

PLANNING COMMITTEE MEETING

Date: Thursday 25 August 2022
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Brindle, Cox, English, Harwood, Holmes, Kimmance, McKenna, Munford (Vice-Chairman), Perry, Spooner (Chairman), Trzebinski, D Wilkinson 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

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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 Items withdrawn from the Agenda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 - 1 September 2022
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 July 2022 1 - 6
11. Presentation of Petitions (if any)
12. 22/502019/FULL - 17 Albion Place, Maidstone, Kent 7 - 19
13. 22/502032/FULL - 2 Reader Drive, Marden, Kent 20 - 27
14. 22/502259/FULL - 44 Queens Road, Maidstone, Kent 28 - 37

Issued on Wednesday 17 August 2022

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

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17.	21/506265/FULL - Greengates, 2 Lenham Road, Headcorn, Ashford, Kent	68 - 84
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21.	22/500532/FULL - Southfield Stables, South Lane, Sutton Valence, Kent	142 - 154
22.	21/506664/FULL - Rosehill, Vanity Lane, Linton, Maidstone, Kent	155 - 177
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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, please call 01622 602899 or email committee@maidstone.gov.uk by 4 p.m. on Wednesday 24 August 2022. 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 THURSDAY 21 JULY 2022

Present: Councillor Spooner (Chairman), and
Councillors Brindle, Cox, English, Harwood, Holmes,
McKenna, Munford, Perry, Trzebinski, D Wilkinson
and Young

46. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillor Kimmance, and that Councillor Holmes would be late in arriving at the meeting.

47. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

48. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

49. ITEMS WITHDRAWN FROM THE AGENDA

No items had been withdrawn from the Agenda.

50. URGENT ITEMS

The Chairman would take the update on Item 20 – Planning Committee Training as an urgent item so that the Constitutional changes regarding Substitute Members made at the Council meeting on 20 July 2022 would be reflected in the recommendations of that item.

51. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Perry informed the Committee that although he was a Member of Staplehurst Parish Council, he was not on the Parish Council's Planning Committee and so intended to speak and vote on Item 16 – 22/500732/FULL – Weald Cottage, Maidstone Road, Staplehurst, Kent.

52. DISCLOSURES OF LOBBYING

Councillors Holmes and Perry had been lobbied on Item 16 - 22/500732/FULL - Weald Cottage, Maidstone Road, Staplehurst, Kent.

Councillors English and Wilkinson had been lobbied on Item 20 – Planning Committee Training.

53. EXEMPT ITEMS

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

54. MINUTES OF THE MEETING HELD ON 23 JUNE 2022

RESOLVED: That the Minutes of the meeting held on 23 June 2022 be approved as a correct record and signed.

55. PRESENTATION OF PETITIONS

There were no petitions.

56. ANY QUESTIONS ON NOTICE FROM LOCAL RESIDENTS

There were no questions from local residents.

57. ANY QUESTIONS ON NOTICE FROM MEMBERS

There were no questions from Members.

58. DEFERRED ITEMS

21/503150/FULL - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 3 NO. HOUSES WITH ASSOCIATED AMENITY SPACE, LANDSCAPING AND ACCESS - THE OLD FORGE, CHARTWAY STREET, EAST SUTTON, MAIDSTONE, KENT

21/506664/FULL - DEMOLITION AND REBUILDING OF THE EXISTING BARN TO PROVIDE A 3 BEDROOM DWELLING INCLUDING REAR PAVILIONS LINKED BY GLASS LINK. RE-ROUTING AND ALTERATION OF EXISTING ROAD ACCESS TO ALLOW SEPARATE ACCESS TO HOUSE AND BARN AND ASSOCIATED LANDSCAPING - ROSEHILL, VANITY LANE, LINTON, MAIDSTONE, KENT

The Head of Planning and Development advised that negotiations were continuing for both items, and it was expected that both would be reported to the Committee at either the August or September 2022 meeting.

59. 22/502968/FULL - MOTE PARK, WILLOW WAY, MAIDSTONE, KENT SECTION 73 - PART RETROSPECTIVE APPLICATION FOR MINOR MATERIAL AMENDMENTS TO APPROVED PLANS CONDITION 20 (BEING AMENDMENT TO ACCOMMODATE THE REQUIRED DESIGN CHANGES TO INCORPORATE THE SECURITY REQUIREMENTS WITHIN THE GABLES (RETROSPECTIVE); ADDITIONAL WIND CATCHER; NEW CYCLE STORE; CHANGES TO SURFACING (RETROSPECTIVE); AND MINOR CHANGES TO ELEVATIONS/FENESTRATION (RETROSPECTIVE) PURSUANT TO 19/505310/FULL (DEMOLITION OF EXISTING CAFE BUILDING AND ERECTION OF NEW MOTE PARK CENTRE WITH ASSOCIATED TERRACES, BIN STORAGE AND CAR PARKING AND THE ERECTION OF STORAGE, MESS AND WELFARE BUILDING FOR PARK MAINTENANCE TEAM).

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

In introducing the report, the Principal Planning Officer explained that some elements of the application were retrospective as the building was nearing completion.

Ms Lauren Walker, Employers Agent, addressed the meeting.

RESOLVED: That permission be granted subject to the conditions set out in the report, with the following informative:

The applicant is advised to provide the following:

1. Porous tarmac surfacing;
2. An anti-graffiti coating to the roller shutters; and
3. The use of 'perspex' for the cycle shelter that does not degrade of bubble easily.

Voting: 11 – For 0 – Against 0 – Abstentions

NOTE: COUNCILLOR HOLMES JOINED THE MEETING AFTER CONSIDERATION OF THIS APPLICATION (6.38 P.M.)

60. 22/500732/FULL - WEALD COTTAGE, MAIDSTONE ROAD, STAPLEHURST, KENT DEMOLITION OF EXISTING DWELLING AND GARAGES, AND ERECTION OF REPLACEMENT TWO STOREY DWELLING AND DETACHED DOUBLE GARAGE AND STORE.

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

The Chairman read a statement on behalf of Staplehurst Parish Council which recommended refusal of the application.

Mr Birkby, the applicant, addressed the meeting.

RESOLVED: That the permission be refused for the reasons set out in the report.

Voting: 6 – For 6 – Against 0 – Abstentions

Chairman's casting vote: In favour of refusal.

61. 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. The Head of Planning and Development advised that a complaint would be lodged with the Planning Inspectorate's Quality Assurance Team with regards to decision 7 on the report, as the opportunity had not been provided to rebut the information from the appellant's agent regarding the five-year housing land supply.

RESOLVED: That the report be noted.

62. ENFORCEMENT TRACKER

The Committee considered the enforcement tracker report which provided the status of enforcement cases where formal notices had been served. The report also included a table showing Quarter 1 received / closed / live cases for 2021 and 2022 comparison and a chart showing Quarter 1 formal notices for 2021 and 2022 comparison. Officers were congratulated on the number of completed cases.

The Committee raised concerns around surface water draining into foul water networks, which caused a strain on the infrastructure and led to a higher risk of flooding and pollution in the Borough. The strength of enforcement actions brought against those who converted soft landscaped areas to impervious hard surfaces was questioned, and it was suggested that this should be referred to the appropriate Committee or Lead Member to investigate further.

The Head of Planning and Development suggested that it could be considered for incorporation into the Design and Sustainability Development Plan Document (DPD) to enable stronger enforcement action against unapproved hard surfacing.

RESOLVED: That the increasing occurrence of hard surfacing of commercial and residential land (and their impact on drainage) be reviewed by considering enforcement options and looking at planning policy (in particular looking at design parameters in the proposed Design and Sustainability DPD) and delegation to officers to refer via the most appropriate route.

63. S106 UPDATE SPEND BY DATES

The Committee considered the S106 update report of the Head of Planning and Development. In response to questions, the Head of Planning and Development explained that amending S106 agreements retrospectively would not always be possible and it was important to raise any issues when the terms of the agreement were initially discussed at Committee.

RESOLVED: That the report be noted.

64. PLANNING COMMITTEE TRAINING

The Committee considered the report of the Head of Planning and Development regarding the training requirements for Members sitting on the Committee. It was felt that experienced Members should not be required to undertake basic refresher training covering the Duty under Section 38(6) of the Planning and Compulsory Purchase Act 2004. However, attendance at training which covered changes to legislation or specialist areas should be required of all Members. The virtual sessions should be recorded and made available to Members as an alternative to the live sessions, should they be unable to attend. On notifying the relevant officer that the recorded training session had been viewed, it would be noted that the training requirement had been fulfilled.

The Planning Team Leader (Mid Kent Legal) stated that there had been significant changes in the last year and that Members returning to the Committee after a break would likely need to take part in training.

RESOLVED: That

1. The Training Programme set out in Appendix 1 to the report be approved;
2. The following Members:
 - new Planning Committee Members
 - Members who are likely to substitute at Planning Committee for the first time, and
 - those Planning Committee Members returning to the Committee after a break and Members who are likely to substitute at Planning Committee after a break

must complete the Induction Training and Enforcement Training as outlined in Appendix 1 to the report by the end of September 2022, failing which such Members shall be disqualified from participation at Planning Committee until this training has been completed;

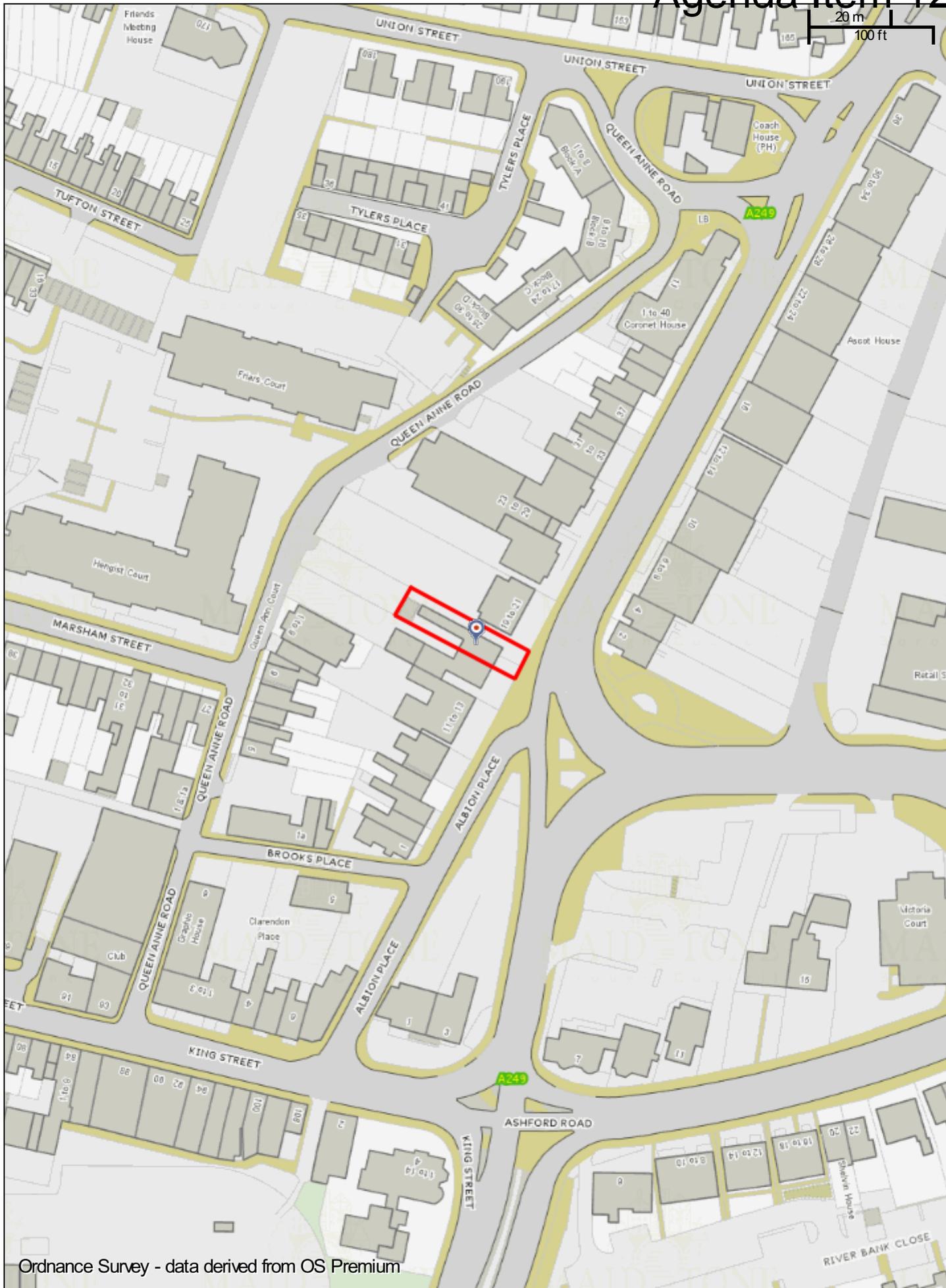
3. All Planning Committee Members and all those Members who are likely to substitute at Planning Committee be strongly recommended to complete at least two specialised / best practice subject area training sessions (other than those in recommendation 2) covering those other topics set out in Appendix 1 to the report;
4. Parish Councillors be invited to all training events; and
5. Training sessions be delivered virtually, and recorded and made available to Members with confirmation that the training has been undertaken by that Member.

At the conclusion of the meeting, the Committee wished to convey their best wishes to Mrs Snook to get well soon, and their thanks to Mrs Banks for clerking the meeting at short notice.

65. DURATION OF MEETING

6.00 p.m. to 7.58 p.m.

The meeting adjourned between 6.03p.m. and 6.20 p.m. due to unforeseen circumstances.



Ordnance Survey - data derived from OS Premium

22/502019/FULL 17 Albion Place, Maidstone, Kent, ME14 5EQ

Scale: 1:1250

Printed on: 11/8/2022 at 12:03 PM by JoannaW



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REFERENCE NO: 22/502019/FULL		
APPLICATION PROPOSAL: Change of use from offices to form 7(no) residential units, including demolition of temporary cycle cover and erection of single storey side extension.		
ADDRESS: 17 Albion Place Maidstone Kent ME14 5EQ		
RECOMMENDATION: REFUSE		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed development would not create a high standard of amenity for the future occupants of the building, contrary to policy DM1 of the Maidstone Local Plan (2017) and paragraph 130 of the National Planning Policy Framework (2021).		
REASON FOR REFERRAL TO COMMITTEE: Councillor English has requested application is considered by Planning Committee if officers are minded to approve application. This request is made for reasons outlined in the local representations section below.		
WARD: High Street	PARISH: N/A	APPLICANT Mr J Mills AGENT EP Architects Ltd
OFFICER: Kate Altieri	VALIDATION DATE: 25.04.22	DECISION DATE: 30.08.22
ADVERTISED AS A DEPARTURE: NO		

RELEVANT PLANNING HISTORY

- 22/502021 - Listed Building Consent for internal works and erection of single storey rear extension to facilitate conversion of offices to form 7 residential units – Approved (APPENDIX A)

1.0 DESCRIPTION OF SITE

1.01 17 Albion Place is a semi-detached, Grade II listed, property on the western side of Albion Place and opposite the junction with Andrew Broughton Way. The former dwelling dates from c.1830s; and until recently it had been used for office accommodation but is now redundant. The properties either side of the site are also offices and there is an access to the side of the property. The adjoining property (15 Albion Place), is Grade II listed and there are other listed properties within the locality. For the purposes of the Local Plan the proposal site is within Maidstone town centre.

2.0 PROPOSAL

- 2.01 The proposal is described as: *Change of use from offices to form 7(no) residential units, including demolition of temporary cycle cover and erection of single storey side extension.*
- 2.02 Full details of the proposed works are detailed in the delegated report for the already approved listed building consent associated to this proposal (22/502021). This report is attached (APPENDIX A).

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Local Plan (2017): SS1, SP4, SP18, SP19, SP21, SP22, DM1, DM2, DM4, DM5, DM6, DM8, DM9, DM12, DM21, DM23
- National Planning Policy Framework (2021)
- National Planning Practice Guidance
- Regulation 22 Local Plan
- Government's Technical Housing Standards: Nationally Described Space Standards (March 2015)

Local Plan

- 3.01 Town centre locations are sustainable in terms of access to basic amenities/facilities and public transport links. This said, new residential development will not be permitted unless: It is acceptable in terms of its impact upon the character and appearance of the area; the amenity of existing and future residents is respected; it is acceptable in heritage terms; highway safety, flood risk and biodiversity matters have been considered.

- 3.02 Furthermore, Local Plan policy SP21 seeks to enhance the vitality and viability of Maidstone town centre; and Local Plan policy SP22 seeks to support the redevelopment and expansion of existing employment premises (Use Class B) in the Maidstone urban area that falls outside an Economic Development Area. Notwithstanding this, Local Plan policy SP4 seeks for the retention of the best quality office stock whilst allowing for the redevelopment of lower quality offices within the town centre; and there is opportunity for residential development.
- 3.03 The proposal building is also Grade II listed and in the proximity of other listed properties, and Local Plan policies seek to conserve, and where possible enhance, the significance of heritage assets and where appropriate their setting.

NPPF (2021)

- 3.04 The NPPF is clear that good design is a key aspect of sustainable development; and section 12 of the NPPF refers 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.

Regulation 22 Local Plan

- 3.05 The Regulation 22 draft is a material consideration, and some weight must be attached to the document because of the stage it has reached. This weight is limited, as it has yet to be the subject of an examination in public.

5yr housing supply

- 3.06 The Council is in a position where it can demonstrate a 5.6yrs worth of housing land supply (April 1st 2021). This is not to say that appropriate residential windfall development cannot be approved, as there is an ongoing need in the borough to supply new housing, which is of significant benefit.

4.0 LOCAL REPRESENTATIONS

- 4.01 **Councillor English:** Wishes to call application to committee if officers are minded to recommended refusal as in his view the application would be capable of providing a reasonable standard of design and habitability.
- 4.02 **Local Residents:** No representations received.

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 **Conservation Officer:** Raises no objection in heritage terms (see APPENDIX A).
- 5.02 **Historic England:** It is their view they did not need notifying of this application.
- 5.03 **Environmental Protection Team:** Raises no objection (see main report).

6.0 APPRAISAL

- 6.01 The key issues are:

- Loss of office use;
- Residential amenity;
- Heritage/visual impact; and
- Other matters.

Loss of office use

- 6.01 The lawful use of the site is as office accommodation and Local Plan policy SP4 states (inter alia):

Regeneration of town centre, as defined on policies map, is a priority. This will be achieved by: Retention of best quality office stock whilst allowing for the redevelopment of lower quality offices.

6.02 Local Plan policy SP21 also states (inter alia):

Council is committed to supporting and improving the economy of the borough and providing for needs of businesses. This will be achieved through allocation of specific sites and through: Retention, intensification, regeneration and expansion of the existing economic development premises in Maidstone urban area.....provided the site is in an appropriate location and suited to the economic development use in terms of scale, impacts and economic viability.

6.03 The context for this policy highlights Maidstone’s role as the County town, with a strong base of administration and professional services. It also highlights that whilst there is a need to provide for significant levels of housing growth, this needs to be matched by growth in employment opportunities for a growing population and which can assist in reducing the need for outward migration to work. It highlights that the focus for new office space should be the town centre, but again reiterates that a great deal of stock is not suited to future requirements.

6.04 The proposal will see the loss of office accommodation. However, the site does not fall within an Economic Development Area and it is not an employment site allocation, so its loss would not impact the Council’s employment land figures. Furthermore, the site is not considered to be of best quality office stock, but of lower quality, where redevelopment is acceptable. On this basis, the loss of the office use is considered to be justified and the principle for residential development is acceptable here, subject to all other material planning considerations.

Residential amenity

6.05 Local Plan policy DM1 seeks new development to respect the amenity of occupiers of neighbouring properties and uses, and provide adequate residential amenity for future occupiers.

6.06 Paragraph 130 of the NPPF states (inter alia):

*Planning policies and decisions should ensure that developments:
(a) function well & add to overall quality of area not just for short term but over lifetime of development;
and (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

6.07 The proposal would provide the following internal floor space for each 1-bedroom (1-person) unit:

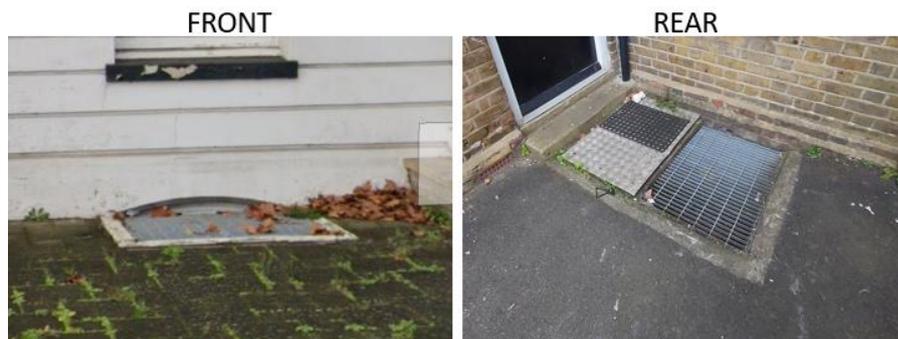
	Internal floor area (m²)
UNIT 1	34
UNIT 2	17
UNIT 3	23
UNIT 4	41
UNIT 5	13.5
UNIT 6	39
UNIT 7	38

6.08 Whilst the internal floor space for proposed units 4, 6 and 7, and on balance proposed unit 1, is not considered to be objectionable, the internal floor area for units 2, 3 and 5 are considered to be wholly inadequate, and would provide future occupants with cramped living conditions that would not promote well-being. On this basis, the development would not provide a high standard of amenity for future occupants of the units, contrary to Local Plan policy DM1 and paragraph 130 of the NPPF.

6.09 Supporting the argument that the level of living accommodation for units 2, 3 and 5 would be inadequate, it is noted that the floor space for these units would fall well below the Government’s national space standards for the internal floor space for a 1-bedroom (1-person) unit, which is 37m² (where there is a shower room instead of a bathroom). This shortfall can be seen below:

	Shortfall (m²)
UNIT 2	20
UNIT 3	14
UNIT 5	23.5

- 6.10 Whilst these standards are not currently adopted by the Council, they provide a good steer as to what level of accommodation is considered necessary to provide future occupants with adequate living space. It should also be noted that the Council's emerging Local Plan is a material consideration and emerging policy *LPRQ&D 6: Technical Standards*, does follow the national space standards, and so it is evident that the overwhelming policy direction is towards these national technical standards; and as the draft Local Plan progresses, the weight attached to this policy will increase. It is also worth noting that prior approval proposals also have to meet the national space standards in order to be permitted development.
- 6.11 Furthermore, future occupants of basement unit 7, would only have a front and rear lightwell below ground level (see below), and therefore would have no outlook and limited natural light. This again fails to create a high standard of amenity for the future occupants of this basement unit, contrary to policy DM1 of the Maidstone Local Plan (2017) and paragraph 130 of the National Planning Policy Framework (2021).



- 6.12 Proposed units 1 to 6 would benefit from acceptable levels of privacy, light and outlook. Furthermore, the proposal would not have an adverse impact upon the living conditions of any local resident when they are trying to enjoy their own property, in terms of privacy, light, outlook, being over bearing, and in terms of general noise and disturbance.

Heritage/visual impact

- 6.13 In determining such applications, regard must be given to the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, where special regard to the desirability of preserving listed buildings, or their setting, or any features of special architectural or historic interest which they possess, must be given.
- 6.14 Policy SP18 of the Local Plan relates to the historic environment and requires that (inter-alia) the characteristics of heritage assets are protected, and design is sensitive to heritage assets and their setting. Policy DM4 of the Local Plan also relates to development affecting designated heritage assets, and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.
- 6.15 The NPPF sets out what should be considered in terms of conserving and enhancing the historic environment. Paragraph 197 and 199 states:

In 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.

- 6.16 The associated listed building consent application (22/502021) has assessed the proposal's impact upon the fabric of the listed building (APPENDIX A). This current assessment will consider the proposal's impact upon the character and appearance of the area, including how it impacts upon the setting of other near-by listed buildings.
- 6.17 As established under the associated listed building consent, the Council's Conservation Officer has raised no objections to the development, in terms of its impact upon the fabric and integrity of the listed building (subject to conditions).
- 6.18 The main external alteration is the proposed rear extension. The Conservation Officer has raised no objection to this element of the proposal; and it is considered that its relatively modest scale, its appropriate design, and its location to the rear of the building, would ensure that it would not appear visually harmful or dominant from any public vantage point. To further safeguard the quality of the scheme, a suitable condition would be imposed for details of the external materials to be used for the new extension, if the application were to be approved. For clarification, conditions relating to the proposed works to the internal works and windows of the building have been imposed under 22/502021 (APPENDIX A). In addition to this, the existing frontage is open and entirely laid in hardstanding. There is scope to clearly define the site from public space and to improve the frontage through the use of high quality vertical boundary treatments and landscaping, and if this application was to be approved these details could be secured by way of appropriate condition.
- 6.19 The Conservation Officer is also of the view that the proposal would not cause any harm to the significance or setting of any other listed building. With everything taken into account, it is considered that the proposal would not cause adverse harm to the character and appearance of the area.

Highway safety/parking provision

- 6.20 In accordance with Local Plan policy DM23, the parking standards for this town centre location are maximum standards, with 1 space per unit. The proposal shows nil parking provision and given the very sustainable location of the site, there is no objection to this approach. The submission also shows the provision of cycle storage; and in the interests of sustainable development, a condition would be imposed requiring details of how a minimum of 7 bicycles will be securely stored on the site, if the application were to be approved. The submission also shows adequate space for refuse storage.

Other matters

- 6.21 The site is within the urban area adjacent to the A249 and a busy junction, so traffic noise is potentially significant. On this basis, the Environmental Protection Team has recommended that a noise assessment report should be submitted, if the application were to be approved. In the interests of residential amenity, such a condition is considered reasonable.
- 6.22 The site is also within the Maidstone Town Air Quality Management Area, and the Environmental Protection Team considers an air quality assessment necessary on this basis. In the interests of residential amenity and improving air quality, such a condition is considered reasonable if the application were to be approved.
- 6.23 Foul sewage and surface water will be disposed of via mains sewer and no further information is required on these matters. The Environmental Protection Team has recommended a condition restricting hours of construction work, but in this instance this condition is not considered reasonable or necessary to make the development acceptable in planning terms.
- 6.24 It is accepted that there is unlikely to be any protected species on the site and so no further details are required in this respect, prior to the determination of this application. Notwithstanding this, one of the principles of the NPPF is that "*...opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity*". If the application were to be approved, a

suitable condition could be imposed requesting details of biodiversity enhancements on the site, including through integrated methods into the fabric of the building/extension, for example swift bricks; bat tiles/tubes; and bee bricks.

- 6.25 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 proposal would not undermine the objectives of the Duty. 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.

7.0 CONCLUSION

- 7.01 For the reasons set out above, the proposed development would not create a high standard of amenity for the future occupants of this proposal, contrary to Local Plan policy DM1 and paragraph 130 of the NPPF. It is therefore recommended that the application is refused on this basis.

8.0 RECOMMENDATION:

- 8.01 **REFUSE** planning permission for the following reasons:

1. The development, by virtue of the inadequate internal living space for proposed residential units 2, 3 and 5 (as shown on the submitted plans), would not create a high standard of amenity for the future occupants of these units. This would be contrary to policy DM1 of the Maidstone Local Plan (2017); and paragraph 130 of the National Planning Policy Framework (2021).
2. The proposed residential flat in the basement (unit 7 as shown on the submitted plans) would have no outlook and limited natural light by virtue of it only being served by two underground lightwells. This would not create a high standard of amenity for the future occupants of this residential unit, contrary to policy DM1 of the Maidstone Local Plan (2017) and paragraph 130 of the National Planning Policy Framework (2021).

Informative(s)

1. For the avoidance of doubt, the following drawings were considered in the assessment of this planning application: 961.P.01D; 1961.P.02C; 961.P.03A; 1961.P.04A; 1961.P.05; and 1961.P.06A.
2. You are advised that as of 1st October 2018, the Maidstone Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.maidstone.gov.uk/CIL

NOTES FOR TECH		
APPLICATION PROPOSAL		Ref No 22/502021/LBC
Listed Building Consent for internal works and erection of single storey rear extension to facilitate conversion of offices to form 7(no) residential units.		
ADDRESS 17 Albion Place Maidstone Kent ME14 5EQ		
RECOMMENDATION - Application Permitted		
WARD High Street	PARISH/TOWN COUNCIL	APPLICANT Mr J Mills AGENT E P Architects Ltd
DECISION DUE DATE 29/07/22	PUBLICITY EXPIRY DATE 26/07/22	

Relevant planning history

22/502019 - Change of use from offices to form 7 residential units, including demolition of temporary cycle cover and erection of single storey side extension – Pending consideration

Site description

17 Albion Place is a semi-detached, Grade II listed, property on the western side of Albion Place and opposite the junction with Andrew Broughton Way. The former dwelling building dates from c.1830s; and until recently it had been used for office accommodation but is now redundant. The adjoining property (15 Albion Place), is also Grade II listed and there are other listed properties to the south. The current use of the building is as an office and there is vehicle access to the side of the property. For the purposes of the Local Plan the proposal site is within Maidstone town centre.

Proposal

The application is described as follows: *Listed Building Consent for internal works and erection of single storey rear extension to facilitate conversion of offices to form 7(no) residential units.*

Further details of the proposed works will be discussed further on in the report.

Policy and considerations

Maidstone Local Plan (2017): SP18, DM1, DM4
National Planning Policy Framework (2021) & National Planning Practice Guidance
Planning (Listed Buildings and Conservation Areas) Act 1990

Consultee responses

Councillor English: Wishes to call in 22/502021 should it be recommended for refusal as in his view the application would be capable of providing a reasonable standard of design and habitability.

Conservation Officer: Raises no objection to proposal in heritage terms (see main report).

Georgian Group: Initially raised objection to development but made no further comments on the amended scheme (see main report).

Historic England: It is their view LPA do not need to notify them of this application.

Neighbour responses: No representations received.

CONSIDERATIONS

Main issues

In determining such applications, regard must be given to the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, where special regard to the desirability of preserving listed buildings, or their setting, or any features of special architectural or historic interest which they possess, must be given.

Policy SP18 of the Local Plan relates to the historic environment and requires that (inter-alia) the characteristics of heritage assets are protected, and design is sensitive to heritage assets and their setting. Policy DM4 of the Local Plan also relates to development affecting designated heritage assets, and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.

The NPPF sets out what should be considered in terms of conserving and enhancing the historic environment. Paragraph 197 and 199 states:

In 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.

Assessment

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

The Council's Conservation Officer initially objected to the proposal for a number of reasons and concluded as follows:

At present, proposal is considered to cause substantial harm (at low end of scale) as it would result in loss of plan form, loss/harm to historic fabric and creation of inappropriate extension. There are several issues that have not been considered which could result in substantial harm to historic fabric.

There are some public benefits to scheme by bringing a redundant building back into active, sustainable use and improvement works, such as replacing standard doors with four-panel doors, but at present, these are not considered to be sufficient to outweigh the harm of the proposed works.

However, after raising these objections and then visiting the site, the Conservation Officer made the following comments (in summary):

Building is 3-storey, plus basement and semi-detached. Ground floor is partially rusticated, with offset front entrance door with columns and flat hood surround (which have been painted in textured masonry paint). Front entrance door is modern 6-panel door. Upper floors have mock ashlar/lined finish. Side elevation has painted render (cement) finish.

Ground floor sash window retains original bottom sash (with glazing bars removed) and new top sash with horns. On site, retention of this window was discussed, and it was agreed that window

will be retained. First and second floors retain original sash windows with glazing bars, and these will be sensitively repaired. Secondary glazing has (historically) been installed to much of building in form of lift out glazed units, and it is proposed to retain these but hinge them where possible. Discussion followed about impact of hinge (due to weight concerns) and further info was requested. Discussion also undertaken on slim-lite double-glazed units and use of safety/acoustic glass for front elevation windows (which do not appear to have historic glass).

As part of proposed works, external elevations will be decorated to match existing, which is currently a mix of textured and smooth masonry paint. Whilst applicant would like to remove cement render (mainly to side elevation), cost and concern for historic fabric underneath prevents this work. However, it was agreed that a low-level section of blown/cracked render would be carefully removed, with substrate allowed to breathe, before a new lime render applied, with a lime wash finish. (This will help control damp seen within internal wall and protect historic fabric).

Front elevation retains ornate balustrade, and part of proposal will be decorated with floor of balcony repaired. Front garden is currently laid to paving slabs, with original boundary fence between properties remaining. As part of possible future works (dependant on finding correct materials), owner would like to replace concrete slabs with stone slabs and improve boundary treatment.

Interior: Interior has been stripped of much of its wall covering, and where evidence remains, this was wood chip paper applied directly to lime plaster walls. There is evidence of former painted decoration on walls and where picture rails have been removed to ground floor rooms. Walls have had patch repairs undertaken (often in inappropriate materials) and part of proposed decoration works include replacing these and make good localised areas of impact damage with appropriate lime mortar.

To rear, original wall to side elevation has been retained but has suffered from use of inappropriate materials. Various options of repair were discussed, and it was advised on site to carefully remove sections of cement render at low-medium level and allow to naturally dry before applying a lime plaster. Some sections of plaster were lost with removal of wallpaper, but this does appear to have naturally blown/failed due to high moisture contents of softer brick.

Most ceilings have had textured wallpaper applied. Where previous alterations have been undertaken, such as light fittings, it is clear there is mix of lime plaster and modern overboarding. It was discussed on site most suitable solution, and a general agreement was made. Where there is textured wallpaper, a very fine skim coat of plaster could be applied to provide a smooth finish which would retain and protect fabric underneath. As paper has been painted with modern paint, there would be limited benefit of applying a lime finish. Some of rooms on upper floors have had asbestos tiles applied (noted as suspended ceilings in Heritage Statement), and proposed works look to remove these. Due to asbestos content, it was agreed confirmation of repairs/replacement/etc., would need to be agreed following removal and therefore could be conditioned, with basic agreement of possible options in place.

Much of original joinery remains, such as architraves, picture rail and dado rail (though additional dado rails have been formed within stairwell). Original panel doors have been overboarded, and as part of proposed works, these will be removed. (Heritage Statement noted removal of plain modern doors and replacement with new four panelled doors and upgrading of existing historic doors) To ensure suitable fire protection, smoke seals will be inserted into later additional timber door stops within door frame. Doors should be noted on a plan with upgrading/replacement and details of improving of smoke seals provided. It worth noting that all fireplaces have been historically infilled, and no vents provided. Heritage Statement notes that air vents will be inserted into chimney stacks to vent them.

To intermediate floor/room between ground and first (shown on proposed ground floor plan) which form closet wing, original timber cupboards remain. Again, low-level doors have been overboarded. Following discussions, these are to remain in-situ, with one retaining a function, but other could be over-clad to form a shower room if suitable solution could be provided to protect the fabric.

Principle room (front, first floor) retains decorative plaster coving, with centre being over-boarded with gypsum board and finished in painted paper. Within plaster work, there is evidence of removed picture rail and removed fire surround/infilled fireplace. Large sash windows still allow access to balcony. A discussion was had about safety and the needs of access.

Confirmation of any works to be provided following further discussion with design team and Building Control Officer. Some movement has occurred to building which has resulted in cracking to plasterwork. This appears to be historic and will be repaired/infilled with lime plaster.

Services: Concerns over creation of new services and SVP were discussed. At present SVP is to rear closet wing away from main building. Proposed location of new SVP would be to rear of main house and terminate in basement with existing drainage. Further details, including running of pipework internally needs to be provided to ensure there is no impact on historic fabric. Creation of shower rooms on floor plans was also discussed, and it recommended if this scheme progresses that they should be formed of pods, rather than extensive structures. This would allow protection of plasterwork by allowing a substructure to hang bathroom suite from and allow for partial concealment of pipework. Creation of vents would also need to be considered and details provided.

Rear Extension: Single storey extension is of modern construction (c.1930/40s) and of limited significance. Discussion was undertaken about possible redesign of proposed rear extension to retain linear appearance of property. Justification would be required for any proposed demolition.

Rear Garden: Rear amenity is currently laid to tarmac, with lightweight timber structure (presumably to offer smoking shelter). There is potential to improve appearance and use of large rear garden.

Sub-division: Proposed scheme looks to create 'units' to half-landing rooms to rear 2-storey closet wing, which on existing/proposed plans looks to form part of same level. Extent of sub-division and other options was discussed on site. Number of units would result in increase of need for bathrooms & kitchens, and associated impact of these on floor plan, fabric and loadings on existing structure. Minimal impact (due to reduced services) option would be to create HMO's, which felt to raise other planning concerns.

Drawings: Existing plan shows a wall dividing principle rooms on ground floor, but site visit confirmed this is a large arch which retains decorative plaster surround, and this will be retained on proposed plan. This is not a new opening (Refer to Fig. xiv/ p.18 of Heritage Statement). Onsite it was discussed existing doors should not be infilled but could be secured closed with original fabric retained.

Summary: House retains many original features and elements but has suffered from poor ad-hoc repairs with inappropriate materials. Floor plans remain unaltered. Conversion back to residential would be preferred use, but due to position of one of main roads in town, current owner raised concerns about viability of being used as single dwelling. Further info on viability of single dwelling should be provided as part of impact assessment on proposed harm caused by creation of proposed units. Further clarification should be provided, as noted above, including details of pod's (shower rooms) should be provided, together with understanding of proposed drainage and location of SVP.

Subsequent to the site visit where further discussions between the agent and the Conservation Officer took place, the agent has submitted amended plans for consideration. On review of these details, the Conservation Officer has further concluded as follows (in summary):

Following site visit, revised drawings have been submitted which provide details on services, fire/acoustic protection and amended design for rear extension. Proposed shower rooms have been reduced in size and formed of 'pods' with minimal services - These pods are considered reversible and could be removed with limited harm to fabric (creation of small holes for pipework).

To allow for fire/acoustic protection, it is proposed to install new suspended ceilings, which also allow for running of services. Whilst installation of suspended ceilings would result in a change of appearance of room, they would be reversible and provide a simple, workable solution for services, etc.

Revised scheme looks to retain existing joinery (cupboards, etc). Some cupboards may be overboarded, but this is considered reversible. Revised elevations look to replace ground floor sash window with glazing bars, and it is advised that this window should be retained as is.

Summary: Whilst ideally building should be retained as single dwelling, it is accepted this is unlikely due to position within town centre. Alternative solution needs to be found to ensure building has a sustainable use that causes no or limited harm to building. Revised scheme offers a solution with minimal intervention to historic fabric, and where new fabric (shower pods, suspended ceilings, etc.) these are reversible and will result in limited harm to fabric and significance.

Proposed extension/alterations to rear changes linear form, but simple link has been formed to provide some separation between spaces, allowing them to read as a change. Scheme has been developed and assessed against significance of site and its surrounding heritage assets (NPPF paras 189, 190, 193, 194, 196). Whilst proposed scheme is considered to cause a low degree of harm to historic fabric and form, this harm has been minimised (NPPF para 190) and remaining harm is justified.

The Georgian Group did initially object to the proposal, concluding (in summary):

In its present form, applicants supporting documentation fails to meet one of key requirements set in Chapter 16 of NPPF, that to justify harm which would be caused by proposed works. In order to safeguard significance of listed building's interior we would strongly urge applicant to withdraw application, reduce number of units proposed, and reduce number of harmful interventions within internal fabric. If applicant is unwilling to do so, then LBC should be refused.

The Georgian Group were consulted on the amended plans. This consultation was effectively to a fresh scheme and they have not provided any response to the 'new' development. On this basis, it is therefore assumed that they have no objection to the development.

It is considered that the proposal would lead to less than substantial harm to the significance of the property (at the low end), and in accordance with paragraph 202 of the NPPF this harm needs to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Following the Conservation Officer's specialist advice, the significance of the building has been assessed and it is considered that the proposal would cause a low degree of harm to the historic fabric and form of the Grade II listed building. In summary, the less than substantial harm caused to the significance of this Grade II listed property is accepted, given the public benefit of safeguarding an appropriate residential reuse of the building in this sustainable location. On this basis, a recommendation of approval (subject to appropriate recommended conditions) is therefore made.

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 approved shall not commence until details of the following matters have been submitted to and approved in writing by the local planning authority:

(i) New internal joinery (including details of: infilling doorways; formation of new doorways; and construction details for shower pods) in the form of large scale drawings (1:10 or 1:20);

- (ii) External joinery details in the form of large scale drawings (1:10 or 1:20) for the new windows in the rear extension hereby approved;
- (iii) Details of works to existing windows;
- (iv) Details of secondary glazing;
- (v) Details of repairs following removal of asbestos;
- (vi) Proposed details of the suspended ceiling; and
- (vii) Details of vents to chimney breasts.

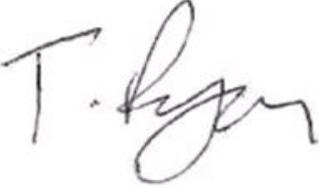
The works shall be carried out in accordance with the approved details and maintained as such thereafter.

Reason: To protect the architectural and historic interest of the Grade II listed building.

(3) The works hereby approved shall not commence until written details of the external materials to be used in the construction of the rear extension hereby approved have been 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 protect the architectural and historic interest of the Grade II listed building.

N/A

Delegated Authority to Sign:	Date:
 <p style="text-align: center;">¶</p> <p>PRINT NAME: T Ryan</p>	<p>29.07.2022</p>

Agenda Item 13



Ordnance Survey - data derived from OS Premium

22/502032/FULL 2 Reader Drive, Marden, Kent, TN12 9FD
Scale: 1:1250
Printed on: 11/8/2022 at 12:06 PM by JoannaW

REPORT SUMMARY

REFERENCE NO: - 22/502032/FULL		
APPLICATION PROPOSAL: Erection of single storey side and rear extension. Erection of single storey rear extension to garage to create utility store. Conversion of loft into habitable space with insertion of rear dormer and front rooflights and internal alterations. Relocation of existing solar panels to flat roof of rear dormer (resubmission of 22/500698/FULL).		
ADDRESS: 2 Reader Drive Marden Kent TN12 9FD		
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 application has been called in by Marden Parish Council by reason of the recommendation being contrary to their comments (see report below for reasons).		
WARD: Marden And Yalding	PARISH/TOWN COUNCIL: Marden	APPLICANT: Mr Luis Goncalves AGENT: Blackburn Architects Limited
CASE OFFICER: Rachael Elliott	VALIDATION DATE: 22/04/22	DECISION DUE DATE: 02/09/22 (EOT)
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

22/500698/FULL

Erection of single storey side and rear extension. Erection of single storey rear extension to garage to create utility store. Conversion of loft into habitable space with insertion of rear dormer and front rooflights and internal alterations. Relocation of existing solar panels to flat roof of rear dormer.

Withdrawn 19.04.2022

13/0115/FULL

Demolition of existing industrial buildings and breaking up of associated hardstanding and redevelopment of site to accommodate 110 dwellings together with associated play trail, amenity space, allotments, new access, parking and landscaping as shown on schedule of submitted plans and documents received 06/08/2013.

Permitted 01.10.2013

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The application site relates to a two-storey detached dwelling being part of a contemporary housing estate in Marden.

2. PROPOSAL

2.01 The proposal is as set out above and summarised as below :

2.02 **Single storey side and rear extension**

This would be approximately 3m in depth, 9.7m in width (projecting approx.1.3m beyond the side wall of the existing dwelling). It would essentially infill the existing gap between the dwelling and the garage. It would have a part dual pitched/part mono-pitched roof with an eaves height of 2.4m and a maximum height of 3.7m.

2.03 Rear extension to existing garage

This would adjoin the rear of the existing garage and infill the gap between the rear wall of the garage and the rear boundary with a depth of approximately 4.8m, width of 2.8m. It would have a dual pitched roof with an eave height of 1.9m and a ridge height of 3.4m.

2.04 Rear dormer and front rooflights, to facilitate loft conversion

The rear dormer would have a flat roof and extend approximately a width of 8m across the rear roofslope, have a height of 2.9m (set down slightly from the ridge and set above from the eaves) and would have a maximum projection of 3.4m.

Two rooflights are proposed within the front facing roofslope.

2.05 Relocation of solar panels

There are existing solar panels on the rear facing roofslope, these would be relocated to be sited on the roof of the proposed new flat roofed dormer.

3. POLICY AND OTHER CONSIDERATIONS (where directly relevant)

Maidstone Borough Local Plan (2011-2031): Policies DM1, DM9 and DM23

Neighbourhood Plan: Marden Neighbourhood Plan

Supplementary Planning Documents: Residential Extensions SPD

Emerging Policy : Maidstone Borough Council has also submitted its Regulation 22 Submission relating to the Local Plan Review. The Regulation 22 submission comprises the draft plan for submission (Regulation 19) dated October 2019, the representation and the proposed main modifications. It is a material consideration and some weight must be attached to the document because of the stage it has reached. The weight is limited, as it has yet to be subject to examination in public. Policy LPRSP15 – Principles of Good Design, LPRHou 2 – Residential extensions, conversions, annexes and redevelopment in the built-up areas, Policy LPRTRA4 - Parking Matters

4. LOCAL REPRESENTATIONS : None received

5. CONSULTATIONS

Marden Parish Council

- 5.01 "Cllrs noted the minimal changes to the scheme. However, their previous comments still stand and recommend refusal.

The Clerk was asked to reiterate previous comments on application 22/500698 (see below) and Cllrs wish this to go to MBC Planning Committee if MBC are minded to approval.

Response on application 22/500698/FULL:

As this was a detailed application Cllrs broke it down into sections to discuss:

Erection of single storey side and rear extension

Cllrs had no issue, in principle, with a single storey rear extension on its own. However, the connection from the side of the property to the garage is poorly detailed at roof level and creates an unwelcomed terracing effect to the street scene in the context with other properties on the development. Cllrs also had concerns about the lack of direct access to the rear garden.

Erection of single storey rear extension to garage to create utility store
The rear extension of the utility store to the garage would have a detrimental effect on the already modest amenity/ garden space and would minimise the plot.

Conversion of loft into habitable space with insertion of rear dormer and front rooflights and internal alterations. The introduction of a large flat roofed dormer is in no way in keeping with any of the other properties and design on this development and therefore would be overbearing when viewed from various other nearby locations. Cllrs noted that given that there are other properties in close proximity to the rear the rear windows of the second floor would create significant overlooking issues to neighbours.

The houses on this estate were developed not to have solar panels on the front elevation of the properties and similarly the insertion of rooflights would be detrimental to the street scene in context with the surrounding properties.

Relocation of existing solar panels to flat roof of rear dormer. The proposed relocation of the solar panels from the existing roof to the new flat roof would render them considerably less effective and efficient.

General comments Furthermore, in regard to the front elevation of this proposal the property faces the open countryside and will be visible from PROWs KM244 and KM245.

Cllrs recommended refusal due to the above comments and contrary to Marden Neighbourhood Plan Policies BE1 and BE2 and Maidstone Borough Council Local Plan Policies including DM1, DM2 and DM9.

Cllrs would want to see this go to Committee if MBC are minded to recommend approval."

6. 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 Policy DM1 (Principle of good design) outlines the importance of high-quality design for any proposal.

6.03 Policy DM9 (Residential extensions, conversions and redevelopment within the built up area) sets out the criteria for determining applications which involve extensions within built up areas. The policy reiterates the requirements highlighted in paragraph 118(e) of the NPPF above. Such proposals are permitted if;

i. "The scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the street scene and/or its context;

ii. The traditional boundary treatment of an area would be retained and, where feasible, reinforced;

iii. The privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents would be safeguarded; and

iv. Sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene."

6.04 The residential extension expands of these policies and provides further guidance which includes (points summarised) :

- Acceptable depth and height of a rear extension will be determined by the ground levels, distance from the boundaries and also the size of the neighbouring garden/amenity space.

- On detached houses situated close to a neighbouring property, extensions should generally extend no more than 4 metres from the rear elevation.

- Acceptable height of a side extension will be determined by the ground levels and distance from the boundaries. A side extension should be subordinate to the original building.

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

-The scale, proportion and height of an extension should not dominate the original building or the locality, should be subservient to the original house and should fit unobtrusively with the building and its setting.

-The form of an extension should be well proportioned and present a satisfactory composition with the house.

-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 virtues of their scale, form or location.

6.06 Policy BE1 of the Marden Neighbourhood Plan seeks to promote local character and *Development must be both visually and functionally sympathetic to the existing styles and materials.*

6.07 The application site is situated in a sustainable location within the Marden Larger Settlement Boundary, as such, the principle of development in this location is considered acceptable subject to the material planning considerations discussed below. Planning permission is principally required as permitted development rights were removed on the original consent for the dwelling. This was to give a greater degree of control but not to prohibit development. If it was to be the latter then this should have been set out in a design code and incorporated into a s106 legal agreement.

Impact on Visual amenity

6.08 The proposal seeks to extend the existing dwelling, such proposals or those similar would generally not require planning permission, however permitted development rights have been removed for the dwelling and as such there is an additional level of

control regarding the proposals. This does not however means that all proposals to extend the dwelling would be unacceptable.

- 6.09 The main focus of the appraisal should be the reason for permitted development rights being removed, which ultimately is *To safeguard the character, appearance and functioning of the surrounding area*. The proposals by their very nature are by no means uncommon in terms of their design, appearance and scale. Instances of similar single storey rear extensions, flat roofed dormers and outbuildings are common place across the Borough and can also be observed within Marden itself.
- 6.10 Cumulatively, including other changes (namely the rooflights and relocated solar panels), it is not considered that the proposals would result in visual harm to the street scene or the host dwelling such that the application should be refused. When viewed from the street the dwelling would not appear as significantly different as existing, and although some views maybe possible the extensions would not dominate the dwelling or appear as significant overdevelopment of the site.
- 6.11 Overall it is considered that the proposed extensions and alterations would be visually acceptable and in accordance with current policy and guidance.

Residential Amenity

- 6.12 The nearest neighbouring properties are Number 3 Reader Drive to the north, Number 1 Reader Drive to the south and 2 Russell Road (to the east), all other neighbouring properties are considered a significant distance away to be unaffected by the proposed development.
- 6.13 The single storey rear extension would be modest in scale, it would be adjoin the garage of the application site to the north, and the garage of the neighbouring property to the south and a significant distance from the property to the east such that it is not considered harm would result by reason of loss of light, outlook, or the extension being overbearing or overshadowing or causing loss of privacy or overlooking.
- 6.14 The extension to the existing garage would be akin to a shed in terms of its scale and it is not considered that it would be overly overbearing or overshadowing in proportion or scale such that it would harm neighbouring amenity.
- 6.15 The rear dormer would introduce additional rear facing windows at second floor level, however there are existing windows in the rear facing elevation and it is generally accepted that within the built up area there will be some element of mutual overlooking and the dormers relationship to neighbouring properties would not be uncommon and generally accepted to not cause significant harm.
- 6.16 All other elements of the proposal are considered acceptable such that overall no significant harm would result to neighbouring amenity.

Highways

- 6.17 The proposal would increase the number of bedrooms from 3 to 5, Appendix B of the Local Plan sets out that in suburban locations 5 bedrooms will provide 2 parking spaces. The proposal would involve the retention of an existing garage and would retain the driveway which can accommodate two cars. As such it is not considered any harm would result to parking arrangements or highway safety.

Other Matters

- 6.18 In itself the proposal would not result in the need for further ecological surveys, there is not considered to be any protected species which would be at risk, however Policy DM1, the residential extensions SPD and the NPPF all promote ecological enhancement and due to the nature and extent of the proposals it is considered that biodiversity enhancements would need to be provided, both integral to the extensions and within the curtilage. These details could be conditioned.

- 6.19 The NPPF, Local Plan and residential extensions SPD all seek to promote the use of renewables and energy/water efficient buildings. The proposals would relocate the existing solar panels and it is considered that this would fulfil the requirement for the promotion of energy efficiency. The relocation of the solar panels could be conditional to the consent.

PUBLIC SECTOR EQUALITY DUTY

- 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 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. RECOMMENDATION

GRANT planning permission subject to the following conditions

with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

- (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. 3 Rev B (Proposed Block and Floor Plans)
Drawing No. 4 Rev B (Proposed Elevations)
Drawing No. 5 (Proposed Outbuilding Plan 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) Prior to first use of the loft conversion hereby approved the relocated solar panels shall be inserted and functional within the flat roof of the dormer as shown on drawing no. 2202_23 Rev A (Proposed Roof Plan) and maintained thereafter;

Reason: To ensure an energy efficient form of development.

Case Officer: Rachael Elliott

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

Agenda Item 14



Ordnance Survey - data derived from OS Premium

22/502259/FULL 44 Queens Road, Maidstone, Kent, ME16 0LJ

Scale: 1:1250

Printed on: 11/8/2022 at 12:08 PM by JoannaW

REPORT SUMMARY

REFERENCE NO - 22/502259/FULL		
APPLICATION PROPOSAL Erection of a two storey side and part rear wrap around extension and a part single storey rear extension. Erection of an outbuilding to create a home office.		
ADDRESS 44 Queens Road Maidstone Kent ME16 0LJ		
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 application has been called in by Cllr Ashleigh Kimmance for the reason that the extension would cause overshadowing and loss of light to the neighbouring property and would also being detrimental to the street scene.		
WARD Heath	PARISH/TOWN COUNCIL	APPLICANT Mr Jason Law AGENT CAD Drafting
CASE OFFICER Rachael Elliott	VALIDATION DATE 17/5/22	DECISION DUE DATE 12/7/22
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): 21/504055/FULL : Demolition of rear store. Erection of two storey front and side extension, part single and part two storey rear extension. Erection of 1no. outbuilding to create home office. – Refused 02/2156 : Creation of access, drop kerb and hardstanding to side of dwelling, as shown on two number A4 sized sheets showing the site location plan and a plan at scale 1:100 received on 15.11.02. and 05.12.02. – Permitted 85/0928 : Front bathroom cloakroom extension – Permitted		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to a two-storey semi-detached dwelling, the existing property has a central gable, half of which relates to the application site and a cat-slide roof, mirrored on the application site and the neighbouring property. The street scene is varied, with those immediately adjacent built at a similar time, with the semi-detached pair being central to a terraced row of 4 properties. The dwellings have a distinctive character, however they are not listed and no other land designations apply.

2.0 PROPOSALS

These are summarised as follows :

Two storey side extension (which extends rearwards of the existing dwelling and also to the rear creating a L-shaped footprint)

The existing cat slide roof would be lost continued whereby the extension would then extend the width of the existing dwelling and beyond to the side by approximately 2.8m. It would extend along the side of the dwelling, in line with the front face, rearwards by approximately 11m. It would project beyond the existing rear wall by approximately 3m and at its widest point where it overlap the rear of the existing dwelling would have a width of approximately 4.5m.

Single rear extension

This would have a width of approximately 6m, a depth of 4.1m and would have a flat roof with a central roof lantern, with a height of 2.7m.

Outbuilding

The outbuilding would be utilised as a home office and would be sited in the south-eastern most corner of the garden. It would be single storey with an irregular shape, with a maximum length of 6.5m and width of 4.6m. It would have flat roof with a height of 2.6m.

3.0 POLICY AND OTHER CONSIDERATIONS

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

Supplementary Planning Documents: Residential Extensions SPD

Emerging Policy : Maidstone Borough Council has also submitted its Regulation 22 Submission relating to the Local Plan Review. The Regulation 22 submission comprises the draft plan for submission (Regulation 19) dated October 2019, the representation and the proposed main modifications. It is a material consideration and some weight must be attached to the document because of the stage it has reached. The weight is limited, as it has yet to be subject to examination in public. Policy LPRSP15 – Principles of Good Design, LPRHou 2 – Residential extensions, conversions, annexes and redevelopment in the built-up areas, Policy LPRTRA4 - Parking Matters

4.0 LOCAL REPRESENTATIONS : No representation received

5.0 CONSULTATIONS : None

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 This submission follows an earlier refusal WHICH was refused for the following reason :

The proposed 2-storey front, side and rear extension by reason of its design, proportions and siting would result in a form of development which would be at odds with the character and appearance of the host dwelling, resulting in a poorly designed, dominant extension which would subsume the existing dwelling and would be visually harmful to the host dwelling, its relationship with the neighbouring property and the wider street scene contrary to the National Planning Policy Framework 2021, Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017 and the Residential Extensions Supplementary Planning Document.

6.03 An extract of the plans is shown below :



6.04 This submission seeks to overcome the previous reason for refusal with the principle changes to the scheme being :

- Removal of the two-storey front extension
- Continuing the existing cat-slide roof into the design of the side extension
- Introduction of a front dormer into the new cat slide
- Alterations to the roof design of the two-storey projecting element

6.05 The proposed plans now appear as follows :



6.07 Policy DM9 (Residential extensions, conversions and redevelopment within the built up area) sets out the criteria for determining applications which involve extensions within built up areas. The policy reiterates the requirements highlighted in paragraph 118(e) of the NPPF above. Such proposals are permitted if;

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

Impact on Visual amenity

6.09 Policy DM1 (Principle of good design) outlines the importance of high-quality design for any proposal. This includes taking into account the scale, height, materials, detailing, mass, bulk, articulation and site coverage, respecting the amenities of neighbouring occupiers and properties, incorporating adequate storage for waste and recycling, providing adequate parking facilities to meet adopted Council standards, protect and enhance biodiversity.

6.10 Policy DM9, as stated above, of the Local Plan also requires that the scale, height, form and appearance should fit the character of the existing local area.

6.11 The residential extension expands of these policies and provides further guidance which includes (points summarised) :

- *Acceptable height of side extensions is determined by ground levels and distance from boundaries*
- *A side extension built flush with the existing front elevation of the house may also affect the symmetry of a pair of semi-detached properties with adverse impact on the street scene*
- *Where a pattern of gaps between properties within the street scene exists, a minimum of 3 metres between the side wall of a two storey side extension and the adjoining property for the full height of the extension is normally desirable*
- *The use of, for example a set back from the front elevation of the original house and lower roof can assist in assimilated development where it is desirable that the form, proportions or symmetry of the original building are respected*
- *Front extensions can have an adverse effect on the street scene because of their prominence on the front elevation*
- *Where a front extension is acceptable, the roof should match the roof of the original house in style in order to compliment the existing building and the character of the area*
- *The scale, proportion and height of an extension should not dominate the original building or the locality, should be subservient to the original house and should fit unobtrusively with the building and its setting*

The form of an extension shall be well proportioned and present a satisfactory composition with the house. The extension should normally be roofed to match the existing building in shape. Where visible from public view, a flat roof extension would not normally be allowed.

6.12 The character is extremely varied as has been developed over time. The character on the opposite side of the road from the application site is very different and is a much more recent development. The application site how sits amongst 5 groups of terraced dwelling and are the sole semi-detached pair, exhibiting differing design qualities in terms of the prominent central gable and the cat slide roof.

6.13 The loss of the gap between the two properties in itself has previously been accepted with the earlier report reading as follows with the conclusion still applicable :

Although the extension would diminish the gap between the application site and its neighbour to the south, of which the gaps between properties do make a contribution (as without them, the application site would be read as a continuation of the adjoining terrace), however a gap of approximately 2.6m would remain from the new flank wall to the flank wall of the neighbouring property and although slightly below the 3m recommended by the SPD, it is considered that enough of a gap would remain such that no terracing effect would result.

6.14 The main difference between this and the refused scheme would be that the proposed side extension would now mirror the existing cat slide roof form. This principally overcomes the earlier reasons for refusal and would introduce a form of development which would no longer be an incongruous addition. Although there is no set back of the extension, nor set down from the roof which is often preferred, with

this type of roof form introducing such an element becomes more difficult and could appear as more awkward than the extension being flush.

- 6.15 Introducing dormers within the front roofscape is not always appropriate, however there are existing front dormers within street scene and due to the proposed pitched roof and scale of the dormer it is not considered that it would appear as so visually harmful to warrant refusal of the application.
- 6.16 The single storey rear extension and the detached outbuilding are both considered acceptable in terms of their visual impact.
- 6.17 Overall it is considered this revised proposal and the proposed extensions would overcome the previous reason for refusal and would not result in undue harm to the visual amenity of the street scene, surrounding area or host dwelling.

Impact on neighbouring amenity

- 6.18 The nearest neighbouring properties are to the south (no.42), to the north (no 46 and the adjoining semi-detached dwelling) and number 16 West Walk (to the east). All other neighbouring properties are considered to be a significant distance away to be unaffected by the proposed development.
- 6.19 16 West Walk is a significant distance away to not be affected by the proposed extension to the dwelling itself, the main consideration is whether the proposed outbuilding would be harmful. No 16 has an existing fairly large outbuilding to the rearmost part of their garden. The proposed outbuilding would be sited along the side boundary to the furthest extension of their garden, it would not be overly high, nor extend across the entire boundary, such that it is not considered that it would result in a form of development that would be overbearing, overshadowing or cause loss of light or outlook. Similarly the impact on no.42 to the south would be acceptable, being at the furthest part of the garden where they have their own outbuilding and due to its side and proportions no harm would result. The outbuilding would be a significant distance from the boundary with number 46 to not result in harm.
- 6.20 The impact on Number 46 will be broadly from the proposed single storey rear extension which would be built essentially along the adjoining boundary. The proposed two storey rear extension would be visible from the neighbouring property but is considered to be a significant distance from the adjoining boundary such that it would not result in loss of light, outlook or be overbearing or cause undue loss of privacy or be harmful to amenity in any other respect. The rear extension would extend approximately 4.1m from the rear of the dwelling. The neighbouring dwelling broadly appears to mirror the application site and as such the nearest ground floor window is likely to serve the living room or another habitable room. An extension of up to 3m could be constructed without the need for planning permission and although 1m greater in depth, further permitted development rights do allow for such extensions in the absence of objections (which there hasn't been in this case.) Although the proposal would fail the floor plan 45degree test, it would pass in elevation and as such is considered to pass. It is therefore not considered that undue loss of light would result and the extension would not be unduly overbearing, overshadowing or cause loss of light or privacy and in isolation would be broadly in line with what is considered acceptable under permitted development.
- 6.21 The property that is most likely to be affected by the proposal is the neighbouring dwelling to the south. The extension would as good as abut the adjoining boundary

for the full depth of the existing dwelling and for a further projection of approximately 3m beyond the rear of the existing dwelling. Number 42 has windows at ground floor in the flank wall and a dormer at eaves height. These openings are believed to predominantly serve non-habitable spaces or be secondary windows, with the window one of the windows potentially serving as the main window for the kitchen, but with a glazed rear door. Although the flank wall would be closer to these windows, extend further rearwards and introduce additional bulk and mass, it is unlikely that the amenity of these rooms would be significantly compromised and a gap of approximately 2.6m would be maintained on the neighbouring side. The orientation of the site is such that the application site is to the north and therefore would not impact on the passage of sunlight.

- 6.22 To the rear the properties are both sited at oblique angles, so where the extension would be at its closest to the boundary would be where the 2-storey extension would project beyond the existing dwelling. This is also where the gaps between the properties is at its least, however due to the position of the neighbouring first floor window which is situated centrally to the gable and the nearest ground floor fenestration being a back door, and the orientation of the application site to the north, it is not considered significant loss of light would result. The mass and bulk would be more prominent and would definitely be visible from the neighbouring site, however due to the angled relationship of the properties, the proposed projection (which is unlikely to extend significantly beyond the rear corner of the neighbouring dwelling) and the orientations of the site it is not considered significant harm would result to neighbouring amenity by reason of the extension being overbearing, causing overshadowing or loss of privacy or outlook.
- 6.23 Overall the proposal on balance would be acceptable in terms of neighbouring amenity in terms of all neighbouring dwellings.

Impact on parking

- 6.24 The proposal would increase the number of bedrooms from 3 to 4, Appendix B of the Local Plan sets out that in suburban locations 4 bedrooms will provide 2 parking spaces. The proposal would involve the introduction of an attached garage and would retain the driveway which can accommodate two cars. As such it is not considered any harm would result to parking arrangements or highway safety.

Other matters

- 6.25 In itself the proposal would not result in the need for further ecological surveys, there is not considered to be any protected species which would be at risk, however Policy DM1, the residential extensions SPD and the NPPF all promote ecological enhancement and due to the nature and extent of the proposals it is considered that biodiversity enhancements would need to be provided, both integral to the extensions and within the curtilage. These details could be conditioned.
- 6.26 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 extensions to an existing dwelling such that it would be unreasonable to seek to secure such measures which do not accord with the scale of the development. Energy efficiency can be secured through measures such construction, or renewables 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.

- 6.27 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.

7.0 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. 3 Rev B (Proposed Block and Floor Plans)
Drawing No. 4 Rev B (Proposed Elevations)
Drawing No. 5 (Proposed Outbuilding Plan 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 occupation 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.

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.

REPORT SUMMARY

REFERENCE NO: - 22/501055/FULL		
APPLICATION PROPOSAL: (Part retrospective) Demolition of existing workshop. Erection of single storey side extension for uses falling within uses falling within Class E: (a) display or retail sale of goods, other than hot food, principally to visiting members of the public, or (b) sale of food and drink principally to visiting members of the public where consumption of hot food and drink is mostly undertaken on the premises, or (c) provision of the following kinds of services principally to visiting members of the public - (i) financial services, (ii) professional services (other than health or medical services), (iii) any other services which it is appropriate to provide in a commercial, business or service locality, or g (i) an office to carry out any operational or administrative functions.		
ADDRESS: Orchard View Garage, Benover Road, Yalding, Maidstone, Kent, ME18 6EN		
RECOMMENDATION: GRANT PERMISSION subject to conditions.		
SUMMARY OF REASONS FOR RECOMMENDATION: It is assessed that the development is in accordance with local and national planning policies and would not have a harmful impact upon the character and appearance of the area including the conservation area or the amenity of the area and neighbouring properties nor would it impact upon the highway network or parking in the area.		
REASON FOR REFERRAL TO COMMITTEE: The application has been called in by Yalding Parish Council should the case officer be minded to recommend the application be approved. This is on the basis that the development would have a harmful impact upon the highway network and parking in the area.		
WARD: Marden and Yalding	PARISH Yalding	COUNCIL: APPLICANT/AGENT: Nyalla Mussarat / Steve Clarke
CASE OFFICER: William Fletcher	VALIDATION DATE: 09/03/2022	DECISION DUE DATE: 02/09/2022
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

21/501736/FULL - Demolition of existing garage and erection of a one bedroom dwelling. (Part retrospective. Resubmission of 20/503628/FULL).

Refused 08/07/2021 on the following grounds: The application has failed to demonstrate that the development would provide an adequate standard of residential accommodation in relation to the risk from flooding both in terms of internal floor levels and in the event of the need for evacuation off-site and the associated risk to future occupants and the emergency services. The development is not in accordance with policy DM1 of the Maidstone Borough Local Plan, and NPPF and NPPG guidance.

20/503628/FULL - Change of use of part existing office together with side and rear extension to create a one bedroom flat. (Part retrospective).

Refused 28/10/2020 on the following grounds: The development by way of its flat roof form, box like appearance, proposed window design and the external finishes would result in an incongruous addition to the building, that is out of keeping with the character and appearance of the surrounding area and would have a detrimental impact upon the Yalding Conservation Area contrary to policies SP18, DM1 and DM4 of the Maidstone Borough Local Plan (October 2017).

The application has failed to demonstrate how the development would be resilient to the impacts of flooding, and would present a risk to future occupants. The development is not in accordance with policy DM1 or paragraph 155 of the NPPF (2019)

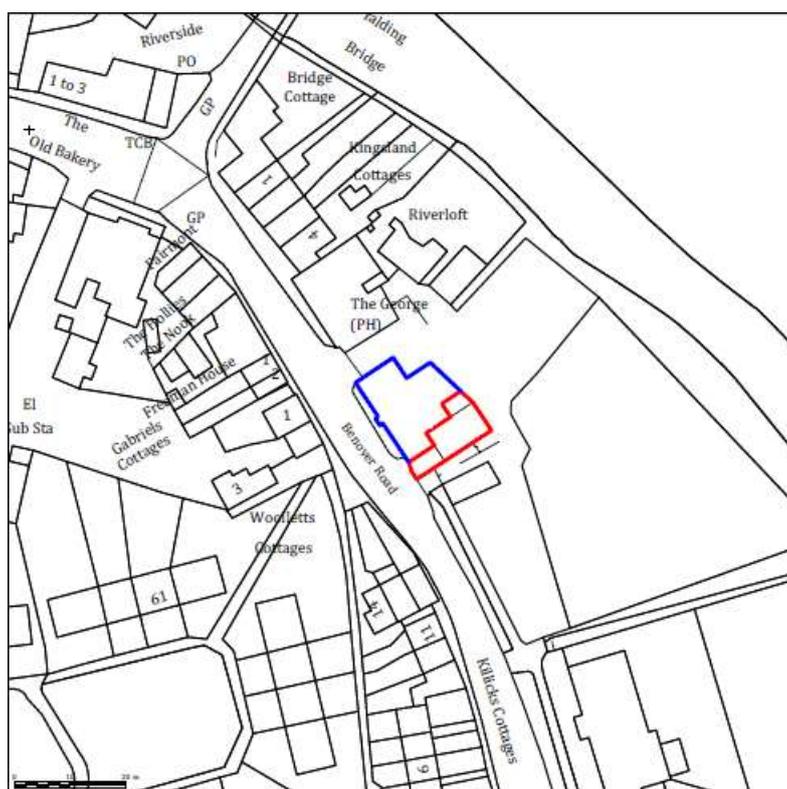
02/0433 - Change of use from shop (Class A1) to a mixed use as a shop (Class A1) and a cafe (Class A3), as shown on drawing no. 297-4 and location plan received on 11.02.02.

Approved.

1.0 DESCRIPTION OF SITE

- 1.01 The application site is situated on the eastern side Benover Road, Yalding. The application site is located within the Yalding Conservation Area and within the Local Plan designated Benover Road Local Centre, the application site is within flood zones 2 and 3.

Image 1: Block Plan



- 1.02 The application site forms part of the larger building that is occupied by Costcutter /Orchard Viewstore with the application site to the southern end of the building. In the block plan above the Costcutter/Orchard View store is in the building annotated in blue and former garage was in the location highlighted in red.

- 1.03 The applicant has stated *"The application site comprises the premises of the former Orchard Garage. These previously comprised a single storey workshop and an attached office on the north west corner. The garage workshop consisted of a steel corrugated low slung pitched roof. The North West and North East elevations consisted of face brick walls windows and a metal door which were all in poor condition. The entrance to the garage workshop had a roll up garage door and a part rendered wall with translucent plastic corrugated sheeting above the garage door. The same sheeting was also at the rear of the garage workshop. It had ceased being used as a workshop, and added little value to the shop or village. Furthermore, the building was not structurally sound. The workshop building has been demolished and subsequently partially rebuilt"*.

Original application building (annotation added)



2.0 PROPOSAL

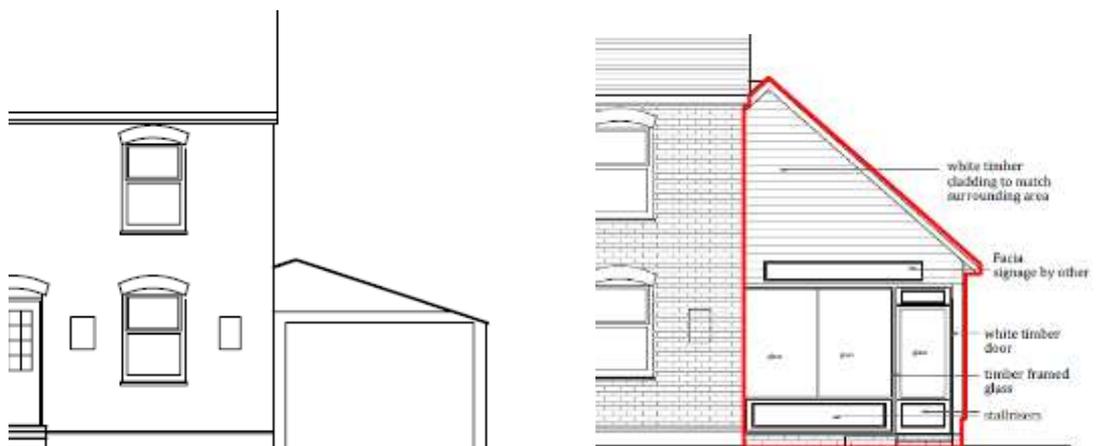
- 2.01 The application is retrospective (works have commenced, see the below photo) and seeks the demolition of the existing workshop and in its place erect a single storey side extension with office accommodation in the roof space all to be used within Class E uses, specifically:
- (a) display or retail sale of goods, other than hot food, principally to visiting members of the public, or
 - (b) sale of food and drink principally to visiting members of the public where consumption of hot food and drink is mostly undertaken on the premises, or
 - (c) provision of the following kinds of services principally to visiting members of the public - (i) financial services, (ii) professional services (other than health

- or medical services), (iii) any other services which it is appropriate to provide in a commercial, business or service locality, or
- (g) (i) an office to carry out any operational or administrative functions.

Application site 15/08/2022 (application building highlighted in red)



Image 2: Existing elevation top, proposed elevation bottom.



3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):

SS1 – Maidstone borough spatial strategy
SP11 – Larger villages
SP16 – Yalding larger village
SP18 – Historic environment
DM1 – Principles of good design
DM4 – Development affecting designated and non-designated heritage assets
DM17 – District centres, local centres and local shops and facilities
DM23 – Parking standards

The National Planning Policy Framework (NPPF):

Section 9 – Promoting sustainable transport
Section 12 – Achieving well-designed places
Section 16 – Conserving and enhancing the historic environment

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021.

- The Regulation 22 draft is a material consideration, and some weight must be attached to the document because of the stage it has reached. This weight is limited, as it has yet to be the subject of an examination in public.

4.0 LOCAL REPRESENTATIONS

- 4.01 As well as the posted site notice, ten neighbouring properties were consulted by direct mail regarding the proposed development. The consultation expired on 05/04/2022, one representation was received in objection to the development.
- 4.02 The representation in objection is on the basis that the development would have a harmful impact upon the highway network, and that the development would result in a loss of privacy.

5.0 CONSULTATIONS

Yalding Parish Council

- 5.01 Objection on the basis of lack of parking and highway safety.
- 5.02 Should the Planning Officer be of a mind to approve the application Councillors ask that it be called in to the MBC Planning Committee.

KCC Highways

- 5.03 No objection for the following reasons: This consultee initially replied with their standing advice, no objections received. Following this it was requested that additional comments be provided which are as follows (summarised):
- 5.04 Should the proposals be granted permission then the floor space will increase by 9 square meters, leading to an overall floor space of 77 square meters. KCC Highways have undertaken their own objective assessment of the proposals. No collisions have occurred during the last 5 year period [CrashMap - UK Road Safety Map](#). The access arrangements are therefore acceptable to KCC Highways.
- 5.05 Given the extremely modest nature of the proposals it is not considered that the impact of any additional traffic generation created by the development could be

reasonably described as 'severe' in capacity or safety terms. Whilst the applicant is only seeking to provide 1 parking space on site, the maximum nature of the standard (Supplementary Guidance Planning Note (SPG4)) means that compliance has been achieved.

- 5.06 Suitable opportunities are present to park within the street KCC Highways raise no objection to the proposals.

MBC Conservation

- 5.07 No objection subject to conditions on joinery details for the shop front and the windows.

6.0 APPRAISAL

- 6.01 The key issues are:

- Loss of existing use and acceptability of the proposed use
- Character and Appearance
- Residential amenity
- Transport, highways, access and parking
- Flood risk

Loss of existing use and acceptability of the proposed use

- 6.02 The application site is located within a local centre (High Street/Benover Road, Yalding) The supporting text to policy DM17 (paragraphs 6.78 – 6.82 of the Local Plan) details how local convenience shops and other facilities play an important role in sustainable development, by meeting the day-to-day needs of local communities.
- 6.03 The application site comprises the premises of the former Orchard Garage. This previously comprised a single-storey workshop and an attached office on the northwest corner.
- 6.04 The applicant advises that the application building was in use as a workshop for the repair of vehicles/machinery when they purchased Costcutter/Orchard View Stores in 2004. That workshop use ceased at that time and the application floorspace was then used to accept Costcutter/ Orchard View Store shop deliveries.
- 6.05 Since the adoption of the Local Plan in 2017, major changes have taken place to the operation of the planning use classes system (Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) and these changes have introduced substantially more flexibility in the use of buildings and the need for planning permission.
- 6.06 These changes include the deletion of the former 'A' use class so there is no longer a 'retail' use class. The changes mean that a use can change between shops, restaurants, cafés, clinics, crèches, banks, offices, light industrial, indoor sports within the new Use Class E without a need for planning permission. The existing Costcutter/Orchard view store and the new floorspace are both within Use Class E, however the applicant has sought to restrict the range of uses in the application floorspace. These uses are retail, sale of food and drink, financial and professional services, and office or business uses. Whilst the current application does not relate purely to a retail use, the proposed uses will add to the vitality and viability of the area by attracting customers and activity to this location.

Character and Appearance

- 6.07 Policy SP18 of the Local Plan relates to the historic environment and 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 also relates to development affecting designated heritage assets, and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.
- 6.08 Policy DM1 states that development must respond positively to and where possible enhance the local, natural, or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage – incorporating a high quality, modern design approach and making use of vernacular materials where appropriate.
- 6.09 The National Planning Policy Framework states: In determining applications, local planning authorities should take account of: a) desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) desirability of new development making positive contribution to local character and distinctiveness.
- 6.10 The planning (Listed Buildings and Conservations Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest. The Act places a duty on local planning authorities in making its decisions to pay special attention to the desirability or preserving or enhancing the character or appearance of conservations areas.
- 6.11 As depicted in the above site description section the host building is a two storey brick built terrace row with a gable roof.
- 6.12 The application site is located within the Yalding conservation area. The “Lees” Character Area which includes the application site is described as following in the Yalding Conservation Area Appraisal. “South of the river Beult Lees Road/Benover Road performs very much the same function as the High Street to the north. It is really the only street in the conservation area and all life is here. Again, similar to the High Street, Lees Road has a wide variety of building styles although they are generally from the Georgian/Victorian periods or later. The scale of buildings in this part of the conservation area is much more uniform. Many of the properties have steps up to the ground floor which is a sure signal that this part of the town is subject to flooding.”
- 6.13 The proposed single storey extension would be similar in appearance with its gable roof form albeit with white timber cladding on the side elevation. As depicted below.

Proposed Southeast Elevation



- 6.14 A gable dormer would also be added to the northwest elevation. This is a minor addition to the roof form that is appropriate in its design. It is not visible from the street scene and as such its impact is very limited.
- 6.15 The main visual difference with this application is that the entrance to the building would be more 'retail' in character. Following the submission of revised drawings, after conservation officer feedback, the development will not cause any harmful visual impact. Conditions will be imposed to ensure that suitable glazing and materials are used for the entrance.
- 6.16 There are listed buildings to the approximately 20m to the south (Wooletts Cottages) and 10m opposite the application site to the west (Gabriel's Cottages). When making a decision that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.17 With the separation distance between the application site and the listed buildings and the intervening buildings the development will not have a harmful impact upon these Grade II listed properties. There is no objection raised by the conservation officer.

Residential Amenity

- 6.18 Local Plan policy DM1 advises that proposals which would create high quality design and meet a number of stated criteria will be permitted. These criteria include respecting the amenities of occupiers of neighbouring properties and uses by ensuring that development does not result in excessive noise, vibration, odour, air pollution, or activity or vehicular movements. There is a requirement to incorporate measures for the adequate storage of waste.
- 6.19 Neighbouring properties to the south are 20m away due to this distance and it is not considered that a detrimental loss of privacy or any overshadowing of properties would occur as a result of the development.
- 6.20 In terms of the dormers impact, the existing building has fenestration on the northeast elevation which sits within close proximity (10m) to the dormer. Window to window views are only possible at extreme angles and as such the development would not cause a harmful amenity impact to occupants of the existing property.

- 6.21 Whilst concerns have been raised regarding loss of neighbouring amenity, some consideration needs to be given to the fact that the existing garage has a lawful use and could be brought back into use which would be much more harmful in terms of aural amenity.
- 6.22 It is not assessed that the proposed use would have a harmful impact upon the amenity of neighbouring properties.

Transport, highways, parking and access

- 6.23 Policy DM1 states that applications must ensure that development does not result in, amongst other things excessive activity or vehicle movements.
- 6.24 Paragraph 111 of the 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"
- 6.25 The submitted heritage statement indicates that there is a space for one vehicle to park on site to front of the building.
- 6.26 It is not assessed that the traffic generation from what is a modest retail use could be described as severe.
- 6.27 KCC Highways, the Council's expert advisors on highways matters have not objected to the application following an assessment nor have they objected to similar proposals elsewhere in the borough, for example 20/501667/FULL in Maidstone town.
- 6.28 Paragraph 110 of the NPPF refers to the impacts of a proposal – the additional traffic movements, and at peak times, traffic volumes and congestion around Yalding is higher but the relative impact of the proposal against this is proportionally small and could not be described as severe.
- 6.29 Assuming the original garage operated as a commercial premises this would have generated on street parking demand. There are opportunities to park on street within Yalding and as such it is not assessed that the proposal results in such a significant level of harm to the highway network that a refusal on the basis of highways impact would be warranted.

Flood Risk

- 6.30 The application site is located within Flood Zones 2 and 3, despite this a retail use in Flood Zones is acceptable and a refusal on the grounds of flood risk would not be appropriate in this instance.

PUBLIC SECTOR EQUALITY DUTY

- 6.31 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.

7.0 CONCLUSION

- 7.01 The development is appropriate in this location and would not have a harmful impact upon the host building or the wider conservation area. The development would not harmfully impact upon the amenity of neighbouring properties the wider highway network, or parking in the area.

8.0 RECOMMENDATION –

GRANT PLANNING PERMISSION subject to the following conditions

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

Application for planning permission

Flood Risk Assessment

P 01 20025 Rev A Existing Floor and Elevations Plan

P 02 21011 Rev F Proposed Floor And Elevations Plans

P 03 21011 Rev C Site And Block Location Plans

P 05 21011 Rev A Street Scene

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

- 2) Within three months of the decision hereby issued the following details shall be submitted to and approved by the local planning authority
 - a) Details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted.
 - b) Large scale drawings (at a scale of 1:20 or 1:50) of joinery details for the proposed shop front and the windows.

The development hereby approved shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a satisfactory appearance to the development and to ensure the quality of the development is maintained and to prevent harm to wider conservation area

- 3) The use of the premises shall be restricted to Class E:
 - (a) display or retail sale of goods, other than hot food, principally to visiting members of the public, or
 - (b) sale of food and drink principally to visiting members of the public where consumption of hot food and drink is mostly undertaken on the premises, or
 - (c) provision of the following kinds of services principally to visiting members of the public - (i) financial services, (ii) professional services (other than health or medical services), (iii) any other services which it is appropriate to provide in a commercial, business or service locality, or
 - (g) (i) an office to carry out any operational or administrative functions.

Reason: In the interest of safeguarding the amenity of the area and so the Local Planning Authority can assess the impacts of other uses at the premises.

- 4) The operating hours of the premises shall be restricted to the hours of 07:00 to 19:00 hours Mondays to Saturdays and 09:00 to 17:00 hours on Sundays and Bank Holidays.

Reason: In the interests of safeguarding neighbouring amenity.

- 5) The use of the premises shall not commence until details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first use of the building. The scheme shall include an acoustic assessment which demonstrates that the noise generated at

the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used

Reason: In the interests of visual and aural amenity.

- 6) The use of the premises shall not commence until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the extension by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

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

- 7) The use of the premises shall not commence until a scheme for (a) the storage and screening of refuse bins, and (b) the collection of refuse bins shall be submitted to and approved by the Local Planning Authority. The approved details shall be in place before the use of the premises commences, and maintained thereafter.

Reason: In the interests of amenity and the streetscene.

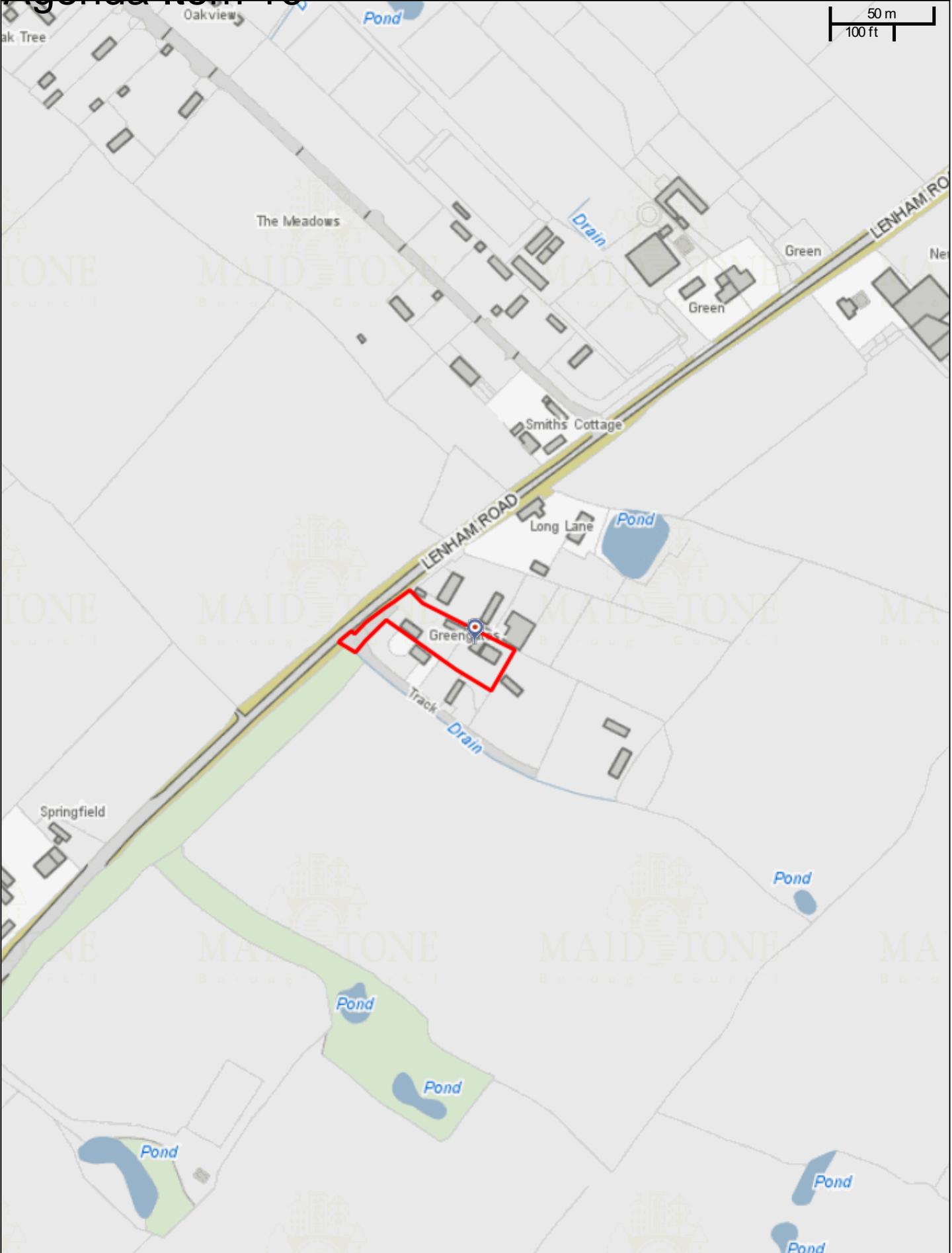
- 8) The use of the premises shall not commence until a scheme for the parking and storage bicycles has been submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be retained and maintained in accordance with the approved details thereafter,

Reason: In order to encourage the use of sustainable modes of transport and access

- 9) The use of the premises shall not commence until a minimum of one electric vehicle charging point has been installed, and shall thereafter be retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.

Agenda Item 16



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

REFERENCE NO: - 22/500193/FULL		
APPLICATION PROPOSAL: Retrospective application for material change of use of land to a mixed use of land for stationing of caravans for residential purposes and the keeping of horses.		
ADDRESS: 1 Greengates, 2 Lenham Road, Headcorn, Ashford, Kent, TN27 9LG		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposal is acceptable in relation to visual harm, residential amenity, and highway safety.		
REASON FOR REFERRAL TO COMMITTEE: Call in from Parish Council if officers are minded to approved for the reasons set out in section 5 of this report.		
WARD: Headcorn	PARISH/TOWN COUNCIL: Headcorn	APPLICANT Mr. Bill Anderson
CASE OFFICER: William Fletcher	VALIDATION DATE: 03/03/2022	DECISION DUE DATE: 31/08/2022
ADVERTISED AS A DEPARTURE: No		

Relevant Planning History

1 Green Gates:

01/1320 - Change of use of land to residential and stationing of 1 no. mobile home, as shown on drawings received on 14.08.01. Refused. Appeal Allowed 17/09/2001

05/0518 - Retrospective application for the change of use of land from agriculture to the stationing of 1 no mobile home and 1 no touring caravan as shown on unnumbered plans received on 30/12/04 and 10/02/05. Refused. 05/05/2005

10/2177 - Application for planning permission for the change of use of land for the stationing of 4no static caravans for residential occupation by extended Gypsy family and associated development (stationing of 3no touring caravans, extended hardstanding and cess pool) as shown on site location plan and A4 site layout plan received on 30th December 2010. Three year temporary, named, permission granted. Temporary permission. 04/04/2013

14/504021/FULL - Application to vary condition 1 of MA/10/2177 (Application for planning permission for the change of use of land for the stationing of 4no static caravans for residential occupation by extended Gypsy family and associated development, stationing of 3no touring caravans, extended hardstanding and cess pool) to allow any gypsy family to live on site. Refused on the grounds of Planning permission 10/2177 expiring on 4 April 2016. Refused 01/07/2016

17/501852/FULL - Siting of four mobile homes and three touring caravans. (Retrospective). Refused on the grounds that the development would be visually harmful to the character and appearance of the countryside and any supplementary landscaping would not mitigate this harm. This would be contrary to policies ENV28 of the Maidstone

Borough-Wide Local Plan 2000 and the NPPF, and draft policies SP17 and DM15 of the draft Maidstone Borough Local Plan (2011-2031). Refused, Appeal Withdrawn. 17/08/2017.

Oak Tree Farm

18/503291/FULL - Change of use of land to use as a residential gypsy caravan site for two gypsy families including the stationing of 2 no. mobile homes and 1 no. touring caravan. Permission refused 05/10/2018. Appeal allowed 22/04/2022,

19/501788/FULL - Retrospective change of use of land to use as a residential caravan site for two gypsy families including the stationing of 2no. mobile homes and 1no. touring caravan (resubmission of 18/503291/FULL). Permission refused 11/06/2019. Appeal allowed 22/04/2022,

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located to the south east of Lenham Road, Headcorn, approximately 1.5 miles outside the settlement boundary of Headcorn. The application site is located amongst a group of other Gypsy and Traveller sites with mobile homes, tourers and other outbuildings present. In policy terms the application site is within the countryside but otherwise there are no other policy designations.
- 1.02 There is an established, dense native species hedgerow approximately 4 metres in height along Lenham Road and the application site is bounded by a 2m close boarded fence on all sides including the boundary along Lenham Road, behind the hedgerow. The hedgerow allows for filtered views of the tops of the application site which houses 2 mobiles, 2 tourers and the pole barn and stable building.
- 1.03 The application site in this instance was originally part of the 'wider' Greengates site, as indicated in the below image. This site has since been subdivided. The application site in this instance is known as 1 Greengates with the site to the south known as Greengates.

Image 1: Site Location Plan 17/501852/FULL (current application site in blue)



- 1.04 The application site is accessed at the start of Long Lane, as depicted below which provides access to other sites to the southeast of the application site (Land Adjacent Greengates, 1 Long Lane and Long Lane).

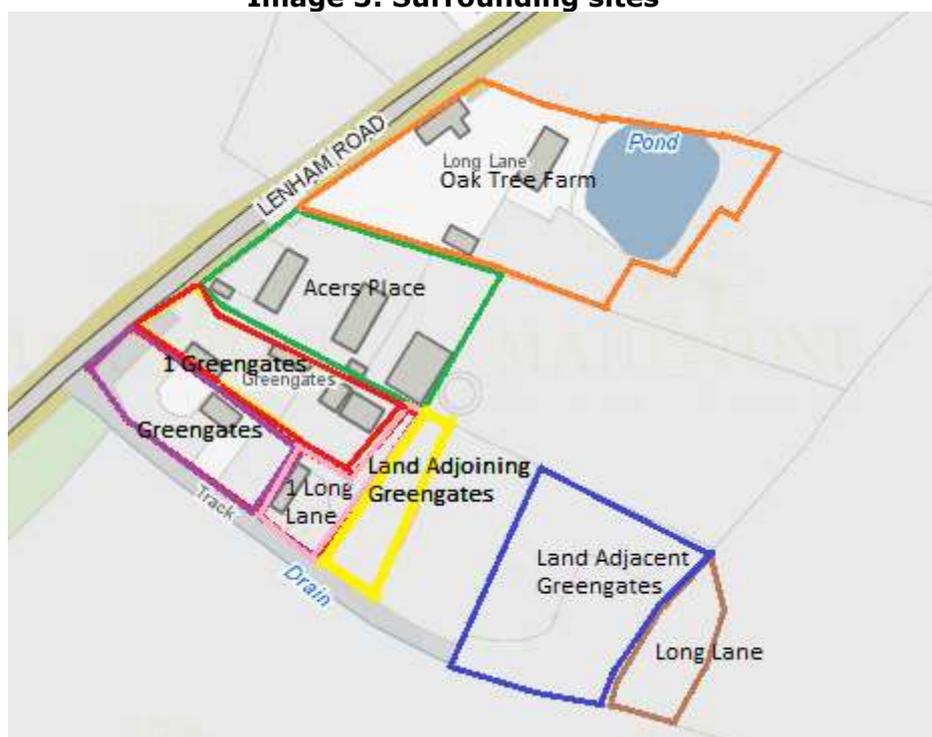
Image 2: Proposed Site Layout Plan (red access arrow added by case officer)



- 1.05 The application site is accessed via a close boarded gate located at the western end of the plot. The two mobiles are depicted above in purple with the two tourers in orange. It is unclear what application if any the three grey buildings on site are associated with. They appear on the existing plans for application 10/2177, the two larger buildings are listed as a stable and a pole barn.
- 1.06 Correspondence with the agent indicates the existing buildings on site are used in line with the purposes sought through this planning application; for the use of land as a mixed use for residential purposes and the keeping of horses. When considering the amount of time these buildings have been present, were a lawful development certificate (existing) submitted on the balance of probability it seems likely these would be granted permission to remain. The hardstanding has also been in place for a similar amount of time, with the first of it appearing in 2007 towards Lenham Road.
- 1.07 Existing gypsy and traveller development is evident in the area. As well as the sites immediately surrounding the application site, there are the sites associated with Ash Gardens and Smiths Cottages 150m northeast of the application site. Approximately 170m to the northwest of the Ash Gardens sites is a Gypsy and Traveller site where there is ongoing appeal (public inquiry).
- 1.08 In terms of the surrounding development Image 3 below shows nearby gypsy and traveller development.
- **Red site:** This is the current application site
 - **Purple site:** The site to the south of the application site 'Greengates' is currently 'unlawful', with an application in progress (21/506265/FULL).

- **Green site:** Immediately to the north of the application site is 'Acers Place'. Following the latest applications (19/502590/FULL and 20/504079/FULL) which were 'declined to be determined', the site has been cleared of development. The site has been submitted as a Gypsy and Traveller site in the local plan 'call for sites'.
- **Orange site:** To the north of 'Acers Place' is Oak Tree Farm where two applications were refused in 2018 and 2019. These appeals were dismissed and permanent permission granted in April 2022.
- **Pink site:** The site immediately to the southeast '1 Longlane' is 'unlawful' with a retrospective application (21/506257/FULL) awaiting determination.
- **Yellow Site:** The site immediately to the east is 'Land Adjoining Greengates', unlawful, retrospective application (22/502321/FULL) awaiting determination.
- **Blue site:** 50m to the east of the application site is 'The Land Adjacent Greengates'. This site has been subject to a number of applications with the most recent (21/500188/FULL) permitted on a temporary three-year basis expiring on 01/04/2024.
- **Brown site:** Immediately to the east of 'The Land Adjoining Greengates' is 'Long Lane'. Whilst the site needs to be fully cleared, it is no longer used for the stationing of caravans following refusal 15/502956/FULL.

Image 3: Surrounding sites



- 1.09 The development upon the application site itself (highlighted in red) is retrospective, following the subdivision of the wider site which itself contained Gypsy and Traveller development albeit on a temporary basis.

2.0 PROPOSAL

- 2.01 The current application seeks retrospective planning permission for a material change of use of land to a mixed use as a residential gypsy caravan site and the keeping of horses, this includes the stationing of two mobile homes and two touring caravans as well as. Horses would be kept in the existing stable building on site

The current application is retrospective, although it should be noted that the site has been 'tarmacked' with a mobile home on it continuously since 2005.

- 2.02 As such, should all current planning applications be successful there would be
- 1 mobile home and 1 tourer as well as the associated development upon 'Greengates'.
 - 2 mobiles and 2 tourers at '1 Greengates',
 - 2 mobiles and 1 tourer at Oak Tree Farm,
 - 1 mobile and 1 tourer '1 Long Lane' and
 - 2 mobile homes, 2 touring caravans, and associated development at the 'Land Adjacent Greengates' and
 - 1 mobile and 2 tourers associated with 'Land Adjoining Greengates'.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017:

DM1 – Principles of good design

DM3 – Natural environment

DM15 – Gypsy, Traveller and Travelling Showpeople accommodation

DM30 – Design principles in the countryside

The National Planning Policy Framework (NPPF):

Section 12 – Achieving well-designed places

Supplementary Planning Guidance:

Planning Policy for Traveller Sites' (PPTS)

Maidstone Landscape Character Assessment (amended 2013)

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021.

- The Regulation 22 draft is a material consideration, and some weight must be attached to the document because of the stage it has reached. This weight is limited, as it has yet to be the subject of an examination in public.

4.0 LOCAL REPRESENTATIONS

- 4.01 As well as the site notice, seven neighbouring properties were consulted by letter. No representations were received.

5.0 CONSULTATIONS

Headcorn Parish Council

- 5.01 Objection for the follow summarised reasons

- The absence of evidential proof for Traveller status.
- Poor social cohesion with the settled community.
- Disproportionate numbers of Traveller sites in the Headcorn area, which exceeds the UK average.
- The sites are not sustainable and at odds with the LPA Local Plan
- Harm to the local landscape
- Unsustainable location removed from basic services and facilities.

KCC Highways

5.02 No objection recommends standard informative on highways land.

6.0 APPRAISAL

6.01 ...The key issues are: ...

- Need for Gypsy and Traveller Pitches
- Supply of Gypsy Sites
- Gypsy Status
- Design, Landscape and Visual Impact
- Cumulative Impact
- Amenity Impact
- Highways
- Ecology
- Domination and Pressure on Local Infrastructure
- Sustainability

Need for Gypsy and Traveller Pitches

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

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

Need for Gypsy and Traveller Pitches Oct 2011 to March 2031

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

6.04 The GTAA is the only complete assessment of need that is currently available forming part of the evidence base to the Local Plan. The GTAA when it was carried out provided a reasonable and sound assessment of future pitch needs. Notwithstanding this, each decision must be taken on evidence available at the time and the GTAA is 11 years ago.

6.05 The Council's Regulation 19 Local Plan was submitted to the Planning Inspectorate on 31st March 2022 and whilst this document is a material planning consideration, at this time it is not apportioned much weight.

6.06 The Council's Regulation 19 Local Plan seeks to meet the future identified need for Gypsy and Traveller accommodation; and a separate Gypsy, Traveller and Travelling Showpeople DPD will be produced to manage the emerging need for the period until 2037. A call for sites exercise ran from 1st February to 31st March 2022. The DPD is at its early stages and is not due to be completed until 2024, however the work that has been completed has indicated a significant emerging need for

Gypsy and Traveller accommodation in the borough and significantly greater than the 187 pitches indicated above.

Supply of Gypsy Sites

- 6.07 Accommodation for Gypsies and Travellers is a specific type of housing that Councils have a duty to provide for under the Housing Act (2004). Adopted Local Plan policy DM15 accepts that subject to a number of criteria being met, this type of accommodation can be provided in the countryside.
- 6.08 The following table sets out the overall number of pitches which have been granted consent from 1st October 2011, the base date of the assessment, up to 30 April 2022.

Since 1st October 2011, the base date of the GTAA, the following permissions for pitches have been granted (as of 30th April 2022):

Type of consents	No. pitches
Permanent consent	253
Permanent consent + personal condition	26
Consent with temporary condition	0
Consent with temporary + personal conditions	7

- 6.09 A total of 279 pitches have been granted permanent consent since October 2011. These 279 pitches exceed the Local Plan's 187 pitch target. The Council's current position is that it can demonstrate a 6.2 year supply of Gypsy and Traveller sites at the base date of 1st April 2021.
- 6.10 Government guidance on Gypsy and Traveller development is contained in 'Planning Policy for Traveller Sites' (PPTS). The PPTS at paragraph 11 advises "...Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community".
- 6.11 The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight in the consideration of granting consent on a temporary basis. As the Council considers itself to be in a position to demonstrate a 5 year supply of pitches, the PPTS direction to positively consider the granting of temporary consent does not apply.

Gypsy Status

- 6.12 The planning definition of 'gypsies & travellers' as set out in the PPTS has been amended to exclude those who have ceased to travel permanently. The revised definition (Annex 1 of the PPTS) is as follows: "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such".
- 6.13 The definition still includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependants', health or education needs or old age. To determine whether an applicant falls within the definition in terms of ceasing travel temporarily, the PPTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b)

the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.

- 6.14 The agent acting on behalf of the applicant has submitted additional information detailing the applicant's personal circumstances.
- 6.15 The site would be occupied by the applicant and his partner together with their school aged children. The applicant is of English Romany Gypsy descent and been based in Kent all his life when not traveling the country to find work, mostly during the months which have better weather.
- 6.16 He and the family attend various horse-based traveller fairs such as Appleby and Stow, and they also take part in religious charities relating to the Traveller community.
- 6.17 A roadside existence is detrimental to children's health and education, which would be resolved by having a settled base. As detailed by the planning inspector in appeal reference 3199316 (Ash Gardens, Lenham), the needs of the children must be given "very significant weight" when determining an application in these circumstances.

Landscape and Visual Impact

- 6.18 Local Plan Policy SP17 states that development proposals in the countryside will not be permitted unless:
 - a) they accord with other LP policies and
 - b) they will not result in harm to the character and appearance of the area.
- 6.19 The application site is located in the countryside and will result in harm to the character and appearance of the area. The other relevant LP policies are DM15 and DM30 and compliance with these policies weighs in favour of the submitted application.
- 6.20 Policies DM1 and DM30 set out how development must respond positively to, and where possible enhance the character of the area and that any detrimental effects to the landscape must be appropriately mitigated.
- 6.21 Policy DM15 states that Gypsy and Traveller development states that development must not result in significant harm to the landscape and rural character of the area. Impact on these aspects will be assessed with particular regard to:
 - (a) Local landscape character;
 - (b) Cumulative effect – the landscape impact arising as a result of the development in combination with existing lawful caravans; and
 - (c) Existing landscape features – development should be well screened by existing landscape features and there is a reasonable prospect of such features long term retention.

Local Landscape Character

- 6.22 The application site is located in countryside identified as a Landscape of Local Value, The Headcorn Pasturelands within the Low Weald. The Low Weald Landscape of Local Value (LLV), for the purposes of the Local Plan, is a landscape that is highly sensitive to significant change. The Low Weald has distinctive landscape features including field patterns (many of medieval character), hedgerows, stands of trees,

ponds and streams, and buildings of character. The landscape has a gently undulating form with only scattered housing, farmsteads or hamlets and a few narrow lanes like Lenham Road. The landscape is generally attractive with an agricultural and rural quality. The site also falls within the Headcorn Pasturelands Landscape Character Area as a low lying landscape which forms part of the wider Low Weald and shares many of the same characteristics.

- 6.23 The 2017 application (17/501852/FULL) which related to the "wider" Greengates site detailed above, assessed that the development, including the mobiles, hard surfacing, and fencing, particularly at plot 1 and 2, would be visible from Lenham Road when approaching the site from the south but the presence of the tree belt on adjoining land means that views are broken.
- 6.24 Whilst there are views into the site from the entrance, there are no public rights of way in the immediate vicinity of the application site and no significant public views into the site. The only views of the site are from the entrance of Long Lane, the main site area is screened by the 'Greensgate' site.
- 6.25 Local Plan policy DM15 states that in assessing impact on the landscape weight will be attached to screening by existing landscape features. The application site is screened from Lenham Road by a mature hedgerow. Even in winter, the mobile home next to the hedge is difficult to see due to the density of planting any views are glimpses and filtered by existing vegetation. The hardstanding is only visible when the gate is open, and the gate itself has stark urban appearance.". Local Plan policy DM15 states that: *Additional planting should be used to supplement existing landscaping but should not be the sole means of mitigating the impact of the development.*
- 6.26 Should permission be granted, conditions will be imposed requesting additional landscaping along the north western boundary, in order to provide further screening of the site from Lenham Road.
- 6.27 The above assessment has been made in the context of Gypsy and Traveller accommodation that currently exists on neighbouring sites. To attach the appropriate weight in the assessment of the current application, it is highlighted that in addition to the current application three nearby sites have current retrospective planning applications (1 Greengates 22/500193/FULL and 2 Long Lane applications 21/506257/FULL and 22/502321/FULL).
- 6.28 Acers Place' has been cleared of development but submitted as a Gypsy and Traveller site in the local plan 'call for sites'. The Land Adjacent Greengates'. Has temporary permission on a three-year basis expiring on 01/04/2024. (21/500188/FULL. Long Lane' no longer used for the stationing of caravans following refusal 15/502956/FULL.
- 6.29 Earlier Council Decisions to refuse planning permission at Oak Tree Farm (60m to the northeast of the application site) have recently been overturned with two appeals allowed in April 2022 and permanent permission granted for gypsy and traveller accommodation on these sites.
- 6.30 Paragraph 12 of the appeal decision notes "Lenham Road runs through this landscape north-eastwards from Headcorn. The countryside either side of the road exhibits many of the above qualities but also contains several gypsy and traveller sites that have a contrasting character and appearance. These sites vary in size and orientation, but typically involve large amounts of hardstanding and fencing, with a number of mobile homes and touring caravans visible from the road"
- 6.31 Paragraph 14 states "The site already has a good level of screening from the road thanks to the mature hedgerow. Even in winter, the mobile home next to the hedge

is difficult to see due to the density of planting. The mobile home in front of the pond is more obvious from the site entrance and can also be seen in views from the road to the north-east. However, such views are glimpses and filtered by existing vegetation. The hardstanding is only visible when the gate is open, and the gate itself has stark urban appearance.”.

Oak Tree Farm



1 Greengates



- 6.32 Whilst the access to 1 Greengates is more 'exposed' than Oak Tree Farms on account of it being located at the top of Long Lane, broadly the impact of the development on Lenham Road is similar.
- 6.33 Photographs of the mobiles have been submitted in lieu elevation drawings. The mobiles themselves are single storey buildings with, shallow gable ended roofs approximately 10m in length and 3m in height. The 'north' mobile is clad in cream PVC cladding with 'clay' PVC roofing, the south is rendered with roof tiles. In the specific context of other surrounding Gypsy sites, the appearance of the mobile is unlikely to appear incongruous in terms of scale and design. The barn and stable

building are not assessed as harmful. These types of buildings are often found on Gypsy and Traveller sites, they do not have a harmful visual impact.

- 6.34 The proposal would be in keeping with the wider landscape character in terms of the boundary planting and would also reflect the scattered form of development in the surrounding area.

Cumulative Impact

- 6.35 Policy DM15 advises that the cumulative effect on the landscape arising as a result of the development in combination with existing lawful caravans needs to be assessed and to ensure no significant harm arises to the landscape and rural character of the area.
- 6.36 The information in the preceding parts of this report, including the planning history section, have set out the planning history of adjacent sites.
- 6.37 In terms of cumulative impact, paragraph 17 of the appeal relating to Oak Tree Farm states "Both appeal schemes would be in keeping with the wider landscape character in terms of the existing and proposed boundary planting and would also reflect the scattered form of development in the surrounding area. Thus, the cumulative effect of the development in either appeal would not be harmful."
- 6.38 The inspector also states in the same paragraph "If the various unauthorised sites were removed and returned to agricultural fields, the site with appropriate boundary planting would remain low key. I have no reason to doubt that the planting could be maintained, improved, and retained in the long-term."
- 6.39 With regards to paragraph 17, the Inspector would have to consider either outcome in terms of the other unauthorised adjacent sites (removal or retention), it appears that the overriding consideration was that the nature of the site with caravans meant that the sites were low key and had the benefit of landscape screening. The possibility of the other sites becoming lawful was also a factor but not the overriding one.
- 6.40 The landscape impact of the proposal has been assessed above and it is not assessed that any landscape harm occurs as a result of the development. Were the surrounding sites removed and returned to agricultural fields, the site would remain low key when viewed from Lenham Road. Additional landscaping is sought through planning condition. The current submitted proposal for two additional mobiles and two additional tourers which benefit from existing landscaping would also be a 'low key' development and will not result in significant cumulative landscape harm sufficient to warrant a refusal on cumulative harm.

Amenity

- 6.41 Policy DM1 states that applications must respect the amenity of neighbouring properties and that development must not result in overlooking, visual intrusion, loss of privacy or light enjoyed by nearby properties.
- 6.42 In terms of the impact upon the amenity of other Gypsy and Traveller accommodation, the closest sites are located immediately south of the application site, Greengates, 1 Long Lane and Land Adjoining Greengates. Views into these sites are restricted by the boundary fence, and when considering the distances between the caravans and tourers and their single storey nature it is not assessed that any overshadowing or loss of privacy would occur.

- 6.43 In terms of the impact upon the settled community, there are no permanent dwellings in the immediate vicinity of the application site, and no harmful impact would occur to the settled community.

Highways

- 6.44 Policy DM1 states that applications must ensure that development does not result in, amongst other things excessive activity or vehicle movements. Policy DM15 states that there must be safe site access from the highway. DM30 also continues this theme stating that proposals must not result in unacceptable traffic levels on nearby roads or unsympathetic changes to the character of rural lanes.
- 6.45 With the small-scale nature of the submitted proposal, the vehicle movements from the application site are easily accommodated on the local road network. The current proposal does not raise any highway safety issues in relation to the use of the existing access on to Lenham Road including in terms of diver sightlines. A refusal would not be warranted in relation to the individual impact from the two additional mobiles currently proposed, the keeping of horses on site or in terms of the cumulative impact from other local development.
- 6.46 No objections to the development have been raised by the local highway authority.

Ecology

- 6.47 The National Planning Policy Framework encourages net gains for biodiversity to be sought through decisions. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development.
- 6.48 Policy DM3 states that development proposals will be expected to appraise the value of the boroughs natural environment and take full account of biodiversity present including the retention and provision of native plant species.
- 6.49 On this basis a planning condition is recommended requiring the applicant to submit details of biodiversity enhancement to achieve a net biodiversity gain on the application site. This could be in the form of retro fitted bird boxes bat boxes, and where relevant bee bricks.

Domination and pressure on local infrastructure

- 6.50 The Planning Policy for Traveller Sites, paragraph 25 states "Local Planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing undue pressure on local infrastructure".
- 6.51 It is not assessed that the addition of two mobiles and two touring caravans will dominate the nearest settled community or place undue pressure on local infrastructure. I cannot see any grounds to conclude that the current proposals would place undue pressure on local infrastructure.

Sustainability

- 6.52 The supporting text to policy DM15 states in relation to gypsy and traveller accommodation "It is preferable for sites to be located close to existing settlements where there are community facilities such as schools and health services. Frequently, because of land availability, more rural sites are proposed. Where such sites are proposed, the impact of development on the landscape and rural character is an important factor in respect of the wider objective of protecting the intrinsic character of the countryside".

- 6.53 The site is approximately 1.6 miles northeast of Headcorn where there is access to a comprehensive range of services, amenities and facilities.
- 6.54 To access services within Headcorn it is accepted that occupants of the site will be reliant on private vehicles, which is the same arrangement as the existing sites in the vicinity and at other Gypsy and Traveller sites throughout the borough.

PUBLIC SECTOR EQUALITY DUTY

- 6.55 Article 8 of the European Convention on Human Rights, as incorporated into UK law by the Human Rights Act 1998, protects the right of an individual to, amongst other things, a private and family life and home.
- 6.56 Race is one of the protected characteristics under the Equality Act and ethnic origin is one of the things relating to race. Romany Gypsies and Irish Travellers are protected against race discrimination because they are ethnic groups under the Equality Act. This application has been considered with regard to the protected characteristics of the applicant and the gypsies and travellers who occupy the caravans. I am satisfied that the requirements of the PSED have been met and it is considered that the application proposals would not undermine objectives of the Duty.
- 6.57 Due regard has been had to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The ethnic origins of the applicant and his family and their traditional way of life are to be accorded weight under the PSED.

7.0 CONCLUSION

- 7.01 In predicting the need for Gypsy and Traveller accommodation in the borough the GTAA target of 187 additional pitches, whilst the conclusion of the latest full needs assessment, needs to be weighed against the age of this assessment which is 11 years old. Whilst limited work has been completed on a more up to date needs assessment (estimated completion in 2024) the work that has been completed has shown a significant increased need.
- 7.02 The agent acting on behalf of the applicant has submitted information relating to the applicants Gypsy and Traveller status and this is accepted.
- 7.03 The above report has set out the planning history on the application site and the history relating to neighbouring sites where gypsy and traveller accommodation are currently located and has highlighted temporary permissions.
- 7.04 In reaching a conclusion on the current proposal the decision maker has to take account of the possibility of neighbouring caravans being removed from the site. This was confirmed in the Blossom High Court decision which found that the potential change to the character of an area needs to be assessed "if the Council took action or if the temporary permission expired".
- 7.05 Whilst unlikely to take place, if all neighbouring caravans without permanent planning permission were to be removed, the application site would still be broadly screened from Lenham Road by existing landscaping.
- 7.06 As is detailed in the planning history section, previous appeals at sites in the area (as well as others not referred to in this report) indicate that the needs of the applicant's children and the benefits of raising them in a stable environment should be given significant weight in the decision making process This requirement and as outlined in this report the lack of any significant harmful visual impact leads to the conclusion that planning permission should be approved.

- 7.07 The development is not assessed as having an impact upon the amenity of neighbouring Gypsy and Traveller, nor would it result in so many additional vehicle movements that a harmful impact upon the countryside would occur.
- 7.08 Conditions are recommended to ensure the development results in a gain for biodiversity.
- 7.09 It is not assessed that the addition of two mobiles and two touring caravans will dominate the nearest settled community or place undue pressure on local infrastructure. I cannot see any grounds to conclude that the current proposals would place undue pressure on local infrastructure.
- 7.10 To access services within Headcorn it is accepted that occupants of the site will be reliant on private vehicles, which is the same arrangement as the existing sites in the vicinity and at other Gypsy and Traveller sites throughout the borough.

8.0 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 and information:

Application for Planning Permission
21_1194_002 Existing Site Plan
21_1194_001 A Location Plan
21_1194_003 Proposed Block Plan
Photographs x9

Reason: To clarify which plans have been approved.

- 2) The mobile homes and tourers hereby approved shall not be occupied by any persons other than gypsies and travellers as defined in Planning Policy for Traveller Sites, August 2015 (or any subsequent definition that supersedes that document);

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted and an exception has been made to provide accommodation solely for gypsies/travellers who satisfy the requirements for Gypsy and Traveller Caravan Sites.

- 3) No more than two mobile homes and two tourers as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any one time, , and no further caravans shall be placed at any time anywhere within the site. The mobile home and tourer shall be stationed on the site only in the positions shown on the plan (Proposed Site Plan received 22 November 2021) hereby approved;

Reason: To safeguard the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value.

- 4) No commercial activities shall take place on the land at any time, including the storage of materials and/or livery use. No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site and not more than four vehicles shall be stationed, stored or parked on the site at any one time.

Reason: To safeguard the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value and local amenity generally.

- 5) The use hereby permitted shall cease and all caravans, structures, equipment, and materials brought onto the land for the purposes of such use shall be removed and the land restored to its 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 6 weeks of the date of this decision a Site Development Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority. The Scheme shall include details of:
 - a) the external appearance of the mobile home and utility building;
 - b) means of enclosure,
 - c) extent of hardstanding and parking;
 - d) the means of foul and surface water drainage at the site;
 - e) existing external lighting on the boundary of and within the site;
 - f) details of proposed landscaping
 - g) details of the measures to enhance biodiversity at the site; and,
 - h) the said Scheme shall include a timetable for its implementation.
 - ii) Within 11 months of the date of this decision the Scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Scheme, 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 Scheme shall have been approved by the Secretary of State.
 - iv) The approved Scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.

Reason: To ensure the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value is safeguarded.

- 6) Within 6 weeks of the date of this decision a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) shall be submitted to and approved in writing by the local planning authority. The scheme shall use predominantly native or near-native species as appropriate and 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. It shall also provide details of replacement planting to mitigate any loss of amenity and biodiversity value, the location of any habitat piles of cut and rotting wood and include a plant specification, implementation details, a maintenance schedule and a [5] year management plan. [The landscape scheme shall specifically address the need to provide additional planting along the north western boundary of the site.]

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

- 7) All planting, seeding and turfing specified in the approved landscape details shall be completed by the end of the first planting season (October to February) following its approval. Any seeding or turfing which fails to establish or any existing or

proposed 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.

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

- 8) No additional external lighting shall be installed unless full details of any such lighting have first been submitted to, and approved in writing by, the local planning authority. The approved details shall be in accordance with the Institute of Lighting Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E1. The development shall thereafter be carried out in accordance with the approved details and retained as such thereafter Reason: In order to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.

- 9) Notwithstanding the provisions of Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land without the prior permission of the Local Planning Authority other than as expressly permitted by this decision

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

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

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

INFORMATIVES:

- (1) The applicant is advised that it will be necessary to make an application for a Caravan Site Licence under the Caravan Sites and the Control of Development Act 1960 within 21 days of planning consent having been granted. Failure to do so could result in action by the Council under the Act as caravan sites cannot operate without a licence. The applicant is advised to contact the Maidstone Housing & Communities Support Team in respect of a licence or apply online at:
<https://www.gov.uk/apply-for-alicence/caravanand-camping-site-licence/maidstone/apply-1>

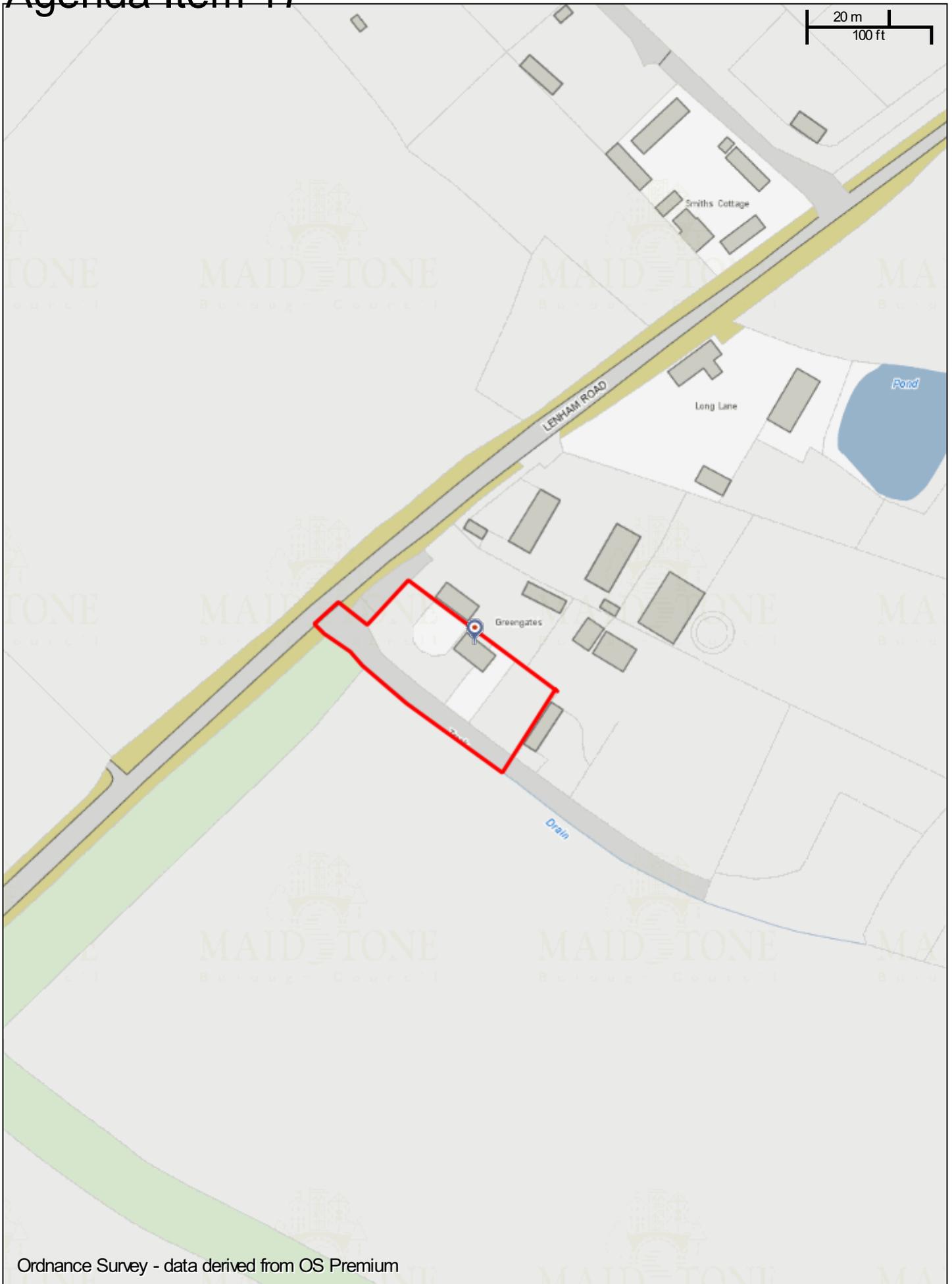
- (2) Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at:

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highwayland/highwayboundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- (4) In relation to foul sewage disposal, please contact the Environment Agency to establish whether a discharge consent is required from them. Further information on how to apply for an environmental permit and general binding rules applicable to small discharges of domestic sewage effluent is available on the gov.uk website.

Agenda Item 17



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

REFERENCE NO: - 21/506265/FULL		
APPLICATION PROPOSAL: Retrospective application for a material change of use of land for stationing of caravans for residential occupation and keeping of horses with associated operational development including hard standing, package treatment plant, gas tank, shed, dog run and stables.		
ADDRESS: Greengates, 2 Lenham Road, Headcorn, Ashford, Kent, TN27 9LG		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposal is acceptable in relation to visual harm, residential amenity, and highway safety.		
REASON FOR REFERRAL TO COMMITTEE: Call in from Parish Council if officers are minded to approved for the reasons set out in section 5 of this report.		
WARD: Headcorn	PARISH/ COUNCIL: Headcorn	APPLICANT/AGENT: Mr. M Harrington Mrs. A Heine
CASE OFFICER: William Fletcher	VALIDATION DATE: 20/12/2021	DECISION DUE DATE: 31/08/2022
ADVERTISED AS A DEPARTURE: No		

Relevant Planning History

Greengates:

01/1320 - Change of use of land to residential and stationing of 1 no. mobile home, as shown on drawings received on 14.08.01. Refused. Appeal Allowed 17/09/2001

05/0518 - Retrospective application for the change of use of land from agriculture to the stationing of 1 no mobile home and 1 no touring caravan as shown on unnumbered plans received on 30/12/04 and 10/02/05. Refused. 05/05/2005

10/2177 - Application for planning permission for the change of use of land for the stationing of 4no static caravans for residential occupation by extended Gypsy family and associated development (stationing of 3no touring caravans, extended hardstanding and cess pool) as shown on site location plan and A4 site layout plan received on 30th December 2010. Three year temporary, named, permission granted. Temporary permission. 04/04/2013

14/504021/FULL - Application to vary condition 1 of MA/10/2177 (Application for planning permission for the change of use of land for the stationing of 4no static caravans for residential occupation by extended Gypsy family and associated development, stationing of 3no touring caravans, extended hardstanding and cess pool) to allow any gypsy family to live on site. Refused on the grounds of Planning permission 10/2177 expiring on 4 April 2016. Refused 01/07/2016

17/501852/FULL - Siting of four mobile homes and three touring caravans. (Retrospective). Refused on the grounds that the development would be visually harmful to the character and appearance of the countryside and any supplementary landscaping would not mitigate this harm. This would be contrary to policies ENV28 of the Maidstone

Borough-Wide Local Plan 2000 and the NPPF, and draft policies SP17 and DM15 of the draft Maidstone Borough Local Plan (2011-2031). Refused, Appeal Withdrawn. 17/08/2017.

Oak Tree Farm (see layout plan at paragraph 1.07 for site location)

18/503291/FULL - Change of use of land to use as a residential gypsy caravan site for two gypsy families including the stationing of 2 no. mobile homes and 1 no. touring caravan. Permission refused 05/10/2018. Appeal allowed 22/04/2022,

19/501788/FULL - Retrospective change of use of land to use as a residential caravan site for two gypsy families including the stationing of 2no. mobile homes and 1no. touring caravan (resubmission of 18/503291/FULL). Permission refused 11/06/2019. Appeal allowed 22/04/2022,

1.0 DESCRIPTION OF SITE

1.01 The application site is located to the south east of Lenham Road, Headcorn. The application site is within the designated countryside and adjoins a number of other Gypsy and Traveller sites which are currently unauthorised with applications in progress. In policy terms the application site is within the countryside but otherwise there are no other policy designations.

1.02 There is an established, dense native species hedgerow approximately 4 metres in height along Lenham Road and the application site is bounded by a 2m close boarded fence. The hedgerow allows for filtered views of the tops of the application site and Traveller sites to the northeast of the application site (1 Green Gates, Oak Tree Farm).

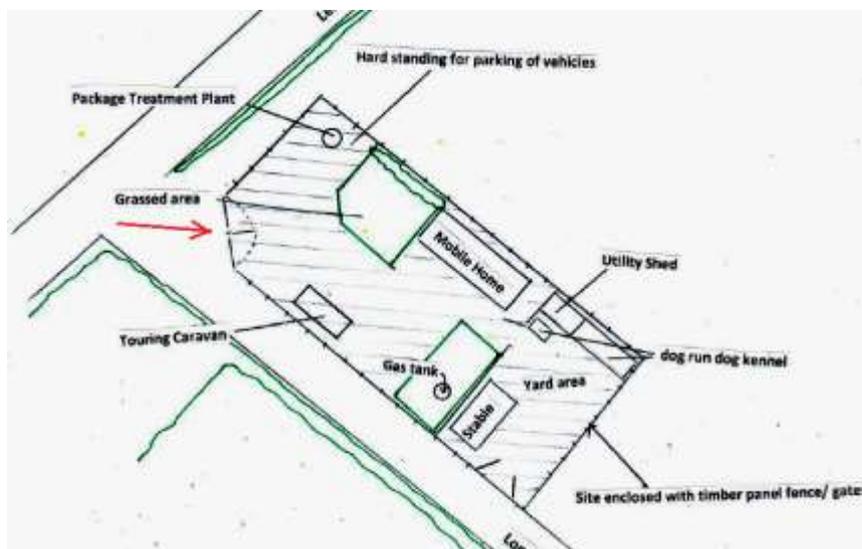
1.03 This application site in this instance was the 'wider' Greengates site, as indicated in the below image. This site has since been subdivided. The application site in this instance is known as Greengates with the site to the north known as 1 Greengates.

Image 1: Site Location Plan 17/501852/FULL (current application site in blue)



- 1.04 The application site is accessed at the start of Long Lane, as depicted below which also provides access to other sites to the southeast of the application site (Land Adjacent Greengates, 1 Long Lane and Long Lane).

Image 2: Proposed Site Layout (red access arrow added by case officer)

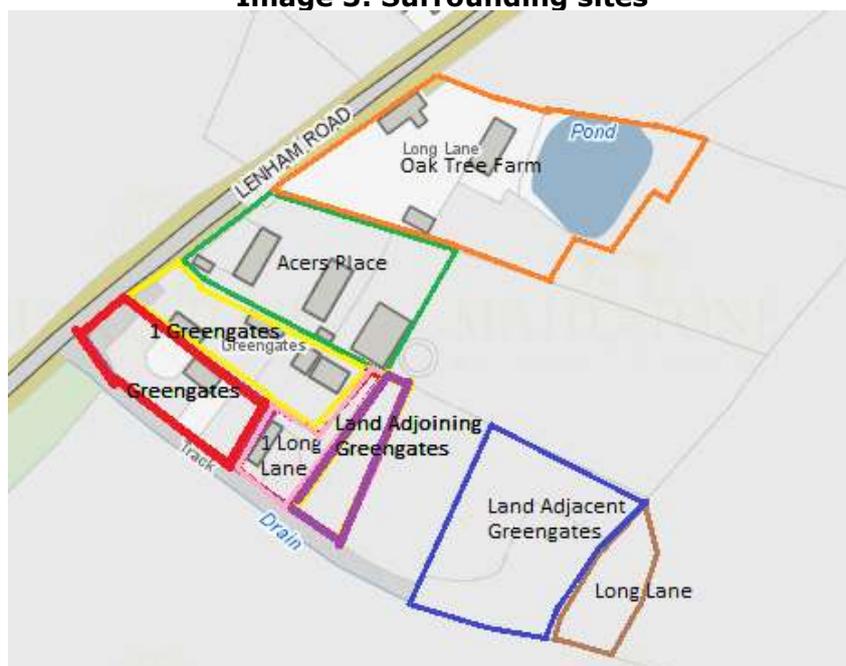


- 1.05 The application site is accessed via a close boarded gate located at the southwestern corner of the plot. The mobile home occupied by the applicant is located at the north-eastern portion of the site, with a utility building, and dog run/kennel located to the east of the mobile unit. A tourer is parked to the southwest of the mobile home. The image above (with annotations added by the case officer) shows the access arrangements.
- 1.06 Existing gypsy and traveller development is evident in the area. As well as the sites immediately surrounding the application site, there are the sites associated with Ash Gardens and Smiths Cottages 150m northeast of the application site. Approximately 170m to the northwest of the Ash Gardens sites is a Gypsy and Traveller site where there is ongoing appeal (public inquiry in October 2022 – The Meadows).
- 1.07 In terms of the surrounding development Image 3 below shows nearby gypsy and traveller development.

- **Red site:** This is the current application site
- **Yellow site:** The site to the north of the application site '1 Greengates' is currently 'unlawful', with an application in progress (22/500193/FULL).
- **Green site:** Immediately to the north of the 1 Greengates is 'Acers Place'. Following the latest applications (19/502590/FULL and 20/504079/FULL) which were 'declined to be determined', the site has been cleared of development. The site has been submitted as a Gypsy and Traveller site in the local plan 'call for sites'.
- **Orange site:** To the north of 'Acers Place' is Oak Tree Farm where two applications were refused in 2018 and 2019. These appeals were allowed and permanent permission granted in April 2022 detailed in the planning history section.
- **Pink site:** The site immediately to the southeast '1 Longlane' is 'unlawful' with a retrospective application (21/506257/FULL) awaiting determination.

- **Purple Site:** The site to the east is of 1 Long Lane is 'Land Adjoining Greengates', unlawful, retrospective application (22/502321/FULL) awaiting determination.
- **Blue site:** 50m to the east of the application site is 'The Land Adjacent Greengates'. This site has been subject to a number of applications with the most recent (21/500188/FULL) permitted on a temporary three-year basis expiring on 01/04/2024.
- **Brown site:** Immediately to the east of 'The Land Adjoining Greengates' is 'Long Lane'. Whilst the site needs to be fully cleared, it is no longer used for the stationing of caravans following refusal 15/502956/FULL.

Image 3: Surrounding sites



1.08 The development upon the application site itself (highlighted in red) is retrospective, following the subdivision of the wider site which itself contained Gypsy and Traveller development albeit on a temporary basis. Hardstanding was added onto the site by a previous owner, site photos available from 2009 indicate hardstanding towards the front of the site (closer to Lenham Road) as well as grassed areas on site, which have since been replaced with hard surface.

2.0 PROPOSAL

2.01 The current application seeks retrospective planning permission for a material change of use of land for the stationing of one mobile home and one tourer for residential occupation, as well as the keeping of horses with associated operational development. This includes hard standing, package treatment plant, gas tank, shed, dog run and stables.

2.02 The current application site forms part of the land that was included within the application site boundary for the original planning permission under reference 10/2177. The site permitted under 10/2177 included both Greengates and 1 Greengates. Since then, the larger site has been split up and sold separately. The current application site is at the southern end of the larger site.

- 2.03 As such, should all current planning applications be successful there would be
- 1 mobile home and 1 tourer as well as the associated development upon 'Greengates'.
 - 2 mobiles and 2 tourers at '1 Greengates',
 - 2 mobiles and 1 tourer at Oak Tree Farm,
 - 1 mobile and 1 tourer '1 Long Lane' and
 - 2 mobile homes, 2 touring caravans, and associated with the 'Land Adjacent Greengates' and
 - 1 mobile and 2 tourers associated with 'Land Adjoining Greengates'.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017:

DM1 – Principles of good design

DM3 – Natural environment

DM15 – Gypsy, Traveller and Travelling Showpeople accommodation

DM30 – Design principles in the countryside

The National Planning Policy Framework (NPPF):

Section 12 – Achieving well-designed places

Supplementary Planning Guidance:

Planning Policy for Traveller Sites' (PPTS)

Maidstone Landscape Character Assessment (amended 2013)

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 19) dated October 2021.

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

4.0 LOCAL REPRESENTATIONS

- 4.01 As well as the posted site notice, four neighbouring properties were consulted by direct mail regarding the proposed development. The consultation expired on 12/01/2022, no representations were received.

5.0 CONSULTATIONS

Headcorn Parish Council

- 5.01 Objection on the following grounds with committee call in officers are minded to approve
- Involves hardstanding in an area prone to flooding
 - Applicants Gypsy or Traveller status needs investigating.
 - Gypsy and Traveller housing need verses supply.
 - Contrary to paragraph 25 of the PPTS which states that Gypsy or Traveller sites should be limited in open countryside.
 - Poor social cohesion with the villages settled community leading to social tensions on both sides.
 - Contrary to LP policies SS1, SP17, DM1, DM15 and DM30.

KCC Highways

- 5.02 No objection. Recommends standard informative on highways land.

6.0 APPRAISAL

6.01 ...The key issues are: ...

- Need for Gypsy and Traveller Pitches
- Supply of Gypsy Sites
- Gypsy Status
- Design, Landscape and Visual Impact
- Cumulative Impact
- Amenity Impact
- Highways
- Ecology
- Domination and Pressure on Local Infrastructure
- Sustainability

Need for Gypsy and Traveller Pitches

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

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

Need for Gypsy and Traveller Pitches Oct 2011 to March 2031

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

6.04 The GTAA is the only complete assessment of need that is currently available forming part of the evidence base to the Local Plan. The GTAA when it was carried out provided a reasonable and sound assessment of future pitch needs. Notwithstanding this, each decision must be taken on evidence available at the time and the GTAA is 11 years ago.

6.05 The Council's Regulation 19 Local Plan was submitted to the Planning Inspectorate on 31st March 2022 and whilst this document is a material planning consideration, at this time it is not apportioned much weight.

6.06 The Council's Regulation 19 Local Plan seeks to meet the future identified need for Gypsy and Traveller accommodation; and a separate Gypsy, Traveller and Travelling Showpeople DPD will be produced to manage the emerging need for the period until 2037. A call for sites exercise ran from 1st February to 31st March 2022. The DPD is at its early stages and is not due to be completed until 2024, however the work that has been completed has indicated a significant emerging need for Gypsy and Traveller accommodation in the borough and significantly greater than the 187 pitches indicated above.

Supply of Gypsy Sites

- 6.07 Accommodation for Gypsies and Travellers is a specific type of housing that Councils have a duty to provide for under the Housing Act (2004). Adopted Local Plan policy DM15 accepts that subject to a number of criteria being met, this type of accommodation can be provided in the countryside.
- 6.08 The following table sets out the overall number of pitches which have been granted consent from 1st October 2011, the base date of the assessment, up to 30 April 2022.

Since 1st October 2011, the base date of the GTAA, the following permissions for pitches have been granted (as of 30th April 2022):

Type of consents	No. pitches
Permanent consent	253
Permanent consent + personal condition	26
Consent with temporary condition	0
Consent with temporary + personal conditions	7

- 6.09 A total of 279 pitches have been granted permanent consent since October 2011. These 279 pitches exceed the Local Plan's 187 pitch target. The Council's current position is that it can demonstrate a 6.2 year supply of Gypsy and Traveller sites at the base date of 1st April 2021.
- 6.10 Government guidance on Gypsy and Traveller development is contained in 'Planning Policy for Traveller Sites' (PPTS). The PPTS at paragraph 11 advises "...Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community".
- 6.11 The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight in the consideration of granting consent on a temporary basis. As the Council considers itself to be in a position to demonstrate a 5 year supply of pitches, the PPTS direction to positively consider the granting of temporary consent does not apply.

Gypsy Status

- 6.12 The planning definition of 'gypsies & travellers' as set out in the PPTS has been amended to exclude those who have ceased to travel permanently. The revised definition (Annex 1 of the PPTS) is as follows: "*Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such*".
- 6.13 The definition still includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependants', health or education needs or old age. To determine whether an applicant falls within the definition in terms of ceasing travel temporarily, the PPTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.

- 6.14 The agent acting on behalf of the applicant has submitted a statement detailing the applicant's personal circumstances.
- 6.15 The site would be occupied by the applicant and his partner together with their young, school aged children.
- 6.16 The statement suggests that the applicant whilst not living a roadside existence has not had a settled based and has purchased the property on the understanding that there were appeals pending on the land as detailed above which have been withdrawn.
- 6.17 Discussions on site indicated that the applicants' children attend local schools and have health requirements that the schools assist with. A roadside existence is detrimental to children's health and education, which would be resolved by having a settled base. As detailed by the planning inspector in appeal reference 3199316 (Ash Gardens, Lenham Road), the needs of the children must be given "very significant weight" when determining an application in these circumstances.
- 6.18 The applicant is a horse dealer and attends all the main horse fairs. His father used to organise the Kent horse fair at Iwade. The family graze horses on fields in the local area and in the large stable block in the rear of Acer Place. They break in horses for others. His partner was born in Upchurch in Swale where she lived on a Gypsy site for most of her childhood. A planning condition is recommended restricting the future occupation of the site to those that meet the definition of gypsy and travellers.

Landscape and Visual Impact

- 6.19 Local Plan Policy SP17 states that development proposals in the countryside will not be permitted unless:
- a) they accord with other LP policies and
 - b) they will not result in harm to the character and appearance of the area.
- 6.20 The application site is located in the countryside and will result in harm to the character and appearance of the area. The other relevant LP policies are DM15 and DM30 and compliance with these policies weighs in favour of the submitted application.
- 6.21 Policies DM1 and DM30 set out how development must respond positively to, and where possible enhance the character of the area and that any detrimental effects to the landscape must be appropriately mitigated.
- 6.22 Policy DM15 states that Gypsy and Traveller development must not result in significant harm to the landscape and rural character of the area. Impact will be assessed with particular regard to the following three areas and these three areas are considered in turn below :
- (a) Local landscape character.
 - (b) Cumulative effect – the landscape impact arising as a result of the development in combination with existing lawful caravans; and
 - (c) Existing landscape features – development should be well screened by existing landscape features and there must be a reasonable prospect of landscape features being retained long term.

Local Landscape Character

- 6.23 The application site is located in countryside identified as a Landscape of Local Value, The Headcorn Pasturelands within the Low Weald. The Low Weald Landscape of Local Value (LLV), for the purposes of the Local Plan, is a landscape that is highly sensitive to significant change. The Low Weald has distinctive landscape features including field patterns (many of medieval character), hedgerows, stands of trees, ponds and streams, and buildings of character. The landscape has a gently undulating form with only scattered housing, farmsteads or hamlets and a few narrow lanes like Lenham Road. The landscape is generally attractive with an agricultural and rural quality. The site also falls within the Headcorn Pasturelands Landscape Character Area as a low lying landscape which forms part of the wider Low Weald and shares many of the same characteristic.
- 6.24 The 2017 application (17/501852/FULL) which related to the "wider" Greengates site, assessed that the development, including the mobiles, hard surfacing, and fencing, particularly at plot 1 and 2, would be visible from Lenham Road when approaching the site from the south. The visibility of the site would however be reduced by the the presence of the tree belt on adjoining land as this would result in views being broken.
- 6.25 Whilst there are views into the site from the entrance, there are no public rights of way in the immediate vicinity and no significant public views into the site. The only views onto the site are from Long Lane and are 'glimpses' of the tops of the mobiles.
- 6.26 Local Plan policy DM15 states that in assessing impact on the landscape weight will be attached to screening by existing landscape features. The application site is screened from Lenham Road by a mature hedgerow. Even in winter the mobiles would be screened due to the density of the planting, any views would be glimpses filtered by existing vegetation. Hardstanding on the site would only be visible when the gate is open. The timber gate is not urban in appearance, and is of a design typically found on Gypsy and Traveller sites. Local Plan policy DM15 states that: *Additional planting should be used to supplement existing landscaping but should not be the sole means of mitigating the impact of the development.*
- 6.27 In terms of proposed landscaping a grass area would be located to the north of the mobile home along with what plans appear to suggest would be a hedgerow, plans do not label this particular element. Landscaping conditions will be imposed should permission be forthcoming to ensure details of landscaping are submitted. It is suggested that additional landscaping could be planted along the southern boundary of the site.
- 6.28 The above assessment has been made in the context of Gypsy and Traveller accommodation that currently exists on neighbouring sites. To attach the appropriate weight in the assessment of the current application, it is highlighted that in addition to the current application three nearby sites have current retrospective planning applications (1 Greengates 22/500193/FULL and 2 Long Lane applications 21/506257/FULL and 22/502321/FULL).
- 6.29 Acers Place' has been cleared of development but submitted as a Gypsy and Traveller site in the local plan 'call for sites'. The Land Adjacent Greengates'. Has temporary permission on a three-year basis expiring on 01/04/2024. (21/500188/FULL. Long Lane' no longer used for the stationing of caravans following refusal 15/502956/FULL.
- 6.30 Earlier Council Decisions to refuse planning permission at Oak Tree Farm (60m to the northeast of the application site) have recently been overturned with two

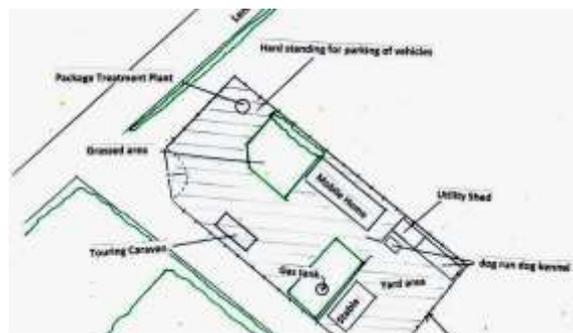
appeals allowed in April 2022 and permanent permission granted for gypsy and traveller accommodation on these sites.

- 6.31 Paragraph 12 of the appeal decision notes "Lenham Road runs through this landscape north-eastwards from Headcorn. The countryside either side of the road exhibits many of the above qualities but also contains several gypsy and traveller sites that have a contrasting character and appearance. These sites vary in size and orientation, but typically involve large amounts of hardstanding and fencing, with a number of mobile homes and touring caravans visible from the road"
- 6.32 Paragraph 14 states "The site already has a good level of screening from the road thanks to the mature hedgerow. Even in winter, the mobile home next to the hedge is difficult to see due to the density of planting. The mobile home in front of the pond is more obvious from the site entrance and can also be seen in views from the road to the north-east. However, such views are glimpses and filtered by existing vegetation. The hardstanding is only visible when the gate is open, and the gate itself has stark urban appearance."

Oak Tree Farm



Greengates



- 6.33 The access to the application site Greengates is more 'exposed' than the Oak Tree Farm sites on account of the application sites location at the northern end of Long Lane, however the impact from the road is broadly similar. The site is screened from Lenham Road by a close-boarded fence around the site as well as the vegetation along Lenham Road which means that the site has little visual impact. Only the tops of the mobile homes are visible from Lenham Road and the main views are restricted to the site entrance.
- 6.34 The mobile home included with the current application is a single storey building with, a shallow gable ended roof. It is 12.5m in length and 3m in height, clad in grey weather boarding with 'slate' coloured roof tiles, similar to other mobiles found

in the area. In the specific context of other surrounding Gypsy sites, the appearance of the mobile will not appear incongruous in terms of scale and design. The additional buildings i.e. the stable, shed and dog run would also not have a harmful impact when viewed in the context of the application site. These are all timber buildings and these types of buildings are often found on Gypsy and Traveller sites, they do not have a harmful visual impact.

Cumulative Impact

- 6.35 Policy DM15 advises that the cumulative effect on the landscape arising as a result of the development in combination with existing lawful caravans needs to be assessed and to ensure no significant harm arises to the landscape and rural character of the area.
- 6.36 The information in the preceding parts of this report, including the planning history section, have set out the planning history of adjacent sites.
- 6.37 In terms of cumulative impact, paragraph 17 of the appeal relating to Oak Tree Farm states "Both appeal schemes would be in keeping with the wider landscape character in terms of the existing and proposed boundary planting and would also reflect the scattered form of development in the surrounding area. Thus, the cumulative effect of the development in either appeal would not be harmful."
- 6.38 The inspector also states in the same paragraph "If the various unauthorised sites were removed and returned to agricultural fields, the site with appropriate boundary planting would remain low key. I have no reason to doubt that the planting could be maintained, improved, and retained in the long-term."
- 6.39 With regards to paragraph 17, the Inspector would have to consider either outcome in terms of the other unauthorised adjacent sites (removal or retention), it appears that the overriding consideration was that the nature of the site with caravans meant that the sites were low key and had the benefit of landscape screening. The possibility of the other sites becoming lawful was also a factor but not the overriding one.
- 6.40 The landscape impact of the proposal has been assessed above and it is concluded that the landscape harm that occurs as a result of the development is not grounds for refusal of permission. Were the surrounding sites removed and returned to agricultural fields, the application site would also remain low key when viewed from Lenham Road. Additional landscaping is sought through planning condition. The current submitted proposal for one mobile, a tourer and utility buildings which benefit from existing landscaping would also be a 'low key' development and will not result in significant cumulative landscape harm that is sufficient to warrant a refusal on cumulative harm.

Amenity

- 6.41 Policy DM1 states that applications must respect the amenity of neighbouring properties and that development must not result in overlooking, visual intrusion, loss of privacy or light enjoyed by nearby properties.
- 6.42 In terms of the impact upon the amenity of other Gypsy and Traveller accommodation, the closest caravan is located immediately southeast of the application site, 1 Long Lane. As site photos show, views into the plot of 1 Long Lane are restricted by the boundary fence, and when considering the distance of 18m between mobiles no overshadowing impact or loss of privacy would occur.

- 6.43 Whilst they are closer, a similar assessment is made regarding the adjoining plots to the north. The plot is subdivided by a close boarded fence, the mobile, tourer and utility buildings do not cause any overshadowing or loss of privacy.
- 6.44 In terms of the impact upon the settled community, there are no permanent dwellings in the immediate vicinity of the application site, no direct harmful impact would occur to the settled community.

Highways

- 6.45 Policy DM1 states that applications must ensure that development does not result in, amongst other things excessive activity or vehicle movements. Policy DM15 states that there must be safe site access from the highway. DM30 also continues this theme stating that proposals must not result in unacceptable traffic levels on nearby roads or unsympathetic changes to the character of rural lanes.
- 6.46 With the small-scale nature of the submitted proposal, the vehicle movements from the application site are easily accommodated on the local road network. The current proposal does not raise any highway safety issues in relation to the use of the existing access on to Lenham Road including in terms of diver sightlines. A refusal would not be warranted in relation to the individual impact from the additional caravan currently proposed or in terms of the cumulative impact from other local development.
- 6.47 No objections to the development have been raised by the local highway authority.

Ecology

- 6.48 The National Planning Policy Framework encourages net gains for biodiversity to be sought through decisions. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development.
- 6.49 Policy DM3 states that development proposals will be expected to appraise the value of the boroughs natural environment and take full account of biodiversity present including the retention and provision of native plant species.
- 6.50 On this basis a planning condition is recommended requiring the applicant to submit details of biodiversity enhancement to achieve a net biodiversity gain on the application site. This could be in the form of retro fitted bird boxes bat boxes, and where relevant bee bricks.

Domination and pressure on local infrastructure

- 6.51 The Planning Policy for Traveller Sites, paragraph 25 states "Local Planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing undue pressure on local infrastructure".
- 6.52 The addition of one mobile and one touring caravan and utility buildings will dominate the nearest settled community or place undue pressure on local infrastructure. I cannot see any grounds to conclude that the current proposals would place undue pressure on local infrastructure.

Sustainability

- 6.53 The supporting text to policy DM15 states in relation to Gypsy and Traveller accommodation "It is preferable for sites to be located close to existing settlements where there are community facilities such as schools and health services. Frequently, because of land availability, more rural sites are proposed. Where such

sites are proposed, the impact of development on the landscape and rural character is an important factor in respect of the wider objective of protecting the intrinsic character of the countryside”.

- 6.54 The site is approximately 1.6 miles northeast of Headcorn where there is access to a comprehensive range of services, amenities and facilities.
- 6.55 To access services within Headcorn it is accepted that occupants of the site will be reliant on private vehicles, which is the same arrangement as the existing sites in the vicinity and at other Gypsy and Traveller sites throughout the borough.

PUBLIC SECTOR EQUALITY DUTY

- 6.56 Article 8 of the European Convention on Human Rights, as incorporated into UK law by the Human Rights Act 1998, protects the right of an individual to, amongst other things, a private and family life and home.
- 6.57 Race is one of the protected characteristics under the Equality Act and ethnic origin is one of the things relating to race. Romany Gypsies and Irish Travellers are protected against race discrimination because they are ethnic groups under the Equality Act. This application has been considered with regard to the protected characteristics of the applicant and the gypsies and travellers who occupy the caravans. I am satisfied that the requirements of the PSED have been met and it is considered that the application proposals would not undermine objectives of the Duty.
- 6.58 Due regard has been had to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The ethnic origins of the applicant and his family and their traditional way of life are to be accorded weight under the PSED.

7.0 CONCLUSION

- 7.01 In predicting the need for Gypsy and Traveller accommodation in the borough the GTAA target of 187 additional pitches, whilst the conclusion of the latest full needs assessment, needs to be weighed against the age of this assessment which is 11 years old. Whilst limited work has been completed on a more up to date needs assessment (estimated completion in 2024) the work that has been completed has shown a significant increased need.
- 7.02 The agent acting on behalf of the applicant has submitted information relating to the applicants Gypsy and Traveller status and this is accepted.
- 7.03 The above report has set out the planning history on the application site and the history relating to neighbouring sites where gypsy and traveller accommodation is currently located and has highlighted temporary permissions.
- 7.04 In reaching a conclusion on the current proposal the decision maker has to take account of the possibility of neighbouring caravans being removed from the site. This was confirmed in the Blossom High Court decision which found that the potential change to the character of an area needs to be assessed “if the Council took action or if the temporary permission expired”.
- 7.05 Whilst unlikely to take place, if all neighbouring caravans without permanent planning permission were to be removed, the application site would still be broadly screened from Lenham Road by existing landscaping.
- 7.06 As is detailed in the planning history section, previous appeals at sites in the area (as well as others not referred to in this report) indicate that the needs of the

applicant's children and the benefits of raising them in a stable environment should be given significant weight in the decision making process This requirement and as outlined in this report the lack of any significant harmful visual impact leads to the conclusion that planning permission should be approved.

- 7.07 The development is not assessed as having an impact upon the amenity of neighbouring Gypsy and Traveller, nor would it result in so many additional vehicle movements that a harmful impact upon the countryside would occur.
- 7.08 Conditions are recommended to ensure the development results in a gain for biodiversity.
- 7.09 The addition of one mobile and touring caravan with utility buildings will not dominate the nearest settled community or place undue pressure on local infrastructure. I cannot see any grounds to conclude that the current proposals would place undue pressure on local infrastructure.
- 7.10 To access services within Headcorn it is accepted that occupants of the site will be reliant on private vehicles, which is the same arrangement as the existing sites in the vicinity and at other Gypsy and Traveller sites throughout the borough.

8.0 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 and information:

Application for Planning Permission
Proposed Site Layout Plan
Shed, Dog Runs, Kennel Plans and Elevations
Site Location Plan
Photographs
Planning Statement

Reason: To clarify which plans have been approved.

- 2) The mobile home and tourer hereby approved shall not be occupied by any persons other than gypsies and travellers as defined in Planning Policy for Traveller Sites, August 2015 (or any subsequent definition that supersedes that document).

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted and an exception has been made to provide accommodation solely for gypsies/travellers who satisfy the requirements for Gypsy and Traveller Caravan Sites.

- 3) No more than one mobile home and one tourer as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any one time, and no further caravans shall be placed at any time anywhere within the site. The mobile home and tourer shall be stationed on the site only in the positions shown on the plan (Proposed Site Plan received 22 November 2021) hereby approved.

Reason: To safeguard the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value.

- 4) No commercial activities shall take place on the land at any time, including the storage of materials and/or livery use. No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site and not more than four vehicles shall be stationed, stored or parked on the site at any one time.

Reason: To safeguard the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value and local amenity generally.

- 5) The use hereby permitted shall cease and all caravans, structures, equipment, and materials brought onto the land for the purposes of such use shall be removed and the land restored to its 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 6 weeks of the date of this decision a Site Development Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority. The Scheme shall include details of:
- a) the external appearance of the mobile home and utility building;
 - b) means of enclosure,
 - c) extent of hardstanding and parking;
 - d) the means of foul and surface water drainage at the site;
 - e) existing external lighting on the boundary of and within the site;
 - f) details of the proposed grass area and hedgerow;
 - g) details of the measures to enhance biodiversity at the site; and,
 - h) the said Scheme shall include a timetable for its implementation.
- ii) Within 11 months of the date of this decision the Scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Scheme, 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 Scheme shall have been approved by the Secretary of State.
- iv) The approved Scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.

Reason: To ensure the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value is safeguarded.

- 6) Within 6 weeks of the date of this decision a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) shall be submitted to and approved in writing by the local planning authority. The scheme shall use predominantly native or near-native species as appropriate and 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. It shall also provide details of replacement planting to mitigate any loss of amenity and biodiversity value, the location of any habitat piles of cut and rotting wood and include a plant specification, implementation details, a maintenance schedule and a [5] year management plan. [The landscape scheme shall specifically address the need to provide specific details of the grassed area and hedgerow.]

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

- 7) All planting, seeding and turfing specified in the approved landscape details shall be completed by the end of the first planting season (October to February) following its approval. Any seeding or turfing which fails to establish or any existing or proposed 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.

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

- 8) No additional external lighting shall be installed unless full details of any such lighting have first been submitted to, and approved in writing by, the local planning authority. The approved details shall be in accordance with the Institute of Lighting Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E1. The development shall thereafter be carried out in accordance with the approved details and retained as such thereafter Reason: In order to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.

- 9) Notwithstanding the provisions of Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land without the prior permission of the Local Planning Authority other than as expressly permitted by this decision

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

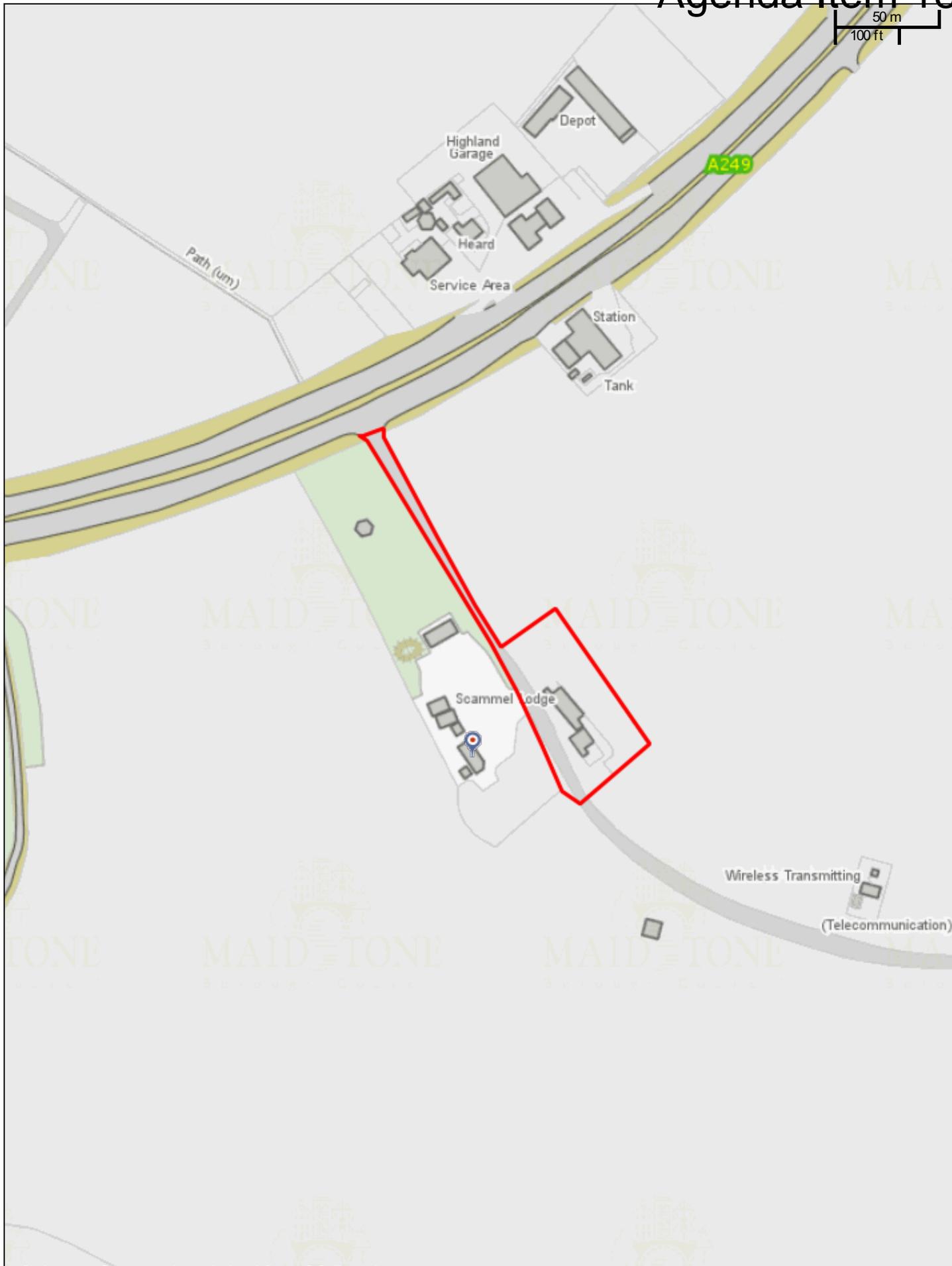
- 10) No bonfires or incineration of rubbish or organic material or vegetation shall take place on the site;

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

INFORMATIVES:

it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

REFERENCE NO: 20/506149/FULL		
APPLICATION PROPOSAL: Demolition of existing commercial buildings and erection of 3no. replacement buildings for use within Classes B2 (general industry), B8 (storage and distribution) and E(g)(ii) light industry, including ancillary parking facilities; improvements to access road, improvement to the junction with the A249, boundary fencing and landscaping.		
ADDRESS: Scammell Lodge, Friningham, Detling, ME14 3JD		
RECOMMENDATION: Grant Permission		
SUMMARY OF REASONS FOR RECOMMENDATION:		
<p>Whilst within the open countryside and the Kent Downs AONB an industrial development such as this would normally be inappropriate, the site benefits from an extant planning permission for a similar form of development and the proposals represent a modest increase in the level of floorspace.</p> <p>The amended application now proposes improvements to the access onto the A249, providing significant highway safety benefits compared to the fallback permission.</p> <p>Having regard to the fallback permission, it is not considered that the impact upon the character and appearance of the landscape would significantly change.</p> <p>On balance, the improvements sought, particularly the access improvements, are considered to outweigh the limited additional harm to the character and appearance of the countryside and the AONB that would otherwise occur.</p>		
REASON FOR REFERRAL TO COMMITTEE: Departure		
PARISH COUNCIL: Thurnham	APPLICANT/AGENT: Mr D Body c/o Haskins Designs Ltd	
CASE OFFICER: Austin Mackie	VALIDATION DATE: 26 January 2021	DECISION DUE DATE: 30 August 2022
ADVERTISED AS A DEPARTURE: YES		

RELEVANT PLANNING HISTORY

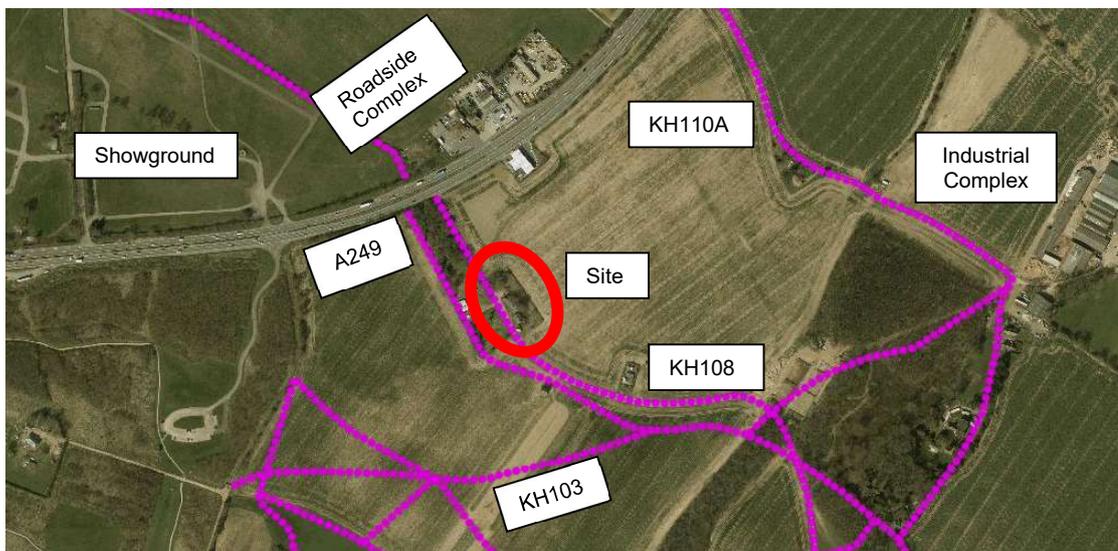
App No	Proposal	Decision	Date
19/505836/FULL	Demolition of existing commercial buildings and the erection of 2no. replacement buildings for B1 use, including ancillary parking facilities (not advertised as a departure).	Permit Delegated	19/01/20

1.0 SITE DESCRIPTION

- 1.01 The site is an isolated location within the AONB and contains two semi-derelict buildings accessed via an un-made track to the A249.



- 1.02 Whilst the site is within the countryside, circa 150 metres to the north is the 'roadside' complex comprising the two fuel stations, diner and industrial compound. 500m to the east is a complex of automotive / industrial buildings. The County showground lies to the NW.

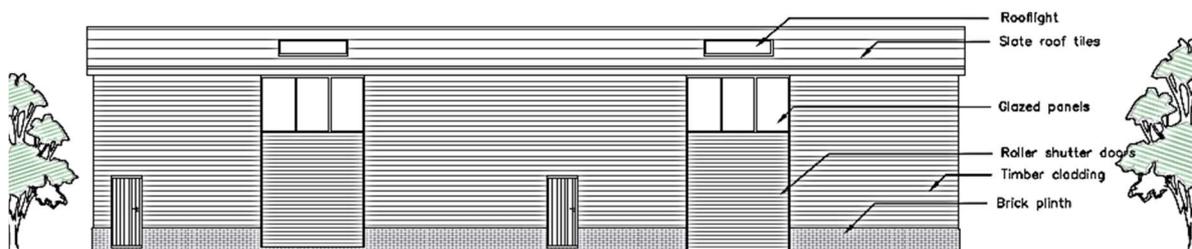
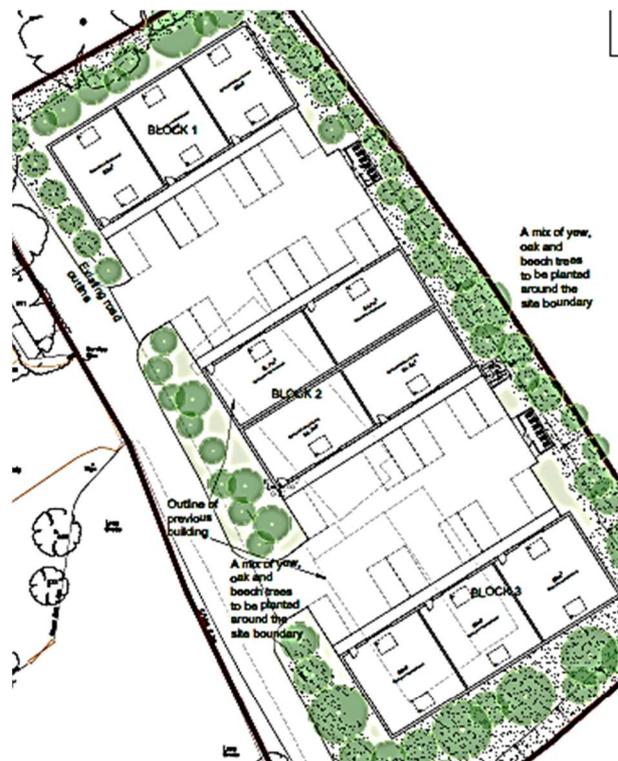


- 1.03 The surrounding landscape is gently undulating and open to medium distance views, with the site being visible from the A249 and nearby PRoW including; KH103, which links into White Horse Country Park, KH110A to the north east and KH108 which passes along the site access itself.
- 1.04 There are no TPO or areas of ancient woodland within close proximity.
- 1.05 Historic mapping shows that the site and buildings previously lay within the WWII airfield perimeter. However, the buildings to be demolished are not considered to be of heritage significance. There are no statutory heritage assets within the vicinity

2.0 PROPOSAL

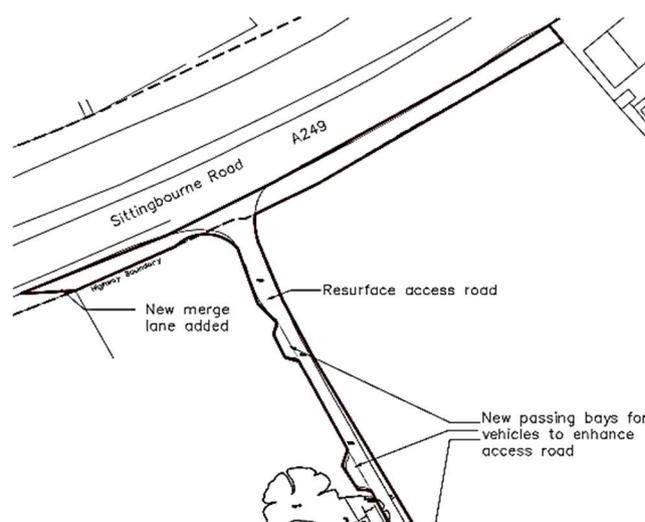
Approval is sought for for 858 sq.m of floorspace within classes E(g)(ii) light industry, B2 general industry and B8 storage and distribution. The application originally sought 1,035 sq.m, but this was negotiated down to improve space for circulation and landscaping. 12 small units are laid out in 3 buildings, with car parking and circulation between. Landscaping is provided around the site perimeters.

- 2.01 The revised layout removes the linear form of the previous proposal, which presented longer elevations to the PRoW and now creates greater open gaps between buildings.
- 2.02 Vehicle parking for each unit will be provided, with a total of 25 car parking spaces and 10 loading bays.
- 2.03 The buildings are functional in form, with materials comprising timber cladding over a brick plinth and slate roofs. They rise to 5.16m at eaves (previous approval 5.45) and 6.58 to ridge (previous approval 6.86m).



2.01 Access is via an existing private track, which will be improved with a new surface and three new passing bays.

2.02 Whereas the previous permission would have required vehicles to exit directly onto the A249; as part of this application a merge lane has been negotiated with KCC, allowing vehicles to merge more safely onto the A249, where the speed limit is currently 70mph.



3.0 POLICY AND OTHER CONSIDERATIONS

3.01 MBLP17 - SS1 Spatial Strategy, SP17 The Countryside, SP18 / DM4 Heritage, SP21 Economic Development, DM1 Design, DM3 Natural Environment, DM21 Transport Impacts, DM30 Rural Design, DM37 Rural Business Sites.

3.02 NPPE - 8 & 81 Building a strong economy, 84 Building a prosperous rural economy, 85 Meeting local rural needs, 174 protecting and enhancing natural landscapes.

3.04 Maidstone Borough Council – Local Plan Review Regulation 22 Submission. The Regulation 22 submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is a material consideration, and some weight must be attached to the document because of the stage it has reached. This weight is limited, as it has yet to be the subject of an examination in public.

3.05 The Kent Downs AONB Management Plan 2021-2016 (3rd Revision) is also a material consideration.

4.0 LOCAL REPRESENTATIONS

None received

5.0 CONSULTATIONS

KCC Highways (latest)

The new site access layout submitted to KCC on 24th March 2022 – drawing '5362-006 Rev A Suggested Access Works', this layout addressed all issues raised at Safety Audit and also, meets with KCC's requirement for a junction that mitigates previously raised safety concern. Provided the following requirements are secured, raise no objection:

A section 278 Agreement with KCC Highways, for the applicant to implement the site access layout identified within 5362-006 Rev A.

Kent Downs AONB Unit (latest)

The proposed amendments largely address our previous comments on this scheme. We would, however, wish to see a wider variety of trees. A more diverse range would be more reliant to climate change and disease, provide enhanced biodiversity benefits as well as being more appropriate to local landscape character. Suitable species include hawthorn, hazel and field maple. We would also wish to see an understorey of planting provided beneath the trees. These could be secured through condition.

Kent Police

No objection subject to the Applicant adopting SBD principles.

Natural England

Do not wish to offer any comments.

Mid Kent EHO

Do not consider noise to be an issue. No objection subject to conditions relating to external lighting, ground conditions and EV charging.

KCC PRoW

Request that PRoW KH108 remain open during construction.

6.0 APPRAISAL

6.01 The key issues for consideration are: ...

- Location & principle of development
- Visual impact / character and appearance of the countryside
- Neighbour amenity
- Transport, highways, access and parking.
- Other matters

Location & Principle of Development

6.02 The site lies within the open countryside and the Kent Downs AONB, where development of this type and scale would normally be resisted. The NPPF and Local Plan policy DM3 seek to protect the natural environment and valued landscapes of the AONB. The latest AONB Management Plan also emphasises that, for example (SD3), the character and qualities of the AONB should be conserved. The principle of such a form and scale of development within the AONB would normally be contrary to both national and local policy.

6.03 Policy SS1/8 states that as part of the overall spatial strategy, small scale employment opportunities will be permitted at appropriate locations to support the rural economy. Visible locations within the AONB would not normally be considered to be appropriate locations for new employment development.

- 6.04 Whilst the site is brownfield land formerly in employment use, policy DM5 does not apply as it focusses on the 'alternative' residential or leisure use of rural employment sites, rather than their expansion or enhancement for continued commercial uses.
- 6.05 Notwithstanding the policy context of constraint, the principle of a similar form of development on the site was established in 2020. Significant weight is attached to the 'fall back' position as there is a reasonable prospect of the previous permission commencing.
- 6.06 Nevertheless, having regard to the sensitivity of the location, there must still be mitigating factors in order to justify even a modest increase in floorspace, should this result in increased harm. As this size of development is not classified as 'major' it is not necessary to address the NPPF tests relating to alternatives and exceptional circumstances. Rather than refuse this application, Officers have spent time negotiating what are considered to be significant improvements.

Visual Impact/ Character and Appearance of the Countryside

- 6.07 Policies SS1(10), SP17 and DM3 seek to protect the character and appearance of the countryside and conserve and enhance the distinctive landscape character and value of the Kent Downs AONB.
- 6.08 The NPPF confirms that AONB are a nationally designated landscape asset and are afforded a high level of protection for their landscape and scenic beauty. It requires that decision-makers shall:
- have regard to the purpose of conserving or enhancing the natural beauty of the area of outstanding natural beauty
 - afford great weight to conserving and enhancing their landscape and scenic beauty as they have the highest status of protection in relation to these issues
- 6.09 The site surroundings typify the defining characteristics of the AONB – its 'special qualities', for example, the undulating arable plateau and pockets of woodland. This landscape character is clearly apparent from the nearby PRoW and this section of the A249. As such, significant weight must be afforded to its protection.
- 6.10 As identified above, the current proposal shares the same site area and boundaries as the previous approval. As such, there is no incremental growth in developed site area. There is an increase in floorspace and building footprint / mass within the site, but a net reduction in hard surfacing through the removal of the internal service lane.
- 6.11 Whereas the permitted scheme has its long elevations parallel to the PRoW, the amended scheme now has two large gaps between blocks breaking up the impact of visual massing. Building heights have been slightly reduced.

- 6.12 Soft landscaping is shown on all four boundaries, with breaks solely provided for access. Whilst indicative planting is shown, a native planting scheme with trees and under canopy planting will be sought via condition in order to provide enhanced screening and better habitat.
- 6.13 To conclude, whilst there would be a modest net increase in built mass, being contained within the same site area with an improved layout, reduced heights and improved landscaping, it is considered that the impact on landscape character and appearance, when compared to the fallback permission will be negligible to neutral.

Neighbour Amenity

- 6.14 With the exception of the adjacent static caravan site, there are no nearby uses that would be sensitive to noise from commercial uses. The adjacent site contains two static caravans (although only one was permitted under LDCEX 14/0698). Between the two statics is a large yard with storage units. No objection was received from adjacent occupiers to either the previous or this application. However, the range of proposed uses has widened from just light industrial to include general industrial and storage and this change must be considered in terms of potential impacts.
- 6.15 There is a 40m separation between the static and proposed units. In addition, whereas the previous units faced towards the static, in the latest scheme they face inwards, towards each other, which will further assist in reducing noise transmission when, for example, service doors are open.
- 6.16 The Environmental Protection team do not consider noise to be an issue.
- 6.17 As the access also serves another nearby commercial site, it is not considered that traffic generated noise will be unacceptable. It is therefore considered that there will be no adverse amenity impacts.

Transport, Highways, Parking and Access

- 6.18 The application is accompanied by a transport statement, the findings of which KCC Highways consider acceptable in terms of trip generation, vehicle parking and circulation; with the current proposals generating an estimated 17 additional vehicles per day compared to the previous scheme. In the context of flows along the A249, this is not a significant figure.
- 6.19 However, MBC Officers were concerned that any intensification over the previous permission could exacerbate potential issues associated with the access onto the A249. The previous approval allowed vehicles direct access to the A249, requiring vehicles to turn left, directly onto the main carriageway at a point where the national 70mph speed limit applies. This would have created significant collision risks due to converging speeds. In addition, any vehicle exiting onto the inner lane also ran the risk of overhanging the outside lane, further exacerbating collision risks.
- 6.20 At the request of Officers the Applicant has subsequently agreed with KCC that a 100m merge lane will be provided to allow traffic exiting the site to

join the A249 more safely. This is an important benefit having regard to not only the up to 70mph speeds, but also the fact that the site is close to the point where vehicles in the outer lane may be decelerating to take the Scragged Oak Lane right hand turn, thus reducing options for vehicles in the inner lane to make an avoiding manoeuvre.

- 6.21 Together with improvements to the demerge entry lane, the new exit merge has been the subject of a safety audit, the findings of which have been taken on board, including an improved radius at the bell mouth.
- 6.22 Three new passing bays will be provided along the site access lane. A condition is recommended requiring these to be sufficient in size accommodate HGV.
- 6.23 It is considered that these updates to the site access represent a significant safety improvement over the previously approved access and will reduce the risk of high-speed incidents. Significant weight is afforded to this benefit over the previous approval.
- 6.24 The scheme provides 25 dedicated parking spaces plus 10 service bays, which is considered to be acceptable.

Other matters

- 6.25 A condition is proposed that will secure an enhanced native planting scheme that is designed to create new habitat, together with new habitat elements added to the built fabric.
- 6.26 Having regard to the site's location within the wartime Detling Airfield, it is considered that prior to the commencement of development, a scheme for archaeological investigation and recording should be submitted to and approved to ensure that any associated wartime remnants are recorded.
- 6.27 The proposed development is not CIL liable as the charge for employment uses is zero. There are no s106 matters, however, the access improvements will need to be addressed under a s278 agreement with the Highway Authority.
- 6.28 The proposals fall well below the screening thresholds for EIA development.
- 6.29 The previous application included details of ground conditions, as such, conditions attached to this permission will only address any previously unknown contamination found during construction.
- 6.30 Notwithstanding the adjacent static site, it is not considered that a remote location such as this requires restriction upon hours of operation.

Public Sector Equality Duty

- 6.31 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.

7.0 CONCLUSION

- 7.01 The site is located within the countryside, where there is a general approach of constraint towards new development. It is also within the AONB, where the priority is to conserve and enhance natural beauty. Such a form of development would not normally be acceptable and would traditionally be directed to the urban area or to allocated employment sites. However, the site benefits from an extant planning permission for a very similar form of development, which must be afforded significant weight.
- 7.02 Whilst there is an increase in the level of floorspace and mass of building, there are mitigating design considerations that lead to the conclusion that the net additional impact on the countryside and AONB would be negligible. These include; no change to the site boundary, an improved layout, slightly reduced building heights, a reduction in the number of parking spaces and hard surfacing and the opportunity to improve the associated landscaping.
- 7.03 The revised proposals will also deliver significant highway safety benefits through a improved access / egress arrangement.
- 7.04 To conclude it is considered that the benefits associated with the revised scheme outweigh the limited harm arising from an increased scale of development above that previously approved.

8.0 RECOMMENDATION –

GRANT PLANNING PERMISSION subject to the following conditions (with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.)

Standard Time Limit

(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.

Approved Plans

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

- 4518-PD-30 - Proposed Plans / Elevations – Block 1
- 4518-PD-31 Rev A – Proposed Plans / Elevations – Block 2
- 4518-PD-32 - Proposed Plans / Elevations – Block 3
- 4518-PD-20 Rev'D – Proposed Site Layout
- '5362-006 Rev A – Access Works'

Reason: To clarify which plans have been approved.

Highway Improvements

(3) The development hereby approved shall not commence until the Applicant has submitted evidence that they have entered into a Section 278 Agreement for the implementation of the site access works in accordance with drawing '5362-006 Rev A – Access Works' and have incorporated the recommendations of the 'Fenley Road safety Audit – Reference RSA-21-130' dated December 2020. Such an agreement shall demonstrate that the A249 merge/demerge improvements and the access road improvements and passing bays will be implemented prior to the main site works commencing.

Reason: To ensure that both construction works and operation of the development do not result in an adverse impact upon the free flow and safety of traffic on the A249 Sittingbourne Road.

Access Works

(4) Where the surface finish of the access road or private drive is intended to remain in unbound materials, the first 15metres, as measured from the back of the highway, shall be treated with a surface dressing to avoid the displacement of loose materials onto the highway. The development shall not commence until, details of the proposed surface dressing have been submitted to and approved in writing by the local planning authority; with those details demonstrating their suitability for HGV traffic; and the approved dressing shall be provided prior to the first occupation of the buildings;

Reason: In the interests of highway safety.

(5) There shall be no gates located between the A249 access point and the entry to the industrial complex hereby approved.

Reason: In the interests of highway safety.

(6) Notwithstanding drawing number '5362-006 Rev A – Access Works' prior to the first occupation of the development the site access passing bays shall be implemented in accordance with details that have been submitted to and approved by the local planning authority. Such details shall demonstrate that at least one passing bay is capable of allowing two HGV vehicles to safely pass.

Reason: In the interests of highway safety.

Parking

(7) The commercial units hereby approved shall not be occupied until the parking and turning areas shown on the approved plans, including access road passing bays, have first been provided and shall be retained at all times thereafter with no impediment to their intended use.

Reason: In the interests of highway safety and the free flow of traffic.

Materials

(8) No development above slab level shall take place until acceptable virtual samples of all external facing materials, including hard landscape surfaces have been submitted to and approved in writing by the Local Planning

Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and in accordance with Policy DM1 of the adopted Local Plan.

Landscaping

(9) Notwithstanding approved drawing 4518-PD-20 Rev'D, prior to the first occupation of the development 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, but shall specifically incorporate native tree and under-canopy planting that offers maximum biodiversity benefits.

The scheme shall show any existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed and shall include a native tree planting and include a planting specification, a programme of implementation and a 10 year management plan.

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

(10) Any trees or plants within the approved landscape scheme, 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: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

Biodiversity

(11) The buildings hereby approved shall not 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 each of the buildings by means to include swift bricks, bat tubes or bee bricks, and through the provision within the site landscaping such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and under-canopy corridors. The approved details shall be in place prior to first occupation and shall be maintained for the lifetime of the development.

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

Archaeology

(12) No development shall take place until the applicant has secured and had implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the local planning authority. Such a scheme shall include

recording the potential historic wartime interest of any buildings to be demolished.

Reason: To enable the recording of any items of historical or archaeological interest.

Contamination

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

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

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

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

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

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

No Open Storage

(14) 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 surrounding area.

Refuse Storage

(15) The development hereby approved shall not commence above slab level until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the local planning authority and the approved facilities shall be provided before the first occupation of the building(s) or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

EV Charging

(16) Prior to the first occupation of each of the units hereby approved each shall be provided with an EV "rapid charge" point (of 22kW or faster unless agreed by the LPA) which shall be retained thereafter in a fully operational mode.

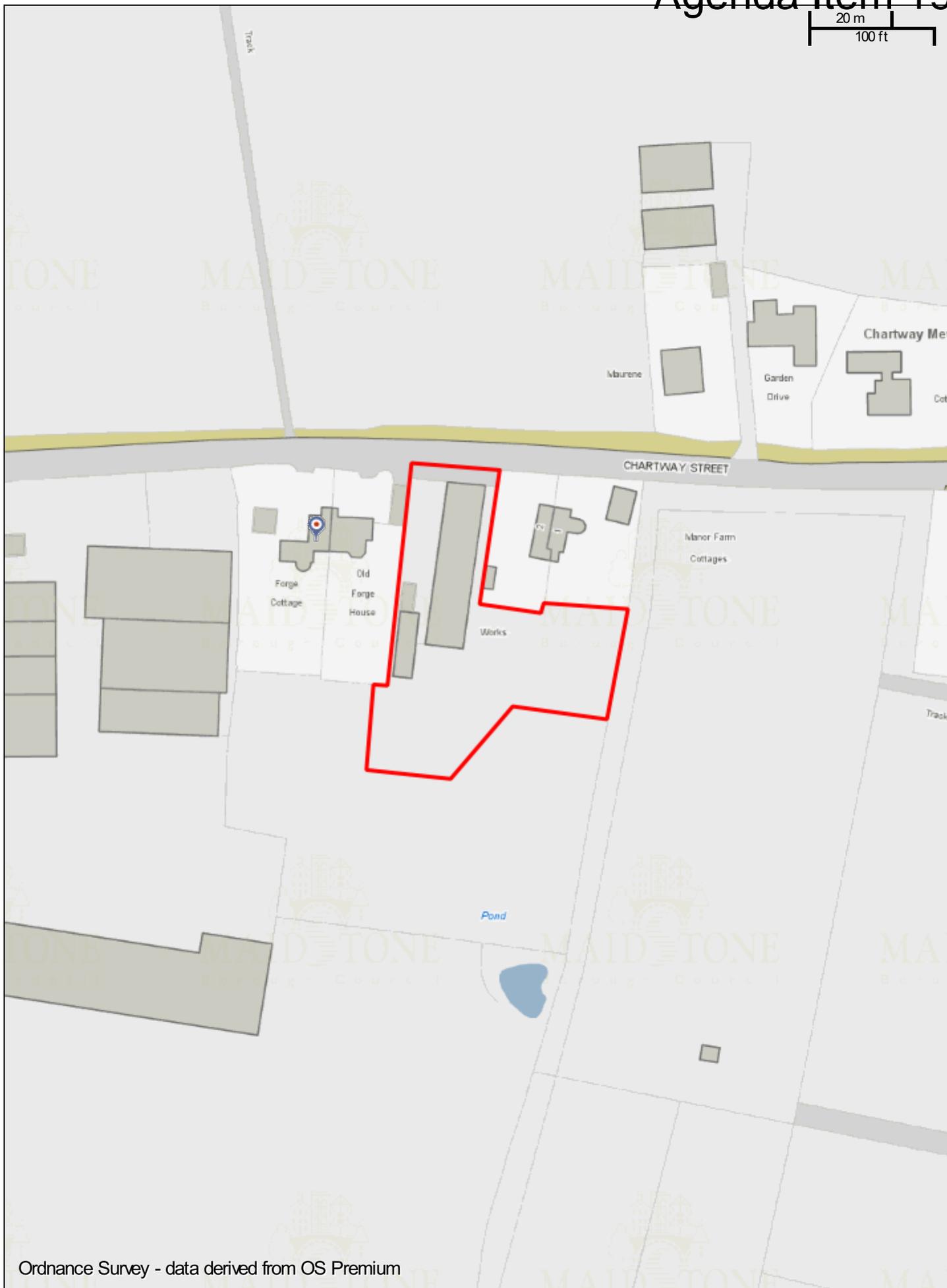
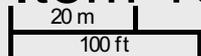
Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with the NPPF.

External Lighting

(17) No external lighting shall be installed unless it is in accordance with a detailed scheme of lighting that has been submitted to and approved in writing by the Local Planning Authority. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (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 scheme shall also demonstrate that it is in accordance with the principles of protecting dark skies. The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: The site lies within the AONB, where dark sky characteristics are a significant characteristic that must be protected.

INFORMATIVES – Security by Design, Construction Management and Wheel Cleaning



Ordnance Survey - data derived from OS Premium



21/503150/FULL The Old Forge, Chartway Street, East Sutton, Maidstone, Kent

Scale: 1:1250

Printed on: 7/1/2022 at 10:34 AM by JoannaW



REPORT SUMMARY

REFERENCE NO: - 21/503150/FULL		
APPLICATION PROPOSAL: Demolition of existing buildings and erection of 3no. houses with associated amenity space, landscaping and access.		
ADDRESS: The Old Forge, Chartway Street East Sutton Maidstone Kent ME17 3DW		
RECOMMENDATION: Members deferred the decision at the meeting dated 24/3/22 to allow the applicant to address a number of matters. Further information has now been received his report outlines the additional information received for members to consider. Members are asked to make a decision as to whether the application should be REFUSED as set out in the earlier report (Attached at Appendix A) and repeated below in Section 3.0 or The additional information provided addresses concerns and the application should be APPROVED subject to the conditions set out in Section 3.0		
SUMMARY OF REASONS FOR RECOMMENDATION: Members were minded previously to defer the determination of the application to allow the applicants to provide additional information. This has now been provided and should members agree that these additional measures (principally additional landscaping, ecological enhancements, intention to integrate energy efficient technologies, preliminary details of materials and boundary treatment) overcome the case officers previous conclusion then Members could take the decision to approve the application.		
REASON FOR REFERRAL TO COMMITTEE: East Sutton and Broomfield and Kingswood Parish Council have recommended the application for refusal and although the recommendation is not contrary to their recommendation both Parish Councils have requested the application be considered at Planning Committee irrespective of the recommendation. Members resolved to defer the decision at the meeting dated 24/3/22 to allow the applicant the opportunity to secure negotiations to address a number of matters (Copy of minutes attached at Appendix B)		
WARD: Headcorn	PARISH/TOWN COUNCIL: East Sutton	APPLICANT: Kent Forklifts Ltd AGENT: DHA Planning
CASE OFFICER: Rachael Elliott	VALIDATION DATE: 30/06/21	DECISION DUE DATE: 01/04/22
ADVERTISED AS A DEPARTURE: YES		

Relevant Planning History

See Appendix A – Copy of Committee report from 24/03/21 meeting

MAIN REPORT

1. BACKGROUND

- 1.01 This report should be read in conjunction with the copy of the Committee Report attached at Appendix A and the Committee Minutes attached at Appendix B. Members resolved at the 24/3/22 meeting to defer the determination of the application for the following reason :

That consideration of this application be deferred for further negotiations to secure:

- *A fully worked up ecological and sustainable landscaping scheme to include investigation of how the southern parcel of land in the ownership of the applicant can be safeguarded as an ecological area such as a wood pasture, base-line ecological survey work, and details of the boundary treatments in respect of the property at the site frontage with a 10-year replacement period;*
- *Good quality vernacular materials and detailing;*
- *Energy efficient measures such as heat source pumps; and*
- *A wet SUDS solution for ecological gain.*

- 1.02 In response to this the agent has provided the following.

- 1.03 Written confirmation that :

- We are happy to agree to the provision of ground source heat pumps for the properties;
- We are happy to agree to the inclusion of ragstone in any boundary walls to the front of the site;
- Any cladding of the properties should be in timber rather than man-made cladding;
- Bricks will be stock, and dark in colour;
- The SuDs feature is included on the plan.

- 1.04 Revised site layout plan which indicates the provision of landscaping, SUDS and ecological enhancements to the land to the south of the site (A copy of this plan is attached at Appendix C)

- 1.05 Members are now asked to make a decision whether the additional information would see members minded to approve subject to conditions or refuse the application.

2. CONCLUSION

- 2.01 The conclusion on the earlier report read :

- 2.02 *The principle of this development proposal is unacceptable due to its unsustainable location and in relation to the council record of housing delivery and the 5 year land supply there is no requirement for new housing in unsustainable locations and there has not been demonstrated that there would be any overriding environmental improvement to warrant the redevelopment of the site and further encroachment into open fields.*

- 2.03 *The new dwellings would introduce inappropriate development into the area with a substantial increase in residential built forms on the open field behind the commercial building. The development would be visible from the wider vantage point created at the junction with Chartway Street due to the removal of the commercial property and would also be visible on public right of way KH531.*

- 2.04 *The application fails to demonstrate that there would not be an impact on protected species whereby the submitted ecological information is historic and does not provide an assessment based on the current characteristics of the site. For these reasons, the application should be refused.*

- 2.05 Members were minded previously to defer the determination of the application to allow the applicants to provide additional information. This has now been provided and should members agree that these additional measures (principally additional

landscaping, ecological enhancements, intention to integrate energy efficient technologies, preliminary details of materials and boundary treatment) overcome the case officers previous conclusion then Members could take the decision to approve the application.

3. RECOMMENDATION

The application should be REFUSED for the following reasons :

- (1) The proposal would result in the creation of an unsustainable form of housing development in the countryside with future occupiers reliant on private vehicle use to gain access to basic services and, as such, would be contrary to policies SS1 (Spatial strategy), SP17 (Countryside) and DM5 (Development on brownfield land) of the Maidstone Borough local Plan 2017 and the NPPF
- (2) The proposed development by reason of the size, design and siting of houses and substantial encroachment into adjoining open countryside will result in an unacceptable consolidation of existing sporadic development in the locality with the development appearing as incongruous and detrimental to the rural character and landscape quality of the area contrary to policies SP17 (Countryside), DM1 (Principles of good design), and DM30 (Design principles in the countryside) of the Maidstone Borough Local Plan 2017 and the NPPF.
- (3) The application fails to demonstrate that there would not be an impact on protected species whereby the submitted ecological information is historic and does not provide an assessment based on the current characteristics of the site contrary to Policy DM1 (Principles of good design of the Maidstone Borough Local Plan 2017 and the NPPF.

Informative

- (1) You are advised that as of 1st October 2018, the Maidstone Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.maidstone.gov.uk/CIL

Or

The application should be APPROVED subject to the following conditions with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee and gain agreement from the applicant for pre-commencement 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. DHA/11086/50 (Site Location Plan)
Drawing No. DHA/11086_56C (Proposed Site Layout and Landscaping Plan)
Drawing No. DHA/11086/57 (Plot 1 – Proposed Floor Plans and Elevations)
Drawing No. DHA/11086/59 (Plot 2 – Proposed Floor Plans)
Drawing No. DHA/11086/60 (Plot 2 – Proposed Elevations)
Drawing No. DHA/11086/67 (Plot 1 – Proposed Barn Elevations and Roof Plan)

Drawing No. DHA/11086/68 (Plot 3 – Proposed Floor Plans)
Drawing No. DHA/11086/69 (Plot 3 – Proposed Elevations – Sheet 1)
Drawing No. DHA/11086/70 (Plot 3 – Proposed Elevations – Sheet 2)

Reason: To clarify which plans have been approved.

- (2) Prior to the development reaching damp proof course level details of all external materials (including wearing surfaces for the roads, turning and parking areas, showing that the first 5metres of the access from the edge of the highway shall be a bound surface), shall have been submitted in writing for the approval of the Local Planning Authority. The development shall only be carried out in accordance with the approved details. These details shall include that any weatherboarding be timber and a dark stock brick be used in any brickwork.

Reason: In the interests of visual amenity.

- (3) 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, the details are required prior to commencement of development so that there is no disturbance of any archaeological remains.

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

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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 interest of public health from the impact of past contamination.

- (5) A Closure Report shall be submitted upon completion of the works. The closure report shall include full verification details as set out in point (3) of condition 4. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Reason : To ensure any contamination is satisfactorily dealt with, the details are required prior to commencement to ensure no risk

- (6) Details on the proposed method of foul sewage treatment, along with details regarding the provision of potable water and waste disposal must be submitted to and approved by the LPA prior to occupation of the site.

These details should include the size of individual cess pits and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation).

If a method other than a cesspit is to be used the applicant should also contact the Environment Agency to establish whether a discharge consent is required and provide evidence of obtaining the relevant discharge consent to the local planning authority.

Reason: To prevent pollution of the water environment and to ensure satisfactory drainage in the interests of flood prevention, details are required prior to commencement to ensure that appropriate methods are utilised which could not take place should the slab be laid.

- (7) The development hereby permitted shall not commence until a scheme for the disposal of (a) surface water (which shall in the form of a SUDS scheme) and (b) waste water have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained permanently thereafter.

Reason: To prevent pollution of the water environment and to ensure satisfactory drainage in the interests of flood prevention and in the interest of ecological enhancement, details are required prior to commencement to ensure that appropriate methods are utilised which could not take place should the slab be laid.

- (8) Prior to the development reaching damp proof course level, 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 approved scheme shall take account of any protected species that have been identified on the site, and in addition shall have regard to the enhancement of biodiversity generally. Methods shall be integral to the new dwellings, within their curtilages and within the area of land outline in blue on the submitted site location plan. It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity.

Reason: To protect and enhance existing species and habitat on the site in the future and to ensure that the enhancement methods can be successfully implemented prior, during or post development.

- (9) No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority prior to occupation. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation. The scheme shall be in accordance with the requirements outlined in the Bat Conservation Trust and Institution of Lighting Engineers documents Bats and Lighting in the UK.

Reason: To protect the appearance of the area. the environment and wildlife from light pollution.

- (10) The approved area for parking, access and turning shall be provided, surfaced and drained in accordance with the approved details before the buildings are occupied

and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access to this reserved parking area.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to parking inconvenient to other road users and detrimental to amenity.

- (11) Notwithstanding the provisions of the Town and Country Planning General Permitted Development (Amendment) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development within Schedule 2, Part 1 Classes A, AA, B, C, D, and E shall be carried out.

Reason: To ensure a high quality appearance to the development and in the interests of residential amenity.

- (12) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall use predominantly native or near-native species as appropriate and 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. It shall also provide details of replacement planting to mitigate any loss of amenity and biodiversity value, the location of any habitat piles of cut and rotting wood and include a plant specification, implementation details, a maintenance schedule and a 10 year management plan. The landscape scheme should be in broad accordance with those details shown on Drawing No. DHA/11086_56C (Proposed Site Layout and Landscaping Plan)

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

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

Reason: To ensure an appropriate appearance and setting to the development.

- (14) No development beyond slab level shall take place until details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter. The boundary treatments shall include the use of railings with ragstone piers along the frontage.

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

- (15) Prior to the occupation of each dwelling a EV charging points providing at least 7kW charging speed shall be installed, available for use and maintained as such for that dwelling.

Reason: To reduce impacts upon air quality.

- (16) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter;

Reason: To ensure an energy efficient form of development.

- (17) Prior to first occupation details of cycle parking for each unit shall be submitted to and approved by the Local Planning Authority and the approved detail implementation prior to first occupation of each unit and maintain as such.

Reason : In the interests of promoting sustainable transport.

Informatives

- (1) It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site. Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel> Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

- (2) 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 shortly after.

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

REPORT SUMMARY

REFERENCE NO - 21/503150/FULL		
APPLICATION PROPOSAL Demolition of existing buildings and erection of 3no. houses with associated amenity space, landscaping and access.		
ADDRESS The Old Forge Chartway Street East Sutton Maidstone Kent ME17 3DW		
RECOMMENDATION : REFUSE for the reasons set out in Section 8.0		
SUMMARY OF REASONS FOR REFUSAL The principle of this development proposal is unacceptable due to its unsustainable location and in relation to the council record of housing delivery and the 5 year land supply there is no requirement for new housing in unsustainable locations and there has not been demonstrated that there would be any overriding environmental improvement to warrant the redevelopment of the site and further encroachment into open fields. The new dwellings would introduce inappropriate development into the area with a substantial increase in residential built forms on the open field behind the commercial building. The development would be visible from the wider vantage point created at the junction with Chartway Street due to the removal of the commercial property and would also be visible on public right of way KH531. The application fails to demonstrate that there would not be an impact on protected species whereby the submitted ecological information is historic and does not provide an assessment based on the current characteristics of the site. For these reasons, the application should be refused.		
REASON FOR REFERRAL TO COMMITTEE East Sutton and Broomfield and Kingswood Parish Council have recommended the application for refusal and although the recommendation is not contrary to their recommendation both Parish Councils have requested the application be considered at Planning Committee irrespective of the recommendation.		
WARD Headcorn	PARISH/TOWN COUNCIL East Sutton	APPLICANT Kent Forklifts Ltd AGENT DHA Planning
DECISION DUE DATE 25/08/21 (EOT agreed until 1/4/22)	PUBLICITY EXPIRY DATE 01/11/21	OFFICER SITE VISIT DATE 7/7/21
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
16/500037/FULL : Demolition of existing buildings and erection of 6 No dwellinghouses, amenity space, landscaping and access. Refused 16.06.2016 for the following reasons: 1. Unsustainable form of housing development in the countryside 2. The size, design, siting and suburban and inward-looking layout, would materially depart from the more spacious and widely separated character of nearby development, out of character with this rural location as a consequence. In addition it is an unacceptable consolidation of existing sporadic development in the locality and an encroachment into adjoining open countryside.		
18/500265/FULL : Demolition of existing buildings and erection of 7no. dwellings with		

associated amenity space, landscaping and access.

Refused 31.05.2018 for the following reasons:

1. Unsustainable form of housing development in the countryside.
2. The size, design, siting and suburban and inward-looking layout, would materially depart from the more spacious and widely separated character of nearby development, out of character with this rural location as a consequence. In addition it is an unacceptable consolidation of existing sporadic development in the locality and an encroachment into adjoining open countryside
3. The close proximity of plot 5 with plot 4 would result in an awkward and overbearing relationship detrimental to the amenities of future occupiers
4. The application has failed to demonstrate (including the absence of adequate detail with regard to visibility splays) that the development will not result in harm to highway safety and that the proposal will provide an adequate standard of access
5. The application has failed to demonstrate (including the absence of adequate detail with regard to acoustic mitigation that the development will provide an adequate standard of residential accommodation.

18/504803/FULL : Demolition of existing buildings and erection of 7no. dwellings with associated amenity space, landscaping and access.

Refused 8/4/2019 for the following reasons :

1. Unsustainable form of housing development in the countryside
2. The size, design, siting and suburban and inward-looking layout, would materially depart from the more spacious and widely separated character of nearby development, out of character with this rural location as a consequence. In addition it is an unacceptable consolidation of existing sporadic development in the locality and an encroachment into adjoining open countryside
3. The close proximity of plot 5 with plot 4 would result in an awkward and overbearing relationship detrimental to the amenities of future occupiers
4. The application has failed to demonstrate (including the absence of adequate detail with regard to visibility splays) that the development will not result in harm to highway safety and that the proposal will provide an adequate standard of access

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site is in the countryside, outside the urban area of Maidstone, outside the local plan designated Rural Service Centres and the Larger Villages. The site is not subject to any specific landscape designation.
- 1.02 The application site can be divided into 2 clearly distinct areas. The front part of the site comprises a workshop building that extends just over 40 metres back from the road frontage. This building is currently occupied by a food distribution company which I believe employs 2 people. Previously the commercial units on the site have been occupied by a horticultural bulb sales company. The site is accessed off Chartway Street to the west of this building where associated parking and turning areas are also located.

- 1.03 The second much larger area to the south and rear of the site comprises an open field (agricultural land classification of Grade 2) that is enclosed on its east and southern boundaries by hedgerows. This land is currently vacant.
- 1.04 The application site is located on the south side of Chartway Street just over 220 metres from the junction with Charlton Lane to the west, and over 150 metres from the junction with Morry Lane to the east. To the west of the application site is Old Forge House. The substantial buildings and open storage area that form part of the agricultural distribution operations at Street Farm abut and wrap around the western site boundary. To the east of the site are a pair of detached cottages known as 1 and 2 Manor Farm Cottages.

2.0 PROPOSAL

- 2.01 The proposal is for the demolition of existing buildings and erection of 3no. houses with associated amenity space, landscaping and access.
- 2.02 The existing buildings are single storey and are principally situated in the northern part of the site along the eastern and western boundaries. Those to the west of the site are more 'ramshackled' and informal in appearance, with the larger building along the eastern boundary having a pitched roof and a brick built and corrugated roof finish. These buildings would be demolished in favour of the proposed development.
- 2.03 The proposal would result in the development of a T-shaped part of the wider application site, which would result in the provision of 3 detached dwellings and associated curtilages, a detached car barn/store, vehicular access, turning and parking area.
- 2.04 Plot 1 would front Chartway Street and infill between existing linear development along this part of Chartway Street. It would be 2-storeys and have a width of approximately 9m, maximum depth of 9.8m, with an eaves height of 5.2m and a ridge height of 9.2m
- Plot 1 would have an associated car barn which would be detached from the dwelling and its curtilage. This would have a maximum width of 9m, a depth of 7.5m, with a steeply pitched roof with varying pitches, with an overall height of approximately 6.2m.
- 2.05 Plot 2 would be situated to the south/rear of 1 & 2 Manor Farm Cottages. It would be orientated east to west, with an approximate width of 13m, depth of 12.5m. It would have varying roof forms with an eaves height of 5.2m and a ridge height of 10.9m. It would be 4 bedroomed with an integral garage.
- 2.06 Plot 3 would be situated along the western boundary with Old Forge House, this would be orientated principally north to south, with other secondary openings east to west. The dwelling would be L-shaped with a maximum width of approximately 13.7m, depth of 20.5m. Roof pitches would be varied with some cat-slides and first floor accommodation served by dormers. The maximum eaves height would be 5m and a maximum ridge height of 10m.
- 2.07 The plan below indicates the proposed layout :

3.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: SS1, SP17, SP21, DM1, DM2, DM4, DM5, DM12, DM23 and DM30
Supplementary Planning Documents: Maidstone Landscape Character Guidance 2012

4.0 LOCAL REPRESENTATIONS

9 letters of representation were received from 5 households following the initial consultation and 2 further letters on representation were received from a single household following the submission of additional information (a target re-consultation was carried out solely to the Ecology and Highways Officer on the additional information submitted)

In summary the following matters were raised :

- Site has been seeking consent for residential redevelopment since the 1980s
- Start of future development on the site, precedent for further units
- Highways implications
- Loss of property value
- Unsustainable location (reliance on private car)
- Out of character proposed materials (use of white weatherboarding)
- Lack of services and infrastructure
- Current use contributes to the local economy
- Loss of outlook
- Out of date ecological information/impact on ecology
- Overlooking/loss of privacy
- Works proposed on land outside ownership of applicant (works to wall)
- Transport assessment not reflective of current use
- No suitable fence to be provided along the western boundary.

5.0 CONSULTATIONS

5.01 Broomfield and Kingswood Parish Council : After consideration Councillors have not changed their decision and still object to this application as per previous applications.

Comments on 18/504803/FULL

Councillors wish to see this application **REFUSED** and require the application to go before the planning committee.

The previous application 18/500265/FULL was refused by Councillors for the following reasons: The development is outside settlement boundaries and encroaches into adjoining open countryside, there is a potential harm to the character and appearance of the area most especially due to its proximity to the Greensand Ridge. Contrary to Policy SP17, Local Plan 2017.

The proposal must be considered unsustainable as it would rely solely on car use for access to services.

The development proposal is close to a particularly hazardous blind bend in Chartway Street where vehicles and oversized agricultural vehicles particularly, emerge from the bend in the middle of the road at the point of site access. This part of the road has a national speed limit of 60mph.

Councillors felt that this is a resubmission of the previous application with no changes and the above reasons for refusing the application are therefore still valid. In addition whilst the Forge Works itself is on brown field land, the land behind the Forge Works is agricultural land. Chartway Street is also a street of linear development which this development would not be.

5.02 East Sutton Parish Council

1. The site is unsustainable for housing on account of lack of safe public footpaths from the site to the villages of Kingswood and Sutton Valence. The frequency of the bus service along Chartway St would mean future residents being totally reliant on cars.
2. The parish considers that the site proposes housing on agricultural land which is undesirable.
3. The site occupies a prominent position on the greensand ridge which would be detrimental to the amenity value of this local feature.
4. The site would see the loss of employment in the parish. The site is currently in use as a distribution depot for imported foods.
5. The visibility splay is not achievable. The wall to the west which is shown to be lowered is not in the ownership of the site .
6. The details of the layout do not provide for boundary maintenance with existing properties.

In summary, East Sutton Parish council wish to see the application refused. The Parish council is prepared to go to committee to support this view.

5.03 KCC Archaeological Officer : The site of the proposed development lies adjacent to a “smithy” identifiable on the 1st Ed OS map. Remains associated with post medieval activity may survive on the site and I recommend a condition should the application be approved.

5.04 Environment Agency : The industrial/commercial use of these buildings/land pose a high risk of contamination which could impact on the proposed development or cause it to impact on the environment. Controlled waters are sensitive in this location because the proposed development site is located upon Principal aquifer. An assessment into the past uses of buildings/land and any potential risks arising from the buildings/grounds for the proposed end use and wider environment should be carried out prior to the development works proposed. In particular investigations should take account of any oil/fuel storage tanks, septic tanks, drainage systems, and materials storage. Any identified risks should be fully evaluated, if necessary by intrusive investigations, and appropriately addressed prior to the commencement of the development.

Further detailed information will however be required before built development is undertaken.

Details could be conditioned should the application be approved.

5.05 KCC Biodiversity Officer :

The same ecological survey was submitted for this application and planning applications 16/500037 and 18/500265/FULL. As the survey is now 6 years old we have concerns that the survey data is no longer valid.

Current photos of the site have been provided and they highlight that there are areas of the site which have been left unmanaged (the grassland is no longer mown short and there are areas of scrub next to the buildings) and therefore the potential for protected/notable species can not be ruled out.

As such, a preliminary ecological appraisal (PEA) must be undertaken by a suitably qualified ecologist, in accordance with good practice guidelines - the PEA will assess the habitats and features within and around the site and identify if there is a need for further ecological surveys to assess ecological value and/or confirm protected species presence/likely absence.

To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, we advise that the PEA report, OR, if further surveys are required, an Ecological Impact Assessment (EclA) report, detailing all surveys and outcomes, must be sought as part of the planning application. This is in accordance with paragraph 99 of ODPM 06/2005 which 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”*. An EclA is a process of identifying, quantifying and evaluating the potential effects of development on habitats, species and ecosystems, so providing all ecological survey information alongside any necessary avoidance, mitigation and compensation proposals within one document.

One of the principles of the National Planning Policy Framework is that *“opportunities to improve biodiversity in and around developments should be integrated as part of their design”*. The site plan has confirmed that native species fencing will be planted within the site but in addition to that we recommend that ecological enhancement features (over and above any mitigation required) are incorporated into the site and hedgehog highways are incorporated into any close board fencing.

5.06 KCC Highways (following re-consultations after additional information was submitted):

As requested in this authority’s initial consultation response the applicant has completed a net impact assessment, to determine the anticipated change in traffic movements because of the development.

To forecast the amount of traffic that could be generated by the sites extant (*lawful*) and proposed use, the applicant has used trip generation forecasts from a previous planning application associated with the site Maidstone Borough Council (*MBC*) reference: 16/500037/FULL. This is acceptable given how these forecasts were

considered a suitable basis for assessment by Kent County Council (KCC) Highways in the previous application.

Importantly, the results of this assessment confirm that the proposed development will generate less traffic than the site's extant use. Consequently, it is not considered that the impact of development could be considered as 'severe,' in capacity or safety terms, given the anticipated net reduction in traffic movements.

Confirmation that the eastern footway will be provided with a flush kerb, thereby allowing a consistent carriageway width of 4.8 meters, inclusive of overunable areas, has been provided.

This arrangement is considered acceptable in this instance given the non-strategic and relatively lightly trafficked nature of the C83, Chartway Street.

Detailed personal injury collision analysis for the most recently available 3-year period has also been undertaken by the applicant. This analysis confirms that during the period in question 2 collisions have been recorded, one of these was serious in severity. Both these collisions occurred east of the existing site access. However, neither of the collisions are associated with the existing access; it is therefore not considered that the development will exacerbate any existing highway safety issues.

Finally, amendments have also been made to the site layout to achieve full compliance with IGN3 thereby addressing this authority's previous comments.

No objection raised subject to a number of conditions.

6.0 APPRAISAL

- 6.01 The key issues for consideration relate to:
- Principle and sustainability
 - Impact on the character of the surrounding countryside
 - Design and layout of the proposed properties.
 - Impact on outlook and amenity of properties overlooking and abutting the site
 - Trees and landscape
 - Ecology
 - Archaeology
 - Highways and parking considerations.

Principle and sustainability

- 6.02 Adopted Local Plan policy SS1 relates to the provision of the Borough's housing supply. It demonstrates that local housing targets can be met by using land within the existing settlements and on sites with the least constraints on the edge of settlements. It describes the most sustainable locations for the provision for new housing in a sustainability hierarchy with the urban area of Maidstone at the top of this hierarchy followed by the Rural Service Centres as the secondary focus. Larger villages are the third and final location as they may provide a limited supply of housing providing it is proportional to the scale and role of the villages. This application, does not meet these siting preferences and as such, the proposal represents unsustainable development in the countryside.
- 6.03 The council can demonstrate a future five year housing land supply in sustainable locations in order to meet the housing land supply.

- 6.04 The applicant argues that the application site is located within close proximity to Kingswood, which has a number of amenities for the future occupiers. It is highlighted by officers that the village is some 700 metres from the application site. Given this distance and the unsatisfactory access by way of narrow, unlit country roads without pavements it is highly unlikely residents of the proposed development would walk or cycle to Kingswood. In addition, it should be noted that Kingswood village does not have the level of facilities to be included in the sustainability hierarchy set out as part of adopted policy SS1.
- 6.05 The application site is not accessible to the designated rural service centres or larger villages due to inadequate facilities for pedestrians and inadequate public transport. In conclusion, future residents would be reliant on the private car for 'day to day' basic needs. Policy SS1 sets out that development should be located in sustainable locations, and this proposal does not comply with this requirement.
- 6.06 Policy DM5 relates to development on brownfield land. The policy states that where a site is not of high environmental value and where residential density is acceptable redevelopment of brownfield sites will be permitted in certain circumstances. These circumstances include where the proposal would result in significant environmental improvement and the site is, or can reasonably be made, accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village.' To assist in the interpretation of policy DM5, the supporting text in the Local Plan (paragraph 6.37) sets out six 'key' considerations to be used in assessing the redevelopment of brownfield sites in the countryside. These considerations are as follows:
- The level of harm to the character and appearance of an area.
 - The impact of proposals on the landscape and environment.
 - Any positive impacts on residential amenity.
 - What sustainable travel modes are available or could reasonably be provided.
 - What traffic the present or past use has generated; and
 - The number of car movements that would be generated by the new use, and what distances, if there are no more sustainable alternatives.
- 6.07 The site is located 2 km from Sutton Valence (a larger village), 4 km from Harrietsham (a Rural service Centre) and 5km from Headcorn (a Rural Service centre). As set out above the application site is not in a sustainable location and with the distances involved the site cannot be made accessible to Maidstone urban area, a rural service centre or larger village. With no significant environmental improvement and the location of the site the proposal is contrary to adopted policy DM5.
- 6.08 In conclusion, the development proposal would be in an unsustainable location and would be contrary to policies SS1, and DM5 of the Maidstone Local Plan and the provisions of the NPPF.

Loss of commercial floorspace

- 6.09 Local Plan policy SP21 states that the council will prioritise the commercial re-use of existing rural buildings in the countryside over conversion to residential use in accordance with policy DM31. Whilst the proposed development would result in the demolition of a building providing 496 square metres of B8 (storage and distribution) commercial floorspace, policy SP21 considers the 'conversion' of commercial buildings and as a result this policy is not considered relevant

Impact on the character of the countryside

- 6.10 Policy SP17 defines the countryside as ‘...all those parts of the plan area outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages defined on the policy map.’ Development proposals in the countryside will not be permitted if they result in harm to the character and appearance of the area. Policy DM30 states that in the countryside proposals will be permitted which would create high quality design, and where the type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features.
- 6.11 The loss of the existing building, although not problematic in itself would open up views from Chartway street resulting in the site becoming more visible and increasing the impact of the proposed development on the character of the surrounding area. The development would be visible through the site and longer views may be gained further along the road at the junction with Morry Lane. The site would also be viewed from long vantage points on public right of way KH531.
- 6.12 As the rear of the site is currently undeveloped land in the countryside, the introduction of new dwellings in this location is inappropriate development. The siting of this development proposal, in conjunction with the number, height, bulk and massing of the two storey dwellings mainly to the rear of the site, and with large carports further adding to the building mass, would result in an urbanising effect that would be detrimental to the openness and rural character of the area. The proposed development is out of character with the locality and would have an adverse impact on the countryside contrary to policies SP17 and DM30.
- 6.13 Although it is noted that the quantum of dwellings proposed has been reduced since the earlier refusal and as highlighted above the encroachment into greenfield land would be less, this encroachment would be a sporadic form of urbanisation into a linear form of residential development along the immediate part of the Chartway Street. The two dwellings proposed to the rear of the site would be large, detached dwellings and the need for a large turning area, driveway and car ports all further adds to the urbanisation of what is currently an undeveloped field to the rear of the low-level modest commercial building.

Design and layout of the proposed properties

- 6.14 The proposed development would comprise 3 large detached dwellings. The designs would provide a good general layout and good access into and through the site. The properties will be provided with an adequate area of private rear garden.
- 6.15 The layout shows an informal inward looking cul de sac which is considered to meet the Councils normal block spacing, privacy and amenity space standards. While the layout is acceptable in its own right, the resultant suburban appearance and layout differs substantially from the sporadic character of nearby development and the linear form of dwellings along this part of Chartway Street. The development would appear incongruous and out of character in this rural location as a consequence.

Standard of proposed accommodation

- 6.16 Policy DM1 supports development which provides adequate residential amenities for future occupiers of the development including in relation to excessive noise, activity or vehicular movements, overlooking or visual intrusion.
- 6.17 The most recent refusal including a reason for refusal which read :

The application fails to demonstrate that the development would provide an adequate standard of residential accommodation for future occupiers in relation to outlook, privacy and including potential noise nuisance from nearby commercial uses and associated traffic contrary to policy DM1 (Principles of good design) of the Maidstone Borough Local Plan 2017 and the NPPF.

- 6.18 The site is close to a busy road and adjacent to what appears to be a working farm operating HGV deliveries in the yard relating to the distribution of goods. Environmental Services have previously commented that despite these potential sources of nuisance no assessment of noise from the yard or the road has been submitted with the application. This current application contains no further information in this respect and has not sought to overcome this earlier reason for refusal. The absence of this noise assessment still remains a cause for concern as the application has failed to demonstrate that the proposed residential accommodation will provide an adequate standard of accommodation for future occupiers.
- 6.19 However the number of units has been reduced and the units would not extend as rearwards into the site as previously and it is considered that there would be mitigation measures that could overcome the harm and although it would be beneficial to have the information in advance, on balance should the application be acceptable in all other respects there are likely to be methods in construction (such as triple glazed windows or mechanical extraction) which would overcome the noise of the neighbouring working farm. These could be dealt with by condition requesting a noise report and mitigation measures.
- 6.20 The relationship of the dwellings to each other now overcomes previous concerns regarding the future amenity of the dwellings. This is due to the reduction in numbers and the proposed layout.
- 6.21 The application is accompanied by the same Environmental reports previously provided. Environmental Services have previously commented that due to the previous commercial use of the site there is potential for land contamination to have occurred. In the event that the application is acceptable in all other aspects, a contamination condition should be added.

Impact on neighbours outlook and amenity

- 6.22 Policy DM1 supports development which respects the amenities of occupiers of neighbouring properties by ensuring that development does not result in overlooking or visual intrusion.
- 6.22.1 Nos 1 and 2 Manor Farm Cottages are located to the northeast of the application site. Plot 2 would be to the south of those properties and Plot 1 to the east. There is considered to be sufficient separation between the properties such that no significant harm would result to neighbouring residential amenity by reason of being overbearing, causing loss of light or outlook, being overshadowing or causing a loss of privacy and overlooking.
- 6.24 The Old Forge House is to the west of the application site and it is Plot 3 that would likely to give rise to the greater impact. However although there are proposed openings facing towards the rear garden of The Old Forge House, these all serve

bathrooms/en-suites or are secondary windows and therefore all windows in the facing elevation could be obscure glazed should the application be considered acceptable in all other respects. There is a degree of separation from the neighbouring boundary and it is not considered this or the other proposed dwellings would give significant rise to harm to neighbouring amenity.

Trees and landscape

- 6.25 The proposed layout is considered acceptable from an arboricultural perspective. An informative should be added to any recommendation for approval that a High Hedge remedial order is in place on the northern boundary of the site.
- 6.26 The indicative landscape shown on the site layout plan is considered reasonable in terms of its use of native species, and the introduction of orchard planting is welcomed. In the event that approval is given more detailed landscape plans together with suitable long-term management proposals should be submitted by way of conditions.

Biodiversity

- 6.27 The same ecological survey was submitted for this application and planning applications 16/500037 and 18/500265/FULL. As the survey is now 6 years old we have concerns that the survey data is no longer valid.
- 6.28 Current photos of the site have been provided and they highlight that there are areas of the site which have been left unmanaged (the grassland is no longer mown short and there are areas of scrub next to the buildings) and therefore the potential for protected/notable species can not be ruled out.
- 6.29 As such, a preliminary ecological appraisal (PEA) must be undertaken by a suitably qualified ecologist, in accordance with good practice guidelines - the PEA will assess the habitats and features within and around the site and identify if there is a need for further ecological surveys to assess ecological value and/or confirm protected species presence/likely absence.
- 6.30 In the absence of this up-to-date information the application cannot be adequately assessed in terms of the impact on protected species.

Archaeology

- 6.31 The site is located within an area of archaeological potential and is adjacent to a smithy which was present in both the 19th and 20th centuries. Should the application be approved a watching brief condition should be attached.

Highways

- 6.32 The most recent refusal included the following ground :

The application has failed to demonstrate (including the absence of adequate information on visibility splays and traffic generation) that the development will not result in harm to highway safety and that the proposal will provide an adequate standard of access contrary policy DM1 of the Maidstone Borough Local Plan 2017 and the NPPF.

- 6.33 The agent was given the opportunity to provide further information in this respect during the course of the application following Kent Highways raising the same issues. This information was provided and Kent Highways are satisfied that no harm would result subject to conditions.

Other Matters

- 6.34 The agent has given two examples of what he considers to be two similar sites, both of which were allowed on appeal.
- 6.35 Wind Chimes, Chartway Street referenced 15/507493/OUT (outline planning for 9 houses) was allowed on appeal on 9th December 2016, as a five year land supply could not be demonstrated at the time of the appeal hearing. The Inspector also found that the site was reasonably accessible to Sutton Valence on foot and with bus services to Maidstone.
- 6.36 The Oaks, Maidstone Road, referenced 14/0830 (for the construction of 10 houses) was allowed on appeal on 13th April 2015, as the Inspector found that the site was reasonably accessible to Sutton Valence on foot and with bus services to Maidstone.
- 6.37 Both of the sites in question are within close proximity to a pavement, as well as being closer to Maidstone Urban Area. In addition, the Council can now demonstrate a five year land supply. Finally, the adopted Maidstone Local Plan and revised NPPF both encourage sustainable development with an emphasis on good design that responds positively to its local, natural setting and, where possible, enhances the character of the area. For these reasons, the two examples that have been given are not considered relevant to this current application.
- 6.38 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

7.0 Conclusion

- 7.01 The principle of this development proposal is unacceptable due to its unsustainable location and in relation to the council record of housing delivery and the 5 year land supply there is no requirement for new housing in unsustainable locations and there has not been demonstrated that there would be any overriding environmental improvement to warrant the redevelopment of the site and further encroachment into open fields.
- 7.02 The new dwellings would introduce inappropriate development into the area with a substantial increase in residential built forms on the open field behind the commercial building. The development would be visible from the wider vantage point created at the junction with Chartway Street due to the removal of the commercial property and would also be visible on public right of way KH531.
- 7.03 The application fails to demonstrate that there would not be an impact on protected species whereby the submitted ecological information is historic and does not provide an assessment based on the current characteristics of the site. For these reasons, the application should be refused.

8.0 RECOMMENDATION –REFUSE for the following reasons:

- (1) The proposal would result in the creation of an unsustainable form of housing development in the countryside with future occupiers reliant on private vehicle use to gain access to basic services and, as such, would be contrary to policies SS1 (Spatial strategy), SP17 (Countryside) and DM5 (Development on brownfield land) of the Maidstone Borough Local Plan 2017 and the NPPF.
- (2) The proposed development by reason of the size, design and siting of houses and substantial encroachment into adjoining open countryside will result in an unacceptable consolidation of existing sporadic development in the locality with the development appearing as incongruous and detrimental to the rural character and landscape quality of the area contrary to policies SP17 (Countryside), DM1 (Principles of good design), and DM30 (Design principles in the countryside) of the Maidstone Borough Local Plan 2017 and the NPPF.
- (3) The application fails to demonstrate that there would not be an impact on protected species whereby the submitted ecological information is historic and does not provide an assessment based on the current characteristics of the site contrary to Policy DM1 (Principles of good design of the Maidstone Borough Local Plan 2017 and the NPPF.

INFORMATIVES

- (1) You are advised that as of 1st October 2018, the Maidstone Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.maidstone.gov.uk/CIL

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.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 24 MARCH 2022

Present: Councillor Spooner (Chairman) and
Councillors Brindle, Cox, English, Harwood, Holmes,
Munford, Perry, Round, Russell and Young

Also Present: Councillors Garten, Mrs Gooch, Hinder, Newton and
S Webb

241. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Eves, Kimmance, M Rose and Trzebinski.

Councillor Perry said that he would need to leave the meeting after consideration of the second application to be considered - 21/503150/FULL (The Old Forge, Chartway Street, East Sutton, Maidstone, Kent).

242. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Round for Councillor Eves
Councillor Russell for Councillor Trzebinski

243. 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 21/503063/FULL (The Dreys, Squirrel Woods, Rumstead Lane, Stockbury, Kent), and attended the meeting remotely.

Councillor Mrs Gooch had given notice of her wish to speak on the report of the Head of Planning and Development relating to application 21/505249/REM (Land South West of Hermitage Lane/Oakapple Lane, Barming, Maidstone, Kent), and attended the meeting in person.

Councillor Hinder had given notice of his wish to speak on the report of the Head of Planning and Development relating to application 21/506626/FULL (Stables at Stud Farm, Dunn Street Road, Bredhurst, Kent), and attended the meeting in person.

Councillor Newton had given notice of his wish to speak on the report of the Head of Planning and Development relating to application

21/503585/FULL (Land West of Church Road, Otham, Kent), and attended the meeting in person.

Councillor S Webb had given notice of his wish to speak on the report of the Head of Planning and Development relating to application 21/506545/FULL (Wilson's Yard, George Street, Hunton, Kent), and attended the meeting in person.

244. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

245. URGENT ITEMS

The Chairman said that he intended to take the update reports of the Head of Planning and Development and 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.

246. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Brindle said that, with regard to the report of the Head of Planning and Development relating to application 21/506626/FULL (Stables at Stud Farm, Dunn Street Road, Bredhurst, Kent), the application site was situated in Bredhurst which was in her Ward. However, she had not been present at any meetings when the application was discussed, and she intended to speak and vote when it was considered.

Councillor Round disclosed an Other Significant Interest in the report of the Head of Planning and Development relating to application 21/503150/FULL (The Old Forge, Chartway Street, East Sutton, Kent). He said that the applicant was known to him personally as a friend and he would leave the meeting when the application was discussed.

247. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

13.	21/505036/FULL – Little Hawkenbury Barn, Hawkenbury Road, Hawkenbury, Tonbridge, Kent	Councillor Round
14.	21/506545/FULL – Wilson's Yard, George Street, Hunton, Kent	Councillors Brindle, Holmes, Spooner, Round and Young
15.	21/503063/FULL – The Dreys, Squirrel Woods, Rumstead Lane, Stockbury, Kent	Councillor Harwood

16.	21/506626/FULL - Stables at Stud Farm, Dunn Street Road, Bredhurst, Kent	Councillors Brindle, Cox, English, Harwood, Holmes, Munford, Perry, Round, Spooner and Young
17.	21/505341/SUB - Land off Farleigh Hill, Tovil, Kent	Councillor Round
18.	22/500414/FULL - South View Lodge, Pilgrims Way, Detling, Maidstone, Kent	Councillor Round
19.	21/503585/FULL - Land West of Church Road, Otham, Kent	Councillors Brindle, Cox, English, Harwood, Holmes, Munford, Perry, Round, Russell, Spooner and Young
20.	21/505249/REM - Land South West of Hermitage Lane/Oakapple Lane, Barming, Maidstone, Kent	Councillors Harwood, Holmes, Round, Russell, Spooner and Young
21.	21/503150/FULL - The Old Forge, Chartway Street, East Sutton, Maidstone, Kent	Councillors Brindle, Cox, English, Harwood, Holmes, Munford, Perry, Round, Spooner and Young
22.	21/506183/FULL - Pinelodge Cottage, Somerfield Road, Maidstone, Kent	No lobbying

248. EXEMPT ITEMS

RESOLVED: That the public be excluded from the meeting if Members wish to discuss the information contained in the exempt Appendix to the report of the Head of Planning and Development relating to application 21/503585/FULL (Land West of Church Road, Otham, Kent) because of the likely disclosure of exempt information pursuant to paragraph 5 of Part I of Schedule 12A to the Local Government Act 1972, having applied the Public Interest Test.

249. MINUTES OF THE MEETING HELD ON 17 FEBRUARY 2022 ADJOURNED TO 24 FEBRUARY 2022

RESOLVED: That the Minutes of the meeting held on 17 February 2022 adjourned to 24 February 2022 be approved as a correct record and signed.

250. PRESENTATION OF PETITIONS

There were no petitions.

251. DEFERRED ITEMS

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 Principal Planning Officer advised the Committee that the additional information and the views of the external consultant had been received. A report would be submitted to the Committee at the earliest opportunity.

21/505452/LBC - LISTED BUILDING CONSENT FOR WORKS TO RE-POSITION/RE-BUILD A SECTION OF RAGSTONE WALL (TO FACILITATE THE A20 ASHFORD ROAD AND WILLINGTON STREET JUNCTION CAPACITY IMPROVEMENT SCHEME) - MOTE PARK, A20 ASHFORD ROAD JUNCTION WITH WILLINGTON STREET, MAIDSTONE, KENT

The Principal Planning Officer advised the Committee that the additional information had been submitted. The Officers needed to consider this before reporting back to the Committee.

252. 21/503585/FULL - SECTION 73 - APPLICATION FOR VARIATION OF CONDITION 30 (TO VARY THE TRIGGER POINT FOR THE DELIVERY OF THE WILLINGTON STREET/DERINGWOOD DRIVE IMPROVEMENTS, TO PRIOR TO OCCUPATION OF 100 UNITS, RATHER THAN PRIOR TO COMMENCEMENT ABOVE FLOOR SLAB LEVEL) PURSUANT TO APPLICATION 19/506182/FULL (RESIDENTIAL DEVELOPMENT FOR 421 DWELLINGS WITH ASSOCIATED ACCESS, INFRASTRUCTURE, DRAINAGE, OPEN SPACE AND LANDSCAPING) (ALLOWED ON APPEAL) - LAND WEST OF CHURCH ROAD, OTHAM, KENT

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

In introducing the report, the Principal Planning Officer advised the Committee that he had received an email that afternoon from the applicant advising that they would be prepared to accept a condition for a 'Construction Safety Management Strategy Plan'. It was the Officers' advice that since the applicant had submitted an appeal to the Planning Inspector on the grounds of non-determination of the application, they should advance that through the appeal process as part of their proposals for suggested conditions.

Councillor Hickmott of Otham Parish Council had given notice of his wish to address the Committee but was unable to attend the meeting due to illness.

Councillor Newton addressed the meeting in person on behalf of Downswood Parish Council and in his capacity as Ward Member.

RESOLVED: That the Planning Inspectorate be advised that the Committee would have granted permission as per the original recommendation contained in the report to the meeting of the Committee held on 17 February 2022 but with an amendment to condition 30 (Off-Site Highway Works) to remove reference to 31 December 2023 for the reasons set out in the report to this meeting.

Voting: 5 – For 0 – Against 6 – Abstentions

253. 21/503150/FULL - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 3 NO. HOUSES WITH ASSOCIATED AMENITY SPACE, LANDSCAPING AND ACCESS - THE OLD FORGE, CHARTWAY STREET, EAST SUTTON, MAIDSTONE, KENT

Having disclosed an Other Significant Interest, Councillor Round left the meeting whilst this application was considered.

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

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

RESOLVED: That consideration of this application be deferred for further negotiations to secure:

- A fully worked up ecological and sustainable landscaping scheme to include investigation of how the southern parcel of land in the ownership of the applicant can be safeguarded as an ecological area such as a wood pasture, base-line ecological survey work, and details of the boundary treatments in respect of the property at the site frontage with a 10-year replacement period;
- Good quality vernacular materials and detailing;
- Energy efficient measures such as heat source pumps; and
- A wet SUDS solution for ecological gain.

Voting: 10 – For 0 – Against 0 – Abstentions

Note: Councillor Perry left the meeting after consideration of this application (7.15 p.m.).

254. 21/505249/REM - SECTION 73 - APPLICATION FOR AMENDMENT TO APPROVED PLANS CONDITION 1 (AMENDMENT TO LAYOUT TO FACILITATE A SECONDARY ACCESS) AND VARIATION OF CONDITION 8 (TO AMEND THE EMERGENCY ACCESS ARRANGEMENTS) PURSUANT TO 18/506068/REM (APPROVAL OF RESERVED MATTERS FOR ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE APPLICATION 13/2079 FOR THE ERECTION OF 80 DWELLINGS INCLUDING AFFORDABLE HOUSING, ASSOCIATED LANDSCAPING, INFRASTRUCTURE AND EARTHWORKS) - LAND SOUTH WEST OF HERMITAGE LANE/OAKAPPLE LANE, BARMING, MAIDSTONE, KENT

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

In introducing the application, the Principal Planning Officer advised the Committee that, since the publication of the agenda, five further representations had been received but they did not raise any issues that were not already addressed in the report.

Councillor Mrs Gooch (Visiting Member in person) read out a statement on behalf of Mrs Jones of the Give Peas a Chance Group which objected to the application.

Councillor Passmore of Barming Parish Council addressed the meeting in person.

Ms Cottingham, agent for the applicant, addressed the meeting remotely.

Councillor Mrs Gooch (Visiting Member) addressed the meeting in person in her capacity as Ward Member.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report as amended by the urgent update report with an informative requesting that the applicant works with the Highway Authority to bring forward a design for the stretch of carriageway (near to Broomshaw Road) which reduces speed by passive measures such as build-outs or narrowing and which is informed by Home-zone principles. The reason being for the amenity and safety of the residents who live in the properties which immediately abut the highway, which being family homes are likely to have children in them.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the informative.

Voting: 5 – For 3 – Against 2 – Abstentions

255. 21/506626/FULL - CONVERSION OF AN EXISTING STABLE AT STUD FARM TO PROVIDE A NEW TWO BEDROOM DWELLING WITH ASSOCIATED PARKING, LANDSCAPING, PRIVATE AMENITY SPACE AND EXTERNAL STORE (RESUBMISSION TO 21/503146/FULL) - STABLES AT STUD FARM, DUNN STREET ROAD, BREDHURST, KENT

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

Mr Hill, the Clerk to Bredhurst Parish Council, addressed the meeting in person.

Ms Hood, the applicant, addressed the meeting in person.

Councillor Hinder (Visiting Member) addressed the meeting in person.

The Head of Planning and Development emphasised that the fundamental principle in relation to the assessment of this application was that there should be no harm to the character and appearance of the countryside, and the value placed was very high as the application site was in the AONB. The proposal would cause clear harm to the character of the countryside because a house had a very different character to a stable

block. It would not be invisible in the countryside. Planning decisions should be made in accordance with the Development Plan having regard to the material planning considerations.

During the discussion, it was pointed out that the reference to Boxley Parish Council in section 5 of the report relating to consultations should be amended to refer to Bredhurst Parish Council.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed that subject to the application being advertised as a departure from the Development Plan if necessary and no objections being received by the expiry of the public consultation period, the Head of Planning and Development be given delegated powers to grant permission and to settle appropriate conditions to include those mentioned by Members during the discussion. In making this decision, Members did not consider that the proposal would have a harmful impact on the countryside or the AONB subject to the imposition of conditions to ensure that it is acceptable and in accordance with policy.

RESOLVED: That subject to the application being advertised as a Departure from the Development Plan if necessary and no objections being received by the expiry of the public consultation period, the Head of Planning and Development be given delegated powers to grant permission and to settle appropriate conditions to include those mentioned by Members in the discussion relating to:

Materials; the turning head/car parking area; landscaping in general but boundary treatments in particular with a 10-year replacement period; renewables; biodiversity enhancements (bat tubes etc.); and lighting appropriate to the AONB.

Voting: 8 – for 1 – Against 1 – Abstention

256. 21/506545/FULL - SIX DWELLINGS WITH ASSOCIATED ALLOTMENTS, LANDSCAPING, PARKING, COMMUNAL LANDSCAPED AREAS, AND OTHER ASSOCIATED WORKS (PART RETROSPECTIVE) - WILSONS YARD, GEORGE STREET, HUNTON, KENT

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

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

Voting: 10 – For 0 – Against 0 – Abstentions

257. 21/503063/FULL - RETROSPECTIVE APPLICATION FOR CHANGE OF USE OF LAND AND FIELD SHELTER TO PROVIDE EVENTS VENUE, INCLUDING ERECTION OF COVERED SEATING AREAS TO REAR AND SIDES OF FIELD SHELTER, ERECTION OF WOODCUTTERS CABIN TO BE USED IN CONJUNCTION WITH EVENTS VENUE, AND USE OF MOBILE FACILITIES INCLUDING 2 NO. STORE ROOMS, 2 NO. MARQUEES, 3 NO. TOILET

BLOCKS, 1 NO. DISABLED WC, 2 NO. SHEPHERDS HUTS, 4 NO. SHIPPING CONTAINERS, WITH ASSOCIATED CAR PARKING AND WOODLAND WALKWAY - THE DREYS, SQUIRREL WOODS, RUMSTEAD LANE, STOCKBURY, KENT

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

Councillor Garten (Visiting Member) addressed the meeting remotely.

The Democratic Services Officer read out a statement on behalf of Ms Watts, agent for the applicant, who was unable to address the meeting remotely due to connectivity issues.

RESOLVED:

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

The amendment of condition 6 ii) e) (Woodland Management Plan) to read:

a list of locally appropriate native species, *including pedunculate oak, small-leaved lime and beech*, that will be used in the planting;

The amendment of condition 6 iii) b) (Grassland Management Plan) to read:

grassland plan informed by a detailed ~~botanical~~ survey of *flora and fauna*; and

The amendment of condition 7 (External Lighting) to ensure proper lighting standards in the AONB, including the use of red spectrum lighting to minimise the impact of the development on biodiversity.

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

Voting: 10 – For 0 – Against 0 – Abstentions

Note: Councillor Harwood left the meeting after consideration of this application (9.30 p.m.).

258. 22/500414/FULL - DEMOLITION OF EXISTING CONSERVATORY AND ERECTION OF A TWO-STOREY REAR EXTENSION AND REPLACEMENT FRONT PORCH - SOUTH VIEW LODGE, PILGRIMS WAY, DETLING, MAIDSTONE, KENT

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

Mrs Zammit, an objector, addressed the meeting remotely.

The Democratic Services Officer read out a statement on behalf of Councillor Bowie of Detling Parish Council who was unable to address the meeting remotely due to connectivity issues.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with the amendment of condition 3 (Materials) to require materials to match the existing property and no use of render.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended condition and to amend any other conditions as a consequence.

Voting: 9 – For 0 – Against 0 – Abstentions

259. 21/505036/FULL - PROPOSED CHANGE OF USE OF LAND FROM AGRICULTURAL TO RESIDENTIAL AND ERECTION OF DETACHED GARAGE WITH ANCILLARY ACCOMMODATION ABOVE - LITTLE HAWKENBURY BARN, HAWKENBURY ROAD, HAWKENBURY, TONBRIDGE, KENT

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

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

Voting: 9 – For 0 – Against 0 – Abstentions

260. 21/505341/SUB - SUBMISSION OF DETAILS TO DISCHARGE CONDITION 14 (VEHICULAR ACCESS STRATEGY) OF PLANNING PERMISSION 20/502266/FULL - LAND OFF FARLEIGH HILL, TOVIL, KENT

Councillor English said that he was a Member of Tovil Parish Council, but he had not taken part in the Parish Council's discussions regarding this application and intended to speak and vote when it was considered.

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

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

Voting: 9 – For 0 – Against 0 – Abstentions

261. 21/506183/FULL - RETROSPECTIVE APPLICATION FOR THE ERECTION OF A SIDE LINK EXTENSION TO GARAGE, CONVERSION OF GARAGE TO GYMNASIUM AND ERECTION OF A SUMMER HOUSE - PINELODGE COTTAGE, SOMERFIELD ROAD, MAIDSTONE, KENT

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

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

Voting: 9 – For 0 – Against 0 – Abstentions

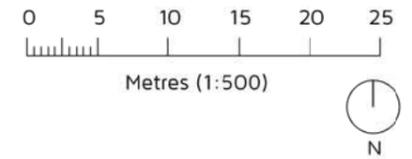
262. APPEAL DECISIONS

The Committee considered the report of the Head of Planning and Development setting out details of appeal decisions received since the last meeting. The Major Projects Manager advised the Committee that two of the decisions were relevant in so far as they were both delegated refusals, both dismissed at appeal and the Inspector in each case supported the Council's view that the proposals represented poor quality over-development and adversely affected the character and appearance of the area. Further, the Inspector in each case did not afford any weight to the contribution of a single dwelling to the Council's housing supply. They did not consider that the benefit of a single unit outweighed the harm to the character of the area.

RESOLVED: That the report be noted.

263. DURATION OF MEETING

6.00 p.m. to 9.55 p.m.



Form new Tarmac bell mouth access point, 4.8 metres wide with 6.0m radii and a 1.8m footway with a flush kerb (to be overrunable) provided to the Eastern spall. Form a double row of block edging to contain hardstanding and blockley paved footway. Throughout development 0.5m service strip to be provided to the Western side and 1.8m service strip to the East side.

Domestic hedge planting to access spalls comprising of Field Maple, Beech, Hazel and Hawthorn grouped in a random pattern of two or more similar species, nursery stock, barerooted

Main access spur 3.1m min width formed in porous block paving or similar providing a natural stone surface texture in a random pattern format. Paving contained with a double row of block edging finished flush with grass service strip. Triple row of granite sets to divide access and

Existing conifer hedge
Existing 1.0m high post and wire fence
Existing Conifer hedgerow

Gated field access for maintenance of open meadow or paddock/grazing area

Domestic hedge planting to gardens of Field Maple, Beech, Hazel and Hawthorn grouped in a random pattern of two or more similar species, nursery stock, barerooted

Existing Conifer hedgerow retained

Ephemeral wetland depression/pond to form a shallow ground depression potentially seasonally wet within a sand substrate with herbaceous peripheral vegetation. This will be naturally colonised from local sources to establish an ecological habitat for distinctive plants and animals.

Proposed groups of shrubs/trees to form a thicket and to include Hawthorn "Crataegus Monogyna", Hazel "Corylus Avellana", and Crab Apple "Malus Sylvestris" all 10-12g with understorey planting of typically Dogwood, Guelder Rose, and Wayfaring Tree.

Proposed specimen trees 14-16g Standards to include the following- Small leaved Lime "Tilia Cordata", Field Maple "Acer Campestre", Hornbeam "Carpinus Betulus" and Beech "Fagus Sylvatica" to be grouped where possible with two or more adjacent similar species. All to be suitably protected with timber crate guards.

Proposed native tree copse to perimeter of development to reinforce existing boundary hedging. Trees proposed selected standards (1.8m-2.1m clear stem from ground level) in the following mix..
30% Field Maple "Acer Campestre"
30% Beech "Fagus Sylvatica"
20% Hazel "Corylus Avellana"
20% Hawthorn "Crataegus Monogyna"
staked to ground, grouped together wherever possible in two or more similar species

Wildflower grass meadow mix- Kent Milkwort, Man Orchid, Fragrant Orchid, Chalk Milkwort, Horseshoe Vetch, augmented with wildflower plant plugs and with a sympathetic mowing regime to be adopted to create areas of long grass (particularly beneath tree groups and below canopies) for habitat creation and to encourage biodiversity

PROPOSED SITE LAYOUT PLAN
1:500@ A3

C	Biodiversity additions added @ LPA request	19.04.2022
B	Highway issues addressed as raised by KCC	03/08/2021
A	Plot 3 revised-adjusted layout	17.11.2020
Rev:	Reason:	Date:

Client:
KENT FORKLIFTS LTD
Project:
THE OLD FORGE, CHARTWAY STREET,
EAST SUTTON, MAIDSTONE, KENT
Title:
PROPOSED SITE LAYOUT
AND LANDSCAPING PLAN
Drawing No: DHA/11086/56
Rev: C
Scale: 1:500
Date: DEC 2019



Eclipse House, Eclipse Park, Sittingbourne Road
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CAD Reference: DHA_11086_56_Proposed Site Layout/Landscaping Plan_PFS

REPORT SUMMARY

REFERENCE NO: - 22/501684/FULL		
APPLICATION PROPOSAL: Change of Use from a Shop (Class E) to a hot food takeaway (Sui Generis) and installation of a flue.		
ADDRESS: 3 The Parade Staplehurst Tonbridge Kent TN12 0LA		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION FOR APPROVAL: The application property is currently vacant and there is no objection to the loss of the existing use. The unit could be used as a café or restaurant without the need for planning permission and would be unrestricted in terms of planning conditions. The need for permission provides an opportunity to reduce the potential impact of the use with planning conditions. The building is in a sustainable district centre location that benefits for nearby residents with a number of facilities in easy walking distance, also linked to the location and proximity to the high street there is a certain level of noise and activity. In the vicinity of the site there are also existing uses with similar opening hours. The proposed ventilation equipment is mostly located internally thereby reducing visual and amenity impact. There are no issues raised in relation to the design and the ventilation equipment with a planning condition relating to future maintenance. The parade of shops where the site has a dedicated parking court to the front with parking to the rear for residents. The traffic and short term parking generated by the use will not a severe impact on the highway network.		
REASON FOR REFERRAL TO COMMITTEE: Call in from Cllr Perry for the reasons set out at paragraph 5.01 below.		
WARD: Staplehurst	PARISH: Staplehurst	APPLICANT/AGENT: 5AB Group Ltd Cadscapes Ltd
CASE OFFICER: Douglas Wright	VALIDATION DATE: 11/04/2022	DECISION DUE DATE: 01/09/2022
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

- 2017 – 2019 approved applications relating to signage and installation of a new ATM (17/504344/FULL, 17/504345/ADV, 19/502610/FULL and 19/502611/ADV)
- 1990 -1993 approved applications for new signage and shopfront (90/0363, 90/0362 and 93/1293)

1.0 DESCRIPTION OF SITE

- 1.01 The application site premises are in a three-storey building with a single storey flat roof element to the rear.
- 1.02 The ground floor has commercial uses (Subway, Greggs and Corals Bookmakers) and residential accommodation at first and second floor levels. The application unit is currently vacant and was previously used as a wine shop.
- 1.03 The application building accessed from the north side of Offens Drive is set back from the High Street behind a public parking court (circa 16 spaces). Staplehurst Library is located to the north. Further car parking is available to the side of the building in Offens Drive and to the rear of the building off the access to the health centre.
- 1.04 The building and car parking arrangements to the north of Offens Drive are mirrored to the south of Offens Drive with ground floor commercial uses including Spar, Mc Colls, Jumeira Indian restaurant and Chequers Fish Bar with residential accommodation at first and second floor levels.
- 1.05 In the adopted Local Plan, the site is located in the designated Rural Service Centre of Staplehurst and in the designated District Shopping Centre boundary. With reference to the neighbourhood plan the site is located in the 'Village Heart'.

Front elevation of the existing unit



2.0 PROPOSAL

- 2.01 The application seeks permission for the change of use of the existing retail unit (vacant wine shop) to form a pizza takeaway (sui generis).

- 2.02 The application also includes the installation of an extraction flue which discharges to the rear elevation. The vent to the ventilation equipment is the only external change to the building.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan policies SS1, SP5, SP10, SP21, DM1, DM17, DM18, DM23
- Staplehurst Neighbourhood Plan: VH1
- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021. - The Regulation 22 draft is a material consideration however weight is limited, as it will be the subject of a future examination in public.

4.0 LOCAL REPRESENTATIONS

- 4.01 Eight responses have been received objecting to the application for the following reasons:
- Noise and disturbance
 - Competition with existing food uses
 - Loss of a shop
 - Parking and traffic

Staplehurst Parish Council

- 4.02 Support "*Councillors recommend approval to the MBC Planning Officer*".

Cllr Perry

- 4.03 The application is called in for a committee decision on the following grounds:
- The parade where the application site is located is relatively small and already has a Greggs, a Subway, an Indian Restaurant and a Fish and Chip shop.
 - I am also concerned at the increase in demand on parking spaces.

5. CONSULTATIONS

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

Mid Kent Environmental Health

- 5.01 No objections subject to conditions relating to noise levels, maintenance of ventilation equipment and refuse storage.

6.0 APPRAISAL

- 6.01 The key issues are:
- Loss of the existing use
 - Amenity
 - Parking and traffic

Loss of the existing use

- 6.02 The application site is located in a Rural Service Centre. Outside the Maidstone Urban Area the Rural Service Centres are the second most sustainable settlement

in the hierarchy to accommodate growth. The site is located in a District Shopping Centre where policy DM17 seeks to maintain and enhance the existing retail function. The site is not located in a primary or secondary shopping frontage.

- 6.03 Policy VH1 of the Staplehurst Neighbourhood Plan seeks to support the retention and enhancement of existing retail and ancillary facilities in the village heart.
- 6.04 Since the adoption of the Local Plan in 2017, major changes have taken place to the operation of the planning use classes system (Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) and these changes have introduced substantially more flexibility in the use of buildings and the need for planning permission.
- 6.05 These changes include the deletion of the former 'A' use class, so there is no longer a 'retail' use class. The changes mean that a use can change between shops, restaurants, cafés, clinics, crèches, banks, offices, light industrial, indoor sports within the new Use Class E without a need for planning permission.
- 6.06 Whilst a hot food take away does need planning permission (permission is required to change from, or, to any sui generis use – a 'class of its own') the application premises can be used for a variety of non-retail uses without planning permission, including other food uses such as a café or restaurant. These permitted uses could potentially have a greater impact than the current proposal, especially as (unlike the current application) there would be no opportunity to mitigate impact through the use of planning conditions.
- 6.07 The application premises is not located in either a primary or secondary shopping frontage where the Local Plan (as drafted- DM27 and DM28) seeks to restrict non-planning use class A1 retail uses. In the event that the site was in a primary or secondary frontage, the changes to the use class system have removed the need to change from a retail use to a restaurant or café.
- 6.08 The application site is located in the District Centre that provides a wide range of different retail and other uses within easy walking distance. The proposed use is as a pizza takeaway and this use will provide greater variety in the food offering in Staplehurst.
- 6.09 On the basis of the permitted changes to other uses and the other uses within the District Centre, it is concluded that there are no grounds to refuse planning permission in terms of the loss of the most recent use of the vacant premises as a retail wine shop.

Amenity

- 6.10 Local Plan policy DM1 advises that proposals which would create high quality design and meet a number of stated criteria will be permitted. These criteria include respecting the amenities of occupiers of neighbouring properties and uses by ensuring that development does not result in excessive noise, vibration, odour, air pollution, or activity or vehicular movements. There is a requirement to incorporate measures for the adequate storage of waste.
- 6.11 The proposal would consist of a new takeaway business, which would seek opening times of would be 1600hrs to 2200hrs Mondays to Fridays and 1200hrs to 2200hrs on Saturdays and 1200hrs to 2100hrs on Sundays.

- 6.12 In comparison, Jumeira Indian Restaurant and Takeaway opens later on every day of the week (1700hrs to 2230hrs Sundays to Thursdays, whilst Fridays and Saturdays are open till 2300hrs). The Spar is also open till 2200hrs every day. Chequers Fish Bar has similar opening hours, open to 2200hrs every day, other than Sunday when it is closed.
- 6.13 The application site is located adjacent to Staplehurst High Street (A229) and this location will have existing background noise levels generated by traffic and general activity in the street. Visitors to existing nearby early night time uses will also generate more localised noise with car doors closing and general activity.
- 6.14 Whilst it is accepted that the proposed use would be likely to increase existing activity, the increase in activity is not sufficient to refuse planning permission given the site context. The environmental health officer has raised no issues with the proposed hours that the takeaway will operate. A planning condition is recommended to restrict operation to the stated hours.
- 6.15 The majority of food related uses require some form of building ventilation, and this ventilation is designed in relation to the type of cooking that is proposed and the physical constraints of the building. In this case, the majority of the ventilation ducting is located within the building running along the length of the single storey rear part of the building with the external vent on the rear elevation. The ventilation equipment has been assessed by the environmental health officer and no issues have been raised in terms of noise and odours. In line with the environmental health officer advice a condition is recommended in relation the future maintenance of the equipment.
- 6.16 In summary the visual impact of the ventilation equipment is minimal (see rear elevation drawing below), the specification and design of the ventilation equipment are acceptable, and the hours of operation are restricted by condition. The proposal is found to be acceptable in relation to the potential impact on amenity.

Elevation drawings (only external building change highlighted)



Parking and traffic

- 6.17 Staplehurst is recognised as being in the second tier of accessible and sustainable locations (Rural Service Centre) in the borough only behind the Maidstone Urban Area in the hierarchy. The application site within the Rural Service Centre is an existing purpose-built commercial unit with an adjacent designated car parking court. Car parking for the residential uses above the application property are provided at the rear of the building. Other commercial, retail, health and leisure uses are found nearby.
- 6.18 It is accepted that the proposed use will generate traffic, however the level of traffic will not be significantly different than other uses that would be permitted in the premises without a need for planning permission. The site has a parking court directly adjacent to the unit and given the nature of the location there is also likely to be customers arriving on foot and also linked vehicle trips with other nearby commercial uses and residential accommodation.
- 6.19 NPPF paragraph 111 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*". It is found that there would not be any severe impact on the highway or local parking demand as a result of this proposal.

Other matters

- 6.20 Consultation response have referred to the potential impact on other local businesses. Competition is not an issue that is considered in the planning system.

7. CONCLUSION

- 7.01 The application property is currently vacant and there is no objection to the loss of the existing use. The unit could be used as a café or restaurant without the need for planning permission and would therefore be unrestricted in terms of planning conditions. The need for permission provides an opportunity to reduce the potential impact of the use with planning conditions.
- 7.02 The application property is in a purpose-built block with commercial uses at ground floor with residential accommodation above. The building is in a sustainable district centre location that benefits for nearby residents with a number of facilities in easy walking distance, also linked to the location and proximity to the high street there is a certain level of noise and activity. In the vicinity of the site there are also existing uses with similar opening hours.
- 7.03 The proposed ventilation equipment is mostly located internally thereby reducing visual and amenity impact. There are no issues raised in relation to the design and the ventilation equipment with a planning condition relating to future maintenance.
- 7.04 The parade of shops where the site has a dedicated parking court to the front with parking to the rear for residents. The traffic and short term parking generated by the use will not a severe impact on the highway network.
- 7.05 The proposal is in accordance with adopted policy and the recommendation is to grant planning permission subject to conditions.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans and documents:
 - PA_22_029_001 - Existing and Proposed Plan and Elevations
 - PA_22_029_002 Rev A - Site Location and Block Plan
 - Planning Statement
 - UB 042 500EV sileo Multibox
 - Sitesafe Discarb Units
 - Type 2 Premium Baffle Filter
 - Vline Panel FilterReason: in the interests of proper planning.
- 3) No activity in connection with the use hereby permitted shall be carried out outside 1600hrs to 2200hrs Mondays to Fridays and 1200hrs to 2200hrs on Saturdays and 1200hrs to 2100hrs on Sundays.
Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.
- 4) The proposed extraction system and plant shall be installed in accordance with the supporting information provided with the application prior to first use of the premises hereby permitted and shall thereafter be maintained in accordance with the manufacturer and operating instructions.
Reason: In the interests of residential amenity.
- 5) 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 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 consultants should contact the Environmental Protection Team to agree a site-specific target level.
Reason: In the interests of amenity.
- 6) Prior to the commencement of the approved use a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with the DEFRA publication Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems January 2005. The approved equipment, plant or process shall be installed or in place prior to the first operation of the premises and shall thereafter be operated and retained in compliance with the approved scheme.
Reason: In the interests of amenity.
- 7) Prior to the commencement of the approved use facilities for (a) the storage and screening of refuse bins, and (b) the collection of refuse bins, shall be in place that are in accordance with details that have previously been submitted to and approved by the Local Planning Authority. These details will be maintained as such thereafter.
Reason: In the interests of amenity.

INFORMATIVES

1. Advertisements: The applicant is advised that any new signage may require the benefit of separate advertisement consent, see advice on the following website: <https://www.gov.uk/government/publications/outdoor-advertisements-and-signs-a-guide-for-advertisers>
2. External changes: The applicant is advised that external changes to the unit such as a new shopfront are likely to require the benefit of a separate planning permission.
3. Radon: The applicant is advised that the site is in a radon affected area with a 3-5% probability of elevated radon concentrations. If the probability of exceeding the action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments - British Research Establishment code BR211 (2015) and The Building Regulations 2010 England (amendments 2013). If the probability rises to 10% or more, provision for further preventative measures are required in new houses. Test(s) for the presence of radon gas are recommended to be carried out. Further information can be obtained from Public Health England.
4. Asbestos: The applicant is advised that adequate and suitable measures should be carried out for the minimisation of asbestos fibres during any works, 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. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
5. Construction: The applicant is advised of the Mid Kent Environmental Code of Development Practice produced by the Mid Kent Environmental Protection Team (shared service between Maidstone Tunbridge Wells and Swale). This guidance is available on the Tunbridge Wells website at the following link: <https://tunbridgewells.gov.uk/environment/environmental-code-of-development-practice>

Agenda Item 21



Ordnance Survey - data derived from OS Premium

22/500532/FULL Southfield Stables, South Lane, Sutton Valence, Kent, ME17 3AZ

Scale: 1:2500

Printed on: 11/8/2022 at 12:20 PM by JoannaW

REFERENCE NO - 22/500532/FULL		
APPLICATION PROPOSAL Demolition of existing dwelling and erection of 1no detached dwelling with associated garage, driveway and landscaping.		
ADDRESS Southfield Stables, South Lane, Sutton Valence, Kent, ME17 3AZ		
RECOMMENDATION Grant Permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION For the reasons set out below the replacement dwelling 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 in accordance with current policy and guidance. It complies with the relevant policies of the development plan (Maidstone Borough Local Plan, 2017) and provisions set out in the National Planning Policy Framework and there are no overriding material considerations to indicate a refusal of planning permission.		
REASON FOR REFERRAL TO COMMITTEE Request by Sutton Parish Council for the reasons set out at paragraph 5.01		
WARD Sutton Valence and Langley	PARISH COUNCIL Sutton Valence	APPLICANT Mr & Mrs Allum AGENT Kent Design Studio Ltd
CASE OFFICER: Douglas Wright	VALIDATION DATE: 08/02/2022	DECISION DUE DATE: 01/09/2022
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

- Application site
18/501763/REM Reserved matters of landscaping pursuant to outline permission 17/505294/OUT for demolition of existing stables, horse walker, cabins/container, shed and toilet with existing caravans removed to allow for construction of access road and erection of 3 detached single storey bungalows with garaging /car barn inclusive of ecological communal garden, with access, appearance, layout and scale to be considered at this stage and landscaping reserved for future consideration. Granted 14.06.18.
- 17/505294/OUT Outline application for the demolition of existing stables, horse walker, cabins/container, shed and toilet with existing caravans removed to allow for construction of access road and erection of 3 detached single storey bungalows with garaging /car barn inclusive of ecological communal garden, with access, appearance, layout and scale to be considered and landscaping reserved for future consideration Granted 28.02.18 (Committee 22.02.18)
- 15/510509/OUT Five detached dwellings with garaging parking together with construction of access road. Refused 19.09.2016 dismissed on appeal.
- 84/1450E permission refused for the construction of a detached house. An appeal against the refusal of permission was allowed 30 December 1985 with conditional planning permission granted. A planning condition required that a future occupant of the dwelling should be "...solely or mainly employed, or last employed, in the locality in the management of stables or in agriculture...or in forestry or the dependent of such a

person residing with him or her, or a widow or widower of such a person".
Land separating the application site from South Lane (South Belringham Barn)

- 19/500208/FULL Change of use of agricultural land to residential for the amenity of South Belringham Barn. Construction of a greenhouse, tennis court with perimeter fence and pool building. Granted 15.03.2019

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is located in the countryside outside any designated settlement and to the east of South Lane.
- 1.02 The Local Plan designated 'larger village' of Sutton Valence (NB: not a rural service centre as listed elsewhere) is to the north of the application site, with Sutton Valence Conservation Area covering part of the settlement and land to the south.
- 1.03 An estate of post war housing ('The Harbour') is located to the south of the application site. The estate which is suburban in layout and style is located circa 50 metres to the south (property called Apple Ridge) from the site entrance in South Lane. The Harbour includes the now developed allocated housing site Brandy's Bay H1 - 64 (Greensand Meadow).
- 1.04 The application site is located outside but land designated in the local Plan as a Landscape of Local Value is located both to the north and east 'Greensand Ridge' (circa 90 metres away from the existing house at the closest point) and to the south 'The Low Weald' (circa 210 metres away from the existing house at the closest point).
- 1.05 The main part of the application site is set back circa 46 metres from South Lane with vehicle access provided by a service road. The equestrian use at Southfield Stables consisted of two separate stable buildings and a the two-storey detached house.

2. PROPOSAL

- 2.01 The two-storey house which is the focus for the current planning application (22/500532/FULL) is at the eastern end of the equestrian site. The first of the two stable buildings (Stables 'A') is located between the house and South Lane. The second smaller stables building (Stables 'B') with an 'L' shape footprint is located further to the north.
- 2.02 Planning permission has previously been granted for the demolition of both stable buildings ('A' and 'B') and the construction of 3, detached single storey bungalows with garages on this site (17/505294/OUT and 18/501763/REM). As shown on the approved drawings for 17/505294/OUT, two of the proposed bungalows are on the site of Stables 'B' with the third bungalow on the site of Stables A. This permission has been implemented through the demolition of the stable buildings.
- 2.03 The house that is the subject of the current planning application would be retained as part of these earlier permissions, with all four dwellings sharing the service road and access on to South Lane.
- 2.04 The current application is for the demolition of the existing house that was not part of the earlier permission and the construction of a new replacement dwelling with associated garage, driveway and landscaping. The main frontage of the current

house faces south, and the main frontage of the replacement building would face east towards South Lane.

- 2.05 If approved, the current planning application would result in one less dwelling with a reduction from 4 to 3 dwellings. The two bungalows on the site of Stables B would remain, however the land occupied by Stables A would form part of the plot for the replacement to the original house and the third bungalow would not be constructed.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2017)

- SP17 – Countryside
- SP11 – Larger villages
- SP15 – Sutton Valance – larger village.
- SP18 – Historic environment
- DM1 – Principles of good design
- DM3 – Natural environment
- DM4 – Development affecting designated and non-designated heritage assets
- DM5 – Development on brownfield land
- DM8 – External lighting
- DM23 – Parking Standards (Appendix B)
- DM30 – Design principles in the countryside
- DM32 – Rebuilding and extending dwellings in the countryside

Supplementary Planning Documents

- Maidstone Landscape Character Assessment and Supplement (2012 amended 2013) Landscape Capacity Survey (2015)

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

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 No letters of representations have been received from local residents.

Sutton Parish Council

- 4.02 Objection for the following reasons:

- proposed dwelling is much larger in terms of mass and proportion than the existing dwelling and neighbouring houses.
- Regarding the green agenda, what is happening to the demolition materials of the existing house that is less than 30 years old.
- Ask for confirmation that an agricultural occupancy condition is not in place on the original dwelling.

The Parish Council resolved that this application be refused and they wish the application to be considered by the planning committee.

5. CONSULTATIONS

Mid Kent Environmental Health

- 5.01 No objection, suggest informative on construction nuisance

Kent Fire and Rescue Services

- 5.02 No objection, made reference to Building Regulations

Kent County Council Highways

- 5.03 No comment. The development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

6. APPRAISAL

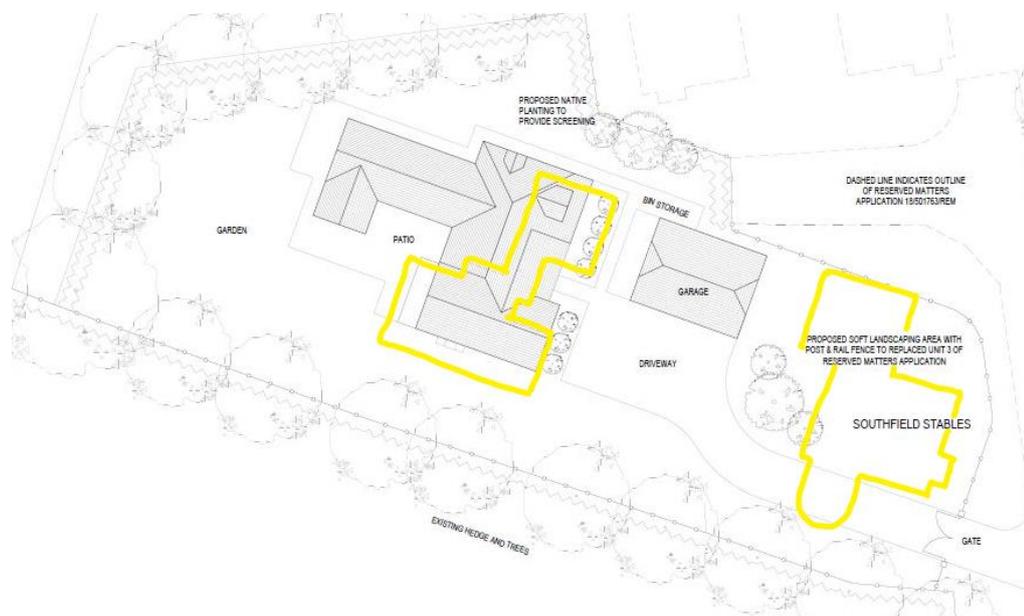
Main issues

- 6.01 The key issues for consideration relate to:
- Impact on the countryside
 - Brownfield land
 - Residential amenity – neighbours
 - Residential amenity – future occupiers
 - Heritage
 - Other matters

Impact on the countryside

- 6.02 The adopted Maidstone Local Plan (2017) identifies the site as falling in the countryside outside any designated settlement boundary. Local Plan Policy SP17 states that development proposals in the countryside will not be permitted unless:
- a) they will not result in harm to the character and appearance of the area and
 - b) they accord with other LP policies.
- 6.03 With any new building there is a degree of harm to the character and appearance of the countryside and as a result the application is contrary to policy SP17 (a).
- 6.04 Whilst there will be a degree of visual harm, and in terms of SP17 (a), adopted local plan policy DM32 (Rebuilding and extending dwellings in the countryside) permits development in the countryside in certain circumstances. Part of the application site is occupied by a stables building (with previous approval for a single bungalow) and is therefore brownfield land, Policy DM5 permits the development of brownfield land located in the countryside in certain circumstances.

Previously approved layout in yellow overlaid on the current proposal



6.05 As an exception to the normal constraint of development, adopted Local Plan policy DM32 permits the demolition of existing dwellings and construction of replacement dwellings in the countryside subject to a number of specific criteria. The submitted planning application has been found to meet these criteria in DM32 with the assessment set out below.

i) The present dwelling has a lawful residential use.

6.06 The existing dwelling on the application site has a lawful residential use.

ii) The present dwelling is not the result of a temporary planning permission.

6.07 The existing dwelling is not the result of a temporary planning permission.

iii) The building is not listed.

6.08 The existing dwelling is not listed.

iv) The mass and volume of the replacement dwelling is no more visually harmful than the original dwelling.

6.09 In assessing the current proposal, the earlier permission for 4 houses (retained house and 3 new bungalows) needs comparison with the current proposal for a larger replacement house but only 2 bungalows.

6.10 The drawing on the preceding page provides the layout as previously approved in yellow overlaid on the layout currently proposed. The bungalow to be removed is on the right hand side and the existing dwelling on the left. The annotation on the plan states that the bungalow will be replaced with an area of soft landscaping.

• **As approved - existing house and on the three bungalows**

Existing dwelling (south)



Bungalow (east plot 3) 17/505294/OUT



• **As proposed - with new house and removal of 1 of the 3 bungalows**

Currently proposed dwelling (east) and garage (south).



- 6.11 The combined footprint of the retained dwelling and the previously approved bungalow is 290 M² ³. The current proposal involving the removal of one bungalow and a larger replacement dwelling (including the garage) will provide a footprint of 264 M² (reduced by 26 M²).
- 6.12 In terms of bulk and massing, a front elevation drawing of the bungalow to be removed and the existing dwelling to be replaced are provided above. The third drawing is of the front elevation of the proposed replacement dwelling. With the existing building reorientated so the main elevation faces east, the drawings below just show the building bulk with the siting provided in the layout plan above.
- 6.13 The replacement dwelling would be larger than the existing dwelling, but the building massing will be reduced by the introduction of the chalet style roof. The current proposal will remove the massing and volume of the bungalow.
- 6.14 In terms of volume, the volume of the existing building is circa 759 m³. The volume of the previously approved bungalow on plot 3 is circa 579m³. With the volume of the replacement house and garage circa 1356m³, the development will result in a net increase of 18m³.
- 6.15 Whilst a detached garage is included with the current proposal, the garage unlike the bungalow is located close to the main replacement dwelling thereby consolidating development on this part of the site. The land occupied by the bungalow will be replaced with an area of soft landscaping. The mass and volume of the replacement dwelling is overall no more visually harmful than the original dwelling.

v. The replacement dwelling would result in a development which individually or cumulatively is visually acceptable in the countryside; and

- 6.16 The current proposal involves both the physical loss of the residential dwelling and the loss of the associated impact of this dwelling in terms of activity, domestic paraphernalia etc.
- 6.17 The design, bulk and massing of the replacement dwelling is considered acceptable. Proposed materials in the replacement house include traditional clay roof tiles and weatherboarding which would ensure that the development assimilates well within the local area. The proposal would be largely contained by the existing native hedge screening.
- 6.18 In terms of the visual quality of the landscape, the existing stable buildings, ménage and other ancillary equestrian facilities detract from the visual amenity of this rural location and its wider setting. Consequently, the proposed development and associated landscaping which includes the creation of an ecological communal garden would help secure significant environmental enhancements at the site.
- 6.19 With the existing buildings on the site the proposed development would not increase the visual impact of the site within the wider landscape. The screening provided by existing hedging would be complemented by native tree planting and the ecological communal garden.
- 6.20 The replacement dwelling is visually acceptable in the countryside both individually and cumulatively.

vi. The replacement dwelling is sited to preclude retention of the dwelling it is intended to replace, or there is a condition or a planning obligation to ensure the demolition of the latter on completion of the new dwelling.

- 6.21 The replacement dwelling is located on the footprint of the existing dwelling and therefore the existing and proposed dwellings cannot exist together.

Brownfield land

- 6.22 The application site includes the existing dwelling and its curtilage and also the adjacent equestrian stables. The land occupied by the stables is brownfield land and as a result Local Plan policy DM5 is relevant.
- 6.23 Policy DM 5 of the local plan Development on brownfield land states "*Exceptionally, the residential redevelopment of brownfield sites in the countryside...*" will be permitted where they meet a number of criteria and these are considered below:
- a) The site is not of high environmental value.
- 6.24 The land in question is occupied by a large stable building as well as other associated buildings and structures. The land has been excluded from landscape of local value designations both to the north and to the south. The application site is not of high environmental value.
- b) The 'redevelopment' will result in a significant environmental improvement.
- 6.25 In relation to the residential redevelopment of brownfield sites in the countryside, the Local Plan does not provide a definition of what constitutes 'significant environmental improvement'. Published guidance on interpretation is in the first three of the six key 'considerations at paragraph 6.37 of the Local Plan. These considerations relate to the level of harm to the character and appearance of an area, the impact of proposals on the landscape, the impact of proposals on the environment and positive impacts on residential amenity.
- 6.26 As discussed elsewhere in this report the submitted proposal will improve the character and appearance of the area in a number of ways. These include the removal of the stable buildings and the provision of a garden area with soft landscaping. Whilst this garden will be a domestic garden, the removal of the existing buildings is considered a significant environmental improvement.
- 6.27 The removal of the existing commercial stables use and the resulting activity, traffic and disturbance will have a positive impact on residential amenity. When assessed against the key characteristics set out in the Local Plan it is considered that proposal will provide significant environmental improvement in line with (DM5 (2)).
- 6.28 The application includes the removal of the stables buildings and the provision of a garden area with soft landscaping. Whilst this garden will be a domestic garden, the removal of the existing buildings is considered a significant environmental improvement.
- c) The density reflects the character and appearance of the area
- 6.29 The proposal includes a replacement house that will involve no change to residential density. The removal of the previously approved bungalow will reduce the residential density on the site.
- d) the site is, or can reasonably be made, accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village.
- 6.30 This part of policy DM5 is assessing brownfield development in the countryside. The application site entrance is located circa 235 metres (0.24km) from the designated boundary of the Sutton Valence 'Larger Village' which is considered a

sustainable location in the Local Plan after the Maidstone Urban Area and the designated Rural Service Centres. Paragraph 4.21 of the Local Plan advises that *"The five larger villages ...have fewer services than rural service centres but can still provide for the day-to-day needs of local communities and the wider hinterland".* With this policy wording acknowledging the wider benefits outside the defined larger village settlement boundaries.

- 6.31 Paragraph 4.21 goes on to say *"All villages provide a nursery and primary school; a shop (including a post office); at least one place of worship, public house and community hall as well as open space provision. All have a range of local employment opportunities. The villages are connected by at least four bus journeys/weekday and Hollingbourne and Yalding are served by a train station".*
- 6.32 In applying policy DM5 the key characteristics or questions to be considered as set out at paragraph 6.37 of the Local Plan are, what sustainable travel modes are available or could reasonably be provided; what traffic the present or past use has generated; and the number of car movements that would be generated by the new use, and what distances, if there are no more sustainable alternatives.
- 6.33 With South Lane including a pedestrian pavement from the site entrance to the Sutton Valence larger village walking into Sutton Valence is a safe and viable option for future occupiers. In addition, it is possible to make provision for other sustainable travel modes in the terms of cycling and electric vehicles as part of the development. Planning conditions are recommended to ensure that an electric vehicle charging point is provided prior to first occupation, and that suitable cycle storage facilities are submitted for approval and installed prior to occupation.
- 6.34 In conclusion, this (partial) brownfield site in the countryside is not on of high environmental value, the proposal will result in significant environmental improvement, the density reflects the character and appearance of the area and the site can reasonably be made, accessible by sustainable modes to a larger village. The proposal is considered in accordance with policy DM5 of the adopted Local Plan.

Heritage

- 6.35 Policy SP18 of the Local Plan relates to the historic environment and 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 also relates to development affecting designated heritage assets and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.
- 6.36 When considering any planning application that affects a conservation area a local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 6.37 Sutton Valence Conservation Area is located at the closest point circa 235 metres to the north of the application site. In the intervening land are several buildings accessed from Headcorn Road (Old Belringham Hall, Little Belringham and Upper Lodge).
- 6.38 With the current proposal replacing an existing property, the separation distance and the intervening buildings, it is concluded that the application will not adversely impact and will conserve the character of the Sutton Valence Conservation.

Residential amenity – neighbours

- 6.39 Policy DM1 states that proposals will be permitted where they “respect the amenities of occupiers of neighbouring properties...by ensuring that development is not exposed to, excessive noise, activity, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties”.
- 6.40 The two closest residential properties are Apple Ridge (107 metres to the south east and South Belringham Lodge (111 metres to the north east). It is concluded that due to the separation distances the application proposal will not impact on existing amenity in terms of loss of outlook or loss of sunlight or daylight or general disturbance.

Residential amenity – future occupiers

- 6.41 Policy DM1 encourages new development to provide adequate residential amenities for future occupiers by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, activity or vehicular movements, overlooking or visual intrusion.
- 6.42 The proposal provides a good standard of accommodation including in terms of internal floor space and sunlight and daylight. The dwelling will have good levels of external amenity space.

Other matters

- 6.43 The issues raised by Sutton Valence Parish Council have been addressed in the main body of this report.
- 6.44 The planning permission for the existing dwelling on the application site (granted on appeal) was subject to a planning condition stating that the occupant had to be employed in the management of the stables, agriculture or forestry. This condition was on the basis of the link to the stables that already existed on adjacent land.
- 6.45 The planning permission for the existing dwelling on the application site (granted on appeal) was subject to a planning condition stating that the occupant had to be employed in the management of the stables, agriculture or forestry. This condition was on the basis of the link to the stables that already existed on adjacent land.
- 6.46 There is no indication that the occupancy planning condition on the property has ever been complied with. It is also noted that the Council have previously granted planning permission for three adjacent dwellings. This permission would remove the reason for the original condition (the stables) on the existing dwelling and also introduces three new dwellings that do not have this restriction. In this context, there is no justification for imposing the condition on a replacement dwelling.
- 6.47 There is no planning policy that would prevent the demolition of the application property on the grounds that it is less than 30 years old, however a planning condition can be used to maximise reuse and recycling of materials and to minimise waste. This planning condition is on the basis of the duty on local planning authorities to uphold the ‘Waste Management Plan for England and National Planning Policy for Waste’. A planning condition is recommended to seek the submission of a Site Waste Management Plan.

Conclusion

- 6.48 The proposal is acceptable in design terms and in relation to the protection of the countryside. The proposal will be partially located on brownfield land and although a larger dwelling is proposed one of the three dwellings previously approved dwellings will not be constructed. The proposal accords with all the relevant policies of the development plan and the NPPF and is considered acceptable and approval is recommended.

8. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plan references:
Application for planning permission
Design and Access Statement
3675_01 Existing Block and Location Plans
3675_02 Existing Floor Plans
3675_03 Existing South West and South East Elevations
3675_04 Existing North East and North West Elevations
3675_05 Proposed Block Plan
3675_06 Proposed Floor Plans
3675_07 Proposed South East and South West Elevations
3675_08 Proposed North West and North East Elevations
3675_09 Proposed Garage Floor Plans and Elevations
Reason: For the avoidance of doubt and in the interests of proper planning.
3. Upon implementation of this planning permission (22/500532/FULL) the bungalow annotated as plot '3' on the layout plan (PL-SV-002 A "Site Plan as Proposed") approved as part of the planning permission under reference 17/505294/OUT (and 18/501763/REM) shall not be constructed and the land shall be laid out in accordance with the plans approved under application 22/500532/FULL and any associated subsequent discharge of conditions submission. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
4. Prior to the approved development commencing above slab level, written details and samples of the proposed external facing materials (including windows, doors and roof) shall have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials and retained as such. Reason: To ensure a satisfactory appearance to the development.
5. Prior to the approved development commencing above slab level, a Site Waste Management Plan (SWMP) shall have been submitted to and approved in writing by the local planning authority and the development shall proceed in accordance with the approved SWMP. The SWMP shall set out the measures maximise the reuse of building materials and if reuse is not possible to maximise recycling of materials and the minimalization of waste. Reason
6. Prior to the approved development commencing above slab level, a hard and soft landscape scheme designed in accordance with the principles of the Council's

landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012) shall have been submitted to and approved in writing by the local planning authority. The scheme shall:

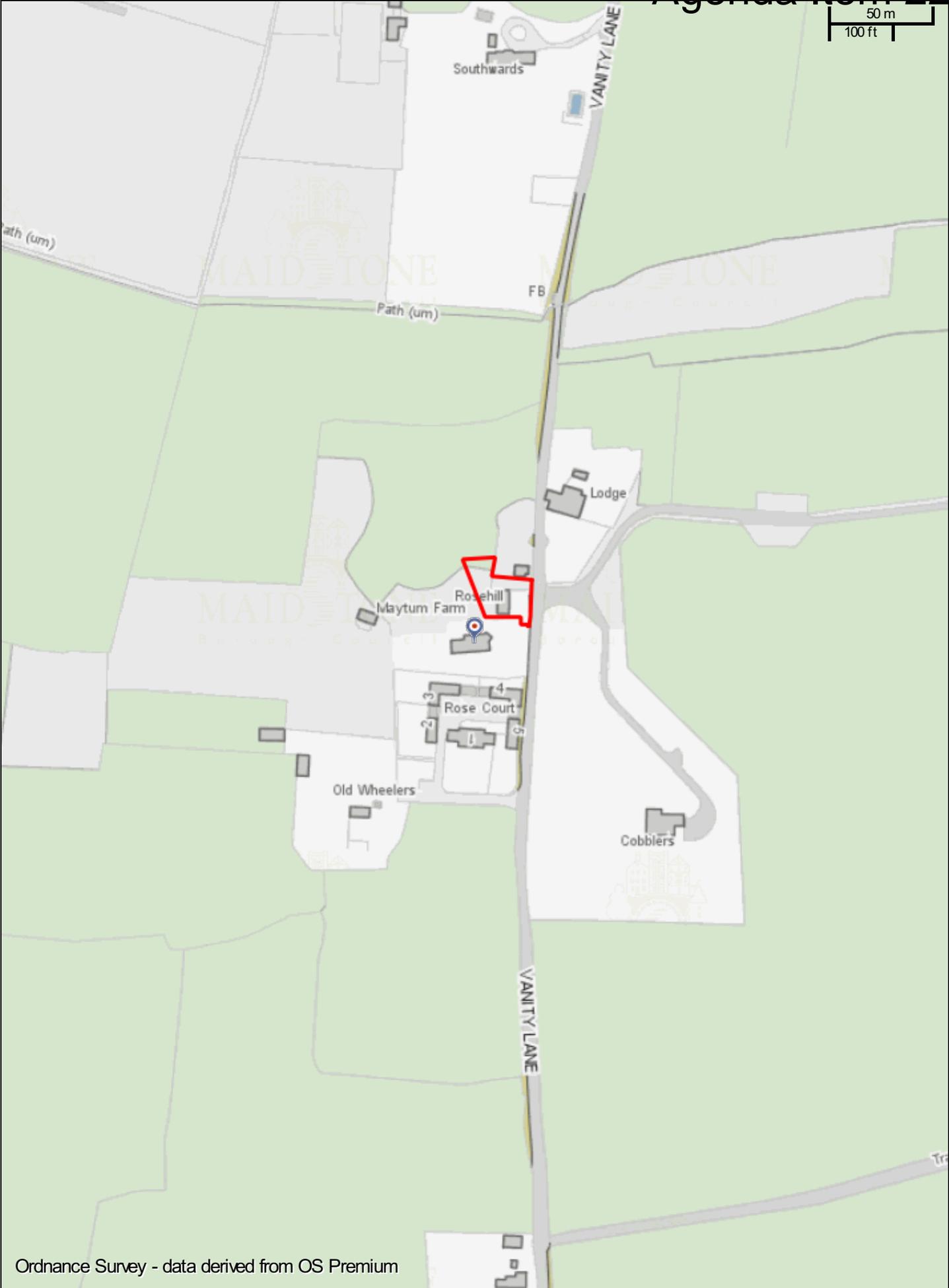
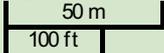
- show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed,
- include a planting specification, implementation details and a [5] year landscape management plan (Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted).
- provide details of on-site replacement planting to mitigate any loss of amenity and biodiversity value [together with the location of any habitat piles] Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted.

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

7. All planting, seeding and turfing specified in the approved landscape details shall be completed by the end of the first planting season (October to February) following first occupation of the dwelling hereby approved. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of the property, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
8. Prior to the approved development commencing above slab level, 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 integrated methods into the building structure with swift bricks, bat tube or bricks and measures on the wider site such as habitat piles. The development shall be implemented in accordance with the approved details prior to first occupation of the approved building and all features shall be maintained thereafter. Reason: In the interests of ecological enhancement and biodiversity net gain.
9. Prior to the approved development commencing above slab level details all fencing, walling and other boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority (to include gaps at ground level in the boundaries to allow the passage of wildlife) and the development shall be carried out in accordance with the approved details before the first occupation of the buildings and maintained as such thereafter. Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers and for the passage of wildlife.
10. Prior to the approved development commencing above slab level details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved (to provide at least 10% of total annual energy requirements of the development) shall have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter. Reason: To ensure an energy efficient form of development.
11. Prior to the first occupation of the dwelling hereby approved, facilities for (a) the storage and screening of refuse bins, and (b) the collection of refuse bins, and (c) secure bicycle storage shall be in place that are in accordance with details that shall have previously been submitted to and approved by the Local Planning Authority. These details will be maintained as such thereafter. Reason: In the interests of amenity, to promote sustainable travel choices and the reduction of CO2 emissions.

12. Prior to the first occupation of the dwelling hereby approved, a minimum of one operational electric vehicle charging point 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. The charging point must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Reason: To promote to promote sustainable travel choices and the reduction of CO2 emissions through use of low emissions vehicles.

13. Notwithstanding the provisions of the Town and Country Planning General Permitted Development (Amendment) (England) Order 2015 (or any order revoking and reenacting that order with or without modification), no development within Schedule 2, Part 1, Classes A, B and E; and Schedule 2, Part 2, Class A, to that Order shall be carried out. Reason: To ensure a satisfactory appearance to the development.



Ordnance Survey - data derived from OS Premium

REFERENCE NO – 21/506664/FULL		
APPLICATION PROPOSAL Demolition and rebuilding of the existing barn to provide a 3 bedroom dwelling including rear pavilions linked by glass link. Re-routing and alteration of existing road access to allow separate access to house and barn and associated landscaping (<i>description revised to reflect the update to the previous report</i>).		
ADDRESS Rosehill, Vanity Lane, Linton, Maidstone ME17 4BP		
RECOMMENDATION Grant planning permission subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION Given the proposed visual, landscape, and ecological benefits and the rebuilding of an important historic barn, it is concluded on balance, that the public benefits of the proposal outweigh the harm resulting from the unsustainable location for a new dwelling..		
REASON FOR REFERRAL TO COMMITTEE The proposed new dwelling is a departure from local plan policy SP17.		
WARD: Coxheath and Hunton	PARISH COUNCIL: Linton	APPLICANT Mrs Naomi Connell AGENT Altaras Architecture Ltd.
CASE OFFICER: Tony Ryan	VALIDATION DATE: 10/01/2022	DECISION DUE DATE: 02/09/2022
ADVERTISED AS A DEPARTURE: Yes		

1. BACKGROUND

1.01 This planning application was reported to Planning Committee on 21 April 2022 where officers recommended approval subject to planning conditions. The committee report for this earlier meeting is attached as an Appendix.

1.02 The application was deferred and the approved minutes for the Planning Committee meeting on the 21 April 2022 are as follows:

- a) *bring forward an exemplar scheme with a design as close to the original building as possible.*
- b) *making as much use of the existing building materials as possible.*
- c) *re-examination of the design (in particular the glass link)*
- d) *incorporation of renewable energy generation measures.*
- e) *above standard ecological measures such as boundary treatments (gaps under fences) and timber piles etc. in addition to those referenced in the report.*

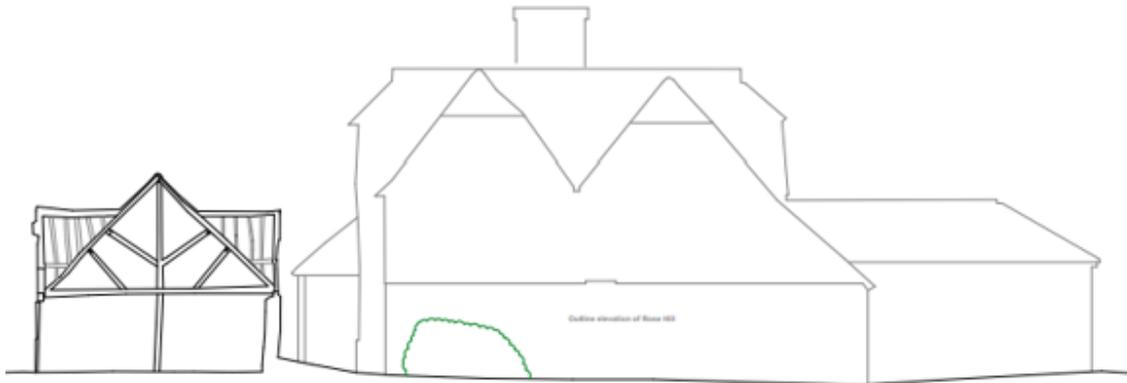
1.03 In response to the issues raised by members, the applicant has provided revised drawings and additional information as follows:

- Revised drawings to incorporate the changed made in the use of the materials and landscape scheme:
- Landscape management plan
- Landscape revised drawing
- Re- used materials assessment report
- 3d visualisation of the proposed structure of the re-built barn to incorporate existing salvageable materials
- Energy and sustainability statement

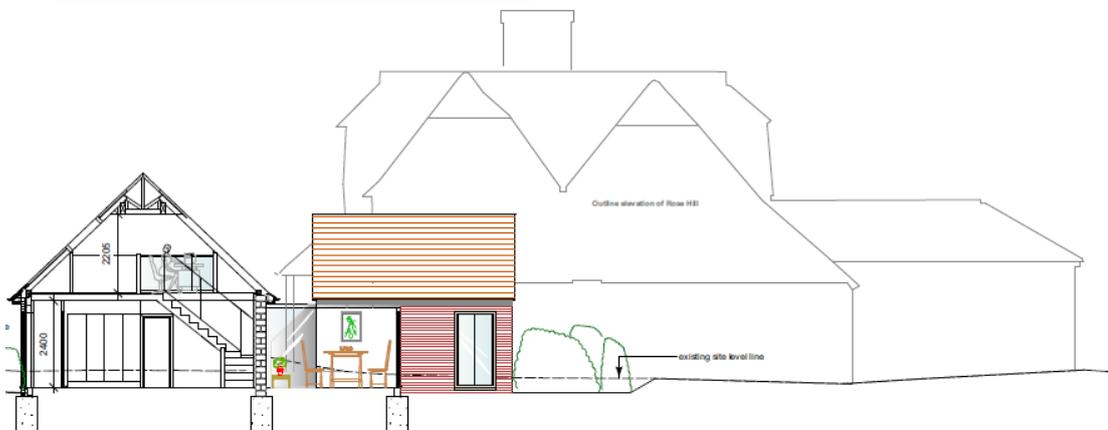
1.04 The submitted revised drawings and additional information is set out further in the following assessment.

Comparison cross section – (existing, April 2022 and redesigned images)

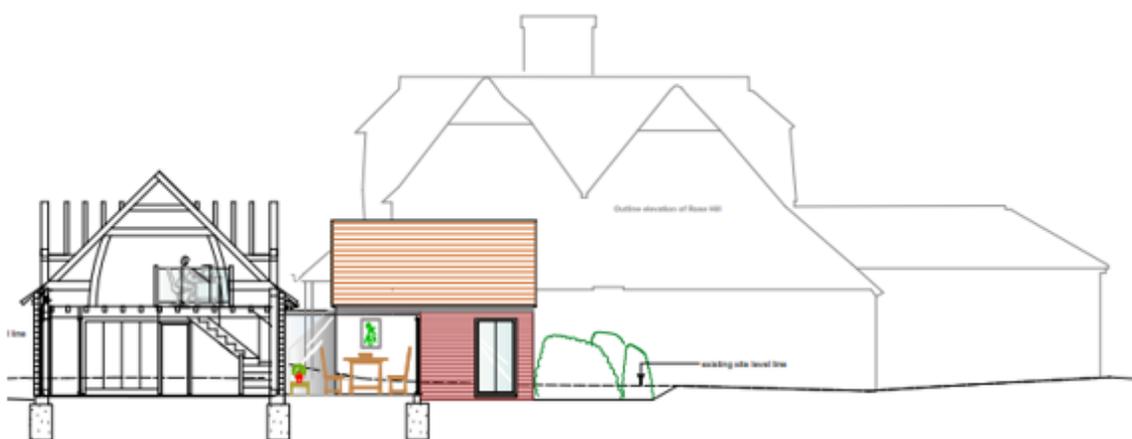
- Existing cross section



- Proposed cross section (April 2022)



- Proposed cross section redesigned



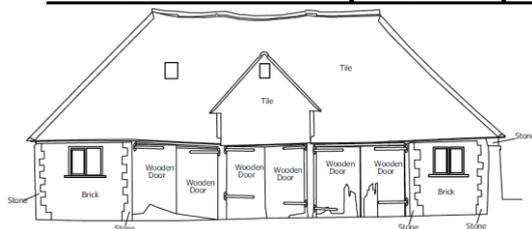
a) bring forward an exemplar scheme with a design as close to the original building as possible.

1.05 In terms of the existing structure the applicant advises "There is extensive damage in all of the structural elements of the barn. The stone walls are cracking significantly, and the timber structure in particular is significantly decayed. Furthermore, much of the decaying and rotting timber is not of particular historic interest having been

clearly patched over time with non-historic wood forming much of the internal structure”.

- 1.06 The replacement barn has been designed to replicate the current barn through the reuse of the original materials to clad the new oak framed building. Where necessary reused materials will be supplemented by reclaimed materials. The external surface materials (supplemented where required by reclaimed materials) viewed from Vanity Lane will be the same as the current barn with the use of brick, stone and Kent peg tiles.
- 1.07 The internal structure will also incorporate elements of the existing timber structure elements into the non-structural walls. The document entitled Maytum Barn materials explains the proposed approach to the reuse of materials and the document entitled Oak Frame 3D shows images of how this will be achieved.

Front elevation comparison – (existing, April 2022 and redesigned images)



Existing front elevation



Proposed front elevation (April 2022)



Redesigned front elevation

b) making as much use of the existing building materials as possible.

- 1.08 The applicant has carried out an assessment of each of the elements of the current barn and following this has put forward a proposed approach to reusing the materials.
- 1.09 The applicant has highlighted that due to a significant quantity of damaged materials, materials will need to be supplemented by reclaimed materials. As an example, in addition to the existing on site materials, broken tiles will need be supplemented with similar reclaimed historic Kent peg roof tiles.
- 1.10 The applicant has carried out an assessment of the existing building materials and has concluded that "*...more than 90% (92%) of the historic and non-rotten materials will be re-used... including all of the stone...*". It is highlighted that approximately 40% of the existing building materials are either rotten, broken or non-historic in nature.
- 1.11 A planning condition is recommended to state that a total of 92% of the total historic and non-rotten materials in the existing building will be reused. The condition will

also state that reclaimed materials will be used in place of rotten and non-historic materials.

c) re-examination of the design (in particular the glass link)

1.12 A re-examination of the design has been undertaken in consideration of the concern raised at the committee in respect of the flight path of birds.

1.13 This process has resulted in the removal of the glass gable ends for each of the pods. The glass link now incorporates a metal roof and bird proof glass will be used in the construction of the link which will ensure that there are no risks to birds in this construction.

d) incorporation of renewable energy generation measures.

1.14 In response to the concerns of members the applicant has submitted additional information in an energy statement. The energy statement sets out the provision of the following measures in the construction and use of the proposed building:

- Heat pumps for the provision of underfloor heating and hot water
- High thermal mass
- Air tightness and natural ventilation
- Solar heat gain and heat loss reduction

e) above standard ecological measures such as boundary treatments (gaps under fences) and timber piles etc. in addition to those referenced in the report.

1.15 The submitted Biodiversity Enhancement and Landscape Management and Maintenance Plan includes a range of ecological measures to be introduced on the site. These include the following:

- native species planting and native hedging on the west and part of the south boundaries, while other boundaries to the north will have chestnut fencing to match existing.
- a large part of the bank and sloped areas will be allocated to a wild garden, where native species will be encouraged. The construction of the new extension's roofs will also ensure that features for swifts and house martins will be incorporated in the construction of the barns.
- A diverse range of local native plants and fruit trees will attract a range of insects. In addition to the existing wild plum (damson) trees on the land a variety of native fruit trees including cherry, apple and pear will be planted with some trained along the walls, to provide early blossoms with nectar for pollinators emerging from hibernation
- A stumpery (old tree stumps that are piled up on a bank to create insect homes), various piles of rocks and wood will be established to provide good insect habitat and also encourage the growth of fungi, alongside the provision of swift boxes, a hedgehog home and other appropriate nesting areas to encourage wildlife.
- The provision of diverse habitats. The pond area will be wetlands, and the wooded area will have a shady area that can be planted with woodland flowers to attract woodland species. There will also be some dry areas – again attracting different types of insect as well as an area of wild grass meadow.
- The provision of a minimum of 5 different bird boxes in different locations in the garden will enable different species to readily find a home in the landscape. This includes boxes for swifts and house martins to be included under the eaves of the rooves, and more traditional bird boxes for blackbirds, blue tits, robins and sparrows to be placed on newly planted and existing trees
- The hedgehog nesting box will be set in the North Eastern corner of the garden above the stumpery described in point 18 below. This is an area quite high up the slope and where people are less likely to disturb the nesting hedgehogs. The

area is relatively close to the edible vegetable patch where a range of insects will be found and set in an area with longer wild grass which is the preferred habitat of the hedgehog as this also attracts a variety of insects upon which the hedgehog will feed.

- The use of old tree stumps to create a significant insect habitat will be incorporated into the area to the north-east above the patio viewing platform and below the hedgehog nesting box. This will in particular encourage insects and reptiles such as slow worms. There are already a number of old tree stumps at Rose Hill and these will be transported to this location. Rose Hill gardens already includes a stumpery elsewhere in the garden and the pictures shown above are from the existing Rose Hill stumpery which was created only a few years ago.

2. CONCLUSION

- 2.01 Whilst the site is located in an unsustainable location for new dwelling, given the visual, landscape, and ecological improvement to the site, and the rebuilding of an important historic barn, it is concluded on balance, that the public benefits of the proposal outweigh the harm of unsustainable form of development.
- 2.02 For the reasons set out in this report in relation to the heritage value of preserving a building in this location, the proposal overall will provide a benefit for this location. It is recommended that planning permission is granted subject to conditions. The conditions listed below have been updated to reflect the revised and additional information submitted by the applicant since the application was last considered in April 2022.

3. RECOMMENDATION

GRANT PLANNING PERMISSION subject to planning 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:
NC/RH/P/EX01 Existing site survey
NC/RH/P/EX02 Existing barn survey
NC/RH/P/EX01 Existing site plan
AA/RH/01 B Tree Constraints Plan
NC/RH/P01C Proposed site plan
NC/RH/P02C Proposed ground and mezzanine plan
NC/RH/P03C Proposed elevations,
NC/RH/P04A Existing and proposed Sections
NC / RH/P05 Window and Door Details
NC / RH/P06A Landscape scheme
NC/PH/P07A Proposed materials
Proposed block plan revision B
Structural Survey
Preliminary Ecological Appraisal
Biodiversity Enhancement and Landscape Management & Maintenance Plan
3d visualisation of the proposed structure of the re-built barn to incorporate existing salvageable materials
Energy and sustainability statement
Design and Access Statement
Reason: To clarify which plans have been approved.

- (3) The development hereby approved shall not commence until a photographic and descriptive record in accordance with level 2 of Historic England's document entitled "Understanding Historic Buildings A Guide to Good Recording Practice" has been submitted to and approved in writing by, the local planning authority. The approved descriptive record shall also be submitted to the relevant Historic Environment Record.
Reason: To ensure that any evidence of historic significance is appropriately recorded.
- (4) The development hereby approved shall not commence until tree protection in accordance with the current edition of BS 5837 have been installed on site. 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
- (5) The development hereby approved shall not commence until a method statement for the demolition and/or construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel-cleaning facilities during the demolition, excavation, site preparation and construction stages of the development. The method statement shall also include details of the means of measures to avoid dust nuisance, storage of materials to be reused, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.
Reason: To ensure the construction of development does not result in highway safety.
- (6) After the demolition works hereby approved have been undertaken and prior to the commencement of any rebuilding works, the following details shall be submitted to and approved in writing by the local planning authority:
a) Written record of salvaged external materials salvaged from the demolished building that will be reused in the development hereby approved.
b) Scaled plans showing where the salvaged external materials will be reused.
The development hereby approved shall be constructed using the approved materials and maintained as such thereafter.
Reason: To ensure a high quality appearance to the development and to protect the fabric, appearance, character and setting of the heritage assets.
- (7) A total of 92% of the total historic and non-rotten building materials in the existing building will be reused as part of the approved works. In place of rotten and non-historic materials the new building will use reclaimed materials.
Reason: To ensure a high quality appearance to the development and to protect the fabric, appearance, character and setting of the heritage assets.
- (8) After the demolition works hereby approved have been undertaken and prior to the commencement of any rebuilding works, the following details shall be submitted to and approved in writing by the local planning authority:

- a) Methodology statement for rebuilding of walls, to include proposed materials, finish, colour, treatments (bedding details, mortar mix, pointing etc.)
 - b) Sample brick panel (including decorative work such as corbeling) to be erected on site and retained there until substantial completion
- The development hereby approved shall be constructed using the approved materials and maintained as such thereafter.

Reason: To ensure a high quality appearance to the development and to protect the fabric, appearance, character and setting of the heritage assets.

- (9) The replacement materials to be used in the development hereby approved shall be as indicated on the approved document number NC/PH/P07A 'Proposed Materials'.
Reason: To ensure a satisfactory appearance to the development.

- (10) Notwithstanding details on drawing NC/RH/P05, the rebuilding of the barn hereby approved shall not commence until large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority

1. Reused and new internal joinery
2. Reused and new external joinery
3. Conservation rooflights and method of fixing

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

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

- (11) The construction of the barn hereby approved shall not commence above ground level until a strategy to deal with foul and surface water is submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with the NPPF.

- (12) The development shall be implemented in accordance with the approved Biodiversity Enhancement and Landscape Management and Maintenance Plan prior to first occupation of the approved dwelling and all features shall be maintained thereafter. The development shall proceed in accordance with the conclusions of the submitted preliminary ecological appraisal and the Biodiversity Enhancement and Landscape Management & Maintenance Plan.

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

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

Reason: In the interests of amenity

- (14) Notwithstanding the submitted details, the construction of the barn hereby approved shall not commence above ground level until a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall use all native species as appropriate, no sycamores and no plastic guards, and 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. It should demonstrate the ragstone wall to the front of the dwelling to be retained and materials reused. It shall also provide details of replacement planting to mitigate any loss of amenity and biodiversity value, and include a plant specification, implementation details, a maintenance schedule and a [5] year management plan. [The landscape scheme

shall specifically detail the tree line which is proposed to be retained and expanded as indicated by the applicants supporting statement and provide screening where possible to the dwellings to the north].

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

- (15) The approved landscaping scheme shall be in place at the end of the first planting and seeding season (October to February) following first occupation of the building hereby approved. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first use of the building, 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.

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

- (16) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the LPA. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with the National Planning Policy Framework (NPPF).

- (17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, AA, B, C, D, E and F to that Order shall be carried out to the new dwelling hereby approved without first obtaining the permission of the Local Planning Authority.

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by prospective occupiers.

- (18) The areas shown on the submitted Proposed Site Plan, No. NC/RH/P01C, as a turning area, car parking spaces and driveway for the new dwelling hereby approved shall be kept available for such use at all times 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 so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling hereby permitted.

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users.

- (19) Prior to first occupation of the dwelling hereby approved one electric vehicle charging point shall have been installed for the benefit of the occupier of that dwelling with the charging point thereafter retained for that purpose.

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

- (20) The renewable energy equipment building sustainability measures outlines in the submitted energy and sustainability statement shall be in place and where relevant installed and ready for use prior to first occupation of the dwelling hereby approved. The renewable energy equipment building sustainability measures shall be retained thereafter.

Reason: To promote the reduction of CO2 emissions through the reduction in energy use and use of renewable energy.

REFERENCE NO – 21/506664/FULL		
APPLICATION PROPOSAL Demolition and rebuilding of the existing barn to provide a 3 bedroom dwelling including rear pavilions linked by glass link. Re-routing of existing road access to allow separate access to house and barn and new underground electric cabling. Alterations to the access. Installation of underground electric cabling		
ADDRESS Rosehill, Vanity Lane, Linton, Maidstone ME17 4BP		
RECOMMENDATION GRANT PLANNING PERMISSION subject to conditions and subject to no new issues being raised as a result of the departure press notice expiring on the 28 April 2022.		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> Whilst an unsustainable location for a new dwelling and contrary to established policy in that it is a 'rebuild' as opposed to a policy compliant conversion, this departure is outweighed by the public benefits of the proposal that include visual, landscape, and ecological improvements, and the preservation and reuse of the fabric of an important historic barn. 		
REASON FOR REFERRAL TO COMMITTEE The proposed new dwelling is a departure from local plan policy SP17 because it causes some harm to the character and appearance of the countryside particularly from the creation of a new independent curtilage and the associated extra residential paraphernalia and it is clearly not a conversion rather a replacement building and so contrary to policy DM31		
WARD Coxheath and Hunton	PARISH/TOWN COUNCIL Linton	APPLICANT Mrs Naomi Connell AGENT Altaras Architecture Ltd.
TARGET DECISION DATE 29/04/2022 (EOT)		PUBLICITY EXPIRY DATE 18/2/2022

Relevant planning history:

03/2207: Change of use and conversion of existing old coach house/store to self-contained holiday accommodation Approved 23.03.2004

Figure 1: Photo of the barn and grade II listed Rosehill

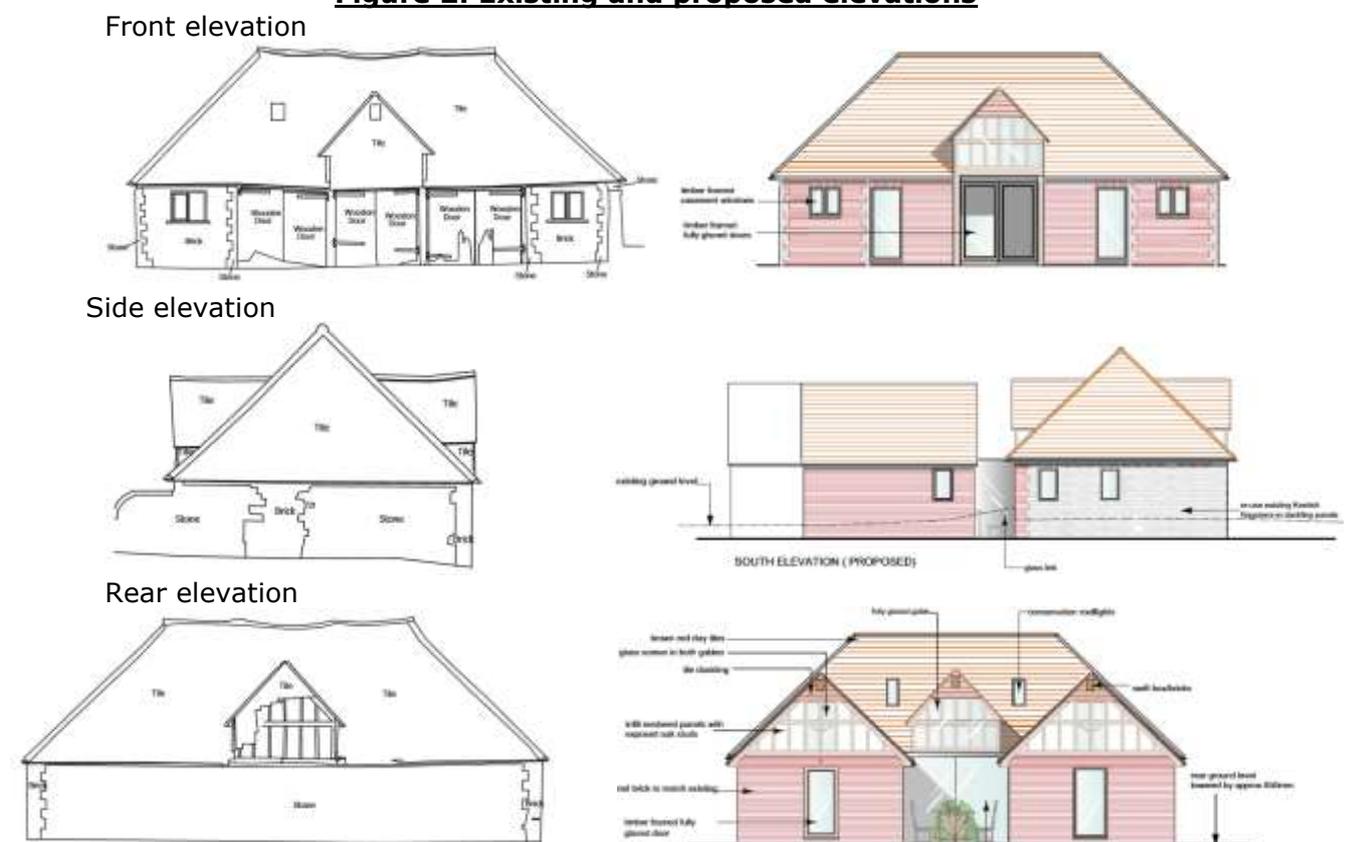


MAIN REPORT

1. DESCRIPTION OF SITE

- 1.02 The proposal site is a derelict barn within the residential curtilage of the grade II listed building Rosehill. The curtilage listed barn (circa 1800-1850) appears to be a former coach house to Rosehill.
- 1.03 The single storey barn has a hipped clay tiled roof with Kentish Stone and brick aisled. The front elevation of the barn has two equal brick section with modern timber casements and 3 full height carriage gates with decorative iron hinges. The other three elevations are all stone with some brick quoins and a brick infill. Photo of the subject barn is shown in Figure 1.
- 1.04 The site is in the countryside on the west side of Vanity Lane and within a Landscape of Local Value (Greensand Ridge). Public right of way (PROW) KM135 is the front of the building and connected via this section of Vanity Lane to PROW KM136 situated approximately 85m to the south. Two grade II listed building, namely Court Lodge and Rose Court are circa 40m to the north-east of the site opposite and south of the host dwelling respectively.

Figure 2: Existing and proposed elevations



2. PROPOSAL

- 2.01 The proposal includes the demolition of the existing barn. The barn has been found through a building survey to be structurally unsound, and incapable of being retained and repaired. In place of the barn the proposal includes the construction of a replacement building with rear extensions, in the same location as the barn, to provide a 3 bedroom dwelling.
- 2.02 The main part of the replacement building seeks to replicate the form and shape of the existing barn. The new building will reuse as many of the existing building materials as

Supplementary Planning Documents:

Maidstone Landscape Character Assessment (2012-amended 2013)
Maidstone Landscape Capacity Study: Sensitivity Assessment (2015)

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 19) dated October 2021.

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

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

4.01 No representations received from local residents.

5. CONSULTATIONS (including departure from the LP press notice)

5.01 Linton Parish Council (consulted 13.01.2022)
No response

5.02 MBC conservation officer
Support, subject to conditions relating to a method statement, samples of materials, details of mortar mix, large scale joinery details of windows and doors, details of conservation roof lights and a detailed record of the barn should be made before demolition. It was found that the building was incapable of conversion based on its structural condition as evidenced by the submitted structural survey and this is an important historic barn it is worthy of preservation in the proposed rebuilt form.

The demolition of the existing barn and the proposed extension would result in some harm, but the harm would be at the lower end of the spectrum of less than substantial. In line with the NPPF, it is necessary to weigh the harm against the public benefit. As identified at the pre-application stage, the public benefit will be the reuse of an important historic barn.

5.03 KCC Minerals and Waste
No objections

6. APPRAISAL

Main issues

6.01 Local Plan policy SP17 states (inter alia) that development proposals in the countryside will not be permitted unless they accord with other policies in this plan, and they will not result in harm to the character and appearance of the area.

6.02 The application was found to be a departure from policy SP17 in that the proposed building results in harm to the countryside. The application involves a new residential dwelling in an unsustainable location, the proposal is not covered by Local Plan policy DM31 in that it is not a conversion and not covered by DM32 as the existing building is not currently in residential use.

6.03 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and after acknowledging the departure from the plan it needs to be considered whether material considerations are present that suggest that such a departure would be justified.

- 6.04 The material considerations include the following:
- Sustainability of location
 - Conversion or demolition and replacement.
 - Heritage
 - Character and appearance of the countryside
 - Residential amenity
 - Highway safety implications

Sustainability of location

- 6.05 The application site is located in the open countryside. The nearest settlement is the local plan designated 'larger village' of Coxheath which is approximately 0.8km away. Vanity Lane does not have a pavement and so is not suitable for pedestrian use.
- 6.06 For these reasons future occupiers of the proposed dwelling would be reliant on the use of private vehicle for their daily needs. As such, the application site is not in a sustainable location and not in a location where further residential development would normally be supported. Whilst unsustainable, the location of the site is not isolated with Court Lodge located to the north on the opposite side of Vanity Lane and with Rose Court, Old Wheelers and Cobblers located to the south.
- 6.07 Whilst an unsustainable location for a new dwelling, this departure is outweighed by the public benefits of the proposal that are set out below.

Conversion or demolition and replacement.

- 6.08 Policy DM31 considers the conversion of rural buildings where they amongst other criteria reinforce landscape character and where they are of sound construction and capable of conversion without major or complete reconstruction. The application barn does reinforce landscape character. The application fails to meet the second criteria on structural condition and as a result in other situations permission would be refused for the submitted proposal. The approval of planning permission is recommended on exceptional grounds relating to heritage and this assessment follows below.

Heritage

- 6.09 Policy SP18 of the Local Plan relates to the historic environment and 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 also relates to development affecting designated heritage assets and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.
- 6.10 The application relates to the demolition of a derelict barn. The barn is curtilage listed due to its relationship with the grade II listed building called Rosehill. In this context, the heritage impact of the demolition of the curtilage listed building needs to be considered. The proposal includes rebuilding using the same materials and as a result the heritage impact of that new building also needs to be considered.
- 6.11 A decision maker is required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest.
- 6.12 The NPPF advises "*In determining applications, local planning authorities should take account of...the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation (para 197)*". "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*" (para 202).

- 6.13 The residential property called Rosehill was formally known as Maytum Farmhouse and the Historic England listing is as follows:
"VANITY LANE TQ 75 SW LINTON (West Side) 2/162 Maytum Farmhouse GV II Farmhouse. C17. Timber framed. Ground floor red and grey brick in Flemish bond, first floor tile-hung. Plain tile roof. Lobby entry plan. 2 storeys and garret on brick plinth. Eaves of left gable end slightly jettied on ovolo-moulded bressumer. Half-hipped roof. Central multiple brick ridge stack. Regular 2-window front of 3-light casements. Central ribbed door under flat floating hood. Short timber-framed rear return wing to right and another to centre, both with half-hipped roofs. Interior: not inspected, but said to have chamfered stone fireplaces".

Demolition of the existing building

- 6.14 The submitted building survey found that the existing curtilage listed barn is structurally unsound and incapable of being retained and converted as it currently stands. The survey recommendation is that the barn is demolished and rebuilt on new foundations.
- 6.15 The Council's conservation officer agrees with the findings of the building survey that demolition and rebuilding is the best outcome. The conservation officer making the following comments at pre-application stage: *"The roof structure will have to be dismantled as the front and rear walls need to be taken down and rebuilt on new foundations. There will need to be some replacement timbers when the roof structure is re-assembled. The only elements that currently can remain standing are the end walls and even these will need to be underpinned. Even if this can be achieved there is evidence of the failure of the mortar. I think it would be a better solution to also take down these walls and rebuild them using Ragstone".*
- 6.16 The loss of the existing barn is regrettable in heritage terms. Other than allowing the building to ultimately collapse, with the potential loss of the building and existing materials, and the visual impact of this, if a building is to be retained in this location as there has been historically, demolition and rebuilding appears as the only viable option.
- 6.17 It is concluded that the proposal for the demolition and rebuilding of the barn will lead to less than substantial harm to the significance of the grade II listed building Rosehill. This harm has been weighed up against the public benefits of the proposal including the potential future visual harm of a derelict building in this location and the retention of a building in this location that reuses existing building materials and securing its optimum viable use.
- 6.18 The NPPF at paragraph 205 advises that *"Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact".* A planning condition is recommended that requires the applicant to provide a photographic record of the barn prior to its demolition.

Replacement building

- 6.19 The current application is for the rebuilding of the main original barn building to the same dimensions (with a lower ground level), in the same location with the aim of using identical facing materials. In addition, the proposal includes new additional floorspace to the rear in what the applicant refers to as two 'pavilion' extensions. The body of these extensions will be of solid construction, but they will have glazed links back to the main building.
- 6.20 The single storey extensions will appear as subordinate to the main barn building and the glazed links (in a manner common with other listed building extensions) will provide visual separation and as a result will reduce potential impact on the main building (see frameless glass link image on preceding page). The design of the extensions that are mostly screened from the road by the rebuilt barn are in keeping with the existing form of the barn.

Figure 4: Replacement materials palette



① reclaimed clay tiles



② oak framed glazed gable



③ reclaimed red brick and ragstone walls



④ reclaimed ragstone walls with brick quoins



⑦ oak barn shutters/doors with cast steel hinges



⑥ "frameless" glass link



⑤ oak framed casement windows and screens

- 6.21 It is concluded that the rebuilding of the barn and the extensions will lead to less than substantial harm to the significance of the grade II listed building Rosehill. This harm has been weighed up against the public benefits of the proposal including the provision of sufficient internal space for a three bedroom family dwelling. In terms of securing its optimum viable use, the need for a viable development is also a relevant, with the proposal involving the additional work and cost of demolition prior to construction work commencing.

Character and appearance of the countryside

- 6.22 Local Plan policy SP17 states that development in the countryside will not be permitted unless it accords with other policies in the Local Plan (SP18, DM1, DM4, and DM30 are relevant) and does not result in harm to the character and appearance of the area.
- 6.23 The application site is located in the Greensand Ridge Landscape of Local Value and SP17 states that the distinctive landscape character of this area should be conserved and enhanced. Policy SP17 states that development proposals within landscapes of local value should, through their siting, scale, mass, materials and design, seek to contribute positively to the conservation and enhancement of the protected landscape.
- 6.24 The Maidstone Landscape Capacity Study sets out that this area has a high overall landscape sensitivity, and in particular of high visual sensitive due to its extensive, panoramic views across the Low Weald to the south from this elevated landscape. Development potential is limited to within and immediately adjacent to existing settlements and farmsteads.
- 6.25 The application involves the demolition of the existing building and its rebuilding to the same dimensions, although slightly lower in the ground when compared to existing. In this context the impact of the main barn is neutral. The proposal includes new extensions to the rear of the rebuilt barn building. The single storey extensions are modest in scale and with the glazed links to the main building, the extensions will take the general appearance of outbuildings. With the extensions designed in this manner, the fact that the proposal is adjacent to the existing residential property of Rosehill and with screening provided by proposed new landscaping, the visual impact of the extensions on the countryside is acceptable.
- 6.26 The application building is in the curtilage of the existing residential property of Rosehill and as a result there is currently potential for a certain level of domestic paraphneilia around the building. It is accepted that this potential will increase with the provision of a new dwelling, however this additional visual harm is in this instance not sufficient to refuse planning permission and it will be mitigated by new landscaping.
- 6.27 The submitted application includes a landscape plan that provides an indication of what is proposed for the application site. Whilst the submitted plan is considered generally acceptable, a planning condition is recommended seeking further details of this landscaping including details of plant quantities, planting arrangements and plant maturity.
- 6.28 One of the principles of the NPPF (para 180) is that: *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.*
- 6.29 The application is supported by a Preliminary Ecological Appraisal and concludes that no protected species are present on site. There is no indication that the proposal will lead to the loss of wildlife habitat. The submitted details are acknowledged however a planning condition is recommended to ensure that biodiversity enhancement includes bird boxes, bat boxes/tubes and bee bricks are provided and retained and that they are integral to the building fabric.
- 6.30 The submitted application is supported by an arboricultural report. The report states that to facilitate the development 2 trees would need to be removed, a mature mulberry tree and

a young weeping willow. The mulberry tree was found to have limited visibility as it is located behind the barn and hidden in most views. The willow tree due to its age also has limited value in the wider landscape. A replacement tree is proposed on the site in an alternative location. A planning condition is recommended seeking tree protection measures for the retained trees on the site

Residential amenity

- 6.31 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 is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties"*.
- 6.32 In relation to the amenity of neighbours, the nearest existing residential property is the grade II listed building Rosehill on the application site (at the closest point corner to corner separation of 11 metres), followed by Court Lodge (45 metres to the north on the opposite side of Vanity Lane). The residential buildings called Rose Court, Old Wheelers and Cobblers are located further away to the south. With the separation distances and the building orientation, the submitted proposal is acceptable in relation to the amenity of nearby existing residential occupiers
- 6.33 In relation to the proposed standard of accommodation for future occupiers, the submitted floor plans show that the dwelling would provide 3 bedrooms. All the proposed rooms are of sufficient size for daily activities and served by a window to provide adequate natural light. The proposal includes an adequate quantity and standard of amenity space for a family dwelling.

Highway safety and parking

- 6.34 The proposal involves re-routing of existing road access to adjacent land aligning with the driveway of the parent dwelling, and the creation of a new access for the parking of two vehicles adjacent to the new dwelling.
- 6.35 Given that Vanity Lane is not a classified road, that there is no other vehicle access in close vicinity and that there is an existing access in this location, the proposal will not result in any significant impact upon highway safety and adequate parking space is provided for the development.

7. CONCLUSION

- 7.01 Local Plan policy SP17 states (inter alia) that development proposals in the countryside will not be permitted unless they accord with other policies in this plan, and they will not result in harm to the character and appearance of the area. The application was found to be a departure from policy SP17 in that the proposed building results in harm to the countryside.
- 7.02 The application involves a new residential dwelling in an unsustainable location. The application barn does meet the criteria in policy DM31 of reinforcing landscape character but fails to meet the second criteria on structural condition and as a result in other situations permission would be refused for the submitted proposal. The proposal is not covered by Local Plan policy DM32 as the existing building is not currently in residential use.
- 7.03 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and after acknowledging the departure from the plan it needs to be considered whether material considerations are present that suggest that such a departure would be justified.
- 7.04 As set out in submitted structural survey, the structural condition of the existing building makes it incapable of being converted. The conservation officer has expressed strong support for this replacement building and the structural survey shows that the building is incapable of conversion and all the original materials can be re-used to provide a replacement building as a good copy of the original.

- 7.05 It is highlighted that the proposal will result in a degree of landscape harm including to the Landscape of Local Value, however this harm must be seen in context of the modest nature of the extensions, the existing larger neighbouring residential use and the proposed landscaping.
- 7.06 Whilst the site is located in an unsustainable location for new dwelling, given the visual, landscape improvement, and the reuse of an important historic barn, it is concluded on balance, that the public benefits of the proposal outweigh the harm of unsustainable form of development.
- 7.07 For the reasons set out in this report in relation to the heritage value of preserving a building in this location, the proposal overall will provide a benefit for this location. It is recommended that planning permission is granted subject to conditions and no new issues being raised as a result of the press notice that expires on the 28 April 2022

8. RECOMMENDATION

GRANT PLANNING PERMISSION subject to conditions and subject to no new issues being raised as a result of the press notice that expires on the 28 April 2022:

- (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:
Existing Barn Survey, NC/RH/P/EX02 received on 14 Dec 2021
Proposed Floor Plans, NC/RH/P02 received on 14 Dec 2021
Proposed Elevations, NC/RH/P03 received on 14 Dec 2021
Existing and Proposed Sections, NC/RH/P04 received on 14 Dec 2021
Existing Site Plan, NC/RH/P/EX01 received on 14 Dec 2021
Proposed Site Plan, NC/RH/P01 received on 14 Dec 2021
Landscape Scheme received on 14 Dec 2021
Proposed Materials NC/PH/P07
Reason: To clarify which plans have been approved.
- (3) The development hereby approved shall not commence until a photographic and descriptive record in accordance with level 2 of Historic England's document entitled "Understanding Historic Buildings A Guide to Good Recording Practice" has been submitted to and approved in writing by, the local planning authority. The approved descriptive record shall also be submitted to the relevant Historic Environment Record.
Reason: To ensure that any evidence of historic significance is appropriately recorded.
- (4) The development hereby approved shall not commence until tree protection in accordance with the current edition of BS 5837 have been installed on site. 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
- (5) The development hereby approved shall not commence until a method statement for the demolition and/or construction of the development hereby approved has been submitted to,

and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel-cleaning facilities during the demolition, excavation, site preparation and construction stages of the development. The method statement shall also include details of the means of measures to avoid dust nuisance, storage of materials to be reused, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

Reason: To ensure the construction of development does not result in highway safety.

- (6) After the demolition works hereby approved have been undertaken and prior to the commencement of any rebuilding works, the following details shall be submitted to and approved in writing by the local planning authority:

a) Written record of salvaged external materials salvaged from the demolished building that will be reused in the development hereby approved.

b) Scaled plans showing where the salvaged external materials will be reused.

The development hereby approved shall be constructed using the approved materials and maintained as such thereafter.

Reason: To ensure a high quality appearance to the development and to protect the fabric, appearance, character and setting of the heritage assets.

- (7) A minimum of 90% of all original building materials shall be re-used in the replacement building.

Reason: This is not a conversion and so contrary to the Local Plan, but an 'authentic' replacement is deemed acceptable if an overwhelming amount of materials are re-used appropriately.

- (8) After the demolition works hereby approved have been undertaken and prior to the commencement of any rebuilding works, the following details shall be submitted to and approved in writing by the local planning authority:

a) Methodology statement for rebuilding of walls, to include proposed materials, finish, colour, treatments (bedding details, mortar mix, pointing etc.)

b) Sample brick panel (including decorative work such as corbeling) to be erected on site and retained there until substantial completion

The development hereby approved shall be constructed using the approved materials and maintained as such thereafter.

Reason: To ensure a high quality appearance to the development and to protect the fabric, appearance, character and setting of the heritage assets.

- (9) The replacement materials to be used in the development hereby approved shall be as indicated on the approved document number NC/PH/P07 'Proposed Materials'.

Reason: To ensure a satisfactory appearance to the development.

- (10) Notwithstanding details on drawing NC/RH/P05, the rebuilding of the barn hereby approved shall not commence until large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority

1. Reused and new internal joinery

2. Reused and new external joinery

3. Conservation rooflights and method of fixing

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

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

- (11) The construction of the barn hereby approved shall not commence above ground level until a strategy to deal with foul and surface water is submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with the NPPF.

- (12) The construction of the barn hereby approved shall not commence above ground level until details for a scheme for the enhancement of biodiversity on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the building structure including bat and bird nest boxes and bee bricks. The development shall be implemented in accordance with the approved details prior to first occupation of the approved dwelling and all features shall be maintained thereafter. The development shall proceed in accordance with the conclusions of the submitted preliminary ecological appraisal.
Reason: To protect and enhance the ecology and biodiversity on the site in the future.
- (13) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.
Reason: In the interests of amenity
- (14) Notwithstanding the submitted details, the construction of the barn hereby approved shall not commence above ground level until a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall use all native species as appropriate, no sycamores and no plastic guards, and 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. It should demonstrate the ragstone wall to the front of the dwelling to be retained and materials reused. It shall also provide details of replacement planting to mitigate any loss of amenity and biodiversity value, and include a plant specification, implementation details, a maintenance schedule and a [5] year management plan. [The landscape scheme shall specifically detail the tree line which is proposed to be retained and expanded as indicated by the applicants supporting statement and provide screening where possible to the dwellings to the north].
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- (15) The approved landscaping scheme shall be in place at the end of the first planting and seeding season (October to February) following first occupation of the building hereby approved. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first use of the building, 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.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- (16) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the LPA. The remediation strategy shall be implemented as approved.
Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with the National Planning Policy Framework (NPPF).

21 April 2022

- (17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, AA, B, C, D, E and F to that Order shall be carried out to the new dwelling hereby approved without first obtaining the permission of the Local Planning Authority.
Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by prospective occupiers.
- (18) The areas shown on the submitted Proposed Site Plan, No. NC/RH/P01, as a turning area, car parking spaces and driveway for the new dwelling hereby approved shall be kept available for such use at all times 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 so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling hereby permitted.
Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users.
- (19) Prior to first occupation of the dwelling hereby approved one electric vehicle charging point shall have been installed for the benefit of the occupier of that dwelling with the charging point thereafter retained for that purpose.
Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with the NPPF.

Case officer Michelle Kwok.

Agenda Item 23



Ordnance Survey - data derived from OS Premium



22/500945/FULL Land opposite Little Budds Farm, Gravelly Ways, Laddingford, Kent

Scale: 1:2500

Printed on: 11/8/2022 at 12:28 PM by JoannaW



REPORT SUMMARY

REFERENCE NO: - 22/500945/FULL		
APPLICATION PROPOSAL: Retrospective application for erection of 1 no. stable block comprising 2 no. loose boxes and 1no. hay store and change of use of field to paddock for equine purposes.		
ADDRESS: Land opposite Little Budds Farm, Gravelly Ways, Laddingford, Kent		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION FOR APPROVAL: The criteria set out in policy DM41 that permits equestrian development in in the countryside have been met. The building is on a site that is screened from the south and roadside hedging in the east, with the building located close to the site entrance (thereby reducing the servicing area required). There were no issues found in relation to heritage, neighbour amenity, flooding or transport and access. The issue surrounding biodiversity and wildlife will be dealt with through a planning condition		
REASON FOR REFERRAL TO COMMITTEE: Call in from Yalding Parish Council for the reasons set out at paragraph 5.01 below.		
WARD: Yalding	PARISH: Marden and Yalding	APPLICANT/AGENT: Mrs Julie Latham/ DHA Planning
CASE OFFICER: Tony Ryan	VALIDATION DATE: 10/03/2022	DECISION DUE DATE: 02/09/2022
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

17/503894/FULL

Application for an agricultural building for the storage of machinery, hay, feed and for the keeping of cattle; with associated hardstanding access track. Refused 26.10.2017 for the following reasons:

"The application is contrary to Maidstone Borough-Wide Local Plan 2000 Policies ENV6 and ENV43; and Final Draft Maidstone Local Plan 2017 Policies SP17, DM30 and DM36 in that, in terms of the needs of the agricultural business, there is no justifiable reason for the building proposed to be situated in this relatively isolated position away from the main group of farm buildings. In the absence of over-riding need, the building and associated development would be a prominent and unacceptable addition to sporadic development in the countryside, and harmful to the character of the area".

(NB: This agricultural building measured 223 square metres [stables are 39 square metres]. The agricultural building was 4.6 metres high to the roof ridge [stables are 3.8 metres to the ridge]. The building was 13 metres to the north of the location of the stables building and required a formal access road into the field currently proposed as a paddock).

11/0483

Closure of existing vehicular access and formation of new access with 4 metre wide galvanised steel gate on galvanised posts opposite entrance to Little Budds Farm. Approved 12.05.2011

90/0902

Outline application for proposal to provide 120 low cost homes. Refused 10.08.1990

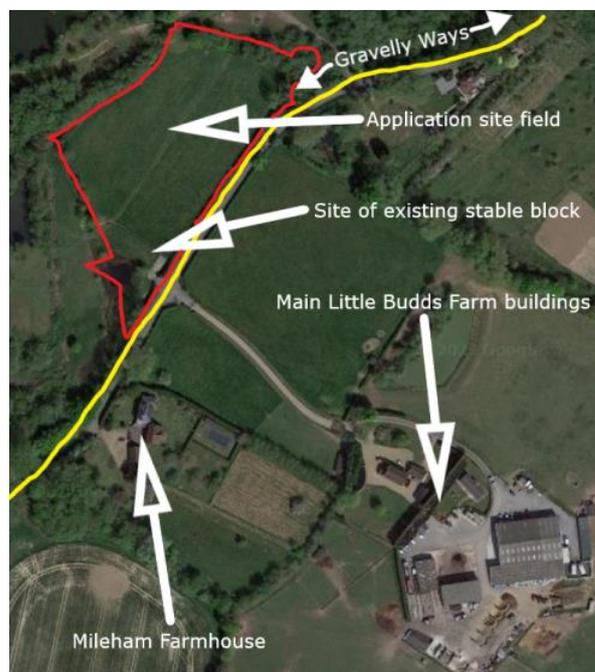
1.0 DESCRIPTION OF SITE

- 1.01 The application site (covering 0.9 hectares in total which includes 0.87 hectares of grazing) is located to the west of Gravelly Ways and in the countryside for the purposes of the Local Plan.
- 1.02 The site forms part of Little Budds Farm which is mainly located on land to the east of Gravelly Ways but also includes a finger of land to the west of the application site (see land in blue on the plan below). The main Little Budds farm buildings are located to the south east of Gravelly Ways with a long service road providing access.
- 1.03 The application site has a gated access from the Gravelly Ways that leads to a small area with a gravel surface with the stable block located to the north. The site also includes the to the north of the building with mature landscaping around the perimeter. To the south of the gravelled area is a pond and associated drain that is designated in the emerging Local Plan as a Local Wildlife Site. The site is screened from the south by mature trees and from Gravelly Ways by a thick boundary hedge.
- 1.04 The land is flat and is within Flood Zone 3 and a local wildlife site (Stoneham and The Lees, Yalding), an area of archaeological potential. Mileham Farmhouse is a Grade II listed building and is located 80 metres to the south of the development.

Red line application site boundary



Aerial photo (red line indicative)



2.0 PROPOSAL

- 2.01 The retrospective application is erection of a stable block and the change of use of field to the north of the stable block for equine purposes.

- 2.02 The building measures 2.4 metres to the roof eaves and 3.8 metres to the roof ridge, the building footprint is 10.8m by 3.6m (38.88 square metres). Internally the building is divided equally into three separate sections and these are annotated on the submitted drawings as providing two stables (loose boxes) and a field shelter (hay store).

Stable block front elevation



3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): Policies SS1, SP17, DM1, DM3, DM4, DM8, DM23, DM30 and DM41
- The National Planning Policy Framework (NPPF): Section 12 – Achieving well-designed places.
- Supplementary Planning Documents: Maidstone Landscape Character Assessment
- Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021.
The Regulation 22 draft is a material consideration however weight is limited, as it will be the subject of a future examination in public.

4.0 LOCAL REPRESENTATIONS

- 4.01 Two responses have been received in support of the application for the following reasons:
- Stable block is relatively small and unobtrusive, and clearly purpose built for use by animals,
 - Stable block is in keeping with the countryside and doesn't detract from the area,
 - The land is secure and well maintained,
 - Stable block location is preferable to the alternative which involves crossing a busy, fast and unlit road (Gravelly Ways),

- The ponds and hedgerows have been retained so the site is beneficial for biodiversity.

4.02 There have been no responses received objecting to the proposal

5.0 CONSULTATIONS

Yalding Parish Council

5.01 Objection for the following reasons:

- No justifiable reason for the building proposed to be situated in this relatively isolated position away from the main group of farm buildings.
- In the absence of over-riding need, the building and associated development would be a prominent and unacceptable addition to sporadic development in the countryside, and harmful to the character of the area.
- Contrary to Local Plan 2017 policies SP17, DM30 and DM36.

Local Lead Flood Authority (KCC Flood and Water Management)

5.02 No comment

Environment Agency

5.03 Standing advice – land or buildings used for the purposes of agriculture and forestry – less vulnerable

Kent Police

5.04 Designing out crime should be attended to in consultation with the police.

Southern Water

5.05 There are no public foul and surface water sewers in the area to serve this development. The applicant is advised to examine alternative means of foul and surface water disposal.

KCC Ecology

5.06 The development is likely to have caused a loss of biodiversity during construction. We advise that professional input is sought to produce a biodiversity landscape plan. This should include provision of native trees or wildflower grassland establishment and other measures to demonstrate that effort is being made to replace the biodiversity that has been lost from since works have been undertaken.

KCC Highways

5.07 The development proposal does not meet the criteria to warrant involvement from the Local Highway Authority in accordance with the current consultation protocol arrangements. Informatives relating to highways land are requested.

6.0 APPRAISAL

6.01 The key issues are:

- Impact on the countryside
- Equestrian development in the countryside
- Heritage
- Flooding
- Residential amenity
- Transport, highways, access and parking.
- Biodiversity and wildlife

Impact on the countryside

- 6.02 Local Plan Policy SP17 states that development proposals in the countryside will not be permitted unless:
- a) they accord with other LP policies and
 - b) they will not result in harm to the character and appearance of the area.
- 6.03 Any new building or structure results in a degree of harm to the character and appearance of the countryside and as a result the application is contrary to policy SP17 (b).
- 6.04 Whilst there will be a degree of visual harm, and in terms of SP17 (a), adopted local plan policy DM41 (equestrian development) permits development in the countryside in certain circumstances. Policy DM41 is considered in detail below with other relevant policies set out later in this report.

Equestrian development in the countryside

- 6.05 As an exception to the normal constraint of development in the countryside, adopted Local Plan policy DM41 permits domestic stables and associated equestrian development where certain criteria are met. The submitted planning application has been found to meet these criteria as set out below.
- i. The conversion of existing buildings would be used in preference to new built development.*
- 6.06 The stables have been constructed next to the field that would be used as a paddock. There are no other buildings in this area.
- ii. New stables and associated buildings would be grouped with existing buildings on the site wherever possible and are not of a degree of permanence that could be adapted for other use in the future.*
- 6.07 The new building incorporates two stables and a store in a single structure and there are no other buildings in this location to group the stables building with. The stable block has been sited sensitively with the building adjacent to pre-existing site access and a gravelled area. The building is adjacent to an existing post and rail fence.
- 6.08 The stables building has been located in this position as it is adjacent to the associated paddock that is located immediately to the north. The other Little Budds Farm buildings are circa 175 metres away to the south east on the opposite side of Gravelly Ways. The building closest to the application site is Mileham Farmhouse a Grade II listed building.
- 6.09 Mileham Farmhouse is not in the applicant's ownership, the building is located 80 metres away from the application site and on the opposite side of Gravelly Ways. Policy DM41 states that a new stable needs to be grouped with existing buildings 'wherever possible' and for the reasons outlined the stable block location is in accordance with policy DM41. In addition to the matters outlined, if it were otherwise possible, there are also potential heritage issues with locating the stables buildings close to the listed building.
- 6.10 The building is of timber framed construction, which is typical of similar buildings, with the building constructed on a concrete base under a timber platform. A planning condition is recommended which prevents the building being used for any alternative use.

iii. The cumulative impact of the proposed equestrian development has been shown to be considered, and where appropriate this has been mitigated.

6.11 With the location of the proposed building there is no cumulative impact in this location in terms of the number of buildings. The stables will be used for a maximum of two horses. A condition is recommended that the building only be used in connection with Little Budds Farm and that no commercial livery will operate from the building or the site.

iv. All new development is of a design which is sympathetic to its surroundings in terms of scale, materials, colour and details

6.12 The timber stables building is single storey with a felt pitch roof and provides 38.88m² of floorspace, which the applicant advises is the minimum necessary for such a use. The scale and timber construction are considered sympathetic to the surroundings of the site

v. Proposals will include lighting only where it can be proven to be necessary.

6.13 The applicant has confirmed in the submitted Planning Statement that the proposal does not include any external lighting. A planning condition is recommended to request that details of any future lighting (that may be installed) are submitted for approval prior to installation.

vi. The proposal is accompanied by an integral landscaping scheme including boundary treatments which reflect the landscape character of the area.

6.14 The site currently has substantial landscaping along the boundary with Gravelly Ways and along the northern boundary of the adjacent field. This landscaping screening can be seen in the photographs below of the site entrance in Gravelly Ways and on the next page of the view looking north from the back of the stables building.

Site entrance in Gravelly Ways



- vii. The proposal contains an appropriately sited and designed area for the reception of soiled bedding materials and provision for foul and surface water drainage.
- 6.15 The stable block internal design incorporates three independent areas comprising two stables and a third area for the servicing of the stables. This third area has been designed for functions such as the storage of soiled bedding materials.
- 6.16 In terms of foul and surface water drainage, the applicant has stated that they are not intending to connect to the existing drainage system. The potential flow of foul and surface water will be low due to the small footprint of the building, the small number of horses and as the adjoining land is permeable.
- 6.17 Furthermore, it is proposed that the stable block will incorporate water butts to harvest rainwater and to aid in surface water run-off.
- viii. Adequate provision is made for the safety and comfort of horses in terms of size of accommodation and land for grazing and exercising.
- 6.18 The stables will be occupied by a maximum of 2 horses and the proposed grazing space and stables (38.88m²) are of a sufficient size and design
- ix. The site would have easy access to bridleways and/or the countryside.
- 6.19 The proposal site is located in the countryside and would allow easy access for horses to the countryside.
- x. For proposals of 10 stables or more, adequate provision is made for the security of the site in terms of the location of the proposed development in relation to the manager or owner of the animals
- 6.20 The stables will accommodate two horses and as a result this criterion is not relevant.

View looking north within the site



Heritage

- 6.21 Policy SP18 of the Local Plan relates to the historic environment and 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 also relates to development affecting designated heritage assets and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.
- 6.22 When making any decision on a planning application for development that affects a listed building setting, a local planning authority must have special regard to the desirability of preserving its setting. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged.
- 6.23 Mileham Farmhouse is a Grade II listed building which is located 80 metres to the south of the application site on the opposite side of Gravelly Ways. The Historic England listing describes as a Farmhouse, early to mid-C19. Probably altered in the late-C19 when briefly converted to two cottages. Late-C20 extension and alterations. Listed at Grade II for the following principal reasons:
- Architectural interest: as a good-quality, brick-built farmhouse typical of the Low- Weald; despite later alterations, the building retains a significant proportion of its historic fabric.
 - Historic interest and group value: with the adjoining Grade II-listed C17 barn with which it forms a cohesive group, illustrative of the history of the farmstead and providing evidence of the agricultural history of the area.
- 6.24 With the distance between the buildings, the small scale of the application building and intervening road and substantial landscape screening, the current application will not impact upon the setting of Mileham Farmhouse is a Grade II listed building.

Flooding

- 6.25 The application site is located within Flood Zone 3 on the Environment Agency's Flood Map and the majority of the area surrounding the application site is also in Flood Zone 3. The NPPF at paragraph 169 states "Applications for some minor development and changes of use should not be subject to the sequential or exception tests".
- 6.26 Although not an agricultural building, a stable building has the same or a similar level of flood risk vulnerability. A stable block of this nature therefore is in the 'less vulnerable' class under the Flood Risk Vulnerability Classification and appropriate development for flood zone 3. This position is supported by the position of the Environment Agency who raises no objection to the proposal, noting that the residual risk of flooding is likely to be low. There is also no objection raised by the Local Lead Flood Authority.
- 6.27 It is highlighted that the majority of the site is only included in the application site boundary due to the change of use from agricultural to equestrian with the stables building to the south of the site. The location of the stables was chosen due to its good relationship with the land to be used as a paddock and for the location close to the existing site access. Whilst there are small pockets of land that are in flood risk zone 2, these sites were not suitable for the stables for other reasons. In this context the application meets the sequential test
- 6.28 There would be no additional vulnerability to flood risk or any worsening of flood risk as a result of the proposal. The applicant has stated that "*In line with reducing flood risk, the stable block has been placed on a concrete foundation approximately*

100mm above ground level. In terms of flood resilient measures, to minimise damage in a flood event, items will be store within the loose rooms above ground level. Furthermore, it is proposed that the stable block will incorporate water butts to harvest rainwater and to aid in surface water run-off. The owners of the site are also willing to join the Environment Agency's warning system, which will provide a flood warning map and three-day flood risk forecast".

Residential amenity – neighbours

- 6.29 Policy DM1 states that proposals will be permitted where they "respect the amenities of occupiers of neighbouring properties...by ensuring that development is not exposed to, excessive noise, activity, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties".
- 6.30 The closest residential property is Mileham Farmhouse which is located 80 metres to the south of the application site on the opposite side of Gravelly Ways. With the separation distance and in the intervening road and boundary hedges the stable block housing 2 horses and the use of the paddock will not impact upon residential amenity.

Transport, highways, parking and access

- 6.31 Adopted policies seek to ensure that new development does not harm highway safety and that there is adequate site access, servicing arrangements, and off street car parking.
- 6.32 There is sufficient space in front of the stables for associated off street parking and the access is suitable for the intended use. The local highway network has sufficient capacity to accommodate any trips generated by the se of the land and the two stables. No objections were received from KCC Highways.

Biodiversity and wildlife

- 6.33 Local Plan policy DM3 encourages development that responds to the natural environment by ensuring that it protects and enhances it where appropriate.
- 6.34 KCC Ecology have advised that the site appears to have previously been and the site still has "*...ruderal vegetation and several ponds within the surroundings/adjacent to the site. As such, there is suitable habitat for protected/notable species (including reptiles and Great Crested Newts (GCN)) within the surrounding area, with previous GCN record identified within some of the surrounding ponds. In addition, the proposed development is adjacent to the Stoneham and The Lees, Yalding Local Wildlife Site*".
- 6.35 KCC have recommended that a condition be attached to a planning permission asking for the submission of a biodiversity enhancement plan and for this to be approved and implemented.
- 6.36 It is unfortunate that biodiversity issues were not dealt with prior to the construction of the building and that the current application is retrospective. In order to ensure that the biodiversity information is submitted, it is recommended that condition asking for the biodiversity information is drafted so that the planning permission becomes void if the required details are not submitted.

Other matters

- 6.37 The issue raised by the Parish Council have been considered earlier in this report. The report also considers the development against Local Plan policy DM41 (equestrian development). The Parish Council refer to DM36 which is not relevant to this proposal as it relates to new 'agricultural' buildings and structures.

PUBLIC SECTOR EQUALITY DUTY

- 6.38 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.

7.0 CONCLUSION

- 7.01 The criteria set out in policy DM41 that permits equestrian development in in the countryside have been met. The building is on a site that is screened from the south and roadside hedging in the east, with the building located close to the site entrance (thereby reducing the servicing area required). There were no issues found in relation to heritage, neighbour amenity, flooding or transport and access. The issue surrounding biodiversity and wildlife will be dealt with through a planning condition

8.0 RECOMMENDATION –

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plan references: Design and Access Statement, DHA_16577_05 (Land Proposed for Change of Use) DHA_16577_04 (Stable Elevations), DHA_16577_03 (Stable Floor and Roof Plans) DHA_16577_02 (Existing Site Layout Plan), DHA_16577_01 (Site Location Plan), Application Form and Planning statement Reason: For the avoidance of doubt and in the interests of proper planning.
3. The paddock and stables hereby permitted shall only be used for the private exercising and stabling of horses in the ownership of the occupiers of the dwelling known as 'Little Budds Farm' and when no longer used for these purposes shall, together with any other related development, be demolished and the resulting material removed from the land to the satisfaction of the Local Planning Authority. Reason: In the interest of safeguarding nearby residential amenity,
4. The building shall not be used for, or in connection with, any livery, business or commercial use. Reason: To prevent the introduction of an inappropriate commercial use onto the site.
5. No building or temporary structure, including horse jumps or field shelters, shall be erected, placed or allowed to remain on the land. Reason: To safeguard the character and appearance of the surrounding area.
6. No new surface shall be placed or allowed to remain on the land. Reason: To safeguard the character and appearance of the surrounding area.

7. 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. The approved details shall be in accordance with the Institute of Lighting Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E1. The submitted details 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 scheme of lighting shall be installed, maintained and operated thereafter in accordance with the approved scheme
Reason: To ensure lighting does not result in adverse harm upon neighbour amenity and the character of the countryside.

8. The change of use hereby permitted shall cease and the approved stables building demolished, and all materials brought onto the land for the purposes of such use and arising from the demolished building shall be removed and the land restored to its 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 3 months of the date of this decision a Site Development Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority.
The Scheme shall include:
 - a) a biodiversity landscape plan setting out how the development will enhance biodiversity including clear ecological enhancement for breeding birds and bats and provision of bat boxes, bird boxes, and native planting.
 - b) Biodiversity Method Statement including how the development will mitigate against any impacts upon the adjacent Local Wildlife Site.
 - c) together with a timetable for implementation
 - (ii) within 11 months of the date of this decision the Scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Scheme, 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 Scheme shall have been approved by the Secretary of State.
 - (iv) the approved Scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.

Reason: To ensure the visual amenity, character and appearance of the countryside location, in the interests of biodiversity and ecology and protection of the adjacent wildlife site.

Agenda Item 24

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 25th August 2022**

APPEAL DECISIONS:

- 1. 20/505296/FULL Creation of new access and hardstanding.**

APPEAL: ALLOWED

1 Whiteacres
Marden Road
Staplehurst
Tonbridge
Kent
TN12 0JG

(Delegated)

- 2. 21/501808/FULL Part retrospective for the change of use of garden land to provide 1no. shepherd's hut holiday-let accommodation, with access, landscaping and parking.**

APPEAL: ALLOWED

Yelsted Court Barn
Yelsted Lane
Sittingbourne
Kent
ME9 7UT

(Delegated)
