movements onto and 12 off the site, 12 vehicles total) and a maximum of 40 two way car movements over the shift change over periods around the hours of 6am and 6pm.
- 6.25 A number of objections on highways grounds have been received including one from Linton Parish regarding vehicle movements associated with the site. KCC Highways who are the Local Planning Authorities expert consultees regarding this issue have not objected to the proposal subject to conditions.
- 6.26 One representation refers to vehicle movements at 'Berry Gardens' the site immediately to the south of the application site being restricted to 32 lorry movements. A specific application where this condition has been imposed has not been provided, but condition 10 associated with 16/508659/FULL imposed a condition restricting vehicle movements to 8 overnight.
- 6.27 18/501181/FULL associated with the above application then amended this condition to allow additional vehicle movements. No more than "32 in or out movements to the site by HGVs between the hours of 2300hrs and 0700hrs." To summarise this, this was on the basis of the reasonable nature of the 'business' and to provide some flexibility which could otherwise lead to a situation of vehicles parking on the highway rather than entering the site.
- 6.28 As taken from the applicant's transport assessment, in relation to HGVs the following is indicated "Over the course of a temporary 26-week period, an additional 24 two-way HGV arrivals (12 vehicles in total) and departures per day for 17 weeks and 12 per day (6 vehicles) for the remaining 9 weeks will occur." Approximately one additional HGV movement an hour during the 26-week period. When considering the comments from highways consultees, it is not considered that an additional 12 HGVs visiting the site results in such a detrimental intensification of vehicle movements that a refusal on this ground alone would be warranted.

- 6.29 A number of representations received refer to specific incidents involving HGVs. Highway safety is covered by legislation outside of the planning system, the Local Planning Authority does not have the remit to ensure drivers obey highway legislation and as such this is not a ground to refuse an application on. Between 2017 and 2020 a total of two traffic incidents were recorded in the vicinity, both of which were classified as 'slight' in severity, neither of these involved HGVs.
- 6.30 Comments submitted also discuss what is best described as "unnecessary HGV journeys" as a result of how the business operates. How a business operates is not a planning consideration, KCC Highways have not objected to the proposal on this basis. Conditions can be imposed regulating vehicle movements to and from the site.
- 6.31 In terms of parking arrangements as taken from the submitted transport statement: "As noted, a total of 80 additional staff have been employed as a result of the expansion. Daily shift patterns comprise two 12-hour shifts, with a maximum of 20 staff per shift. It is therefore anticipated that a maximum of 20 vehicles will utilise the on-site parking at any one time."
- 6.32 The proposed development includes seven additional parking spaces adjacent to the west of the site and a further eight spaces have been allocated to the applicant in the wider Wares Farm complex. In addition, the applicant has access to the overflow car park to the southwest corner of the Wares Farm complex which comprises 53 spaces. The applicant has access to a minimum of 68 car parking spaces on the Wares Farm site.
- 6.33 The transport assessment includes a review of the overflow car park which was undertaken to assess its utilisation on Tuesday 12th October 2021 at 14:00. During this time, it was seen that the car park is seen to be operating with spare capacity, with up to seven free bays during this peak operational period and no overspill on to the local highway network
- 6.34 Based on the above, the arrangements are assessed as being acceptable, no objections have been received by highways consultees relating to the parking arrangements on site.

Ecology

- 6.35 The proposal seeks retrospective permission for a temporary building on the sites existing car park. On this basis it would not be reasonable to impose conditions requiring enhancements integrated to the building, it will be conditioned that enhancements be placed elsewhere around the site.

Other Matters

- 6.36 Impacts on air quality and climate change are also raised, as taken from the applicants Air Quality assessment. "In accordance with the EPUK & IAQM Guidance, developments located outside an AQMA (Air Quality Management Area) require consideration of potential air quality impacts where additional development trips are in excess of 500 AADT as LDV trips or 100 AADT as HDV trips.
- 6.37 Based upon the trip details and distribution outlined above, the maximum number of predicted development trips (as 24-hour AADT) are below the relevant criterion. Therefore, in accordance with the EPUK & IAQM Guidance no further detailed assessment is required and the 'impacts can be considered as having an insignificant effect'."

- 6.38 No objections have been received from Environmental Health consultees, subject to conditions. The applicant has submitted an air quality impact assessment, this 'concludes' that the maximum number of predicted developmental movements is below the relevant indicative criteria for a more in-depth assessment. "As such, road traffic impacts associated with the operational of the site can be considered as having an 'insignificant' effect on local air quality and have therefore been screened out." As the application is retrospective conditions are suggested requiring the applicant to install electric vehicle charge points, to encourage the use of electric vehicles and reduce carbon emissions.
- 6.39 Policy DM2 states that Non-residential development, where technically feasible and viable, should meet BREEAM Very Good including addressing maximum water efficiencies under the mandatory water credits and should achieve BREEAM Very Good for energy credits where technically and financially viable.
- 6.40 The building is temporary and on this basis it is not assessed as being reasonable to require sustainable technologies on a temporary building. Requiring BREEM standards on an already constructed temporary building would not be reasonable either given its temporary nature.

Conclusion

- 6.41 The development which is seeking temporary permission for a temporary building would not have a harmful impact upon the character and appearance of the immediate area or the wider landscape with short range views of the building restricted to glimpses. Whilst within medium range views the extension is visible and of a differing colour to the main complex, it is read against the complex as a whole and is seen as such. On this basis, it does not cause landscape harm sufficient to warrant a refusal of the application.
- 6.42 The development would not harmfully impact upon the amenity of neighbouring properties.
- 6.43 It is not assessed that the development would have such a significantly harmful impact upon the wider highway network that a refusal would be warranted. The temporary proposal has resulted in the creation of 80 additional jobs supporting the rural economy in accordance with policy SP21. Conditions are suggested limiting the number of HGVs visiting the site. The development is in accordance with local and national planning policies and is recommended for approval.

7. RECOMMENDATION

Grant temporary permission subject to the following conditions:

- 1) The extension hereby permitted shall be removed and the land upon which it is sited restored to its former condition on or before 25/02/2025.

Reason: To enable the local planning authority to review the special circumstances under which this permission is granted.

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

Application for planning permission
Air Quality Assessment

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DHA_15889_01 Site Location Plan
DHA_15889_02 Existing Site Layout Plan
DHA_15889_03 Proposed Site Layout Plan
DHA_15889_04 Existing Building Floor Plan
DHA_15889_05 Existing Building Elevations
DHA_15889_06 Proposed Building Floor Plan
DHA_15889_07 Proposed Building Elevations
Noise Impact Assessment
Transport Statement
Planning Statement
Agent Response

Reason: To ensure a satisfactory visual appearance to the proposal and to safeguard the amenity of the area.

- 3) Within one month of the date of the application hereby approved details of 5 (10% of proposed parking provision) electric vehicle charging points, including a programme for their installation, maintenance, and management, have been submitted to and approved in writing by the local planning authority. The electric vehicle charging points as approved shall be installed within three months following the approval of the details and shall thereafter be retained and maintained in accordance with the approved details.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with the NPPF.

- 4) Within one month of the date of the application hereby approved a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through provision within the site curtilage of measures such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors. Within three months the approved scheme shall be implemented in accordance with the approved details and all features shall be maintained thereafter. Reason: To provide a net biodiversity gain.
- 5) Within one month of the date of this decision hereby issued a scheme for the control and monitoring of the movement of HGV's shall be submitted to the Local Planning Authority. On approval of the scheme by the Local Planning Authority, this scheme should be implemented and operated at all times and shall be available for review by the Local Planning Authority. No more than 8 HGVs shall enter or leave the site during the hours or 2300hrs and 0600hrs.

Reasons: In the interests of Local amenity

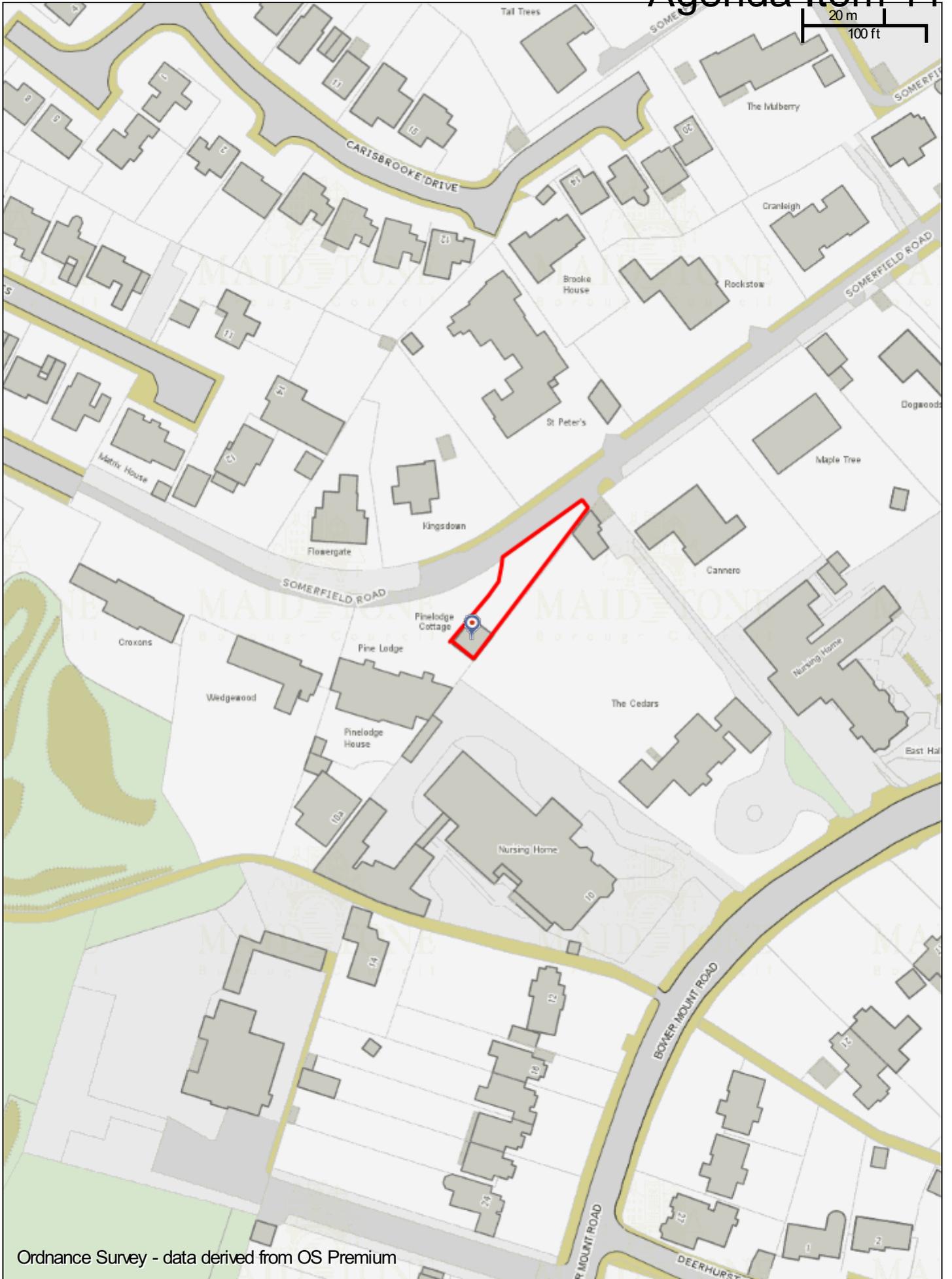
- 6) The parking provision within the overflow car park to the southwest corner of the Wares Farm complex comprising of 53 spaces as well as the additional parking detailed within DHA_15889_03 Proposed Site Layout Plan (received on 03 Nov 2021) amounting to a total of 68 spaces shall be retained and maintained for parking purposes in connection with Integrated Service Solutions Ltd (Wares Farm) for the duration of the three-year temporary permission.

Reasons: In the interests of ensuring adequate parking provision on site.

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Case officer: William Fletcher



Ordnance Survey - data derived from OS Premium

21/506183/FULL Pinelodge Cottage, Somerfield Road, Maidstone, Kent
Scale: 1:1250
Printed on: 8/2/2022 at 12:40 PM by JoannaW

REFERENCE NO - 21/506183/FULL		
APPLICATION PROPOSAL Retrospective application for the erection of a side link extension to garage, conversion of garage to gymnasium and erection of a summer house.		
ADDRESS Pinelodge Cottage Somerfield Road Maidstone Kent ME16 8JJ		
RECOMMENDATION GRANT subject to the planning conditions set out in Section 8.0 of the report		
SUMMARY OF REASONS FOR RECOMMENDATION The retrospective development by reason of its design, scale and appearance is considered to be in keeping with the character of the original building and character of the area including the streetscene and would not result in significant adverse harm to neighbouring occupiers by way of a loss of light, overlooking or overshadowing or other harm which could not be mitigated by conditions. All other material planning considerations are considered acceptable and in accordance with current policy and guidance.		
REASON FOR REFERRAL TO COMMITTEE Councillor Jonathan Purle requested that the application be considered by the Planning Committee if Officers are minded to recommend approval.		
WARD Bridge	PARISH/TOWN COUNCIL Unparished	APPLICANT Mr S Yadave AGENT MCIAT
TARGET DECISION DATE EOT 25/2/22		PUBLICITY EXPIRY DATE 31/12/21

Relevant Planning History

16/502943/FULL - Change of use and conversion of existing two storey garage outbuilding into a single dwellinghouse with the insertion of dormer windows, replacement of garage door with two double doors and installation of a new window to the front and side elevations. Approved 24 10 2016

18/502245/FULL - Erection of an Orangery, detached garage and detached garden shed. Approved 09.07.2018

19/500902/FULL - Erection of first floor extension to form third bedroom and extension to garage to provide additional garage space. Approved 24.04.2019

20/502780/FULL - Single storey side extension to existing garage. Refused 17.09.2020

20/505343/FULL - Single storey side extension to existing garage. (Resubmission of 20/502780/FULL) Refused 31.12.2020

21/506184/FULL - Retrospective application for erection of garden fence and entrance gates. Approved 14.01.2022

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 Pinelodge Cottage is a detached property within the urban settlement boundary of Maidstone. This property is situated within the grounds of Pinelodge. Pinelodge Cottage was converted to a separate dwelling under planning application reference: 16/502943/FULL.

- 1.02 Pinelodge Cottage is a one and half storey dwelling with dormer windows to the front elevation. The detached double garage was approved under planning application reference: 19/500902/FULL. The link extension adjoining the garage and hostdwelling has been built since at least 2020.

2. PROPOSAL

- 2.01 The applicant seeks planning permission for this retrospective development consisting of converting the garage into a gymnasium, a link extension adjoining the garage and hostdwelling and the erection of a detached summer house in the rear garden.
- 2.02 The link extension adjoining the garage to the hostdwelling has a width of 1.8m, a depth of 2.65m and a height of 2.5m. The link extension has a flat roof, a window to the rear elevation and a door to the front elevation.
- 2.03 The summer house is situated in the rear garden to the east of Pinelodge Cottage and has a depth of 3m, a width of 2.45m, an eaves height of 2.3m and a ridge height of 2.5m as the roof slopes slightly. The summerhouse has a door to the southwest elevation, two windows to the northwest elevation and a window to the northeast elevation. The summerhouse is set back from the Somerfield Road by at least 3m.
- 2.04 The garage was a double garage, and the garage has been converted into a gymnasium for the residents of Pinelodge Cottage. The garage previously had two garage doors to the front elevation and the garage conversion alterations include replacing the two garage doors with two windows and replacing the window and door to the side elevation with double doors to access the rear garden.
- 2.05 The works are retrospective with the link extension and summerhouse complete and the garage conversion has commenced.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017 – DM1 – principles of good design, DM9 - Residential extensions and conversions and re-development within the built up area.

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 19) dated October 2021. : Policies Policy LPRSP15 – Principles of Good Design Policy LPRHOU 2 : Residential extensions, conversions, annexes and redevelopment in the built-up area

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 - Maidstone Residential Extensions SPD (2009) and SPG 4 - KCC Parking Standards (2006)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 Objection received from one neighbouring property has raised the following (summarised) objections:

- The link between house and garage now makes them read and be occupied as one larger building which has resulted in an elongated and overdeveloped street frontage
- The conversion of the adjacent house into flats has put significant pressure on parking and safety on the very narrowest point of the street and the further loss of these two garages for a gym has compounded the problem.
- The garage section is also extremely close to the road which now joined to the house further increases the perceived scale and massing
- The new garage windows are also uncomfortably close to the road, on a street that is otherwise characterised by properties set well back from the kerb to respect the scale, massing, and amenity of the street.
- The addition of the summerhouse and new hardstanding further erode the original openness of this site to a point where it now reads as one long overdeveloped elongated frontage of a very poor quality

5. CONSULTATIONS

5.01 Cllr Purle

I have read through this planning application and must say that I do not believe the application really reflects the development that has been occurring at this plot. In my view, it does not appear to pass the pertinent tests in DM9/11.

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Background to the site and Principle of the development
- Impact on visual amenity
- Neighbouring residential amenity
- Car Parking and Highways
- Other matters

Background to the site and Principle of the development

- 6.02 As above, Pinelodge Cottage was converted into a separate dwelling under planning application reference: 16/502943/FUL, having previously been a detached garage in association with Pinelodge. A single garage and shed in the rear garden was approved under planning application reference: 18/502245/FULL. A garage extension was approved under planning application reference: 19/500902/FULL to build the second adjoining garage. The link extension which this application seeks to regularise has been built since 2020 has not been part of a previous planning application. The summerhouse and garage conversion works are understood to have taken place during 2021.
- 6.03 The site has been subject to a number of enforcement investigations and this application, together with a recent approval for front boundary treatment seeks to regularise all the unauthorised works.
- 6.04 Planning permission is required for the link extension and the outbuilding as Condition 4 of application 16/502943/FULL removed permitted development rights for extensions and outbuildings.

- 6.05 With regard to the garage conversion, the footprint of the garage is not proposed to be extended in any way and the use of the space remains ancillary to the main dwelling (Pinelodge Cottage), and there are not any conditions restricting its use as a garage/parking. Condition 4 of 19/500902 does require that the use of the space to remain as *purposes ancillary to the domestic use of that dwelling*, however its use as a gym is considered to fulfil that requirement. As such in itself planning permission is not considered to be required for the conversion of the garage, as such its conversion is considered acceptable in principle.
- 6.06 The application site is within the defined urban boundary, Policy DM9 of the local plan allows for residential extensions provided that :
- i) The scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the street scene and/or its context;
 - ii) The traditional boundary treatment of an area would be retained and, where feasible, reinforced;
 - iii) The privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents would be safeguarded; and
 - iv) Sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene.
- 6.07 Policy DM1 (ii) in terms of design refers to developments responding positively to the local character of the area, with regard being paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage. DM1 (iv) re-iterates consideration to be paid to adjoining neighbouring amenity.
- 6.08 Regarding detached outbuildings the SPD sets out :
- '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 4.45)*
- 'In order to appear ancillary to the property, fit well within the street scene and prevent detrimental impact on neighbouring properties, such as excessive overshadowing of a garden or principal window, garages and outbuildings should not generally be located in front of the building line of domestic properties' (para 4.46)*
- 'The form (including roof pitches) and materials of garages and outbuildings should be in keeping with the existing and surrounding properties.'* (para 4.47)
- 'Garages and other outbuildings should be subservient in scale and position to the original dwelling and not impact detrimentally on the space surrounding buildings or the street scene by virtue of their scale, form or location. Garages or outbuildings set in front of the building line will not normally be allowed.'*
- 6.09 The principle of extensions to the property is acceptable, whereby its location within the urban area, however this is subject to consideration of the key issues set out above which are discussed below.

Impact on visual amenity and neighbouring residential amenity

- 6.10 The flat roof of the summerhouse is slightly visible from the streetscene through the existing boundary treatment. The summerhouse is timber framed and is set back from the streetscene by at least 3m and the boundary treatment consists of a wall, vegetation and a fence behind the wall and vegetation.

- 6.11 The alterations to the front elevation of the garage consist of changing the garage doors to windows. The top of the window is barely visible above the entrance gate, approved under planning application reference: 21/506184/FULL. Converting the garage is a minor and common alteration and would not negatively affect visual amenity.
- 6.12 The link extension from the garage to the host dwelling is set back from the streetscene by at least 10m and the link extension is set back from the principal elevation of Pinelodge Cottage by 1.75m. The link extension has a flat roof and does not dominate or overwhelm the front elevation of Pinelodge Cottage. The link extension would not negatively affect visual amenity.
- 6.13 Overall the proposed works are subservient to the existing dwelling and do not harm visual amenity of the street scene or the character of the area or result in significant overdevelopment of the site which would warrant refusal.

Impact on residential amenity

- 6.14 Due to the nature of the proposals and the sites relationship with the closest neighbouring dwelling it is not considered that the proposals would negatively impact on the amenity of any neighbouring residential properties.

Car Parking and Highways

- 6.15 The double garage would become a gymnasium and there is capacity for 3 parked cars in front of Pinelodge Cottage. The parking along Somerfield Road is not restricted with yellow lines.
- 6.16 Pinelodge Cottage has two bedrooms on the first floor and Appendix B of the Local Plan, associated with Policy DM23 sets out that properties should have 1 car parking space per dwelling (for dwellings within a edge of centre location). The site retains 3 parking spaces in front of Pinelodge Cottage and as such there is considered sufficient alternative provision
- 6.17 It is not considered the loss of the double garage as parking would result in significant harm to highway safety or result in insufficient parking to serve the dwelling, notwithstanding this the garage is not restricted to be retained as use for parking.

Other matters

- 6.18 There are protected trees to the north-west of the site, however these are a significant distance from the proposed works to be unaffected and it is not believed that these trees have been affected as a result of the works that have taken place.
- 6.19 The NPPF, Local Plan and residential extensions SPD all seek to promote biodiversity enhancements, due to the nature of the site with a backdrop of protected trees and the further encroachment into the garden it is considered reasonable to require biodiversity enhancement, however due to the application being retrospective these enhancement shall be required by condition to be within the curtilage rather than integral to the extension.
- 6.20 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 The link extension, garage conversion into gymnasium and summerhouse, by reason of the design, scale and appearance, the development is considered to be in keeping with the character of the original building and character of the area including the streetscene and would not result in significant adverse harm to neighbouring occupiers by way of a loss of light, overlooking or overshadowing or other harm which could not be mitigated by conditions. All other material planning considerations are considered acceptable and in accordance with current policy and guidance.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

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

Site Location Plan 21-842-01

Retrospective Block Plan 21-842-02

Previously Existing Floor Plans 21-842-03

Previously Existing Elevations 21-842-04

Previously Existing Garage Plans 21-842-05

Retrospective Floor Plans 21-842-06

Retrospective Roof and Sectional Elevations 21-842-07

Retrospective Elevations 21-842-08

Retrospective Summer House Plans 21-842-09

Retrospective Summer House Plans 21-842-11

Reason: To clarify which plans have been approved.

- (2) Within 2 months of the date of this decision details of a scheme for the enhancement of biodiversity on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through the provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details within 2 months of the approval of the submitted details and all features shall be maintained thereafter.

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

Case Officer: Summer Freeman-Smith

Agenda Item 12

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 17th February 2022**

APPEAL DECISIONS:

- 1. 20/504141/FULL** Erection of a 1 no. 3-bedroom detached dwelling. (Resubmission of 20/502166/FULL)

APPEAL: DISMISSED

Domus Corrodian
Priory Close
East Farleigh
Maidstone
Kent
ME15 0EY

(Delegated)

- 2. 19/500452/CHANGE** Change of use of the land for a car hire business (S and B Car Hire).

APPEAL: DISMISSED

Forstal Farm
Forstal Lane
Coxheath
Kent
ME17 4QF

- 3. 21/500807/FULL** Erection of a garage.

APPEAL: ALLOWED

13 Gresham Road
Coxheath
Maidstone
Kent

ME17 4EY

(Delegated)

- 4. 21/502490/FULL** Erection of a 1.9m fence (Retrospective).

APPEAL: DISMISSED

2 Boxley Close
Maidstone
Kent
ME14 2DJ

(Delegated)

- 5. 18/500016/CHANGE** 'General Purpose/Tractor Shed' is being converted into a house - Windows being added, tractor shed doors removed.

APPEAL: DISMISSED

Tanner Farm Caravan Park
Goudhurst Road
Marden
Tonbridge
Kent
TN12 9ND
