

# PLANNING COMMITTEE MEETING

Date: Thursday 24 November 2022  
Time: 6.30 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.*

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## AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 1 December 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 20 October 2022 1 - 9
11. Presentation of Petitions (if any)
12. 22/501777/FULL - 2 Hillside Cottage, Malling Road, Teston, Maidstone, Kent 10 - 17
13. 22/501778/LBC - 2 Hillside Cottage, Malling Road, Teston, Maidstone, Kent 18 - 24

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**Issued on Tuesday 15 November 2022**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

14.	22/503867/FULL - 4 Scott Street, Maidstone, Kent	25 - 34
15.	22/504194/ADV - Maidstone Innovation Centre, Gidds Pond Way, Weaving, Kent	35 - 40
16.	22/500509/FULL - 48 Richmond Way, Maidstone, Kent	41 - 50
17.	20/503709/FULL - Northdown Croft, Pilgrims Way, Hollingbourne, Kent	51 - 62
18.	22/503914/FULL - Staplehurst Transits, Staplehurst Road, Marden, Kent	63 - 84
19.	22/503775/FULL - The Acorns, Frittenden Road, Staplehurst, Tonbridge, Kent	85 - 94
20.	22/503774/FULL - Delilah Lodge, Frittenden Road, Staplehurst, Tonbridge, Kent	95 - 106
21.	22/500222/FULL - Heather House And Pavilion Building, Bicknor Road, Maidstone, Kent	107 - 124
22.	Appeal Decisions	125 - 127

#### **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](mailto:committee@maidstone.gov.uk) by 4 p.m. on Wednesday 23 November 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](mailto:committee@maidstone.gov.uk)**

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## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 20 OCTOBER 2022**

##### **Present:**

<b>Committee Members:</b>	<b>Councillor Spooner (Chairman) and Councillors Brindle, Cox, English, Eves, Harwood, Holmes, Kimmance, Munford, Perry, Round, Trzebinski and D Wilkinson</b>
<b>Visiting Members:</b>	<b>Councillors Garten, Hinder and Russell</b>

##### 118. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors McKenna and Young.

##### 119. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Eves for Councillor McKenna  
Councillor Round for Councillor Young

##### 120. NOTIFICATION OF VISITING MEMBERS

Councillor Garten indicated his wish to speak on the report of the Head of Development Management relating to application 22/501957/FULL (Swanton Farm, Bicknor Road, Bicknor, Kent).

Councillor Hinder indicated his wish to speak on the report of the Head of Development Management relating to application 22/503499/FULL (12 Wents Wood, Weaving, Kent)

Councillor Russell indicated her wish to speak on the report of the Head of Development Management relating to application 22/501335/FULL (Land North of Little Cheveney Farm, Shephurst Lane, Marden, Kent).

##### 121. ITEMS WITHDRAWN FROM THE AGENDA

22/501909/FULL - RETROSPECTIVE APPLICATION FOR STATIONING OF 2 NO. STATIC CARAVANS ON AN EXISTING GYPSY SITE - 3 QUARTER PADDOCKS, BLETCHENDEN ROAD, HEADCORN, ASHFORD, KENT

The Major Projects Team Leader sought the agreement of the Committee to the withdrawal of application 22/501909/FULL from the agenda as there was a need to carry out a sequential flood risk assessment.

**RESOLVED:** That agreement be given to the withdrawal of application 22/501909/FULL from the agenda.

122. URGENT ITEMS

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

123. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Brindle said that, with regard to the reports of the Head of Development Management relating to applications 22/503499/FULL (12 Wents Wood, Weaving, Kent) and 22/502452/FULL (Anacapri, Weaving Street, Weaving, Kent), she was a Member of Boxley Parish Council. However, she had not participated in the Parish Council's discussions on the applications and intended to speak and vote when they were considered.

Councillor Eves entered the meeting during consideration of this item (6.05 p.m.). He said that he had no disclosures of interest or of lobbying.

124. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

12.	22/501957/FULL - Swanton Farm, Bicknor Road, Bicknor, Kent	No lobbying
13.	22/501335/FULL - Land North of Little Cheveney Farm, Sheephurst Lane, Marden, Kent	Councillors Brindle, Cox, English, Harwood, Kimmance, Munford, Perry, Round, Spooner, Trzebinski and D Wilkinson
14.	22/503499/FULL - 12 Wents Wood, Weaving, Kent	No lobbying
15.	22/502608/FULL - Kings Oak Farm, Crumps Lane, Ulcombe, Kent	Councillors Brindle, Cox, English, Harwood, Kimmance, Munford, Perry, Round, Trzebinski and D Wilkinson
16.	22/500597/FULL - Land At South East Coast Ambulance Service, Heath Road, Coxheath, Maidstone, Kent	Councillors English and Spooner
17.	22/502452/FULL - Anacapri, Weaving Street, Weaving, Kent	No lobbying
18.	22/503380/FULL - 15 Lyngs Close, Yalding, Maidstone, Kent	No lobbying
19.	22/501909/FULL - 3 Quarter Paddocks, Bletchenden Road, Headcorn, Ashford, Kent	No lobbying

20.	22/501405/FULL - Springwood Road Nurses Accommodation, Springwood Road, Barming, Kent	Councillors English, Harwood and Kimmance
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125. EXEMPT ITEMS

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

126. MINUTES OF THE MEETING HELD ON 22 SEPTEMBER 2022

**RESOLVED:** That the Minutes of the meeting held on 22 September 2022 be approved as a correct record and signed.

127. PRESENTATION OF PETITIONS

There were no petitions.

128. 22/501957/FULL - SECTION 73 - APPLICATION FOR REMOVAL OF CONDITION 14 PURSUANT TO APPLICATION 18/501312/FULL TO OMIT PASSING BAYS TO BICKNOR ROAD (COLD STORE, IRRIGATION LAGOON AND ASSOCIATED ENGINEERING, ACCESS AND LANDSCAPING) - SWANTON FARM, BICKNOR ROAD, BICKNOR, KENT

The Committee considered the report of the Head of Development Management.

Mr Ogden, agent for the applicant, addressed the meeting in person.

Councillor Garten, Visiting Member, addressed the meeting remotely.

**RESOLVED:** That subject to the prior completion of a legal agreement in such terms as the Head of Legal Partnership may advise to secure the Heads of Terms set out in the report, the Head of Development Management be given delegated powers to grant permission subject to the conditions and informatives set out in the report and 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 with a monitoring fee of £1,020.

Voting: 13 – For 0 – Against 0 – Abstentions

129. 22/501335/FULL - INSTALLATION OF A RENEWABLE ENERGY LED GENERATING STATION COMPRISING OF GROUND-MOUNTED PV SOLAR ARRAYS, ASSOCIATED ELECTRICITY GENERATION INFRASTRUCTURE AND OTHER ANCILLARY EQUIPMENT COMPRISING OF STORAGE CONTAINERS, ACCESS TRACKS, FENCING, GATES AND CCTV TOGETHER WITH THE CREATION OF WOODLAND AND BIODIVERSITY ENHANCEMENTS - LAND NORTH OF LITTLE CHEVENEY FARM, SHEEPHURST LANE, MARDEN, KENT

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

In introducing the application, the Principal Planning Officer advised the Committee that some Members may have received a pamphlet from the applicant

earlier that day pointing out inter alia that the biodiversity net gain from the proposal was extremely high (approximately 50%), which was accepted. However, it should be remembered that the land was classed as the best and most versatile agricultural land and should be suitable for crop production. In her view, the positive biodiversity net gain of the proposal did not outweigh the identified harm to the locality, the character and appearance of the countryside, the setting of heritage assets and specific harm to species (badgers and skylarks), Ancient Woodland and the Lesser Teise.

Ms Springhall, an objector, Councillor Goff of Collier Street Parish Council, Ms Clarke, for the applicant, and Councillor Russell, Visiting Member, addressed the meeting in person.

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

Voting: 12 – For 0 – Against 1 – Abstention

130. 22/503499/FULL - CONVERSION OF GARAGE WITH RAISED ROOF AND 1 NO. ROOF LIGHT. LOFT CONVERSION WITH FRONT AND REAR DORMERS AND 2 NO. ROOF LIGHTS (RE-SUBMISSION OF 22/502134/FULL) - 12 WENTS WOOD, WEAVERING, KENT

The Committee considered the report of the Head of Development Management.

Councillor Sheppard of Boxley Parish Council, Mr Whitlock, the applicant, and Councillor Hinder, Visiting Member, addressed the meeting in person.

**RESOLVED:**

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

The strengthening of condition 5 (Renewables) to require the provision of a solar PV array on the south-west facing elevation of the garage roof; and

The amendment of condition 4 (Enhancement of Biodiversity) to (a) delete reference to *at least one* integrated method and widen the range of biodiversity enhancements to be provided integrally and within the curtilage of the dwellinghouse and (b) require ecologically appropriate planting adjacent to the woodland.

2. That the Head of Development Management be given delegated powers 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.

Voting: 12 – For 1 – Against 0 – Abstentions

**FURTHER RESOLVED TO RECOMMEND TO THE LEAD MEMBER FOR PLANNING AND INFRASTRUCTURE:**

That clarification be provided in the proposed Design and Sustainability Development Plan Document regarding the design and longevity robustness of ecological measures sought in developments to enable a tougher approach in terms of monitoring.

131. 22/502608/FULL - PERMANENT RETENTION OF AGRICULTURAL DWELLING (PREVIOUSLY GIVEN TEMPORARY PERMISSION UNDER 19/505341/FULL) - KINGS OAK FARM, CRUMPS LANE, ULCOMBE, KENT

The Committee considered the report of the Head of Development Management.

Ms Diamond, an objector, and Mrs Bowie, Clerk to Ulcombe Parish Council, addressed the meeting remotely.

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

**RESOLVED:**

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

The amendment of condition 1 (a) (v) (Site Development Scheme) to specify the installation of a bat tube;

The amendment of condition 2 (Landscaping) to secure the provision of an enhanced level of planting as the building is now permanent;

The amendment of condition 6 (External Lighting) to ensure that any external lighting is rural sensitive, providing security whilst at the same time protecting dark sky characteristics, amenity and biodiversity;

The addition of an informative encouraging the applicant to adapt all lighting across the wider site to accord with the same principles of managing the impacts of artificial light; and

The addition of an informative encouraging the applicant to commission an energy efficiency report to identify where improvements to the building can be undertaken.

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

Voting: 12 – For 0 – Against 1 – Abstention

Note: Councillor Kimmance left the meeting after consideration of this application (8.07 p.m.).

132. 22/500597/FULL - ERECTION OF 9 NO. RESIDENTIAL UNITS WITH ASSOCIATED LANDSCAPING, ECOLOGICAL ENHANCEMENTS AND PARKING IN EXISTING OFFICE PARKING AREA - LAND AT SOUTH-EAST COAST AMBULANCE SERVICE, HEATH ROAD, COXHEATH, MAIDSTONE, KENT

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

In introducing the application, the Senior Planning Officer advised the Committee that:

- Part (i) of recommended condition 12 (Ecological Enhancements) should be deleted as the integration of ecological enhancements into the design and fabric of each dwelling was covered in condition 11.
- To clarify, the Drainage Strategy condition was not a pre-commencement condition as stated in paragraph 6.61 of the report.
- Since publication of the report, a representation had been received from a local resident raising objections to the application in terms of loss of light and privacy, anti-social behaviour regarding the eastern communal garden, highway safety and the impact on water supply. The issues of residential amenity and highway safety had been addressed in the report and the agent for the applicant had confirmed that the eastern communal garden would be closed in the evening. The issue of water supply was not a matter for consideration.

Mr Richards, agent for the applicant, addressed the meeting remotely.

The Democratic Services Officer read out a statement on behalf of Councillor Parfitt-Reid who had requested that the application be reported to the Planning Committee if the Officers were minded to grant permission under delegated powers but was unable to attend the meeting due to personal circumstances.

**RESOLVED:**

1. That permission be granted subject to the conditions and informatives set out in the report, as amended by the urgent update report and by the Senior Planning Officer during her introduction of the application, with the amendment of condition 9 (Hard and Soft Landscaping) to require that *Prunus spinosa* which has been specified in boundary hedgerows be replaced with *Rhamnus cathartica* (Purging Buckthorn).
2. That the Head of Development Management be given delegated powers 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.

Voting:      12 – For      0 – Against      0 – Abstentions

133. 22/502452/FULL - DEMOLITION OF EXISTING CONSERVATORY, GARAGE/STORE AND SHED AND ERECTION OF A DETACHED FOUR BED DWELLING WITH REAR PERGOLA AND ASSOCIATED ACCESS AND PARKING (REVISED SCHEME TO 21/506599/FULL) - ANACAPRI, WEAVERING STREET, WEAVERING, KENT

The Committee considered the report of the Head of Development Management.

In introducing the application, the Planning Officer advised the Committee that he wished to clarify that although paragraph 6.17 of his report stated that it was recommended that the proposed bedroom window in the first-floor side elevation of the dwelling be obscure glazed and fixed shut below 1.7 metres from internal

floor level, he now considered this to be inappropriate and the recommendation was to require the window to be obscure glazed only.

Dr Alkass, an objector, addressed the meeting remotely.

Councillor Sheppard of Boxley Parish Council and Miss Mildenhall, the applicant, addressed the meeting in person.

**RESOLVED:**

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

An additional condition requiring the incorporation of an air source heat pump;

The amendment of condition 3 (Materials) to require the submission and approval of details and samples of the external cladding;

The amendment of condition 7 (Hard and Soft Landscape Scheme) to (a) specify that the landscaping design shall be informed by the historic character of the public right of way running to the south of the application site and (b) refer to the location of any the habitat piles;

The amendment of condition 10 (Enhancement of Biodiversity) to be specific as to the enhancements required; these to include insect bricks; and

The amendment of condition 12 (Fencing, Walling and Other Boundary Treatments) to ensure that gaps under the new fencing to allow the passage of wildlife go onto the footpath which is a route for wildlife.

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

Voting: 12 – For 0 – Against 0 – Abstentions

Note: Councillor Eves left the meeting after consideration of this application (9.10 p.m.).

134. 22/503380/FULL - RETROSPECTIVE APPLICATION FOR ERECTION OF A SINGLE-STOREY REAR EXTENSION - 15 LYNGS CLOSE, YALDING, MAIDSTONE, KENT

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

In introducing the application, the Major Projects Team Leader advised the Committee that he wished to add a condition seeking a satisfactory obscure treatment to the side elevation facing the neighbouring boundary (no.16 Lyngs Close) in the interests of residential amenity.

Councillor Stead of Yalding Parish Council addressed the meeting remotely.

**RESOLVED:**

1. That permission be granted subject to the condition and informatives set out in the report with an additional condition seeking a satisfactory obscure treatment to the side elevation facing the neighbouring boundary (no.16 Lyngs Close) in the interests of residential amenity.
2. That the Head of Development Management be given delegated powers to be able to settle, amend or add any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 11 – For 0 – Against 0 – Abstentions

135. 22/501405/FULL - CHANGE OF USE FROM 4 NO. BLOCKS OF RESIDENTIAL NURSES ACCOMMODATION TO 3 NO. BLOCKS COMPRISING OF 18 FIVE BEDROOM HMO UNITS AND 1 NO. BLOCK COMPRISING OF 8 THREE BEDROOM RESIDENTIAL UNITS - SPRINGWOOD ROAD NURSES ACCOMMODATION, SPRINGWOOD ROAD, BARMING, KENT

The Committee considered the report of the Head of Development Management.

Ms Tilley, agent for the applicant, addressed the meeting in person.

**RESOLVED:**

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

The amendment of condition 4 (Energy Efficiency Measures) to expand on Members' additional expectations in terms of the installation of solar PV panels within the development unless it is demonstrated that it is not physically possible to do so and cavity wall insulation; and

The amendment of condition 9 (EV Charging) to require a minimum of 10 operational electric vehicle charging points; the siting to ensure that every parking bay has access to a charging point.

2. That the Head of Development Management be given delegated powers to be able to add, settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.
3. That the details to be submitted pursuant to conditions 5 (Landscaping) and 7 (Boundary Treatments) are to be reported to the Planning Committee for approval.

Voting: 11 – For 0 – Against 0 – Abstentions

136. 22/501909/FULL - RETROSPECTIVE APPLICATION FOR STATIONING OF 2 NO. STATIC CARAVANS ON AN EXISTING GYPSY SITE - 3 QUARTER PADDOCKS, BLETCHENDEN ROAD, HEADCORN, ASHFORD, KENT

See Minute 121 above.

137. APPEAL DECISIONS

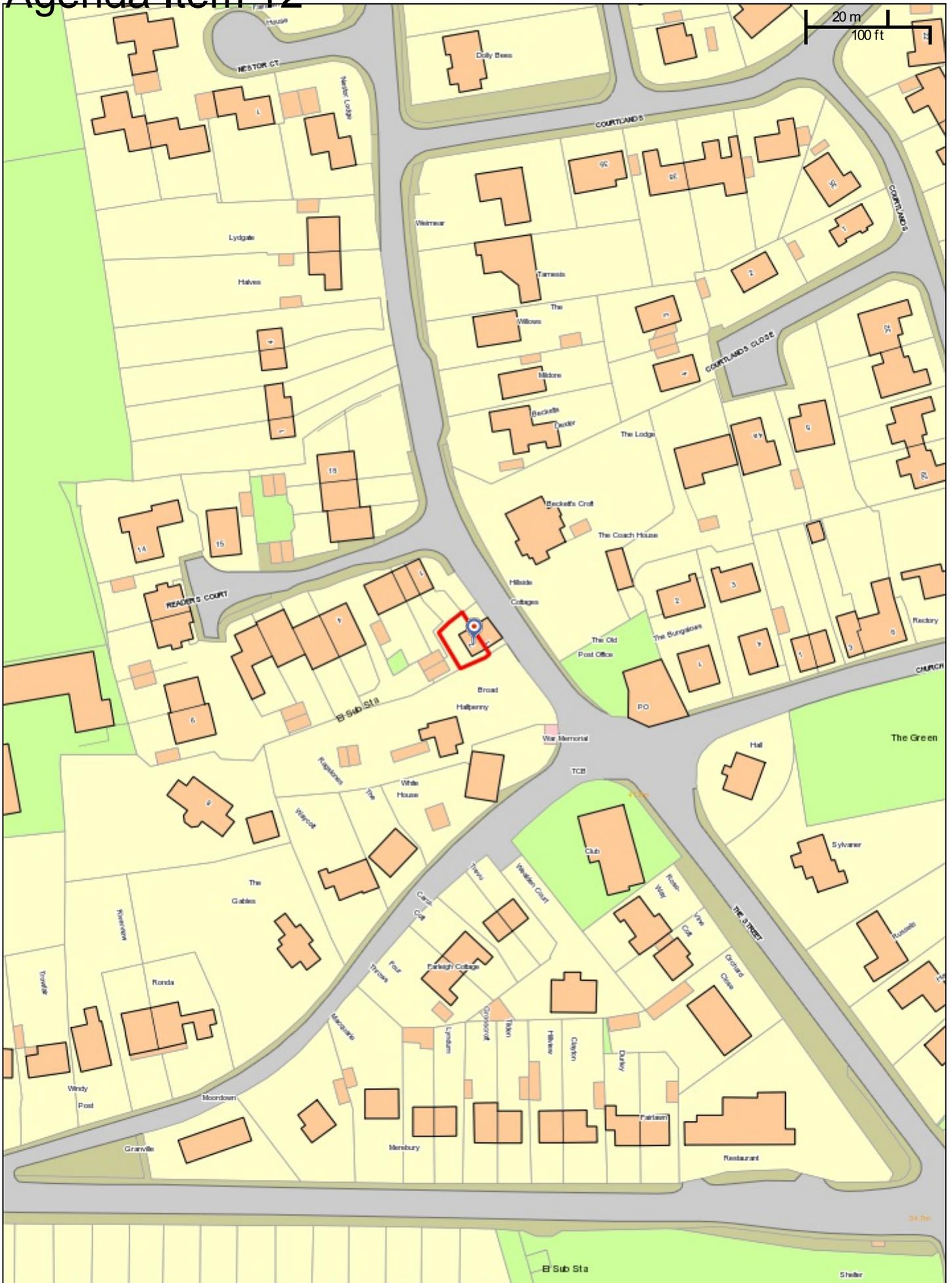
The Committee considered the report of the Head of Development Management setting out details of appeal decisions received since the last meeting.

**RESOLVED**: That the report be noted.

138. DURATION OF MEETING

6.00 p.m. to 9.40 p.m.

# Agenda Item 12



22/501777/FULL & 22/501778/LBC2 Hillside Cottage, Malling Road, Teston, Maidstone, Kent, ME18 5AN

Scale: 1:1250

Printed on: 10/11/2022 at 12:09 PM by JoannaW

## REPORT SUMMARY

<b>REFERENCE NO:</b> - 22/501777/FULL		
<b>APPLICATION PROPOSAL:</b> Renewal of the rear dormer, replacement windows and doors including internal and external repairs and 3no. external lights.		
<b>ADDRESS:</b> 2 Hillside Cottage Malling Road Teston Maidstone Kent ME18 5AN		
<b>RECOMMENDATION:</b> APPROVED SUBJECT TO CONDITIONS set out in Section 8.0		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The harm to the heritage asset is considered less than substantial and is considered to be outweighed by public benefits.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The recommendation is contrary to the views of the Parish Council who have requested it is reported to Planning Committee.		
<b>WARD:</b> Barming And Teston	<b>PARISH/TOWN COUNCIL:</b> Teston	<b>APPLICANT:</b> Golding Homes <b>AGENT:</b>
<b>CASE OFFICER:</b> Louise Welsford	<b>VALIDATION DATE:</b> 29/04/22	<b>DECISION DUE DATE:</b> EOT 5/12/22
<b>ADVERTISED AS A DEPARTURE:</b> NO		

### Relevant Planning History

15/507359/FULL

Retrospective planning for 900 mm Palisade fence to front, South Eastern boundary increasing to 1800 mm close boarded security fencing to enclosed rear garden with security gate.

Approved 06.11.2015

15/507361/LBC

An application for listed building consent for the erection of 900 mm Palisade fence to front, South Eastern boundary increasing to 1800 mm close boarded security fencing to enclosed rear garden with security gate.

Approved 06.11.2015

90/1412

Satellite Television Dish.

Refused 28.09.1990

### MAIN REPORT

#### 1. DESCRIPTION OF SITE

1.01 This application relates to a grade II listed dwelling, estimated to date from the 18<sup>th</sup>-century. It is constructed of red brick to the ground floor, with white weatherboarding to the first-floor, under a tiled, gambrel roof.

1.02 The building lies within Teston conservation area and is positioned in a prominent location, and on to the road, such that its front and rear elevations are equally visible. The site is classed as open countryside in the local plan, although its actual position is in a location surrounded by built development within the village.

## **2. PROPOSAL**

- 2.01 Planning Permission is sought for the extension of the existing rear dormer, replacement windows and doors, internal and external repairs, and 3 external lights.

## **3. POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough Local Plan (2011-2031): SP18, DM4, DM1, DM9  
The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Supplementary Planning Documents: Residential Extensions

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 (B) – The Historic Environment Policy LPRENV 1 – Historic Environment, Policy LPRSP15 – Principles of Good Design, LPRHou 2 – Residential extensions, conversions, annexes and redevelopment in the built-up areas

## **4. LOCAL REPRESENTATIONS**

**Local Residents: 3** representations received from local residents raising the following (summarised) issues

- loss of privacy
- construction phase issues including parking and disruption
- appropriate materials should be used, including in keeping with number one and ensuring the preservation of the building
- light pollution
- the size and symmetry of the dormer
- potential removal of asbestos
- impact of CCTV cameras (not part of this application)

Issues relating to the construction phase and removal of asbestos are not material planning considerations. (There is separate legislation relating to asbestos).

## **5. CONSULTATIONS**

### **5.01 MBC Conservation Officer**

initial comments: objected to the use of standard double glazing. Considered that the works which have been carried out to the ceiling had not resulted in significant harm. Replacement of weatherboarding on a like-for-like basis is acceptable. Repair of existing joists is acceptable. Mechanical ventilation is acceptable in principle, but further details are required.

On receipt of further details of mechanical ventilation, lighting and use of slim double glazing with integral glazing bars raises no objection.

5.02 Teston Parish Council (summary of comments)

Objections relate to the appearance of the listed building, loss of symmetry, impact upon the character and appearance of the conservation area and light pollution. Conditions requested relate to the materials being appraised by the conservation officer and rear dormer being skewered glazed and only small top opening.

Comments also raised issues of neglect and ownership and a request a condition that the procedures and practices of contractors are monitored by the applicant – these areas within the comments are outside of the remit of planning (beyond whether serving an urgent works notice would be considered which has not, in this case, been issued).

5.03 KCC archaeological officer: no response.

**6. APPRAISAL**

The key issues are:

- Impact upon the listed building and the character and appearance of the conservation area
- Impact upon residential amenity

**Heritage Impact - listed building and conservation area**

6.01 Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving listed buildings and their settings and any special architectural or historic features which they possess. The court have determined that considerable weight and importance should be given to any harm found to the significance of listed buildings.

6.02 Section 72(1) of the Town and Country Planning Act 1990 requires that special regard is had to the question of whether or not a proposed development would preserve or enhance the special character of the conservation area. There is a presumption that development which would not do so should be refused.

6.03 Local plan policies DM4 and SP18 similarly seeks to preserve listed buildings and their settings, and the special character of conservation areas, in an appropriate manner and this is also carried forward into emerging policies.

6.04 In this case, the proposals are of a relatively minor nature and the conservation officer has assessed the revised application and raises no objection.

6.05 Firstly, with regards to the fenestration, most of the windows are modern replacement and of low significance. Historic England guidance upon replacement of traditional Windows advises that where historic Windows have been replaced with those which are not considered to contribute towards the significance of a listed building, their replacement with windows of a sympathetic historic pattern “whether single-glazed or incorporating slim-profile double-glazing, may cause no additional harm”. This is considered to be such a case. The windows are considered of low significance and the proposed design is considered sympathetic to the character of the building. Initially, standard double-glazing was proposed, which was considered inappropriate and harmful, but the application has been amended to seek slim-profile units which have integral glazing bars, such as to preserve the character of the property.

- 6.06 With regards to the works already carried out, the conservation officer has commented that the original joists appear to have been modern and of no significance and that several joists have been retained to match the same trust arrangement in the attached property. The works are not considered to have resulted in significant harm. Similarly, other repairs and a like-for-like replacement of weatherboarding, which has deteriorated, are not considered to result in any material harm to significance or the special interest of the building.
- 6.07 Details of mechanical ventilation have been provided utilising tile vents and these are considered appropriate. The design of the external lighting is also considered sympathetic to the character of the building. Whilst additional lighting is not to be welcomed in the conservation area, since it generally low levels of lighting are considered to be part of its character, this is an area with many dwellings such that there would already be some degree of light from within existing buildings (for an example where curtains remain open) and, particularly in winter, from traffic movements. Any harm to the conservation area character from the additional lights is considered to be very low.
- 6.08 With regards to the extension to the dormer, visually this is not to be welcomed. It would to some degree disrupt symmetry and the existing flat roofed rear dormers are features which currently detract from the character and appearance of the building. Therefore, the increase in scale would result in the dormer being slightly more prominent, although the use of appropriate materials would help to minimise the harm. It is the view of the conservation officer that the increase in the scale of the dormer would result in a low level of harm, at the lower end of less than substantial. I concur with this view.
- 6.09 Therefore, considering all of the above, it is concluded that the proposal would result in a low level of harm to the significance of the listed building, as a result of the increase in the scale of the dormer, and that this would be less than substantial. It is further concluded that similarly there would be a low level of harm to the character and appearance of the conservation area. To the conservation area, the level of harm is considered to be slightly lower, since, although the dormer would be very visible, in the wider scheme of the conservation area, the rear elevation makes a lesser contribution.

### **Residential Amenity**

- 6.10 The development is not of a scale to result in any significant light or outlook issues for any neighbouring property. With regards to privacy, the plans now indicate that the bathroom window would be of obscure glazed. Given that the building is slightly offset from the dwelling behind, on balance I do not consider it reasonable to attach a condition to ensure that the window is non-openable – the design of the window is such that it does not have a top opening fanlight (which may be out of keeping with the character of the listed building) and given that it is not a habitable room, its usage is likely to be more limited. It is concluded that there are insufficient grounds to refuse the application in terms of privacy.
- 6.11 With regards to light pollution, the proposed lights are of a small scale and not out of keeping beyond what one might expect at a residential property within a built up surrounding. I accept that this is a rural village location, but nevertheless given the type of lighting and the number of lights, it is not considered that the impact upon residential amenity would be so severe as to justify a refusal. It is noted that the lights are indicated to be fitted with PIR sensors.

### **Other Matters**

- 6.12 Due to the nature of the proposal and its scale, it does not raise any significant ecological, tree, parking or archaeological issues.

- 6.13 Other issues raised in representations include the construction phase, the appropriate dealing with the removal of any asbestos including surveys and CCTV cameras attached to fencing.
- 6.14 The construction phase is not a material planning consideration. An informative can be attached regarding asbestos to draw the applicant's attention to the need to deal with this matter in line with appropriate legislation. With regards to CCTV cameras, these do not form part of the application, but again an informative can draw the applicant's attention to this matter and that need to deal with this appropriately, seeking any required consents.

### **Balancing Exercise**

- 6.15 Harm has been identified to the significance of the listed building and, to a lesser degree, to the character and appearance of the conservation area. The level of harm in both cases is considered to be less than substantial.
- 6.16 There are not considered to be any significant residential amenity issues of a scale which would justify a refusal.
- 6.17 Where harm to designated heritage assets is identified, the NPPF requires this to be balanced against public benefits, including securing the optimum viable use of the asset.
- 6.18 In this case, the applicant has indicated a disability need for the part of the proposal which is resulting in harm, the changes to the bathroom/dormer. It is considered that this can be attributed some weight, although occupation can change and therefore the weight is considered to be limited. However, importantly it is noted that the bathroom is an extremely confined space, measuring approximately 1.5 m x 2.5 m with, importantly, some restricted head room due to the steeply sloping nature of the roof slope of the bath. The bathroom is a facility which is essential to the functioning of the building in its current use as a dwelling and there are not alternative bathroom facilities within the building. Therefore, in terms of its impact with regards to maintaining the building in its most viable use, more significant weight is attached, as it is considered that in this regard it is important and that the proposals are reasonably justified. The harm has been minimised, as the extension to the dormer would not appear to be more than is reasonably necessary to provide a functional bathroom area.
- 6.19 In conclusion therefore, significant importance must be given to the harm to the heritage assets, but the level of harm is considered to be low, at the lower end of less than substantial. The public benefit, in particular in terms of securing and maintaining the optimum viable use of the building is considered to be significant and, on balance, to outweigh the harm in this case. A recommendation of approval is therefore considered appropriate.

### **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 Harm has been identified to the significance of the listed building and, to a lesser degree, to the character and appearance of the conservation area. The level of harm is considered to be low, at the lower end of less than substantial.

- 7.02 On balance, the public benefits, in terms of maintaining the viable use of the building in its current use as a dwelling, which is considered to be the optimum viable use, are considered to outweigh the harm. Approval is therefore recommended.

## **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.

#### 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.Plans

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans/documents unless otherwise agreed in writing by the local planning authority:

a site location plan and block plan received on 29/04/22, proposed floor plan reference 47766\_V2 Rev 0 received on 27/04/22, proposed elevations reference 47766 Rev 0 received on 11/07/22, a letter from the applicant dated 08/07/22, Evesham wall light specification and Hambleside Danelaw plain tile vent specification received on 08/07/22 and joinery details shown in Windows section drawing in appendix A of heritage statement Windows and doors Rev A received on 08/07/22;

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

- 3) Before the development hereby permitted is first occupied, the proposed rear dormer window hereby permitted shall be obscure glazed and shall subsequently be maintained as such;

Reason: In the interests of privacy and to ensure a satisfactory living environment.

#### **INFORMATIVES**

##### Asbestos

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

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of

construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

No vehicles may arrive, depart, be loaded or unloaded within the general site outside the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

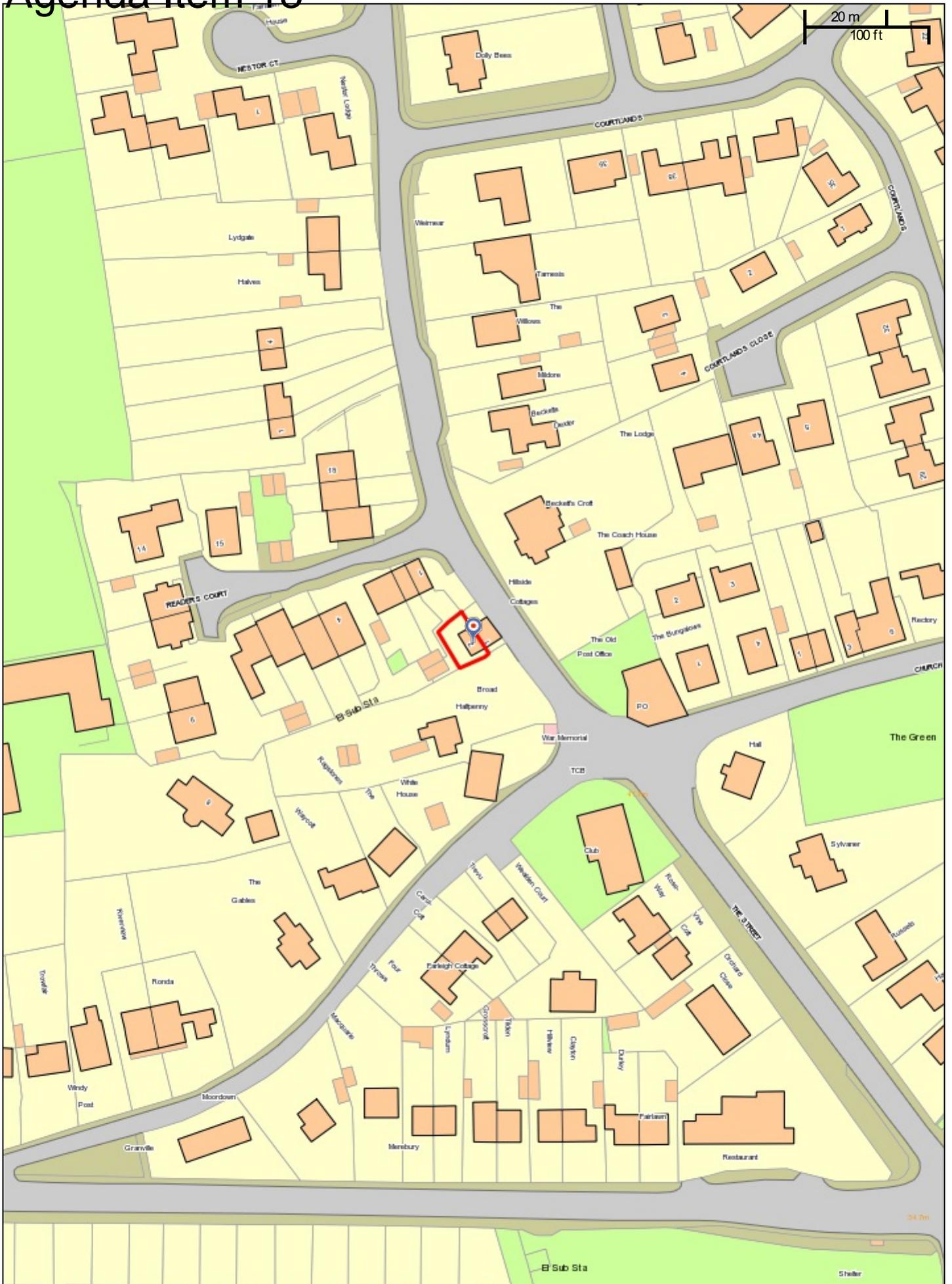
Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

The applicant is encouraged to investigate the issue regarding CCTV cameras raised within a representation to ensure that they comply with any appropriate legislation and that any appropriate consents are sought.

Case Officer: Louise Welsford

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 13



22/501777/FULL & 22/501778/LBC2 Hillside Cottage, Malling Road, Teston, Maidstone, Kent, ME18 5AN

Scale: 1:1250

Printed on: 10/11/2022 at 12:09 PM by JoannaW

## REPORT SUMMARY

<b>REFERENCE NO:</b> - 22/501778/LBC		
<b>APPLICATION PROPOSAL:</b> Listed building consent for the renewal of the rear dormer, replacement windows and doors including internal and external repairs. install mechanical ventilation to bathroom and kitchen, 3no. external lights. Retrospective replacement ceiling works to the top bedroom.		
<b>ADDRESS:</b> 2 Hillside Cottage Malling Road Teston Maidstone Kent ME18 5AN		
<b>RECOMMENDATION:</b> APPROVED SUBJECT TO CONDITIONS set out in Section 8.0		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The harm to the heritage asset is considered less than substantial and any harm is considered to be outweighed by public benefits.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The recommendation is contrary to the views of the Parish Council who have requested it is reported to Planning Committee.		
<b>WARD:</b> Barming And Teston	<b>PARISH/TOWN COUNCIL:</b> Teston	<b>APPLICANT:</b> Golding Homes <b>AGENT:</b>
<b>CASE OFFICER:</b> Louise Welsford	<b>VALIDATION DATE:</b> 29/04/22	<b>DECISION DUE DATE:</b> EOT 5/12/22
<b>ADVERTISED AS A DEPARTURE:</b> NO		

### Relevant Planning History

15/507359/FULL

Retrospective planning for 900 mm Palisade fence to front, South Eastern boundary increasing to 1800 mm close boarded security fencing to enclosed rear garden with security gate.

Approved 06.11.2015

15/507361/LBC

An application for listed building consent for the erection of 900 mm Palisade fence to front, South Eastern boundary increasing to 1800 mm close boarded security fencing to enclosed rear garden with security gate.

Approved 06.11.2015

90/1412

Satellite Television Dish.

Refused 28.09.1990

### MAIN REPORT

#### 1. DESCRIPTION OF SITE

- 1.01 This application relates to a grade II listed dwelling, estimated to date from the 18<sup>th</sup>-century. It is constructed of red brick to the ground floor, with white weatherboarding to the first-floor, under a tiled, gambrel roof.
- 1.02 The building lies within Teston conservation area and is positioned in a prominent location, such that its front and rear elevations are equally visible. The site is classed as open countryside in the local plan, although it is actually positioned in a location surrounded by built development within the village.

## **2. PROPOSAL**

- 2.01 Listed Building Consent is sought for works to the existing rear dormer, replacement windows and doors, internal and external repairs, the installation of mechanical ventilation and 3 external lights.
- 2.02 The works to the dormer include an extension to the dormer to increase the size of the bathroom. The replacement ceiling works have already been carried out within the bedroom.

## **3. POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough Local Plan (2011-2031): SP18, DM4  
The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Supplementary Planning Documents: Residential Extensions

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 (B) – The Historic Environment  
Policy LPRENV 1 – Historic Environment

## **4. LOCAL REPRESENTATIONS**

**Local Residents:** 2 representations received from local residents raising the following (summarised) issues

- loss of privacy
- construction phase issues including parking and disruption
- appropriate materials should be used, including in keeping with number one and ensuring the preservation of the building
- light pollution

Issues relating to the construction phase are not material planning considerations.

## **5. CONSULTATIONS**

### **5.01 MBC Conservation Officer**

initial comments: objected to the use of standard double glazing. Considered that the works which have been carried out to the ceiling had not resulted in significant harm. Replacement of weatherboarding on a like-for-like basis is acceptable. Repair of existing joists is acceptable. Mechanical ventilation is acceptable in principle, but further details are required.

On receipt of further details of mechanical ventilation, lighting and use of slim double glazing with integral glazing bars raises no objection.

5.02 Teston Parish Council (summary of comments)

Objections relate to the appearance of the listed building, loss of symmetry, impact upon the character and appearance of the conservation area and light pollution. Conditions requested relate to the materials being appraised by the conservation officer and rear dormer being skewed glazed and only small top opening.

Comments also raised issues of neglect and ownership and a request a condition that the procedures and practices of contractors are monitored by the applicant – these areas within the comments are outside of the remit of planning (beyond whether serving an urgent works notice would be considered which has not, in this case, been issued).

5.03 6 National Amenity Societies: no response.

5.04 KCC archaeological officer: no response.

**6. APPRAISAL**

The key issues are:

- Impact upon the listed building and the character and appearance of the conservation area

**Heritage Impact - listed building and conservation area**

6.01 Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving listed buildings and their settings and any special architectural or historic features which they possess. The court have determined that considerable weight and importance should be given to any harm found to the significance of listed buildings.

6.02 Local plan policies DM4 and SP18 similarly seeks to preserve listed buildings and their settings, and the special character of conservation areas, in an appropriate manner and this is also carried forward into emerging policies.

6.03 In this case, the proposals are of a relatively minor nature and the conservation officer has assessed the revised application and raises no objection.

6.04 Firstly, with regards to the fenestration, most of the windows are modern replacement and of low significance. Historic England guidance upon replacement of traditional windows advises that where historic windows have been replaced with those which are not considered to contribute towards the significance of a listed building, their replacement with windows of a sympathetic historic pattern “whether single-glazed or incorporating slim-profile double-glazing, may cause no additional harm”. This is considered to be such a case. The windows are considered of low significance and the proposed design is considered sympathetic to the character of the building. Initially, standard double-glazing was proposed, which was considered inappropriate and harmful, but the application has been amended to seek slim-profile units which have integral glazing bars, such as to preserve the character of the property.

6.05 With regards to the works already carried out, the conservation officer has commented that the original joists appear to have been modern and of no significance and that several joists have been retained to match the same trust arrangement in the attached property. The works are not considered to have resulted in significant harm. Similarly, other repairs and a like-for-like replacement of weatherboarding, which has deteriorated, are not considered to result in any material harm to significance or the special interest of the building.

- 6.06 Details of mechanical ventilation have been provided utilising tile vents and these are considered appropriate. The design of the external lighting is also considered sympathetic to the character of the building.
- 6.07 With regards to the extension to the dormer, visually this is not to be welcomed. It would to some degree disrupt symmetry and the existing flat roofed rear dormers are features which currently detract from the character and appearance of the building. Therefore, the increase in scale would result in the dormer being slightly more prominent, although the use of appropriate materials would help to minimise the harm. It is the view of the conservation officer that the increase in the scale of the dormer would result in a low level of harm, at the lower end of less than substantial.
- 6.08 Therefore, considering all of the above, it is concluded that the proposal would result in a low level of harm to the significance of the listed building, as a result of the increase in the scale of the dormer, and that this would be less than substantial.

### **Balancing Exercise**

- 6.09 Harm has been identified to the significance of the listed building. The level of harm is considered to be less than substantial.
- 6.10 Where harm to designated heritage assets is identified, the NPPF requires this to be balanced against public benefits, including securing the optimum viable use of the asset.
- 6.11 In this case, the applicant has indicated a disability need which necessitates the proposed changes to the bathroom/dormer. It is considered that this can be attributed some weight, although occupation can change and therefore the weight is considered to be limited. However, importantly it is noted that the bathroom is an extremely confined space, measuring approximately 1.5 m x 2.5 m with, importantly, some restricted head room due to the steeply sloping nature of the roof slope. The bathroom is a facility which is essential to the functioning of the building in its current use as a dwelling and there are not alternative bathroom facilities within the building. Therefore, in terms of its impact with regards to maintaining the building in its most viable use, more significant weight is attached, because it is considered that in this regard it is important and that the proposals are reasonably justified. The harm has been minimised, as the extension to the dormer would not appear to be more than is reasonably necessary to provide a functional bathroom area.
- 6.12 In conclusion therefore, significant importance must be given to the harm to the heritage asset, but the level of harm is considered to be low, at the lower end of less than substantial. The public benefit, in particular in terms of securing and maintaining the optimum viable use of the building is considered to be significant and, on balance, to outweigh the harm in this case. A recommendation of approval is therefore considered appropriate.

### **PUBLIC SECTOR EQUALITY DUTY**

- 6.13 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 Harm has been identified to the significance of the listed building. The level of harm is considered to be low, at the lower end of less than substantial.

- 7.02 On balance, the public benefits, in terms of maintaining the viable use of the building in its current use as a dwelling, which is considered to be the optimum viable use, are considered to outweigh the harm. Approval is therefore recommended.

## **8. RECOMMENDATION**

### **GRANT listed building consent 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.

#### CONDITIONS:

- 1) The works hereby permitted shall be carried out in accordance with the following approved plans/documents unless otherwise agreed in writing by the local planning authority:

a site location plan and block plan received on 29/04/22, proposed floor plan reference 47766\_V2 Rev 0 received on 27/04/22, proposed elevations reference 47766 Rev 0 received on 11/07/22, a letter from the applicant dated 08/07/22, Evesham wall light specification and Hambleside Danelaw plain tile vent specification received on 08/07/22 and joinery details shown in Windows section drawing in appendix A of heritage statement Windows and doors Rev A received on 08/07/22;

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

- 2) No further works shall commence until written details and photographs of samples of the materials to be used in the construction of the external surfaces of the works hereby permitted, have been submitted to and approved in writing by the Local Planning Authority and the works shall be completed using the approved materials;

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

#### **INFORMATIVES**

- 1) Asbestos

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

- 2) Advice whilst carrying out construction works

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

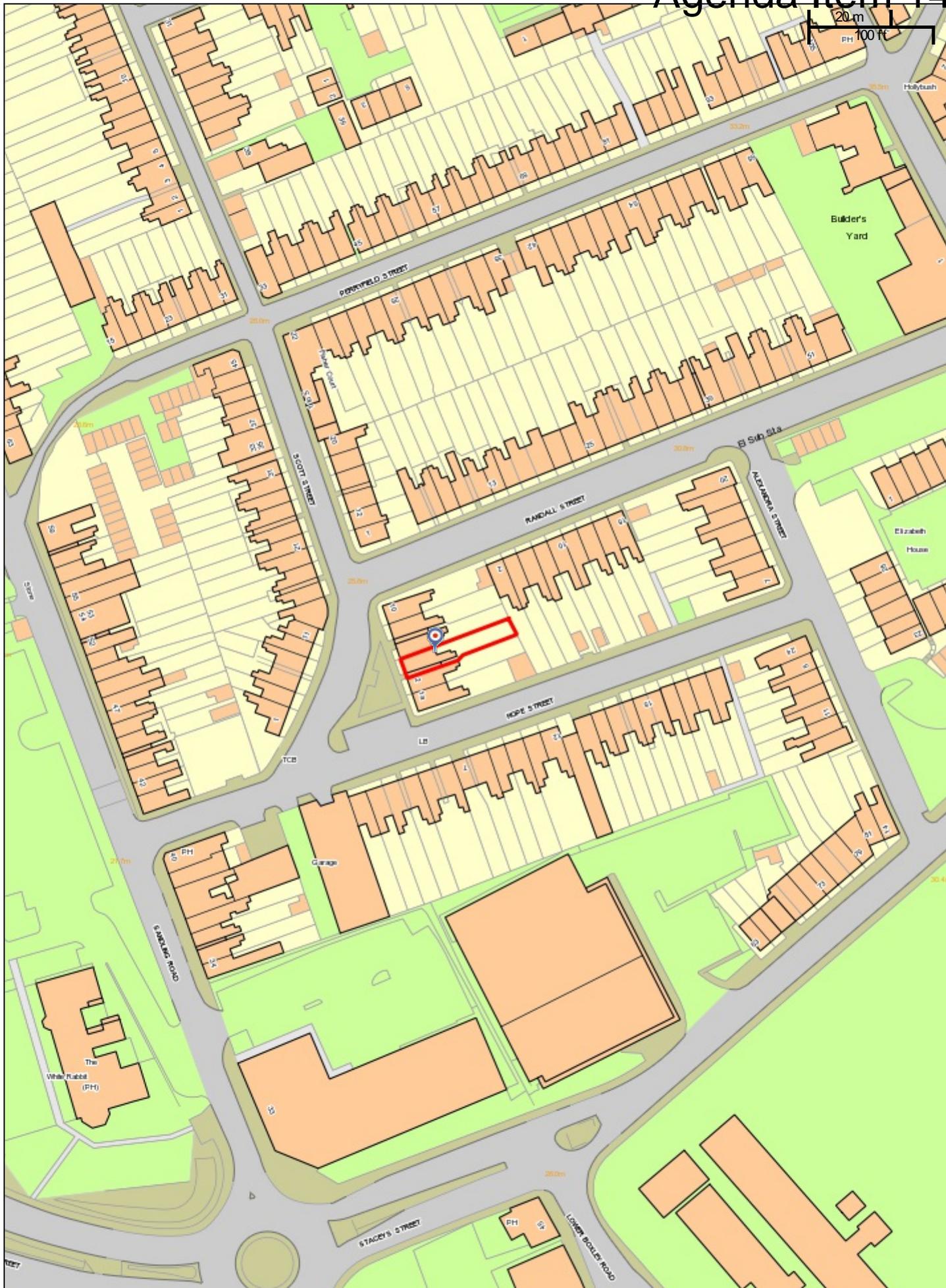
No vehicles may arrive, depart, be loaded or unloaded within the general site outside the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

The applicant is encouraged to investigate the issue regarding CCTV cameras raised within a representation to ensure that they comply with any appropriate legislation and that any appropriate consents are sought.

Case Officer: Louise Welsford

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



22/503867/FULL 4 Scott Street, Maidstone, Kent, ME14 2TA

Scale: 1:1250

Printed on: 10/11/2022 at 12:13 PM by JoannaW



## REPORT SUMMARY

<b>REFERENCE NO:</b> - 22/503867/FULL		
<b>APPLICATION PROPOSAL:</b> Demolition of existing single storey rear extension, erection of a part single storey, part two storey rear extension and a loft conversion with rear dormer and 1no. roof light to the front slope.		
<b>ADDRESS:</b> 4 Scott Street Maidstone Kent ME14 2TA		
<b>RECOMMENDATION:</b> GRANT – subject to the planning conditions set out in Section 8.0 of the report		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> For the reasons set out in this report, it is considered that the proposed demolition of the existing single storey rear extension, erection of a part single storey, part two storey rear extension and a loft conversion with rear dormer and 1no. roof light to the front slope would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor would it be unacceptable in terms of any other material planning considerations. The proposed developments are considered to be in accordance with current policy and guidance.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The application has had a Cllr Call in request to enable an appropriate level of debate and democratic input due to the application generating local interest in relation to potential impacts upon the amenity of neighbours.		
<b>WARD:</b> North	<b>PARISH/TOWN COUNCIL:</b>	<b>APPLICANT:</b> Fergus Wilson <b>AGENT:</b> MM Planning & Architecture
<b>CASE OFFICER:</b> Chloe Berkhauser-Smith	<b>VALIDATION DATE:</b> 18/08/22	<b>DECISION DUE DATE:</b> 01/12/22
<b>ADVERTISED AS A DEPARTURE:</b> NO		

### Relevant Planning History

No relevant planning history.

### MAIN REPORT

#### 1. DESCRIPTION OF SITE

- 1.01 The application relates to a two-storey terraced property located within the urban settlement boundary, just to the north of the town centre. The existing materials of the dwelling comprise of white cladding for the external walls, tiles for the roof and white uPVC for the windows.
- 1.02 The property is a single a residential dwelling and the site is not situated within a conservation area of an area of outstanding natural beauty. Additionally, there are no restrictions on the permitted development rights to extend or alter the dwellinghouse.

#### 2. PROPOSAL

- 2.01 The proposal is for the demolition of existing single storey rear extension, erection of a part single storey, part two-storey rear extension and loft conversion with rear dormer and 1no. roof light to the front slope.

*Part Single Storey, Part Two-Storey Rear Extension*

- 2.02 The proposed extension at ground floor would consist of an extension to the kitchen, and there would be two windows and a door for access to the garden on the rear elevation. The extension would have a width of approximately 4.4m and depth of 3m. It would have a flat roof with eaves height of approximately 2.4m.

At first floor level the extension would consist of an extension to the bedroom and bathroom, there would be two windows on the rear elevation. It would have an approximate width of 4.4m and depth of 2.1m. It would also have a flat roof with an eaves height of approximately 5m. This element would be sited above part of the proposed single storey rear extension.

*Loft Conversion*

- 2.03 The loft conversion would create additional accommodation for one bedroom and an en-suite. The rear dormer would have two windows on the rear elevation and there would be one roof light on the front elevation. It would have an approximate width of 4.3m and depth of 3.3m. It would have a flat roof with a height of approximately 1.9m.

### **3. POLICY AND OTHER CONSIDERATIONS**

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

Emerging Policies:

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 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. This weight is limited, as it has yet to be the subject of an 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

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

Supplementary Planning Documents: Maidstone Local Development Framework: Residential Extensions SPD

### **4. LOCAL REPRESENTATIONS**

**Local Residents:** 4 representations have been received to date from local residents raising the following (summarised) issues. (one to the original consultation and three to the re-consultation). The re-consultation ends on 17<sup>th</sup> November and any further representation received will be updated to members in either the written or verbal urgent updates.

- Overshadowing
- Overlooking
- Concerns of visual appearance
- Parking Provision

- Density of the building
- Noise, disturbance and smell resulting from use

Issues relating to a loss of property value, private issues between neighbours and problems arising from the construction period are not material planning considerations and therefore cannot be taken into account in the determination of this application. The other matters raised by neighbours and other objectors are discussed in the detailed assessment below.

## **5. CONSULTATIONS**

Cllr Tony Harwood

- 5.01 This application has generated local interest in relation to potential impacts upon the amenity of neighbours.

I therefore request that should this application be recommended for approval by officers that it is reported to Planning Committee, to enable an appropriate level of debate and democratic input.

## **6. APPRAISAL**

The key issues are:

- Site background/Principles of development/Policy Context
- Visual impact
- Residential Amenity
- Parking/Highway safety
- Other matters

### **Site background/Principles of development/Policy Context**

- 6.01 The site previously had an unauthorised single storey rear extension, however this has now been demolished. The plans originally submitted included this extension on the existing plans and indicated that the proposed extension would be built above this. The plans have however now been amended to remove reference to that extension and include the erection of a new single storey rear extension, with part first floor above.
- 6.02 The application site is located within the urban settlement boundary, just north of the town centre. Policy DM9 allows for residential extensions provided that:
- i. The scale height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the street scene and/or its context.
  - ii. The traditional boundary treatment of an area would be retained and, where feasible, reinforced;
  - iii. The privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents would be safeguarded; and
  - iv. Sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene.

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

6.04 The Residential Extensions SPD in relation to this proposal sets out the following:

*4.8 Whilst usually having least impact on the street scene, for reasons of potential impact on a neighbour's outlook or amenity space and the potential loss of light or privacy, the size of an extension at the back of a property needs careful consideration.*

*4.9 The 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. Amenity considerations set out elsewhere in the document are important factors in determining the appropriateness of the depth of any rear extension. For example, distance to neighbouring windows is important especially when there is just one window lighting a habitable room and/or kitchen and a BRE light assessment test should be carried out to ensure impacts on daylight to adjoining properties are acceptable. See the Appendix for the BRE web page address.*

*4.10 In normal circumstances, this SPD advocates that rear extensions on semi-detached or terraced houses should not project more than 3 metres from the rear elevation.*

*4.12 The eaves height of single storey extensions within 2 metres of a boundary should be no more than 3 metres above the existing ground level.*

*4.14 In the case of semi-detached or terraced houses, rear extensions should not normally exceed 3 metres in depth from the rear of the property, and, in the case of single storey development, 3 metres to eaves height and an overall height of 4 metres.*

*4.32 New dormers will not normally be allowed to front elevations in streets where there are none already. Roof lights, particularly on the front elevation, are a preferable alternative to the use of dormers or roof extensions. The number and size of roof windows should not visually dominate the roof plane. Roof windows need not be large, as more sunlight and daylight reaches a sloping roof than a wall. Roof windows should be designed and installed to have a minimum projection from the roof plane. The glazing of the traditional roof light is flush with the roof covering, and all roof window ranges now include a 'conservation style' roof light which meets this requirement.*

*4.33 Loft extensions are preferred on the back elevation in order to preserve the character of the street.*

*4.34 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.*

6.05 The application site is situated in a sustainable location within the urban settlement boundary and as such, the principle of development in this location is considered acceptable subject to the material planning considerations discussed below.

### **Visual Impact**

- 6.06 The application property is set back from the road with a small area of landscaping/amenity land to the front of the site. The property is part of a small terrace of 2-storey dwellings.
- 6.07 All proposed developments other than the proposed roof light to the front elevation would be located at the rear of the property and therefore would not be visible along Scott Street. Considering the proposed roof light is a modest addition to the front elevation, it is not considered that it would have a detrimental impact to the host dwelling or the street scene.
- 6.08 The scale of the proposed part single storey, part two-storey rear extension is considered to be subservient to the original dwelling. The proposed depth of the single storey rear extension is in line with the guidance given in the Residential Extensions SPD and the reduced depth of the two-storey element ensures that the proposal appears subservient to the main dwelling. The proposed flat roofs are not in keeping with the roof form of the main property, however given the extensions are located at the rear of the property and due to the proposed extend of the depth of the extension and the mid-terrace siting of the dwelling (thus limiting views which are available from the neighbouring street), it is considered that on balance, the proposed extensions would not detrimentally impact the character of the host dwelling to such an extent that would warrant refusal. The materials for the proposed developments would match those used on the existing property.
- 6.09 The proposed dormer is located at the rear of the property and therefore would not be visible from Scott Street, although some distant views would be available from Hope Street. Considering the design of the proposed dormer, whereby it is set back from the eaves by approx. 0.4m and set down from the ridge by approx. 0.2m it is considered that the proposal would not detrimentally impact the character and appearance of the host dwelling or the character of the area. A similar proposal could also be built without the need for planning permission.
- 6.10 Concerns have been raised over the visual appearance of the proposed dormer as there are no dormer extension in the current block of houses, however, as discussed above, the dormer is set back from the eaves and set down from the ridge and the proposed loft conversion would likely be considered permitted development, therefore I do not consider there to be sufficient ground to refuse the application on this basis.
- 6.11 Overall, on balance, the proposed developments are of an acceptable design and appearance which would appear subservient to the existing dwelling and would not harm visual amenity of the street scene or the character of the surrounding area, nor would it harm the site itself.

### **Residential Amenity**

- 6.12 Representation has been received from two of the eight neighbouring properties. (No.2 and No.6 Scott Street) It is those properties that would most likely be impacted by the proposal. All other neighbouring properties are considered to be a significant distance away to be unaffected by the proposal.
- 6.13 Concerns have been raised regarding a loss of light and overshadowing and overlooking, this has been discussed below. Concerns were also raised regarding noise, disturbance and smell resulting from use of the property, however as this is a householder application for a residential extension to an existing residential property, it is considered that only the normal amount of noise and activity associated with a residential dwelling will occur.
- 6.14 *No.2 Scott Street*

No.2 Scott Street is the neighbouring property to the south of the application site. The application site and No.2 share an access walkway along the side boundary of both properties, the proposal would therefore be approximately 0.6m from the boundary with No.2. The boundary treatment consists of the external wall of No.2's single storey rear projection and close-boarded fencing which is approx. 2m tall. Considering the orientation of the site and that the proposed single storey rear extension would be set back by approx. 1.9m from the rear elevation of No.2 single storey rear projection, it is considered that the proposed single storey rear extension would not impact the residential amenity of No.2 by causing a loss of light or overshadowing. It is considered that due to the orientation of the site, the proposed two-storey rear extension would not result in a loss of light or overshadowing towards No.2

In terms of privacy, the windows in the rear dormer would offer similar views to those available from the existing rear first floor windows, it is therefore considered that they would not harmfully increase overlooking to any significant degree.

6.15 *No.6 Scott Street*

No.6 Scott Street is the neighbouring property to the north of the application site. The proposed rear extension would be built up against the boundary with No.6. There is a brick wall approx. 1.5m tall and close-boarded fencing dividing the two sites. The proposed extension at ground floor fails the elevation light test, however, it passes the floor plan test. As the extension only must pass one test to be considered acceptable, and as such the proposed single storey rear extension would not result in a significant loss of light or overshadowing. The proposed first floor extension passes the floor plan light test and is therefore considered acceptable in regard to overshadowing or a loss of light. Considering the nature of the proposed dormer, it is considered that this would not impact the residential amenity of No.6 by causing a loss of light or overshadowing.

No windows are proposed on the side elevation and considering the proposed dormer windows would offer similar views to those available from the existing first floor rear windows, I am satisfied that the proposal would not impact the residential amenity of No.6 by causing a loss of privacy or overlooking.

6.16 *Overall*

The proposals would not result in a significant harm to neighbouring residential amenity that would warrant a refusal.

**Parking/Highway Safety**

6.17 The increase in useable accommodation would not give rise to parking considerations which would warrant refusal of the application, the site does not currently benefit from dedicated parking, but is in a sustainable edge of town location.

**Other Matters**

6.18 Comments were received from neighbouring properties that the dwelling would be used as a HMO, however as the application is a householders application for a residential extension to a residential dwelling, it is not considered that the application be assessed as a HMO.

6.19 Biodiversity/Ecological Enhancements: Due to the nature and relative scale of the development and the existing residential use of the site, it is not considered that any ecological surveys were required.

Policy DM1 of the Local Plan sets out, at point viii, that proposals should '*protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide mitigation.*' This is in line with the NPPF and advice in the Residential Extensions SPD. Consequently, it is considered that a condition should be attached requiring biodiversity enhancement measures are provided integral to the proposed extensions and within the curtilage of the dwellinghouse.

- 6.20 Renewables : The NPPF, Local Plan and residential extensions SPD all seek to promote the use of renewables. The proposals by their nature are extensions to an existing dwelling such that condition which seek to secure such measures would need to accord with the scale of the development. Due to the scale of the proposal, incorporating cumulatively the rear extensions and dormer, it is considered these are of such a scale to incorporate the use of renewable energy sources. Such measure can be secured by way of a condition.

#### **PUBLIC SECTOR EQUALITY DUTY**

- 6.21 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 demolition of the existing single storey rear extension, erection of a part single storey, part two storey rear extension and a loft conversion with rear dormer and 1no. roof light to the front slope would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor would it be unacceptable in terms of any other material planning considerations. The proposed developments are 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.

##### **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:

Block and Site Location Plan – Drawing No. 00 – Received 19/10/2022

Existing and Proposed 3D Front Elevations – Drawing No. 01 – Received 19/10/2022

Existing and Proposed 3D Rear Elevations – Drawing No. 02 – Received 19/10/2022

Existing and Proposed Ground Floor Plan – Drawing No. 03 – Received 19/10/2022

Existing and Proposed First Floor Plan – Drawing No. 04 – Received 19/10/2022

Proposed Loft Plan and Cross Section – Drawing No. 05 – Received 19/10/2022

Existing and Proposed Elevations 1 – Drawing No. 06 – Received 19/10/2022

Existing and Proposed Elevations 2 – Drawing No. 07 – Received 19/10/2022

Roof Plan – Drawing No. 08 – Received 19/10/2022

Reason: To clarify which plans have been approved.

- 3) The materials to be used in the construction of the external surfaces of the building(s) hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development.

- 4) Prior to the commencement of the works hereby approved, details of a scheme for the enhancement of biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated method into the design and appearance of the extension/alterations 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, 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 decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed and be functional prior to first occupation of any part of the development hereby permitted and maintained thereafter;

Reason: To ensure an energy efficient form of development.

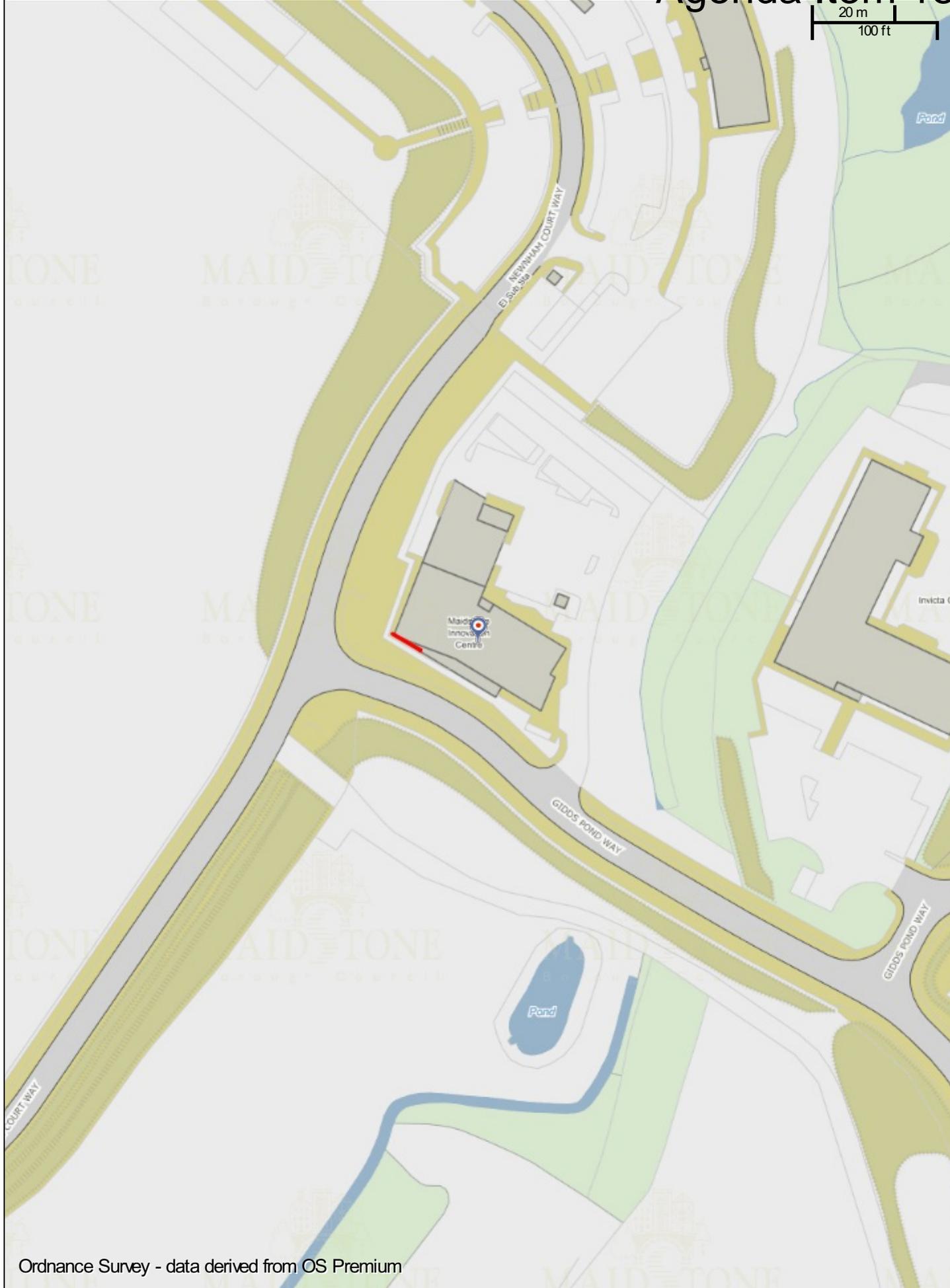
## **INFORMATIVES**

- (1) It is the responsibility of the developer to ensure, before the development hereby approved is commenced, that approval under the Building Regulations (where required) and any other necessary approvals have been obtained, and that the details shown on the plans hereby approved agree in every aspect with those approved under such legislation.
- (2) The grant of this permission does not convey any rights of encroachment over the boundary with the adjacent property in terms of foundations, eaves, guttering or external cladding, and any persons wishing to implement this permission should satisfy themselves fully in this respect. Regard should also be had to the provisions of the Neighbour Encroachment and Party Wall Act 1995 which may apply to the project.

Case Officer: Chloe Berkhauser-Smith

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





Ordnance Survey - data derived from OS Premium

## REPORT SUMMARY

<b>REFERENCE NO:</b> - 22/504194/ADV		
<b>APPLICATION PROPOSAL:</b> Advert Application for 1 no. non-illuminated fascia sign.		
<b>ADDRESS:</b> Maidstone Innovation Centre Gidds Pond Way Weaving Kent ME14 5FY		
<b>RECOMMENDATION:</b> Application Permitted subject to conditions set out in Section 8.0		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The proposed signage is of an appropriate scale and design and would not have an adverse impact upon amenity or highway safety.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Maidstone Borough Council is the applicant		
<b>WARD:</b> Boxley	<b>PARISH/TOWN COUNCIL:</b> Boxley	<b>APPLICANT:</b> Maidstone Borough Council <b>AGENT:</b> DHA Planning
<b>CASE OFFICER:</b> Jake Farmer	<b>VALIDATION DATE:</b> 31/08/22	<b>DECISION DUE DATE:</b> 26/10/22
<b>ADVERTISED AS A DEPARTURE: NO</b>		

### Relevant Planning History

18/506658/REM - Reserved Matters of appearance, landscaping, layout and scale pursuant to outline application 16/507292/OUT (outline application with access sought for development of medical campus) for construction of proposed four storey Innovation Centre office building (Class B1) and associated external works.. – Approved

16/507292/OUT - Outline Application with access matters sought for development of medical campus comprising up to 92,379 m<sup>2</sup> of additional floorspace (including additional hospital facilities, clinics, consultation rooms and a rehabilitation centre (classes C2/D1); education and training facilities with residential accommodation (class C2/D1); keyworker accommodation for nurses and doctors (class C3); pathology laboratories (class B1); business uses (class B1); ancillary retail services (class A1, A2, A3); and up to 116 bed class C2 neuro-rehabilitation accommodation; internal roads and car parks, including car park for residents of Gidds Pond Cottages; hard and soft landscaping including creation of a nature reserve (to renew existing consent 13/1163). - Approved

### MAIN REPORT

#### 1. DESCRIPTION OF SITE

- 1.01 The application site is located adjacent to the Kent Medical Campus and provides serviced offices meeting rooms and co-working spaces.
- 1.02 The site is within the Maidstone Urban Settlement boundary and in an area designated as an Area of Special Advertisement Control (ASAC). The ASAC designation significantly pre-dates the development of this site and the immediate surrounding area.

#### 2. PROPOSAL

- 2.01 The application seeks advertisement consent for 1 no. non-illuminated fascia sign. The signage itself relates to a 6m x 2.5m 'Maidstone Innovation Centre' sign to be

positioned at the top left corner of the front elevation. (Extract plan showing proposed signate as below)



### 3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031): Policies DM1 and DM18  
The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

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 LPRQ&D 3 – Signage and building Frontages

### 4. LOCAL REPRESENTATIONS : None

### 5. CONSULTATIONS

Boxley Parish Council

5.01 No material planning reasons to object to this application.

Kent Highways

5.02 No comment – development proposal does not meet the criteria to warrant involvement from the Highways Authority

### 6. APPRAISAL

The key issues are:

- Impact on amenity
- Impact on public safety

### **Policy background**

- 6.01 Policy DM18 of the Local Plan states that proposals relating to signage and shop fronts for shop or other commercial building will be permitted provided that;
- (i) the size, design, positioning, materials, colour and method of illumination of signage would not be detrimental to the character and appearance of the building or the surrounding area;
  - (ii) The proposal would not result in the loss of a traditional shop front or features and details of architectural or historic interest;
  - (iii) The proposal would be in sympathy with the architectural style, materials and form of the building(s) of which it would form part and the character of the neighbouring properties; and
  - (iv) Where a fascia is to be applied, it would be of an appropriate height which would be in scale with the overall height of the shop front and other elements of the building.
- 6.02 The NPPG in relation to advertisements sets out that :
- ‘In practice, “amenity” is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement.’
- ‘So, in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.’
- 6.03 The NPPF sets out at Paragraph 132 :
- ‘The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.’

### **Amenity**

- 6.04 The proposed signage would be of a modest scale compared to the size of the building. It would be non-illuminated and in a position which would not harm visual or residential amenity. The overall design and appearance would be acceptable.
- 6.05 The site is within an area of special advertisement control, which adds additional restrictions in terms of the size of signage which can be erected without consent. The site and its surroundings have clearly changed since this designation (in the 1950’s) with the development of a wider medical campus, school and the innovation centre itself, such as the proposed signage is considered wholly appropriate and acceptable in the context of the site and its surroundings.

## **Public safety**

- 6.06 The proposed signage due to the proposed siting and size and being non-illuminated would not endanger highway or pedestrian safety.

## **PUBLIC SECTOR EQUALITY DUTY**

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

## **7. CONCLUSION**

- 7.01 The proposed signage would not have a detrimental impact upon the character and appearance of the application site or the wider area, it would not harm general, amenity or public safety. As such the proposal would 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.

### **CONDITIONS:**

- 1)
  - (i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
  - (ii) No advertisement shall be sited or displayed so as to-
    - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
    - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
    - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
  - (iii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
  - (iv) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
  - (v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: In accordance with the provisions of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- (2) The advertisement(s) for which consent is hereby granted must be removed in accordance with condition 1 (v) within five years of the date of this consent;

Reason: In accordance with the provisions of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

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

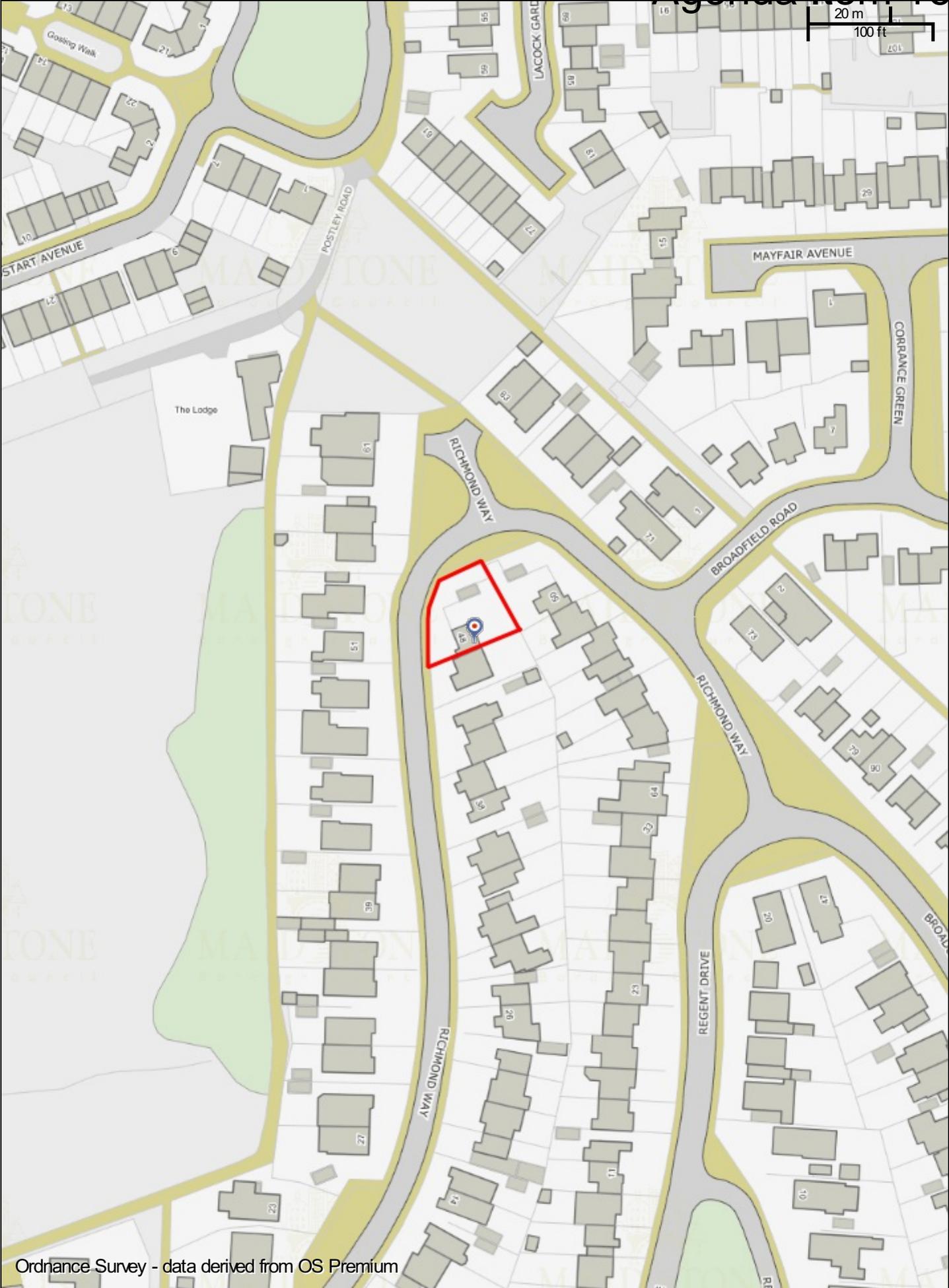
Drawing no. DHA\_17148\_01 (Site Layout Plan)

Drawing no. DHA\_17148\_04 (Proposed Front Elevation)

Reason: To clarify which plans have been approved.

Case Officer: Jake Farmer

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



Ordnance Survey - data derived from OS Premium

22/500509/FULL 48 Richmond Way, Maidstone, Kent, ME15 6BN

Scale: 1:1250

Printed on: 10/11/2022 at 12:33 PM by JoannaW



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## REPORT SUMMARY

<b>REFERENCE NO:</b> - 22/500509/FULL		
<b>APPLICATION PROPOSAL:</b> Demolition of existing derelict garage and erection of a replacement double garage. Demolition of existing front porch and erection of a part single storey, part two storey front extension, a two storey side extension and single storey rear extension.		
<b>ADDRESS:</b> 48 Richmond Way Maidstone Kent ME15 6BN		
<b>RECOMMENDATION:</b> Application Permitted subject to conditions set out in Section 8.0		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> 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.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The application has been called in by Cllr Derek Mortimer for the following reasons : 1 The impact of the proposed rear extension ( Sun Room ) on the neighbouring property, (46) in terms of mass and loss of natural light and loss of amenity raises concerns. 2 The improvements to the property are welcome, however, I do feel that the proposed character and design compared to other properties on the road do not fit very well.		
<b>WARD:</b> South	<b>PARISH/TOWN COUNCIL:</b>	<b>APPLICANT:</b> Mr. Mark Best <b>AGENT:</b> GTA Chartered Surveyors And Engineers
<b>CASE OFFICER:</b> Jake Farmer	<b>VALIDATION DATE:</b> 21/04/22	<b>DECISION DUE DATE:</b> 25/11/22
<b>ADVERTISED AS A DEPARTURE: NO</b>		

**Relevant Planning History :** None

## MAIN REPORT

### 1. DESCRIPTION OF SITE

- 1.01 The application site is located along the easternmost side of Richmond Way which itself is located to the south of Maidstone town centre. The site is located in a primarily residential area with Richmond Way characterised by the variation in terms of architectural character from one side of the road to the other. The western-most side of the road generally comprises of mid-twentieth century bungalows whilst the eastern side tends to comprise two storey dwellinghouses.
- 1.02 The site itself currently comprises a two storey semi-detached house of traditional mid-twentieth century design constructed of brickwork with UPVC cladding and a UPVC porch on the front elevation under a concrete tiled roof.

### 2. PROPOSAL

- 2.01 The application proposes the erection of a two-storey side extension to the northern elevation of the existing dwelling, a single storey rear extension to accommodate a 'sun room' and the erection of a two-car garage following the demolition of the existing garage to the north of existing dwelling.

- 2.02 The development proposes to introduce a brickwork finish to the front and rear elevations at ground floor level and a continuation of the UPVC cladding at first floor level under a concrete tiled roof.

### **3. POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG):

Maidstone Borough Local Plan 2017 : Policies SP1, DM1, DM9 and DM23

North Loose 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**

Two letters of representation have been received from one neighbouring property (one letter in response to the original consultation and one to the re-consultation), in summary the following objections have been raised :

#### *Original consultation*

- Overshadowing
- Loss of outlook
- Loss of light
- Overall scale, design and materials would overwhelm neighbouring property, change character of the original property, change symmetry and not be in keeping with other properties in the road.

Other matters raised relating to party wall and foundations are not material planning considerations.

#### *Re-consultation*

- Impact from loss of light and loss of outlook would remain, would prefer the rear extension to be set in from the common boundary.
- Concerns regarding proposed sedum roof and vegetation birds would drop.
- Concerns were raised with the applicant prior to submission and the design and access statement is incorrect.

## 5. CONSULTATIONS

### North Loose Residents Association

#### 5.01 *Original consultation*

We have no objection to the side extension but have major concerns regarding light, sunlight and visual outlook caused by the rear extension, and which could affect the quality of life for residents at no. 46. A possible solution would be to erect the rear extension behind the kitchen/diner shown on the proposed plans.

We also have concerns about the garage which is abnormally large for a residential property. We therefore request that the planning officer consider adding a condition that the garage is for residential use only and not any commercial activities.

#### *Re-consultation*

Further to our previous comments on this application, we still have major concerns regarding the light, sunlight and visual outlook caused by the rear extension, and which could affect the quality of life for residents at no. 46. We can see no changes on the plans regarding this.

In addition, we note that no front door is shown on the amended plans and the proposed floor plans and elevations do not match. This could be an error on the plans but if intended then we object to the proposal on the grounds that the property will be out of keeping with other properties and therefore the rhythm of the street.

We note the applicant is happy to address suggested concerns of commercial activity by use of a planning condition stipulating that the garage shall not be used for any form of commercial activity, and we therefore request that this condition is made if the application is approved.

## 6. APPRAISAL

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**

- 6.01 The proposed scheme has been amended from the original submission to change the proposed materials to match the existing dwelling, rationalise the design of the front elevation and reduce the bulk of the proposed double garage. Extract plans of both schemes are shown below :

Original submission



Amended scheme



- 6.02 Policy SP1 (Maidstone urban area) relates to the area outside of the town centre and the policy outlines that this area will be a focus for new development. The policy outlines that the urban area will continue to be a good place to live and work, and this will be achieved by permitting development and redevelopment or infilling of appropriate urban sites in a way that contributes positively to the locality's distinctive character.
- 6.03 Furthermore, 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."*

- 6.08 The application site is situated in a sustainable location within the Maidstone Urban Area, as such, the principle of development in this location is considered acceptable subject to the material planning considerations discussed below.

#### **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 application proposes the demolition of the existing garage, the erection of a replacement double garage and erection of a part single storey, part two storey front extension, a two storey side extension and single storey rear extension.
- 6.13 The residential extensions SPD (2009) requires extensions to be subordinate to the existing dwelling. The application proposals would result in a continuation of the existing ridge and eaves lines and follow the existing building line and pattern of development. The rear extensions would give the appearance of a subordinate, single storey rear extension.
- 6.14 The proposals also seek the erection of a replacement 2-car garage following the demolition of the existing garage. The proposed garage would be constructed of brickwork under a concrete tiled pitched roof.
- 6.15 The proposed works would result in a continuation of the existing pattern of development, and as such, it is considered that the proposals are acceptable in this regard.
- 6.16 The proposed finishing materials would match those in the existing dwelling with the proposals continuing the brickwork on at ground floor level, cladding at first floor level under a concrete tiled roof.
- 6.17 The application site is somewhat unique within Richmond Way given its position within a corner plot, with a considerably wider plot frontage than other properties along the road. As such the proposed extensions and replacement garage have been considered with regards to the unique plot.
- 6.18 The proposed development seeks to increase the footprint of the dwelling from 45m<sup>2</sup> to approximately 97m<sup>2</sup>. The application also proposes to extend by approximately 3 metres from the existing rear building line. The building line along the eastern side of Richmond Way is not uniform and it is considered that the proposed extensions would result in a dwelling that does not significantly deviate from the existing pattern of development.
- 6.19 Whilst the erection of the replacement garage would result in an increase in the scale and massing compared to the garage, it is considered that the northern boundary of the site provides a sufficient level of natural screening to sufficiently mitigate the additional massing.
- 6.20 In light of the above it is considered that the proposed development accords with policies DM1 and DM9 of the Local Plan (2017) and residential extensions SPD (2009) with respect to massing, scale, height and bulk.

### **Residential Amenity**

- 6.21 The proposals are largely focused to the northern side of the application site, which is bounded by existing mature trees. It is considered that the two neighbours that would be impacted by the development are the residents at No. 46 and those at No. 50 Richmond Way.
- 6.22 The proposed single storey element of the rear extension would extend approximately 3m beyond the rear elevation of No.46. This is comparable to what, in many circumstances would be considered permitted development under the General Permitted Development Order (GPDO). The single storey element to the rear extensions is considered to not have an adverse impact upon the daylight, sunlight or outlook enjoyed by the current and future occupants of No. 46.

- 6.23 With respect to the impact upon No.50, it is considered that the separation distance between the proposed rear elevation of No.48 and the existing rear elevation of No.50 is sufficient in ensuring that there will be no adverse impact upon overlooking or outlook for current and future occupants for both properties.
- 6.24 Overall, the proposals are considered to have an acceptable impact on neighbouring residential amenities in accordance with Policies DM1 and DM9 of the Local Plan (2017) and the North Loose Neighbourhood Plan.

#### **Parking/Highway safety**

- 6.25 The application proposes the increase in the size of the garage to accommodate two cars. Given the scale of the proposed development, it is considered that the additional provision of off-street parking would not adversely impact the highways safety for road users.

#### **Other matters**

- 6.26 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.
- 6.27 The NPPF, Local Plan and residential extensions SPD all seek to promote the use of renewables. The proposals by their nature are extensions to an existing dwelling such that conditions which seek to secure such measures would need to accord with the scale of the development. Due to the scale of the proposal, incorporating cumulatively the rear, side and garage extensions it is considered these are of such a scale to incorporate the use of renewable energy sources. Such measure can be secured by way of a condition.

#### **PUBLIC SECTOR EQUALITY**

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

### **7. CONCLUSION**

- 7.01 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.

#### **CONDITIONS:**

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of the 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 and documents:

Site Location Plan – Rec'd 09/03/2022  
Site Plan – Rec'd 09/09/2022  
Block Plan – Rec'd 23/03/2022  
Existing and Proposed Floor Plans – Rec'd 11/10/2022  
Existing and Proposed Garage Floor Plans – Rec'd 21/04/2022  
Proposed Front and Rear Elevations – Rec'd 11/10/2022  
Proposed Side Elevations – Rec'd 11/10/2022

Reason: To ensure that the development is undertaken in accordance with the approved drawing(s) and document(s)

- (3) Notwithstanding the details submitted, the materials to be used in the construction of the external surfaces of the building(s) hereby permitted shall match those used in the existing building;

Reason: To ensure satisfactory appearance to the development

- (4) The extension/s 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 integrated method into the design and appearance of the extension 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 the extension/s 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 decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed and be functional prior to first occupation of any part of the development hereby permitted and maintained thereafter;

Reason: To ensure an energy efficient form of development.

## **INFORMATIVES**

- (1) It is the responsibility of the developer to ensure, before the development hereby approved is commenced, that approval under the Building Regulations (where required) and any other necessary approvals have been obtained, and that the details shown on the plans hereby approved agree in every aspect with those approved under such legislation.
- (2) The grant of this permission does not convey any rights of encroachment over the boundary with the adjacent property in terms of foundations, eaves, guttering or external cladding, and any persons wishing to implement this permission should

satisfy themselves fully in this respect. Regard should also be had to the provisions of the Neighbour Encroachment and Party Wall Act 1995 which may apply to the project.

Case Officer: Jake Farmer

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



22/503709/FULL Northdown Croft, Pilgrims Way, Hollingbourne, Kent

Scale: 1:1250

Printed on: 10/11/2022 at 12:01 PM by JoannaW



## REPORT SUMMARY

<b>REFERENCE NO:</b> - 20/503709/FULL		
<b>APPLICATION PROPOSAL:</b> Change of use of existing paddock to provide a shepherd hut for use as holiday let accommodation and 2nos. of outbuildings (retrospective).		
<b>ADDRESS:</b> Northdown Croft, Pilgrims Way, Hollingbourne, Kent, ME17 1RB		
<b>RECOMMENDATION:</b> GRANT PLANNING PERMISSION subject to planning conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION FOR APPROVAL:</b> <ul style="list-style-type: none"> <li>• The provision of tourist lodge accommodation within rural locations such as this accord with Government guidance in the NPPF and adopted Local Plan policies which are supportive of the principle of holiday/tourism related development in the rural areas of the borough.</li> <li>• The accommodation is modest in scale, both in terms of the single unit, the size of the unit and the number of guests that could be accommodated on the site.</li> <li>• The proposal has been assessed in relation to harm to the character and appearance of the countryside and found to be acceptable.</li> <li>• The site is well screened from public views by existing trees, hedgerows and woodland.</li> <li>• The access arrangements to and from the site are suitable. The access arrangements within the site make provision for vehicle parking and for vehicles to turn and enter and leave the site in a forward gear.</li> <li>• The application does not raise any overriding issues of conflict with the relevant Government guidance in the NPPF (2021) or the policies in the adopted Maidstone Borough Local Plan (2017).</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Hollingbourne Parish Council request that the application is reported to the Planning Committee if Officers recommend approval as the parish council consider that the application will increase light pollution in the AONB and will contribute to the loss of scarce grazing land.		
<b>WARD:</b> North Downs	<b>PARISH:</b> Hollingbourne	<b>APPLICANT</b> Mrs Best  <b>AGENT:</b> Kent Design Partnership
<b>CASE OFFICER:</b> Tony Ryan	<b>VALIDATION DATE:</b> 28/01/2022	<b>DECISION DUE DATE:</b> 02/12/2022 (EOT)
<b>ADVERTISED AS A DEPARTURE:</b> No		

### Relevant planning history

- 18/505496/FULL: Change of use from office/garage to a holiday let – Granted permission
- 09/1608: Change of use of land to horse training facility– Granted permission
- 97/0800: Erection of side and rear extensions– Granted permission
- 91/0831: Erection of single storey stable block and laying out of menage for private use– Granted permission

## **1.00 DESCRIPTION OF SITE**

- 1.01 The application site is outside any designated settlement and is in the countryside. The site is in the Kent Downs Area of Outstanding Natural Beauty. The site is in the Hollingbourne Broad Street Conservation Area, an Archaeological Priority Area and a Groundwater Source Protection Zone. The site is on moderate to poor agricultural land.
- 1.02 The application site includes an existing access track from Pilgrims Way (circa 90 metres long). The access track runs parallel to Broad Street Hill which is located circa 88 metres to the south east. The application site is close to a collection of existing buildings and development that includes an existing building converted to a holiday let (18/505496/FULL), a stable block and menage (91/0831), a hay barn and to the south east the applicant's property.
- 1.03 The land where the tourist accommodation is sited was previously part of the adjacent paddock. The land is adjacent to a car parking area, with the parking area and the access shared with the previously approved holiday let, the applicant's property and the other buildings.

### **Entrance elevation of the shepherd's hut**



## **2.00 PROPOSAL**

- 2.01 The application is for retrospective permission for the change of use of existing paddock to provide a shepherd hut for use as holiday let accommodation (retrospective).
- 2.02 The base of the shepherd's hut living accommodation itself measures circa 2.4 metres by 4.8 metres. Overall, the shepherd's hut structure is 2.8 metres high at the roof eaves and the top of the curved roof is 3.2 metres high with these measures inclusive of the wheels that raise the living accommodation 0.7 metres above ground level. Additionally, the hut has 0.3 metre deep overhanging eaves to both sides.
- 2.03 The application also seeks the retention of 2 nearby timber single storey outbuildings, The base of the log store measures circa 3 metres by 1.2 metres, the

building has a mono pitch roof at a height of 1.8 metres falling to a height of 1.2 metres. The tack store has a base of 4.2 metres by 3 metres and a dual pitch roof with an eaves of 2.5 metres and ridge at 3 metres.

**Block plans showing the tourist accommodation.**



**3.00 POLICY AND OTHER CONSIDERATIONS**

- Maidstone Borough Local Plan (2017): policies SS1, SP17, SP18, SP21, DM1, DM3, DM4, DM8, DM23, DM30, DM37, DM38.
- Landscape Character Assessment (2013) and Supplement (2012)
- Landscape Capacity Study: Sensitivity Assessment (2015)
- Kent Downs AONB Management Plan 2021-2026
- Kent Downs AONB Landscape Design Handbook
- Kent and Medway Structure Plan 2006 Supplementary Planning Guidance (SPG4): Vehicle Parking Standards.
- The National Planning Policy Framework (NPPF) (revised 2021)
- 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 currently limited, as it is the subject of an examination in public that commenced on the 6 September 2022 (hearings were adjourned and recommence on the 7 November 2022). The relevant policies in the draft plan are as follows:

- LPRSP12: Sustainable transport
- LPRSP14: The environment
- LPRSS1: Maidstone borough spatial strategy
- LPRSP9: Development in the countryside
- LPRSP11: Economic Development
- LPRSP14A: Natural environment
- LPRSP14(B): Historic Environment
- LPRSP14(C): Climate change
- LPRSP15: Principles of good design
- LPRTA2: Assessing the transport impacts of development
- PRTRA4: Parking

- LPRQ&D 1 Sustainable design
- LPRQ&D 2: External lighting
- LPRQ&D 6: Technical standards
- LPRCD6 Expansion of existing businesses in rural areas
- LPRTL2 Holiday lets, caravans and camp sites

#### **4.00 LOCAL REPRESENTATIONS**

- 4.01 One response to neighbour consultation was received which states  
*" Although we do not object in principle to the shepherd's hut we are concerned about the light pollution from the exterior lights which light up the whole of the land between us at night. We suggest that a condition of planning consent should be that the lights are shielded in some way and that trees/hedging is planted between us and the neighbours to reduce the nuisance especially as some trees have come down in the recent storms".*

##### **Hollingbourne Parish Council**

- 4.02 Objection and recommend refusal on the following grounds:
- The use of the hut as holiday let accommodation will increase light pollution in the AONB
  - Will contribute to the loss of scarce grazing land.
  - The change of use of the paddock to site a Shepherd's hut to be let for business purposes is detrimental to the rural landscape.
  - Tourism and hospitality in this area of outstanding natural beauty are encouraged but this should not be at the expense of, or harmful to the rural landscape.
  - We are in agreement with this previously granted permission for a barn on the property to be converted and let as holiday accommodation permission as this was an existing building on "brownfield" land.

#### **5.00 CONSULTATIONS**

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

##### **Environmental Health**

- 5.01 No objection subject to conditions on EV charging points and hours of construction.

##### **Kent Police**

- 5.03 No objection. Recommend the applicant take this opportunity to review their general security arrangements and to meet the design on the SBD Homes 2019 guide for specifications.

##### **MBC Conservation Officer**

- 5.04 No objection.
- The shepherd's hut is a small, single-story structure on wheels with a curved roof with what appears to be traditional architectural features.
  - The materials are generally in keeping with the character of the area and include timber weatherboarding, timber doors, and casement windows.
  - The existing boundary treatment includes mature hedging and trees, which provide a degree of screening.
  - Due to the location, separation distance, and single-story nature, the development has not resulted in harm to the setting of the conservation area or listed buildings

## **6.00 APPRAISAL**

6.01 The key issues are:

- Character and appearance.
- Provision of tourist accommodation in the countryside
- Heritage
- Design, amenity and appearance
- Ecology and biodiversity
- Access, parking and traffic

6.02 The starting point for assessment of applications in the countryside is Local Plan Policy SP17. 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 Local Plan policies

### **Site access from Pilgrims Way.**



### **SP17 a) Character and appearance.**

6.03 The application site is located in the Kent Downs Area of Outstanding Natural Beauty (AONB).

The NPPF (para 176) advises that great weight should be given to conserving and enhancing landscape and scenic beauty in the AONBs. There is a duty under section 85(1) of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of the AONB. Policy LLC1 of the Kent Downs AONB Management Plan advises "The protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued.

6.04 The application site is in the Gault Clay Vale, Thurnham Vale landscape character area which is of moderate condition and sensitivity with a recommendation to 'conserve'. The key characteristics include large arable, irregularly shaped fields. Views within Thurnham Vale are limited by the large blocks of woodland, but there are many open views across the arable fields and rolling landform.

- 6.05 Kent Downs AONB landscape design handbook advises "Caravan Parks are an occasional feature in parts of the AONB. Whilst some are well screened by existing hedgerows, woodlands and trees, others are visually intrusive in open countryside. Design Principles ... presumption against large scale...caravan parks and better screening could be applied to existing ones. Seek the location of small scale temporary caravan sites where they would be well screened by existing trees and hedgerows. Avoid the introduction of suburban walls and fences, and conifer planting to define boundaries. Use a framework of new hedges, trees, shaws and woodland planting as appropriate to local character to integrate the site with the surrounding landscape. Encourage the use of dark matt colours for caravans instead of reflective white colours. Avoid unnecessary signage and paraphernalia at the entrance to caravan parks...."
- 6.06 The current application seeks the retention of modest tourist accommodation in the form of a single shepherd's hut (footprint of 2.4 metres by 4.8 metres). The retention of small scale ancillary buildings providing a tack store and log store is also sought. All of the buildings are timber clad with the shepherd's hut painted in a light blue pastel colour. The buildings are on land that was previously part of the adjacent paddock and are discretely located next to existing access and circulation space that is used by another holiday let and the applicant's own property. The buildings are partially screened by existing trees and buildings and a condition is recommended to seek further landscape screening. In this context, the buildings are considered in accordance with the above local plan policy and the design guidelines.

**Internal layout from manufacturer's brochure**



**SP17 b) Accordance with other Local Plan policies**

- 6.07 Other relevant Local Plan policies are SP18 (Historic environment), SP21 (Economic development), DM1 (Principles of good design), DM4 (Heritage assets), DM8 (External lighting), DM30 (Design principles in the countryside), DM37 (Expansion of rural business) and DM38 (Holiday caravan and camp sites). These policies are considered below.

Provision of tourist accommodation in the countryside: policies SP21 and DM37

- 6.08 Policy SP21 supports expansion of existing tourism related development in the countryside, provided scale and impact is appropriate for its countryside location. Policy DM37 sets out the following circumstances where planning permission will be granted for the sustainable growth and expansion of rural businesses:
- buildings are an appropriate scale and can be satisfactorily integrated into the local landscape.
  - traffic levels on nearby roads are acceptable
  - no unacceptable loss of local amenity of the area
  - appearance from public roads is acceptable.
- 6.09 The National Planning Policy Framework (NPPF 2021) states that planning decisions should enable the sustainable growth and expansion of business in rural areas, including well-designed new buildings. The NPPF advises that planning policies should enable sustainable rural tourism and leisure developments which respect the character of the countryside. The NPPF advises that planning decisions should recognise that sites to meet local business needs in rural areas may have to be adjacent to, or beyond existing settlements, and in locations that are not well served by public transport. Similar aims are in the Kent Downs AONB management plan (policies VC7, FL5 and FL7).

Heritage: policies SP18 and DM4

- 6.10 The site is in the Hollingbourne Broad Street Conservation Area and in an Archaeological Priority Area. Policy SP18 requires that, inter-alia, the characteristics of heritage assets are protected, and design is sensitive to the assets and their settings.
- 6.11 Policy DM4 requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset. The NPPF states that 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.
- 6.12 The application will conserve the existing character of the Hollingbourne Broad Street Conservation Area. The application seeks the retention of a shepherd's hut and two small ancillary buildings, it is considered that any impact that the construction of these buildings had on potential archaeological remains would be inconsequential.

Design, amenity and appearance: policies DM1, DM30 and DM38

- 6.13 Policy DM38 states "*...Proposals for sites for... stationing of holiday caravans ... outside of the settlement boundaries as defined on the policies map will be permitted where*" a number of criteria are met. These criteria are considered below.

"The proposal would not result in an unacceptable loss in the amenity of the area. In particular the impact on nearby properties and the appearance of the development from public roads will be of importance".

- 6.14 The nearest residential property is Northdown Croft that is located 45 metres to the south east of the application site. Northdown Croft is owned by the applicant and shares access arrangements with the application site. Pilgrims' Croft is located beyond Northdown Croft and 60 metres to the south east of the application site. Charity Acre is located 71 metres to the west of the application site.

- 6.15 The main part of the application property is located 90 metres from Pilgrims Way. The site is 88 metres from Broad Street Hill and to the rear of Pilgrims' Croft that is accessed from Broad Street Hill
- 6.16 The application is in accordance with policy DM1 of the adopted Local Plan as the development respects the amenities of occupiers of neighbouring properties. The activity, noise, *vehicular movements* associated with this modest accommodation (that sleeps two) that is separated from nearby residential accommodation will not harm neighbour amenity. The separation distances ensure that there are no issues in relation to *overlooking or visual intrusion, and "...the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties"*.
- 6.17 Policy DM 8 advises that external lighting will be permitted where it can be demonstrated that the minimum amount of lighting necessary to achieve its purpose is proposed. A planning condition is recommended to seek details of any lighting installed on the site that is associated with the application buildings and to ensure that the lighting meets relevant standards in terms of maintaining dark skys and protection of wildlife.
- 6.18 With the modest nature of the tourist accommodation, the secluded location and the separation distances, it is concluded that the accommodation is acceptable in relation to the impact on residential amenity. With the long access track the main part of the application site is hidden in views from public roads.

The site would be unobtrusively located and well screened by existing or proposed vegetation and would be landscaped with indigenous species.

- 6.19 As set out at paragraph 6.06, the buildings are partially screened by existing trees and buildings and a condition is recommended to seek further landscape screening.

A holiday occupancy condition will be attached to any permission, preventing use of any unit as a permanent encampment.

- 6.20 A planning condition is recommended to prevent the accommodation being used as permanent residential accommodation. A condition will also require records to be kept of bookings for the accommodation.
- 6.21 Policy DM30 states that proposals will be permitted which would create high quality design and meet a number of criteria. The majority of these criteria are considered above in respect of the remaining criteria, there was no existing building on the application site that was suitable for conversion or reuse.

### **Ecology and biodiversity**

- 6.22 The main biodiversity and ecology issues for consideration in relation to the holiday accommodation are as follows:
- a) Potential impact regarding the loss of habitat,
  - b) Mitigation, enhancement and net biodiversity gain.

a) Potential impact regarding the loss of habitat.

- 6.23 The shepherd's hut is sited on land that was previously paddock for grazing horses and there was limited potential for protected or notable species to be present.

b) Mitigation, enhancement and net biodiversity gain

- 6.24 Paragraph 174 of the NPPF (2021) states "Planning...decisions should contribute to and enhance the natural and local environment by... minimising impacts on and

providing net gains for biodiversity...". A planning condition is recommended seeking biodiversity enhancement on the site.

### **Access, parking and traffic**

- 6.25 The application site is accessed from Pilgrims Way by way of an existing track with this access shared with the other tourist accommodation and the applicants property. The access arrangements within the site make provision for vehicles to turn and enter and leave the site in a forward gear.
- 6.26 The trip generation resulting from the development can be adequately accommodated on the local road network without harm to highway safety. The parking provided for the one bedroom accommodation is acceptable. Conditions are recommended in relation to provision of an electric vehicle charging point.

### **PUBLIC SECTOR EQUALITY DUTY**

- 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.

### **7.00 CONCLUSION**

- 7.01 Government guidance in the NPPF and adopted Local Plan policies are supportive of holiday/tourism related development in rural areas. In the case of the current application the development is modest in scale in terms of the single unit, the size of the buildings and the number of guests.
- 7.02 The site is well screened from public views by existing trees, hedgerows and buildings. A planning condition is recommended to enhance this screening and to mitigate for the loss of this area of grazing land. The application is acceptable in relation to landscape and conservation area impact and the visual amenities of the locality.
- 7.03 Given the modest scale of the accommodation, the level of activity within the site and the small number of additional comings and goings to and from the site are unlikely to be so significant as to result in unacceptable noise and disturbance to the neighbouring occupiers.
- 7.04 The development is in accordance with adopted policies that aim to protect the landscape, the countryside, ecology and ensuring that development is of a good standard of design and fits within its surroundings.
- 7.05 The access arrangements to and from the site are considered suitable for the modest scale development proposed. The access arrangements within the site make provision for vehicle parking and for vehicles to turn and enter and leave the site in a forward gear.
- 7.06 The application is in accordance with the relevant Government guidance in the NPPF (2019) or the policies in the adopted Maidstone Borough Local Plan (2017). The grant of planning permission is recommended subject to the conditions set out below.

### **8.00 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 carried out in accordance with the following approved plan references: Design, Access and Heritage Statement, 18.28-SH-01 Shepherd Hut Floor Plans and Elevations, 18.28-PL-02 Rev C Existing and Proposed Block Plans, Shepherd Hut Brochure 18.28-PL-01 B Site Location Plan, 18.28.200 Tack Room and Log Store. Reason: For the avoidance of doubt and in the interests of proper planning.
2. The change of use hereby permitted shall cease, the approved building demolished and the shepherd's hut removed from the site, and all materials brought onto the land for the purposes of such use and arising from the demolished buildings and shepherd's hut 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) Details of existing external lighting on the site and measures to prevent light spillage from this lighting.
    - c) Details of an onsite electric vehicle charging point
    - d) Details of surface and foul water disposal.
    - e) Submission of an accommodation management plan
    - f) 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.
3. The tourist accommodation hereby permitted shall only be used for bona fide holiday accommodation purposes. The tourist accommodation hereby permitted shall only be occupied continuously by any persons for a period not in excess of 28 days and there shall be no return within a period of 3 months. Reason: To prevent permanent residential development in the open countryside in the interests of sustainable development.
4. The management plan required by condition 2 shall include full contact details (name, address, phone number and email) of a named person responsible for the administration of the booking for the approved accommodation, with the local planning authority informed of any change to these details for the lifetime of the development. A written record of all lettings shall be kept and maintained by the named person responsible for the administration of bookings, with the written record made available for inspection by the Local Planning Authority at their reasonable request. Reason: To prevent permanent residential development in the

open countryside in the interests of sustainable development.

5. Any future 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.
6. The site shall be laid out in accordance with the approved layout plan (18.28-PL-02 Rev C) with a single caravan on the site. Notwithstanding the provisions 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 further development, other than that shown on the approved plan shall take place within the site. Reason: In the interests of the amenities of the occupiers of neighbouring residential properties, visual amenity and the character and appearance of the open countryside location.
7. The landscaping required by condition 2 shall be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012). The landscaping details 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).Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
8. 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.



**REPORT SUMMARY**

<b>REFERENCE NO:</b> - 22/503914/FULL		
<b>APPLICATION PROPOSAL:</b> Erection of a two storey manager's house and a double car barn (resubmission of 21/506544/FULL).		
<b>ADDRESS:</b> Staplehurst Transits Staplehurst Road Marden Kent TN12 9BT		
<b>RECOMMENDATION:</b> REFUSE PLANNING PERMISSION		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b>		
<p>The proposed two storey, 4 bedroom house and double car barn, together with the change of use of agricultural land to domestic garden, associated access infrastructure and domestic paraphernalia in this countryside location, would have a detrimental urbanising impact on the existing character of the area consisting of an open rural landscape with a failure to contribute positively to the conservation and enhancement of that landscape. The proposal was found to be contrary to policies SS1, SP17, DM1, DM30 and DM33 of the Maidstone Borough Local Plan (2017), policy NE3 of the Marden Neighbourhood Plan and the National Planning Policy Framework (2021).</p> <p>The submitted proposal does not involve the expansion of an existing rural business and fails to demonstrate any functional or essential need for a new dwelling in the countryside including in relation to dwelling size, business need, availability of alternative accommodation, with more effective, full time methods of dealing with out of hours security and deliveries. The application also fails to demonstrate that the use is currently financially sound or that it has the clear prospect of remaining so. The proposal is contrary to policies DM34 of the Maidstone Borough Local Plan (2017) and the National Planning Policy Framework (2021).</p> <p>The proposed two storey, 4 bedroom house and double car barn are located in an unsustainable location where future occupiers would be heavily reliant on the private motor vehicle to travel for their day to day needs. This would be contrary to the aims of sustainable development as set out in in Policies SS1, SP17, and DM1 of the Maidstone Borough Local Plan (2017), Policy In2 of the Marden Neighbourhood Plan and the National Planning Policy Framework (2021).</p> <p>The proposal is contrary to the development plan and planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. As set out in the following report there are no material considerations present that would justify a departure from the development plan.</p>		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The application has been referred to committee at the request of Marden Parish Council, whose summarised comments are in section 4 below.		
<b>WARD:</b> Marden And Yalding	<b>PARISH/TOWN COUNCIL:</b> Marden	<b>APPLICANT:</b> Mr Darren Goldup <b>AGENT:</b> DHA Planning
<b>CASE OFFICER:</b> William Fletcher	<b>VALIDATION DATE:</b> 10/08/22	<b>DECISION DUE DATE:</b> 02/12/22
<b>ADVERTISED AS A DEPARTURE:</b> YES		

## **Relevant Planning History**

The application site has an extensive planning history relating to activities on site but the most relevant is set out below.

**95/1344** Erection of a 2 storey managers house and double garage. Alterations to the front elevation of the depot building and rearrangement of the parking area. Refused 15.11.1995 on the following grounds: *"... erection of a house and garaging in such a location would be a prominent and undesirable addition to sporadic development in the rural area. No justification for the dwelling has been put forward that would outweigh the need to protect the rural area from such harmful development'.*

**APP/U2235/A/96/265789/P2** An appeal against the refusal of 95/1344 was dismissed. The Inspector found in a decision letter dated 6 January 1997 that:

- Issues relating to security and the arrival of deliveries outside of office hours did not amount to a functional need for a new dwelling and justification for a new dwelling in the countryside contrary to established and emerging policies.
- The Inspector found the site of the dwelling *"...part of an open, flat area of land, set well back from the road. The dwelling would be in an exposed position and clearly visible from its surroundings, which in the main comprise a predominantly flat landscape"* (paragraph 10 appeal decision letter).
- The appeal inspector found that *"...the prominence of the building would be given emphasis because of its size and general bulk... the proposal would add to and consolidate what is scattered and sporadic development in the area and be unacceptably harmful to the rural character and appearance of the locality"* (paragraph 10 appeal decision letter). (The appeal decision letter is appended to this report)

**21/506544/FULL** Erection of a two storey manager's house and a double car barn. Refused 31.01.2022 on the following grounds:

- The proposed two storey, 4 bedroom house and double car barn, together with the change of use of agricultural land to domestic land, associated access infrastructure and domestic paraphernalia, would have an urbanising and detrimental impact on the existing character of this area consisting of an open rural landscape. The proposal was found to be contrary to policies SS1, SP17, DM1, DM30 and DM33 of the Maidstone Borough Local Plan (2017) and the National Planning Policy Framework (2021).
- The proposed two storey, 4 bedroom house and double car barn are located in an unsustainable location where future occupiers would be heavily reliant on the private motor vehicle to travel for their day to day needs. This would be contrary to the aims of sustainable development as set out in Policies SS1, SP17, and DM1 of the Maidstone Borough Local Plan (2017) and the National Planning Policy Framework (2021).
- The proposal for a new residential dwelling does not involve the expansion of an existing rural business, the building is not appropriate for this location and cannot be satisfactory integrated into the local landscape. The application fails to demonstrate, that the adjacent business use is currently financially sound or that it has the clear prospect of remaining so. With various other options available for accommodating 24-hour commercial operations and security, such as shift work, security guards and CCTV, the submitted proposal fails to demonstrate any overriding functional need for the new dwelling in this location or a need for the size of the proposed 4 bedroom dwelling. With reference to policy SP17 of the Maidstone Borough Local the proposal results in harm to the character and appearance of the countryside and there is no justification for the proposal provided in policies DM34 and DM37 of the Maidstone Borough Local Plan (2017) or the National Planning Policy Framework (2021).

## **MAIN REPORT**

### **1. DESCRIPTION OF SITE**

- 1.01 For the purpose of the Maidstone Borough Local Plan 2017, the application site is located in the open countryside. The site has no special landscape designation.
- 1.02 The main part of the application site is a corner of an existing grassed field (not brownfield). The site is located to the north of Staplehurst Road.
- 1.03 The proposed house is set back circa 175 metres from the Staplehurst Road carriageway with the intervening land including the Staplehurst Transits premises, the Staplehurst Transits yard and a large pond. There is a fish farm to the east and to the north of the site (including a residential property) and to the west are agricultural fields.
- 1.04 Staplehurst Transits is a storage and distribution use that operates from a "*purpose built distribution centre*". The site is laid out with the main distribution centre building and office accommodation at the front of the site behind a car parking area for staff and visitors.
- 1.05 Warehousing is located at the rear of the site with the loading bays and a turning area along the eastern site boundary. The existing on site separation between HGVs on the eastern side of the site and staff or visitor vehicles at the front of the site is highlighted.
- 1.06 The applicant advises "*With our own modern fleet of temperature controlled vehicles, we can offer a six night a week service delivering to the UK wholesale markets, retailers, packers and processors throughout the UK. With only Hull & Scotland services not operated on a Friday night*". (applicant's website).

**Image 1: Aerial image of Staplehurst Transits and application site location**



### **2. PROPOSAL**

- 2.01 Planning permission is sought for the erection of a two storey 4-bedroom manager's house and a double car barn with access track.

- 2.02 The house has a footprint of 14 metres by 8.5 metres and a roof ridge height of 8 metres. The house would be constructed with mainly bricks and weatherboarding with a clay tile roof.
- 2.03 The house over 2 floors would provide a total floor space of 184 square metres. The accommodation would consist of a living, study, snug, open kitchen, dining, and utility room on the ground level, and 4 bedrooms on the first floor with two of these bedrooms ensuite.
- 2.04 The proposed double car barn would sit perpendicular to the front of the dwelling with a footprint of 49 square metres. The double car barn has a barn hipped roof with a ridge height of some 6 metres and would be constructed with the same materials as the main dwelling.
- 2.05 The access to the proposed 4 bedroom family dwelling from Staplehurst Road would initially be across the live loading bays and a turning area of the existing HGV distribution centre (Staplehurst Transits).
- 2.06 After crossing the loading bays, the proposal involves the removal of a tree as part of the creation of an approximately 100m long access track to the site of the proposed dwelling in a grassed field.

### **3. POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough Local Plan Adopted October 2017, Policies

SS1: Maidstone Borough Spatial Strategy

SP17: Countryside

DM1: Principles of Good Design

DM8: External Lighting

DM23: Parking Standards

DM30: Design Principles in the countryside

DM33: Change of use of agricultural land to domestic garden land

DM34: Accommodation for agricultural and forestry workers

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.

SS1 - Maidstone Borough Spatial Strategy

SP9 – Development in the Countryside

SP10 – Housing

SP11 – Economic Development

SP15 – Principles of Good Design

ENV 2 - Change of use of Agricultural Land to Domestic Garden Land

CD4 - Accommodation for Rural Workers

Marden Neighbourhood Plan: Policies BE3, NE3, NE4 and NE5

The National Planning Policy Framework 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Landscape Character Assessment: Staplehurst Low Weald landscape character in good condition with high sensitivity and guidelines to conserve.

#### 4. LOCAL REPRESENTATIONS

Two representations have been received both in support of the development.

- In terms of the issues raised, these restate the applicants case for the development i.e., the need for a 24 hour presence on site and that the development would not be harmful to the amenity of neighbouring occupants.

Marden Parish Council (Summarised)

4.1 Support for the reasons below. If officers are minded to refuse the parish council request that the case is reported to committee

- Although a departure from the Marden Neighbourhood Plan, the parish council "...felt that, in principle, they support the application". (Officer comment: planning decisions are required to be in line with the development plan (which includes the neighbourhood plan) unless material considerations indicate otherwise, no material considerations have been identified that would justify a departure from the development plan)
- Although "...a new development in the open countryside (contrary to MBC Local Plan Policy SP17)" the proposal was considered "...compatible with Marden Neighbourhood Plan Policies BE1 and E1". (Officer comment: as above)
- "Cllrs would also want it conditioned that it was tied to the business and not to be sold on the open market separately". (Officer comment: this type of condition is difficult to enforce as there is no external change that would identify a condition breach and therefore it is questionable as to whether a condition would meet the enforceability test)
- Following the submission of further details on this application Cllrs feel that the applicant has given due regard to Marden Neighbourhood Plan Policies BE3, NE3, NE4 and NE5 by demonstrating the submission of the landscaping plan and accompanying documents. (Officer comment: A landscaping condition is not suggested in this case as it would not resolve the identified issues (this view was also taken by the appeal inspector). In addition, 'relevant' adopted policies do not advocate attempting to hide inappropriate development in the countryside behind landscaping)
- The case officer's concern about the new dwelling can be satisfied by the means of the suggested condition. (Officer comment: It has been found that conditions would not remove the negative impact of the proposal)
- Following receipt of the resubmitted landscape plans the application met policies BE3, NE3, NE4 and NE5 of the Marden Neighbourhood Plan. (Officer comment: as above)
- The application is supported as, on balance, the positive contribution to the ongoing business would continue to be able to operate (Officer comment: The arguments put forward as part of the current application regarding business need were considered by the appeal inspector in 1997 and were discounted. No new meaningful evidence has been submitted with the current application)
- Cllrs believe that the second point of MBCs refusal is counter intuitive as they believe it would reduce the amount of travel the occupant would need to undertake each day. (Officer comment: The short journey to work for the operations director is acknowledged, however development is directed to

sustainable locations in the borough due to the range of services and facilities that are available. The trip generation relating to the occupiers of this 4 bedroom family house would be for a range of reasons including education, leisure etc in addition to the employment of one family member)

- Cllrs felt this was one of the best examples of sustainability in the open countryside as the occupant would already be on site therefore reducing the need for car usage and it would also assist with security on site. (Officer comment: Sustainability – response as above. In relation to security, the proposed house is on a green field located 80 metres from the warehouse building and on the other side of a large pond. The staff presence (unlike a security guard or even regular security patrols) on site out of hours will be on an ad hoc part time basis and on that basis, the benefit will be minimal and not sufficient to counter the harm caused)
- Cllrs understand that further financial information has been made available to MBC. (Officer comment: No financial or viability information has been submitted)

## **5. CONSULTATIONS**

### KCC Highways

- 5.01 No objections subject to a condition requiring an electric vehicle charge point.

## **6. APPRAISAL**

The key issues are:

- Site Location
- Visual and Landscape Impact
- Design and layout
- Change of use of agricultural land
- Residential Amenity
- Biodiversity
- Highways

- 6.01 The application site is in the countryside and the starting point for assessment of applications in the countryside is Local Plan Policy SP17. 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 Local Plan policies

### **SP17 a) Character and appearance.**

- 6.02 Supporting text to policy SP17 advises “*The countryside has an intrinsic character and beauty that should be conserved and protected for its own sake*”.
- 6.03 The site is in the Staplehurst Low Weald landscape character area which is found to be in good condition with high sensitivity and guidelines to conserve.
- 6.04 The aims of the Maidstone Landscape Character Assessment (2013) are to ensure that changes take place in a way that maintains local landscape character and that new development is sensitive to local landscape character. The recommendations for the application site land include:
- Conserve and enhance the hedgerows, ensuring that they are correctly managed and gaps replanted.
  - Conserve and enhance the small scale field pattern and sense of enclosure, encouraging restoration and management of historic field boundaries.

- Conserve the largely undeveloped rural landscape and the remote quality of isolated farmsteads and hamlets
  - Resist further linear development and intrusive elements along the A229
  - Soften the visual prominence of large agricultural barns through native planting and encourage native hedgerows around commercial and housing developments
  - Enhance habitat opportunities around water bodies and ditches by promoting and managing a framework of vegetation in these areas.
- 6.05 The current undeveloped application site is in the corner of an existing grassed field with long range views of the site from the north and west. The removal of a willow tree and other landscape works to facilitate the site access would increase visibility of the proposed house.
- 6.06 The introduction of a house in this countryside location of a significant size with the associated garden, lighting, activity and domestic paraphernalia will cause harm to the visual amenity of the area and will fail to meet the recommendations of the landscape character assessment.
- 6.07 It is the applicant's position that screening of the proposed house is required. The applicant also suggests that the situation has materially changed since the appeal decision as landscaping has matured in the intervening period. Policy SP17 seeks to protect the intrinsic character of the countryside and therefore the policy does not advocate permitting inappropriate development in the countryside on the basis that it is screened.
- 6.08 The appeal inspector in assessing the appeal did not consider that any landscaping would remove the negative impact of the proposal. Had the inspector considered that extra landscaping was the solution, the inspector had the option of seeking this landscaping at that time through the use of a planning condition.
- 6.09 As set out in the planning history section above, the Inspector found the site of the dwelling *"...part of an open, flat area of land, set well back from the road. The dwelling would be in an exposed position and clearly visible from its surroundings, which in the main comprise a predominantly flat landscape"* (paragraph 10 appeal decision letter).
- 6.10 The appeal inspector found that *"...the prominence of the building would be given emphasis because of its size and general bulk.... the proposal would add to and consolidate what is scattered and sporadic development in the area and be unacceptably harmful to the rural character and appearance of the locality"* (paragraph 10 appeal decision letter).
- 6.11 The current proposal would fail to conserve the largely undeveloped rural landscape, fail to conserve and enhance the small scale field pattern. The proposal will fail to soften the visual prominence of the large existing commercial buildings of Staplehurst Transits and will increase intrusive elements along the A229 (Staplehurst Road). The erection of a domestic dwelling would urbanise this landscape, causing unacceptable visual impact to the intrinsic character and appearance of the countryside.
- 6.12 The proposal is found to be contrary to the Marden Neighbourhood Plan including policy NE3 which states *"All proposed developments should be designed to integrate into their surroundings in the landscape and contribute positively to the conservation and enhancement of that landscape" (officer emphasis).*

- 6.13 The proposal is found to be contrary to the aims of the neighbourhood plan, with the plan stating it has *"...enthusiastically embraced the aims of the NPPF to conserve and enhance the natural environment by...recognising the intrinsic character and beauty of the countryside"* (Page 9) (officer emphasis).
- 6.14 In addition, the neighbourhood plan states, *"Marden's countryside is important" in that "...it contributes to the overall wellbeing of the parish. The Marden Neighbourhood Plan recognises the need for development, but this cannot be at the expense of Marden's unique setting and sense of place"* (Page 12). The plan considers it *"...essential to conserve and enhance the natural environment and the landscape of the parish"* (Page 13).

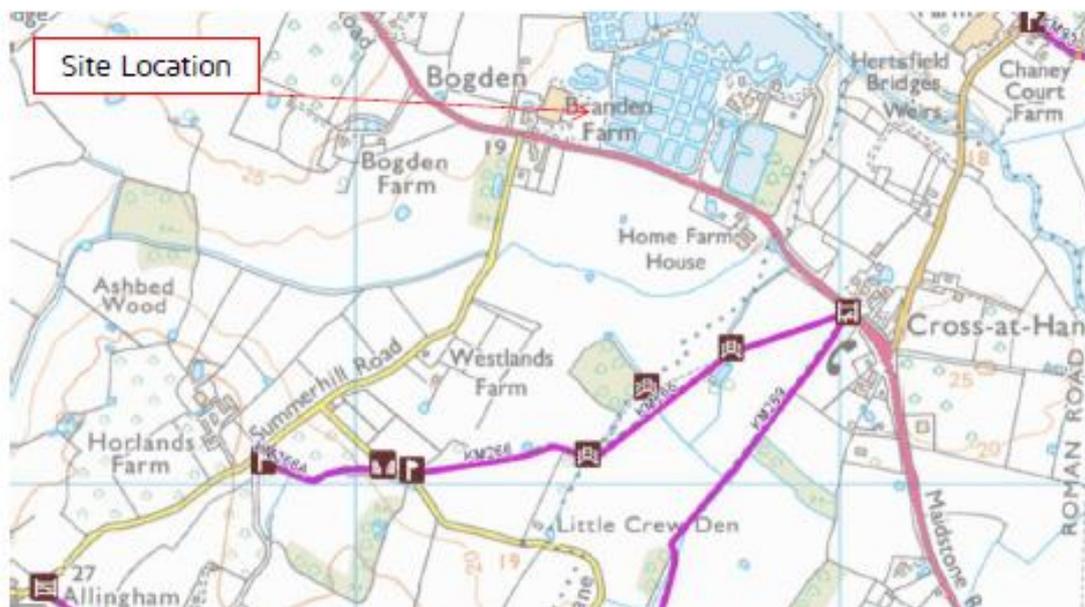
### **SP17 b) Accordance with other Local Plan policies**

- 6.15 Other relevant Local Plan policies are SS1 (Spatial Strategy), DM1 (Principles of good design), DM30 (Design principles in the countryside), DM33 (Change of use of agricultural land to domestic garden land) and DM34 (Accommodation for agricultural and forestry workers).

#### SS1 (Spatial Strategy)

- 6.16 Policy SS1 policy advises that as the most sustainable location in the borough Maidstone urban area will be the principal focus for development in the borough.
- 6.17 In maintaining and enhancing their role and the provision of services to meet the needs of the local community, the rural service centres (Harrietsham, Headcorn, Lenham, Marden and Staplehurst) will be the secondary focus for housing development.
- 6.18 The larger villages of Boughton Monchelsea, Coxheath, Eythorne Street (Hollingbourne), Sutton Valence and Yalding will be locations for limited housing development. In other locations such as the application site, policy SS1 advises that protection will be given to the rural character of the borough.

### **Application site and footpath KM266**



- 6.19 The application site is located in the countryside outside any of the three sustainable locations set out in the adopted Local Plan. The site is approximately 3km from the Rural Service Centre of Staplehurst and 4.2km from the Rural Service Centre of Marden.
- 6.20 This section of Staplehurst Road has no pavements and streetlamps and the nearest bus stop is 800m away. For these reasons, future occupiers of the proposed dwelling would rely on private vehicles for their daily needs. The application site is in an unsustainable location and has been found to cause harm to the intrinsic rural character of this area.
- 6.21 Generally public footpaths in the countryside provide limited benefit to sustainable travel as they are unlit and due to obstacles such as stiles in many cases, are not accessible by vulnerable sections of the population. In many cases routes are not accessible in poor weather and the footpaths rarely cover a complete route to services or facilities. As set out at paragraph 6.2.34 of the applicant's planning statement "There are...no public footpaths within the vicinity of the site...".
- 6.22 Whilst not in the vicinity of the site, the applicant's 'transport technical note' highlights footpath KM266. As can be seen by the location plan above, due to its distance from the application site and route, the footpath does not increase the accessibility of the site in any meaningful way. The route to the footpath (and the bus stops) is along Staplehurst Road which is unlit, it does not have a pavement and carries a significant quantity of traffic (including HGV's) at national speed limit.

**Staplehurst Road - east of the application site**



- 6.23 The development is contrary to Marden Neighbourhood Plan Policy In2. The site is located in an unsustainable location with poor access to both non-motorised and public transport with no links to "...village facilities and public transport services via off-road and lightly trafficked routes".
- 6.24 In response to the comments from Marden Parish Council. In addition to employment, the occupiers of this large family dwelling (providing 4 double bedrooms) would require access to a range of 'village facilities' with private vehicle

trips for a range of other activities including relating to education, leisure and medical.

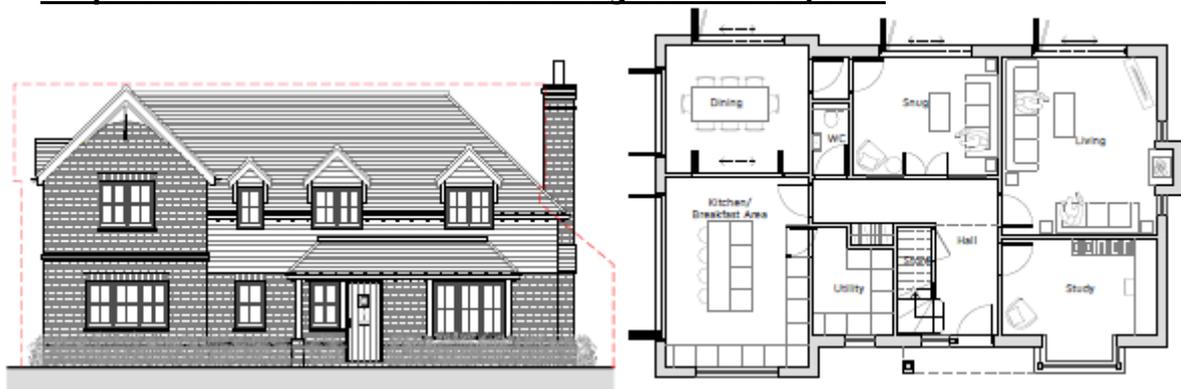
DM34 (Accommodation for agricultural and forestry workers).

- 6.25 Staplehurst Transits is a storage and distribution use that operates from a *"purpose built distribution centre*. The applicant advises *"With our own modern fleet of temperature controlled vehicles, we can offer a six night a week service delivering to the UK wholesale markets, retailers, packers and processors throughout the UK. With only Hull & Scotland services not operated on a Friday night"*. (applicant's website).
- 6.26 The application does not involve accommodation for an agricultural or forestry worker. The supporting text to DM34 however advises *"...residential development in the countryside may be justified when there is an essential need for a rural worker to live permanently at, or in the immediate vicinity of, their place of work"* (report writer emphasis).
- 6.27 The supporting text to policy DM34 states that permitted accommodation for agricultural, or forestry should initially be provided by a caravan or other temporary accommodation for the first three years.
- 6.28 This temporary period is to ensure that the need for the accommodation and *"to prevent unnecessary built development in the countryside"*. As set out in the policy, after three years an application for permanent permission is made when the need has been proven and need can be adequately assessed against landscape harm.
- 6.29 Contrary to policy DM34 the proposed accommodation involves a permanent 4 bedroom house. There has been no prior planning application for a temporary residential use. Notwithstanding these highlighted issues, the individual parts of policy DM34 are considered below.
- Clearly established existing functional need for the dwelling
- 6.30 In addition to the dismissed appeal for the current application site (outlined in the planning history section) a considerable number of appeals nationwide have considered functional need for a new dwelling in the countryside. These appeals have focused on whether a new house is the only solution to meet on site needs outside office hours, including unplanned events throughout the year including relating to animal welfare. The appeals demonstrate that the necessary functional need is a high bar to meet.
- 6.31 The applicant has stated that the new 4 bedroom house is necessary to allow this storage and distribution use to provide a 24 hour service.
- 6.32 The applicant advises that the proposed house is required to compete with other operators with a specific reference to Fowler Welch. Fowler Welch currently has vacancies for several full time night-time positions with these roles located within industrial estates with no indication of any on site supporting residential use. In addition, there are a number of existing 24 hour uses in the borough that currently operate effectively without any need for on-site residential accommodation.
- 6.33 In the submitted planning statement, the applicant discusses a number of alternatives to the proposed 4 bedroom house. The applicant discounts CCTV as there is a requirement for 'interactive assistance' (para 5.3.2) and a security guard is discounted due to a "need for trained workers to attend to delivery needs" (para 5.3.2).

- 6.34 The proposed house is located at the closest point circa 80 metres away from the warehouse building with a large pond and screening trees separating the buildings. The applicant has confirmed that staff presence on site out of hours would (unlike a security guard) be on an ad hoc basis with the staff member only required infrequently when unloading/loading is required. The staff member would be on call and would not provide permanent security when no deliveries are expected.
- 6.35 The applicant states "*Shift work would present a significant additional cost to the business through the cost of training and employing night-shift workers*" (para 5.3.3). There has been no financial information submitted relating to the cost of constructing the new house. There has also been no indication provided of the cost of the overtime payments for the future occupier of the house. A full time out of hours presence on site can be covered by shift work and as similar to other out of hours uses. An ad hoc part time presence can be covered by an on call staff member living locally.
- 6.36 It is concluded for the above reasons that there is no functional need has been demonstrated for a new house in this location.
- Need relates to a full-time worker or one who is primarily employed in agriculture and does not relate to a part time requirement
- 6.37 The applicant has confirmed that the occupier of the house will not be employed in agriculture.
- 6.38 The applicant has confirmed that occupier of the new house will be paid overtime as and when out of hours deliveries occur. On this basis the requirement for a presence out of hours is not full time but on an ad hoc and part time basis.
- Unit and the agricultural or forestry activity have been
    - a) established for at least 3 years,
    - b) profitable for at least one of the 3 years,
    - c) are currently financially sound, and
    - d) have a clear prospect of remaining financially sound.
- 6.39 In terms of point a) above, the applicant's supporting statement notes that "*Staplehurst Transits was founded in 1973 and therefore clearly meets the above criteria*".
- 6.40 There has been no information submitted to demonstrate that the applicant meets points b) and c).
- 6.41 In terms of point d), there has been no information submitted other than a suggestion in the planning statement that the business is suffering from larger competitors such as Fowler Welch.
- The functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the worker concerned
- 6.42 Whilst no functional need for the proposed accommodation has been identified. The applicant has stated that there are no other buildings on the site suitable to provide a new dwelling. The staff presence on site is only required outside of normal office hours on an ad hoc, part time basis.

- 6.43 The applicant has stated that the house would be occupied by an existing staff member. It is assumed that this staff member currently lives within a reasonable commuting distance of the site so to be on call (as the occupier of the new house would also be) is a reasonable proposition. It is also highlighted that it is car drive of 3 minutes from the range of housing available in the Staplehurst Rural Service Centre.
- The new dwelling is no larger in size than is justified by the needs of the enterprise or more expensive to construct than the income of the enterprise can sustain
- 6.44 The supporting text to DM34 advises that *"It is the needs of the holding, not the preferences of the individuals concerned which will determine whether a dwelling is essential or not"*.
- 6.45 The submitted proposal fails to meet the above requirement with the applicant's statement advising *"The cost of constructing the dwelling will be covered in its entirety by the future occupant (Operations Director) through the sale of their existing property and therefore will incur no extra cost to the business"* (paragraph 5.3.4).
- 6.46 In the event that a functional need had been established, the need for the proposed large 4 bedroom house is unlikely to be proportionate. It is also highlighted that DM34 recommends the initial provision of a temporary building to ensure that the negative impact can be considered against any functional need and impact.

**Proposed house - front elevation and ground floor plan**



DM37 (Expansion of existing businesses in rural areas).

- 6.47 The applicant considers DM37 relevant *"...in the context of the needs of the business and the benefits the proposals will deliver"* (paragraph 6.2.26 planning statement).
- 6.48 Officers do not consider that DM37 is relevant. A new house in the countryside is not a business expansion. Notwithstanding this conclusion, where possible an assessment against policy DM37 is provided below.
- New buildings are small in scale and provided the resultant development as a whole is appropriate in scale for the location and can be satisfactorily integrated into the local landscape
- 6.49 The proposed building does not provide commercial floorspace. The large 4 bedroom house located in an existing field also cannot reasonably be described as

modest. It is concluded that the house due to its size, location and associated domestic paraphernalia will have a damaging impact on local landscape character.

6.50 The appeal inspector in dismissing the earlier appeal for a house in this location (outlined in the planning history) found "*...the prominence of the building would be given emphasis because of its size and general bulk.... the proposal would add to and consolidate what is scattered and sporadic development in the area and be unacceptably harmful to the rural character and appearance of the locality*" (paragraph 10 appeal decision letter).

- The increase in floorspace would not result in unacceptable traffic levels on nearby roads or a significant increase in use of an existing substandard access.

6.51 With reference to paragraph 111 of the National Planning Policy Framework the impact on the local highway network will not be 'severe' and as a result there are no grounds to refuse permission on highway grounds.

- The new development, together with the existing facilities, will not result in an unacceptable loss in the amenity of the area. In particular the impact on nearby properties and the appearance of the development from public roads will be of importance.

6.52 There are no residential neighbour amenity issues. Further assessment is provided below.

- No open storage of materials will be permitted unless adequately screened from public view throughout the year.

6.53 Open storage is not normally associated with a residential property and the applicant has confirmed that there is no open storage proposed.

DM1 (Principles of good design) and DM30 (Design principles in the countryside)

6.54 The sole access to the proposed 4 bedroom family dwelling is through a working distribution centre yard used by a fleet of Heavy Goods Vehicles and this layout fails to provide 'high quality design'. The proposal is contrary to DM1 (i) that seeks layouts that are "*...accessible to all and maintain and maximise opportunities for permeability and linkages to the surrounding area and local services*" and DM1 (x) as the layout fails to create a safe environment.

6.55 The proposed large 4 bedroom dwelling, sited in an existing open grassed field set back some distance from the road, fails to respond to, or enhance the character of the area and fails to response to local topography contrary to DM1 (ii) and DM (v).

6.56 The proposal is contrary to contrary to DM30 (i) and (iv) as the siting, mass and scale of the house fails to maintain or enhance local distinctiveness and the building will be obtrusive. The house due to its size, location and associated domestic paraphernalia will have a damaging impact on local landscape character.

DM33 (Change of use of agricultural land to domestic garden land)

6.57 Policy DM 33 states "*Change of use of agricultural land to domestic garden land Planning permission will be granted for the change of use of agricultural land to domestic garden if there would be no harm to the character and appearance of the countryside and/or the loss of the best and most versatile agricultural land*".

- 6.58 The proposal is contrary to policy DM33 as there would be harm to the character and appearance of the countryside.
- 6.59 In addition, the proposal would lead to the loss of the best and most versatile agricultural land (best and most versatile agricultural land is defined as Grades 1, 2 and 3a and the application site is Grade 3).

#### **Residential amenity**

- 6.60 Policy DM1 encourages new development to respect the amenities of neighbouring properties and provide adequate residential amenities for future occupiers by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion.
- 6.61 In terms of orientation and separation distances the proposed house will not have a harmful impact on residential amenity of neighbours.
- 6.62 As outlined earlier in this report, the access to the proposed 4 bedroom family house across a live storage and distribution yard with manoeuvring HGVs. The access to the dwelling is contrary to DM1 (iv) in that the occupiers will be exposed to excessive vehicular movements, contrary to DM1 (ix) in that the proposal does not safely accommodate the pedestrian (and vehicular) movement generated by the proposal. With reference to DM1 (x) and security as mentioned earlier in this report, unlike shift work, CCTV and/or a security guard, the provision of a house will result in a part time, ad hoc out of hours staff presence on the site.

#### **Highways, parking and access**

- 6.63 Local Plan policy DM1 sets out that new development should provide adequate vehicular and cycle parking to meet adopted council standards, encouraging good access routes. Policy DM23 encourages provision of electric charging points.
- 6.64 With staff and visitor parking currently separated from the distribution yard, the proposal will introduce domestic vehicle and pedestrian movement across the distribution yard with potential conflict with HGVs and other commercial traffic.
- 6.65 The provision of a double car barn and hardstanding to the front of the dwelling provide a minimum of 4 parking spaces. This provision is in excess of the 2 independently accessible spaces required by policy.
- 6.66 A transport technical note has been prepared in support of the application which concludes the proposal would not result in significant impact to highway safety. There are no identified issues in relation to the safety of the access on to Staplehurst Road or the capacity of the road network.

#### **Trees and landscaping and biodiversity**

- 6.67 Policy DM1 sets out that proposed development should respond to the location of the site and sensitively incorporate natural features such as trees, hedges worthy of retention within the site.
- 6.68 The NPPF (para 174) states that planning decisions should contribute to and enhance the natural and local environment providing net gains for biodiversity, and (para 180) opportunities to improve biodiversity in and around developments should be integrated as part of their design.

- 6.69 A biodiversity survey has been submitted in support of the application, it states that the site does not consist of protected species and far from any ecologically protected area. In the event that there were no other identified issues, mitigation for the loss of this grassed field and ecological enhancement and demonstrating a net gain would be possible through a planning condition.

### **PUBLIC SECTOR EQUALITY DUTY**

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

## **7. CONCLUSION**

- 7.01 The proposal is contrary to Policy SP17 as the proposal will both result in harm to the character and appearance of the countryside and fails to accord with other Local Plan policies.
- 7.02 The proposal will result in substantial harm to the character and appearance of the countryside in the Low Weald landscape character area which is found to be in good condition with high sensitivity and guidelines to conserve. The introduction of a house in this countryside location of a significant size with the associated garden, lighting, activity and domestic paraphernalia will fail to meet the recommendations of the landscape character assessment.
- 7.03 SP17 describes the countryside as having "*...an intrinsic character and beauty that should be conserved and protected for its own sake*" and in this context the policy does not advocate permitting inappropriate development on the basis that it is screened. In addition, the appeal inspector in assessing the earlier appeal did not consider that landscaping would remove the negative impact of the proposal finding the site on "*...part of an open, flat area of land, set well back from the road. The dwelling would be in an exposed position and clearly visible from its surroundings, which in the main comprise a predominantly flat landscape*" (paragraph 10 appeal decision letter)
- 7.04 The application site is located in the countryside outside any of the sustainable locations set out in the adopted Local Plan. Pedestrian access from the site to Staplehurst and the access to bus stops is along unlit roads, without pavements and on the A229 which is subject to the national speed limit. With these factors and the distance involved, future occupiers of the 4 bedroom family dwelling will be reliant on the private motor vehicle for their daily needs.
- 7.05 Policy DM34 states that accommodation should initially be provided by a caravan or other temporary accommodation for the first three years to *prevent unnecessary built development in the countryside*. The applicant has chosen not to follow the approach.
- 7.06 The applicant has not demonstrated any essential or functional need for a house in this location has failed to demonstrate that there is a need for a 24 hour use to be supported by large 4 bedroom house. Other similar uses also operate adequately without the need for a new dwelling.
- 7.07 The role for which the applicant has suggested there is a need for the house is ad hoc, part time out of hours work which is required on an infrequent basis (DM34 requires the work to be full time). Whilst the location is unsustainable, the site is not isolated with Staplehurst a 3 minute drive from the site.

- 7.08 Whilst the applicant advises that the 24 hour use is required for the ongoing viability of the business, the submitted application does not include any financial information about existing or future viability (as required by DM34). Whilst DM34 also requires a new house to relate to the needs of the business, in this case the applicant has confirmed that the construction finance is entirely separate from the business and the new house is entirely funded by the operations director selling their existing home.
- 7.09 With the access to the proposed 4 bedroom family house across a live storage and distribution yard with manoeuvring HGVs, the proposal is contrary to DM1 (iv) in that the occupiers will be exposed to excessive vehicular movements, contrary to DM1 (ix) in that the proposal does not safely accommodate the pedestrian (and vehicular) movement generated by the proposal.
- 7.10 The proposal is contrary to the development plan and planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. As set out in this report there are no material considerations present that would justify a departure from the development plan. The proposed additional capacity that the applicant requires is not proportionate to the provision of a 4 bedroom house in an unsustainable location with the resulting landscape harm. With the option of requiring additional landscaping available to him, the arguments put forward have been previously considered by an appeal inspector and were found to be inadequate material considerations to depart from the Maidstone Local Plan.

## **8. RECOMMENDATION**

### **REFUSE planning permission for the following reasons:**

- 1) The proposed two storey, 4 bedroom house and double car barn, together with the change of use of agricultural land to domestic garden, associated access infrastructure and domestic paraphernalia in this countryside location, would have a detrimental urbanising impact on the existing character of the area consisting of an open rural landscape with a failure to contribute positively to the conservation and enhancement of that landscape. The proposal was found to be contrary to policies SS1, SP17, DM1, DM30 and DM33 of the Maidstone Borough Local Plan (2017), policy NE3 of the Marden Neighbourhood Plan and the National Planning Policy Framework (2021).
- 2) The submitted proposal does not involve the expansion of an existing rural business and fails to demonstrate any functional or essential need for a new dwelling in the countryside including in relation to dwelling size, business need, availability of alternative accommodation, with more effective, full time methods of dealing with out of hours security and deliveries. The application also fails to demonstrate that the use is currently financially sound or that it has the clear prospect of remaining so. The proposal is contrary to policies DM34 of the Maidstone Borough Local Plan (2017) and the National Planning Policy Framework (2021).
- 3) The proposed two storey, 4 bedroom house and double car barn are located in an unsustainable location where future occupiers would be heavily reliant on the private motor vehicle to travel for their day to day needs. This would be contrary to the aims of sustainable development as set out in Policies SS1, SP17, and DM1 of the Maidstone Borough Local Plan (2017), Policy In2 of the Marden Neighbourhood Plan and the National Planning Policy Framework (2021).

**Informative**

The following plans and documents were considered in the assessment of the submitted application:

Planning Statement (including Design and Access Statement)

Transport Technical Note

Arboricultural Impact Assessment

DHA/14978/01: Site Location Plan

DHA/14978/02: Existing Site Layout Plan

DHA/14978/03: Proposed Site Layout Plan

DHA/14978/04: Proposed Plans

DHA/14978/05: Proposed Elevations

DHA/14978/06: Proposed Car Barn Proposed Plans

DHA/16056/07 Proposed Landscaping/Ecology plan



# The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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Kent  
ME15 0SE

Your reference:  
ADB/177

Our reference:  
T/APP/U2235/A/96/265789/P2

Date:  
06 JAN 1997

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6**  
**APPEAL BY C GOLDUP**  
**APPLICATION NO: MA/95/1344**

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This is against the decision of the Maidstone Borough Council to refuse planning permission for the erection of a two storey manager's house and double garage, alterations to the front elevation of the depot building and rearrangement of the parking area on land at Branden Depot, Maidstone Road, Marden. I conducted a hearing into the appeal on 27 November 1996.
2. The Council advise that no objections are raised to the alterations to the existing building or to the arrangement of the parking area, and I was told at the hearing that planning permission has now been granted for these developments. It is only the proposed dwelling which is in contention, and I shall proceed with the appeal on this basis.
3. From what I have heard, read and seen, I consider that the main issue in this case is having particular regard to local development plan policies relating to development in rural areas, whether the proposal would be unacceptably harmful to the character and appearance of the area.
4. Policies S6 and RS6 of the approved Kent Structure Plan combine to carry a presumption against development in the countryside unless necessary to agriculture or in other limited and defined circumstances. Policy RS1 broadly requires new development to be well



designed and compatible with its surroundings. There are complementary policies in the emerging Third Review of the Structure Plan. Policies C1 and R7 of the adopted Maidstone Borough Local Plan echo Structure Plan policy. In addition, Policy ED5 of the Third Review advises that development which will assist in supporting the local agricultural and horticultural industry will normally be permitted if defined criteria are met. The emerging Third Review carries less weight than would be afforded to a formally adopted document.

5. I will deal firstly with the principle of the acceptability of the proposed dwelling and move later to consider the detailed design and siting. You explain that there are no Development Plan policies which fully address the subject matter of the appeal, and the changes that are taking place in the agricultural industry. Representations have been made to the County Council in the context of the Third Review of the Structure Plan, to the effect that there is a need for a strategic policy to assist the industry and this has resulted in the inclusion of draft Policy ED5. You accept that the proposal does not fall within ED5(a), but contend that it is development which would assist in supporting the local agricultural and horticultural industry. Moreover, the site is well related to the highway network, as required by ED5(b).

6. Your client has occupied the site since 1984, and has owned it since 1993. There has been considerable investment in the buildings and their extension. Produce, namely fruit and vegetables, is collected and transported to markets throughout the country. It is essential, you say, for someone to be on the site most times of the day and night, to control the cold stores and cool chain system, to receive foreign drivers arriving at unsocial hours, to monitor the temperature-controlled lorries, and for security reasons. Equipment breakdown would have serious financial implications. There have been thefts of vehicles, parts of vehicles, and fuel. The offices have been broken into and burgled. The appellant lives some three miles away and this precludes him from exercising proper control over the enterprise and avoiding the problems which have been experienced to date.

7. I note that the proposal does not fall within any of the exceptions set out in either the approved Structure Plan or adopted Local Plan whereby development may be approved in rural locations where normally restrictive policies are applied. Although the modified draft Policy ED5 allows for development which supports the agricultural industry, there are two specified criteria, compliance with one of which is sought. I agree with you that criteria (a) is not met as the proposal does not relate to a farm unit. I consider also that there is conflict with criteria (b), which requires that normally the development should be in or adjoining a settlement or located on land identified in local plans for employment uses. The site is in open countryside, well away from any settlement, and has not been identified in a local plan. I am in no doubt, therefore, that the countryside policies in the Development Plan are of particular relevance.

8. Nevertheless, it is necessary to consider whether the other material considerations which you have advanced, outweigh the policy objections. Your client has explained that the

cold systems need checking once every 8 hours or thereabouts. There have been breakdowns two or three times over the last 12 months. Thefts of and from vehicles have not occurred for some 6 months, since such vehicles were moved to the front forecourt area when the premises are unoccupied. In the past year, there have been two breakdowns of refrigeration equipment on vehicles in the depot. It was further explained by your client that the main justification for a dwelling would arise in the future as the industry quickly moves towards meeting the demand for temperature control during all phases of produce storage and movement. In this connection, I note the stated intention to increase the cold storage area either within the existing buildings, or preferably by erecting a new structure.

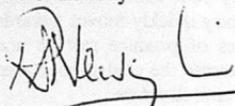
9. Although I recognise that when equipment fails, the results can be serious, from what I have been told the incidence of failure both with the cold stores and the vehicle refrigeration systems is low. A burglar alarm has now been installed in the office. Apart from lighting systems and surveillance cameras, no other modern sophisticated security equipment has been installed. For example, alarms involving the use of the telephone could be investigated, both in connection with the identification of the presence of intruders, and to detect changes in temperature. As stated in Planning Policy Guidance 7 in relation to agricultural dwellings, protection of stock from theft by intruders will not by itself be sufficient to justify one, and I would apply a similar approach in the case which is before me. No information was given on how often foreign drivers arrive outside normal working hours. I have no doubt that it would be more convenient for the manager to live on the site, but I agree with the Council that your client's business does not necessarily demand a rural location. In summary, I am not convinced that any of the arguments which have been put to me, either on their own or in combination, justify granting permission for a dwelling in the countryside, contrary to the established and emerging policies for the area.

10. Turning to the site envisaged for the dwelling, this is part of an open, flat area of land, set well back from the road. The dwelling would be in an exposed position and clearly visible from its surroundings, which in the main comprise a predominantly flat landscape. It would be readily apparent from the road, over the front boundary hedge. The dwelling would also be seen, as the site is approached from a southerly direction, certainly when the trees on the southern boundary are not in leaf, over the banking which exists on the adjoining fish farm. I consider also that the prominence of the building would be given emphasis because of its size and general bulk. In my judgement, the proposal would add to and consolidate what is scattered and sporadic development in the area, and be unacceptably harmful to the rural character and appearance of the locality.

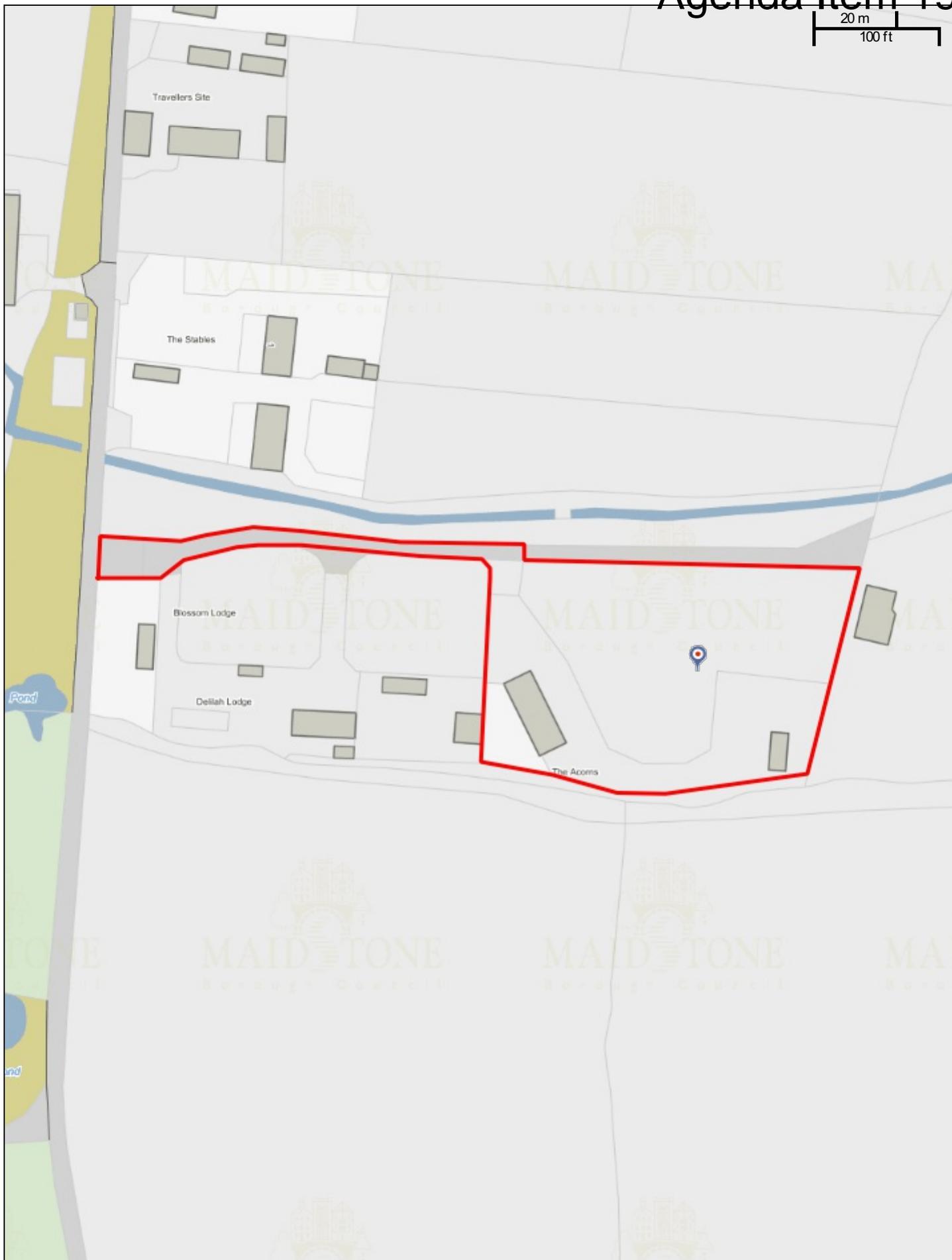
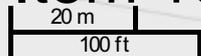
11. I have taken particular note of the support which has been given by the National Farmers Union and the British Independent Fruit Growers Association, whose representatives have emphasised the importance of the appellant's business to the farming industry. The offer of a Section 106 undertaking to ensure that the dwelling is not disposed of separately from the business is acknowledged, but this would not make acceptable development which is the subject of compelling policy and environmental objections. All other matters raised at the hearing and in the written representations have been taken into account, but none of these matters outweigh the factors which led me to my conclusion on the main issue.

12. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully



R D NEWINGTON FRICS MRTPI  
Inspector



Ordnance Survey - data derived from OS Premium

## REPORT SUMMARY

<b>REFERENCE NO:</b> 22/503775/FULL		
<b>APPLICATION PROPOSAL:</b> Stationing of two additional mobile homes within existing gypsy site to accommodate additional family members and erection of a dayroom.		
<b>ADDRESS:</b> The Acorns Frittenden Road Staplehurst Tonbridge Kent TN12 0DL		
<b>RECOMMENDATION:</b> GRANT PLANNING PERMISSION subject to planning conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Staplehurst Parish Council have requested application is considered by Planning Committee if officers are minded to approve application. This request is made for the reasons outlined in the consultation section below.		
<b>WARD:</b> Staplehurst	<b>PARISH:</b> Staplehurst	<b>APPLICANT:</b> Sailie <b>AGENT:</b> SJM Planning Limited
<b>CASE OFFICER:</b> Kate Altieri	<b>VALIDATED:</b> 11/08/22	<b>DECISION DUE:</b> 28/11/22
<b>ADVERTISED AS A DEPARTURE:</b> NO		

### RELEVANT PLANNING HISTORY

- 18/500557 - Details for condition 5 (foul/surface water disposal) for 15/501537 - Approved
- 15/501537 - Change of use of land for permanent stationing of mobile home, utility room, stable block and touring caravan for gypsy family (Part retrospective) - Approved

### 1.0 DESCRIPTION OF SITE

1.01 The Acorns is a lawful Gypsy site, with permanent (unrestricted) permission for one static mobile home (and one touring caravan) granted under 15/501537. The site is accessed via a track from Frittenden Road to the north of the site (some 270m in length); and there are a number of Gypsy sites within the vicinity of the site. For the purposes of the Local Plan the application site is within the countryside that falls within the Low Weald Landscape of Local Value. The site is within Flood Zone 1; and the site is also more than 50m away from any Ancient Woodland and Local Wildlife sites.

### 2.0 PROPOSAL

- 2.01 The application is described as: *Stationing of two additional mobile homes within existing gypsy site to accommodate additional family members and erection of a dayroom.*
- 2.02 The two additional caravans would be sited in the south-eastern corner of the site, in front of the existing stable building; and the dayroom would be adjacent to the additional caravans, sited close to the eastern boundary of the site.
- 2.03 The external finish of the caravans is not known; and in terms of scale, the submitted plans show them to measure some 12.8m by 4.3m in area; and with shallow pitched roofs, would stand some 3.5m in height.
- 2.04 The proposed dayroom would measure some 14.2m by 7m in footprint (99m<sup>2</sup>); and with its hipped roof would stand less than 4m in height from its ridge to ground level. Its eaves would be some 2m in height. The submission states the day room would be finished in brick and render, with plain roof tiles.
- 2.05 The applicant lives on the site with their five (dependent) children, and the proposal is provide more accommodation for the growing family. It is also understood that both mothers of the applicants will live on the site.

### 3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Local Plan (2017): SS1, SP17, DM1, DM3, DM8, DM15, DM23, DM30
- Staplehurst Neighbourhood Plan (2016-2031)
- Landscape Character Assessment (2013) & Landscape Capacity Study (2015)
- National Planning Policy Framework (2021) & National Planning Practice Guidance
- Planning Policy for Traveller Sites (2015)
- Gypsy & Traveller and Travelling Showpeople Topic Paper (2016)
- Gypsy & Traveller & Travelling Showpeople Accommodation Assessment (2012)
- Regulation 22 Local Plan

3.01 Local Plan policy DM15 allows for gypsy and traveller accommodation in the countryside provided certain criteria are met.

3.02 Policy PW2 of the Staplehurst Neighbourhood Plan states:

*PROPOSALS FOR NEW DEVELOPMENT IN THE COUNTRYSIDE BEYOND THE EXTENDED VILLAGE ENVELOPE WILL BE ASSESSED IN TERMS OF THE POTENTIAL IMPACT OF THE DEVELOPMENT UPON THE VISUAL SETTING AND LANDSCAPE FEATURES OF THE SITE AND ITS SURROUNDINGS, THE POTENTIAL IMPACT UPON THE BIODIVERSITY OF THE AREA AND OTHER RELEVANT PLANNING CONSIDERATIONS, SUCH AS THE IMPACT OF TRAFFIC AND NOISE. PROPOSALS WHICH FAIL TO DEMONSTRATE THESE IMPACTS CAN BE SATISFACTORILY ADDRESSED WILL NOT BE SUPPORTED.*

3.03 The NPPF is clear that good design is a key aspect of sustainable development and that permission should be refused for development that is not well designed; and section 12 of the NPPF refers to achieving well-designed places. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

3.04 The Maidstone Landscape Character Assessment (LCA) identifies the application site as falling within the Sherenden Wooded Hills LCA (Area 45). The landscape guidelines for this area are to 'CONSERVE'. Within the Council's Landscape Capacity Study, Sherenden Wooded Hills is assessed as being of 'HIGH' overall landscape sensitivity and is 'sensitive to change'.

3.05 The Council's Regulation 22 Local Plan was submitted to the Planning Inspectorate on 31<sup>st</sup> March 2022 and whilst this document is a material planning consideration, at this time it is not apportioned much weight.

### 4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 1 representation received raising concerns over (in summary): Cumulative impact upon character and appearance of countryside; it is not good design; contrary to policy; unsustainable; flood risk; and light pollution.

### 5.0 CONSULTATIONS

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

5.01 **Staplehurst Parish Council:** Object to application and wish for it to be reported to Planning Committee if minded to recommend approval for the following (summarised) reasons:

- *Against Local Plan Policy SP17 and GT1 plus Staplehurst NP policy PW2;*
- *Limited information on flooding; and*
- *Unallocated site and is over intensification, urbanisation by stealth, of Low Weald.*

5.02 **KCC Highways:** Development does not meet criteria to warrant their involvement.

## 6.0 APPRAISAL

6.01 The key issues for consideration relate to: need for Gypsy sites; supply of Gypsy sites; Gypsy status/personal circumstances; location; visual impact; flood risk; and then other matters.

### Need

6.02 The Maidstone Local Plan is adopted and there are policies relating to site provision for Gypsies and Travellers. Local planning 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 The Gypsy & Traveller and Travelling Showpeople Accommodation Assessment: Maidstone (January 2012) provides the evidence of the need for Gypsy & Traveller pitches in the borough for the Local Plan period (October 2011 to March 2031). This is the Council's most up to date assessment and it does carry weight.

6.04 The Assessment drew on existing information about sites in the borough (including caravan count data, information from stakeholders and council information about the planning status of sites) and used the results of face to face interviews with Gypsies & Travellers (and Travelling Showpeople) residing in the borough. To help encourage participation, the interview team included two members of the Gypsy & Traveller community. Interviews were undertaken with 37% of the estimated resident population in the borough, considered to be sufficient as a sample of the total Traveller population across all the accommodation types.

6.05 The GTAA Assessment found that there is a need for a total 187 additional permanent pitches in the borough 2011-31, broken down in phases as follows:

*Oct 2011 – March 2016 - 105 pitches*

*Apr 2016 – March 2021 - 25 pitches*

*Apr 2021 – March 2026 - 27 pitches*

*Apr 2026 – March 2031 - 30 pitches*

*Total: Oct 2011 – March 2031 = 187 pitches*

6.06 The target of 187 additional pitches is included in policy SS1 of the Maidstone Local Plan. The Assessment was undertaken prior to the change to the definition of Gypsy & Travellers in the Planning Policy for Traveller sites (PPTS) in August 2015 to exclude those who have permanently ceased travelling. At the Local Plan Examination some representors (parish councils; residents) argued that this meant it was outdated. The Inspector specifically considered this and concluded that the changed definition would result in relatively little change to the needs figure. He confirmed that the assessment provides an adequate evidential basis for the Local Plan.

6.07 The adopted Local Plan (MBLP) provides for the 187 pitch requirement through:

- *The permanent planning consents which have already granted*
- *Specific site allocations in policy GT1(1)-(16) for 41 pitches (some granted permission)*
- *Application of Policy DM15 for applications on windfall sites*

6.08 The Local Plan Inspector was satisfied with the Plan's policy approach to meeting needs (Inspector's Report paragraphs 245-246). He drew on information in the Gypsy & Traveller Topic Paper which the Council had prepared as a background document for the Examination to explain its approach. In particular, the Topic Paper explains why the Council's partial reliance on the delivery of windfall sites to meet needs is sound (see pages 12-15 and Appendix B of the Topic Paper). The Inspector noted that the Local Plan Review will be the time to make further site allocations should windfall sites not come forward as expected.

Local Plan review and need

- 6.09 The existing GTAA is dated January 2012 with the survey work being undertaken before this date. Due to the age of the adopted GTAA, limited weight can be afforded to this document.
- 6.10 Survey work on the new GTAA commenced in 2020 was delayed due to Covid 19. The new GTAA will outline the current and future need for gypsy, traveller and travelling showpeople provision for Maidstone Borough until 2037.
- 6.11 As set out earlier, the Council's Regulation 22 Local Plan was submitted to the Planning Inspectorate on 31<sup>st</sup> March 2022 and whilst this document is a material planning consideration, at this time it is not apportioned much weight. This said, please note that within the emerging Plan it states that there is a potentially significant emerging need for Gypsy & Traveller accommodation. There will be a bespoke Gypsy and Traveller DPD but work is yet to start.

Supply

- 6.12 Accommodation for Gypsies and Travellers is a specific type of housing that councils have the duty to provide for under the Housing Act (2004). Local Plan Policy DM15 accepts that subject to certain criteria, this type of accommodation can be provided in the countryside. Since 1<sup>st</sup> October 2011, the base date of the GTAA, the following permissions for pitches have been granted (as of 31<sup>st</sup> October 2022):

*Permanent non-personal – 256*

*Permanent personal – 26*

*Temporary non-personal – 0*

*Temporary personal – 5*

- 6.13 A total of 282 pitches have been granted permanent consent since October 2011. These 282 pitches exceed the Local Plan's 187 pitch target. This illustrates that the rate at which permanent permissions have been granted in the first 10 years of the plan period is ahead of the rate of need by the GTAA. Furthermore, the sites allocated through Policy GT1 in the Local Plan, sites granted permanent permissions on suitable windfall sites (in accordance with policy DM15), and pitch turnover on the two public Gypsy & Traveller sites in the borough, will continue to increase the number of pitches in the borough.
- 6.14 The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight when considering the expediency of granting consent on a temporary basis. The Council's position is that it can demonstrate 6.2yrs worth year supply of Gypsy and Traveller sites at the base date of 1<sup>st</sup> April 2022. As the Council considers itself to be in a position to demonstrate more than a 5 year supply, paragraph 27 of the PPTS would not apply in the determination of this application and the direction to positively consider the granting of a temporary consent does not apply.

Gypsy status/personal circumstances

- 6.15 The Government's PPTS (August 2015) sets the planning definition of 'gypsies & travellers', and this excludes those who have ceased to travel permanently. The current definition is as follows (Annex 1):

*'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.'*

- 6.16 The definition still includes those who are of a nomadic habit of life, and those who have ceased to travel temporarily because of their own, or their dependants, health or education needs, or old age.

- 6.17 The applicants status has previously been accepted under 15/501537, which is a permanent permission; and the applicant's status is not questioned. The family now have five children below 18yrs of age, who are dependents and not required to demonstrate Gypsy status, and it is considered reasonable for them to have more living space. Further to this, the mothers (who are of Gypsy heritage) will also live on the site. Both mothers are on their own and have their own personal issues; and living on the application site will not only provide them with support, but will also enable them to help out with the family. Indeed, a multi-generational pitch is not unusual amongst the travelling community.
- 6.18 With regards to the status of the both mothers, their land-use needs relate to their ethnicity; and it is considered discriminatory to exclude them from the Government's definition just because they are no longer able to travel (*Smith v Secretary of State for Levelling Up, Housing and Communities & Anr. Case Number: CA-2021-001741*). In this instance, it is therefore considered that the desire and need to have a strong family unit on the site, outweighs their exclusion from the Government's definition above (considering Article 8 Human Rights Convention).

#### Location

- 6.19 Government guidance set out in the Planning Policy for Traveller Sites (PPTS) places emphasis on the need for increased gypsy and traveller site provision, supporting self-provision (as opposed to local authority provision), and it acknowledges that sites are more likely to be found in rural areas. This is an exception to the principle of restraint in the countryside. In terms of broad principles, Local Plan policies and central government guidance both permit gypsy and traveller sites to be located in the countryside as an exception to policies which otherwise seek to restrain development. IT should also be noted that the site is already an existing and lawful Gypsy site.

#### Visual impact

- 6.20 As previously set out, guidance in the PPTS states that local planning authorities should very strictly limit new traveller development in the countryside. No specific reference to landscape impact has been outlined however this is addressed in the relevant Local Plan policies and the NPPF. Specifically, policy DM15 of the Local Plan allows for Gypsy accommodation in the countryside provided certain criteria are met. This includes allowing development that does not result in significant harm to the landscape and rural character of the area.
- 6.21 The Acorns is a lawful Gypsy site, and currently on site is a mobile home, touring caravan, stable building, and associated hardsurfacing. The site is also largely enclosed by post and rail timber fencing, with elements of close boarded fencing to the rear.
- 6.22 The proposal would not see the site area of The Acorns increased; the level of hardsurfacing on the site would not be increased; and no new hard boundary treatments are proposed. Furthermore, the additional mobile homes would be set back more than 30m from the front (northern) boundary of the site; and the proposed day room would be set back some 10m from this boundary, positioned side on, reducing the bulk of the building when viewed from the access road that runs along the northern boundary of the site. Overall, the proposed layout would retain a sense of openness within the site and it is not accepted that the development would appear cramped in nature.
- 6.23 Furthermore, the mobile homes are of a typical style and appearance and appear to fall within the definition of a caravan (Section 29 of the Caravan Sites and Control of Development Act 1960); and whilst the palette of external materials is not known, these details can be secured by way of appropriate condition.

- 6.24 The proposed day room is also considered to be of a simple design and of a modest scale, standing less than 4m in height and having a footprint of some 99m<sup>2</sup> in area; and the quality of its external finish can again be secured by way of appropriate condition. It is worth noting here that the day room approved under 18/504157/FULL and built on the adjacent site (to the east), stands some 5.2m in height and has a footprint of some 96.4m<sup>2</sup> in area.
- 6.25 To reiterate, the addition of two mobile homes and a day room would be read in the context of an existing lawful Gypsy site and would not appear visually dominant on the landscape; and it is also noted that any public view of the site from Frittenden Road would be from more than 250m away and through existing wider landscaping and built form. It is also considered that the proposal would not appear visually harmful from any other public highway. Notwithstanding this, there is also the opportunity to plant additional (native) planting, to help supplement existing landscaping in and around the site. To further safeguard the amenity of the surrounding landscape, external lighting can also be restricted by way of condition.
- 6.26 With everything taken into account, including the retention of existing landscaping and the potential for mitigation/further planting, it is considered that the development would cause some harm to the character and appearance of the countryside hereabouts that falls within the Low Weald Landscape of Local Value, but that in landscape terms it would be in accordance with Local Plan policy DM15 as this harm to the landscape and rural character of the area is not considered to be significant. In visual amenity terms, the development is therefore considered to be in accordance with the relevant policies of the Local Plan; the Staplehurst Neighbourhood Plan; the aims of the revised NPPF.

Other matters

- 6.27 The application site is not located in an area at risk from flooding (Flood Zone 1); no additional hardstanding is proposed; surface water disposal would be via soakaway; and foul sewage would be via a septic tank. A submitted Flood Risk Assessment and Drainage report also concludes that no objection should be raised to the development in flood risk terms. With everything considered, no objections are raised to the application in this respect and no further details are required. Furthermore, no objections are raised in terms of land contamination and air quality.
- 6.28 The development would make use of the existing access for The Acorns, and this would be acceptable in highway safety terms; there is sufficient parking/turning provision on the site; and the traffic generation as a result of the additional mobile homes would not have a severe impact upon the local road network.
- 6.29 Given the separation distances of the development from any dwelling, given the existing use of the site, and given that a residential use is not generally a noise generating use, this development would not have an adverse impact upon the living conditions of any neighbouring resident, including in terms of general noise and disturbance. Furthermore, after assessing the potential impact on the existing residential community, the proposal is found to be acceptable, when considered on its own merits and then cumulatively with other lawful gypsy sites in the vicinity. In the interests of amenity, external lighting can be controlled by way of appropriate condition.
- 6.30 With the managed character of the land, the development is unlikely to have had an adverse impact upon any protected species, and so no further details on this are required prior to the determination of this application. Notwithstanding this, 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.* On this basis, if the application were to be approved a suitable condition could be imposed to seek biodiversity enhancement on the site.

- 6.31 Regard should be given to the Human Rights Act 1998 and rights under Articles 3 and, and the Public Sector Equality Duty (PSED) under the Equality Act 2010. This protects the right of an individual to, amongst other things, a private family life and home; there is a duty to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it; and the courts have held that the best interest of the children shall be a primary consideration in planning decisions concerning children, including requiring a settled base.
- 6.32 In addition to this, race is one of the protected characteristics under the Equality Act 2010 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 his family who will occupy the caravans, and it is considered that the requirements of the PSED have been met and approving this development would not undermine the objectives of the Duty.
- 6.33 Caravan Site Licence under the Caravan Sites and the Control of Development Act 1960 within 21 days of planning consent having been granted.
- 6.34 The issues raised by Staplehurst Parish Council and the one local resident have been considered in the assessment of this application. The submission is not EIA development.

## **7.0 CONCLUSION**

- 7.01 There is a general policy constraint on development in the countryside but there is an exception for Gypsy accommodation. Due to the age of the GTAA it would be challenging to argue that there is no general need. Local Plan policy DM15 allows for gypsy and traveller accommodation in the countryside provided certain criteria are met; and policies SP17 and DM30 allow for development provided it does not result in harm to the character and appearance of the area. The Council's Regulation 22 Local Plan, although not apportioned much weight at this time, states that there is a potentially significant emerging need for Gypsy & Traveller accommodation.
- 7.02 In this instance, the occupation of the additional mobile homes will be restricted by way of condition and there is no reasonable justification to object to this type of development on sustainability grounds in terms of location. Furthermore, the development is not considered to cause significant harm to the character and appearance of the countryside that falls within the Low Weald Landscape of Local Value; it is considered to be acceptable in flood risk terms; and there are no other planning objections raised to the development.
- 7.03 With everything considered, the development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of permanent approval is therefore made on this basis, subject to the suggested conditions.

## **8.0 RECOMMENDATION**

- 8.01 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.

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: 1121v2-Location; 1121v2-ExistBlock; 1121v2-PropMobile; 1121v2a-PropBlock; and 1121v2a-PropDay.

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

3. The site shall not be used as a caravan site by any persons other than Gypsies or Travellers, as defined in Annex 1 of the Planning Policy for Traveller Sites 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.

4. No more than 4 caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the land at any one time, of which no more than 3 shall be a static caravan or mobile home. The mobile homes shall be positioned on the site as set out on the submitted drawings and the touring caravan shall only be used for the purposes ancillary to the residential use of the mobile home hereby approved.

Reason: To safeguard the character and appearance of the countryside that falls within the Low Weald Landscape of Local Value.

5. If the lawful use of the site ceases, all caravans, structures, equipment and materials bought onto the land for the purposes hereby permitted including hardstandings and buildings shall be removed within two months from the date of the use ceasing.

Reason: To safeguard the character and appearance of the countryside that falls within the Low Weald Landscape of Local Value.

6. No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site at any time.

Reason: To safeguard the character and appearance of the countryside that falls within the Low Weald Landscape of Local Value.

7. No commercial or business activities shall take place on the land, including the storage of vehicles or materials or any livery use.

Reason: To prevent inappropriate development; to safeguard the character and appearance of the countryside that falls within the Low Weald Landscape of Local Value; and in the interests of residential amenity.

8. Prior to the first occupation of the development hereby approved, written details of the materials to be used in the external surfacing and roofing of the mobile homes and the day room hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials and maintained as such thereafter.

Reason: To safeguard the character and appearance of the countryside that falls within the Low Weald Landscape of Local Value.

9. Prior to the first occupation of the additional mobile homes hereby approved, details of a scheme of soft landscaping, using indigenous species, together with a programme for the approved scheme's implementation, shall be submitted to and approved in writing by the local planning authority. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment (2012) and shall include:

- (i) Location, species, number and size of all new trees, perennials and shrubs to be planted within site; and
- (ii) Provision of new 100% mixed native species hedgerow planting along northern boundary of application site.

Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the countryside that falls within the Low Weald Landscape of Local Value; and in the interests of biodiversity enhancement.

10. The approved landscaping scheme shall be in place at the end of the first planting and seeding season following the first occupation of the additional mobile homes hereby approved. Any planting which, within a period of 5 years from the first occupation of the development die, are removed, or become 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: To safeguard the character and appearance of the countryside that falls within the Low Weald Landscape of Local Value; and to enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.

11. Prior to the first occupation of the additional mobile homes hereby approved, a scheme for the enhancement of biodiversity on the site, to include the installation of a minimum of one bat tube on each of these mobile homes, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of the additional mobile homes and all features shall be maintained as such thereafter.

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

12. No external lighting, whether temporary or permanent, shall be placed or erected within the site unless details are submitted to and approved in writing by the local planning authority. Any details to be submitted shall be in accordance with the 2005 Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01 (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 development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

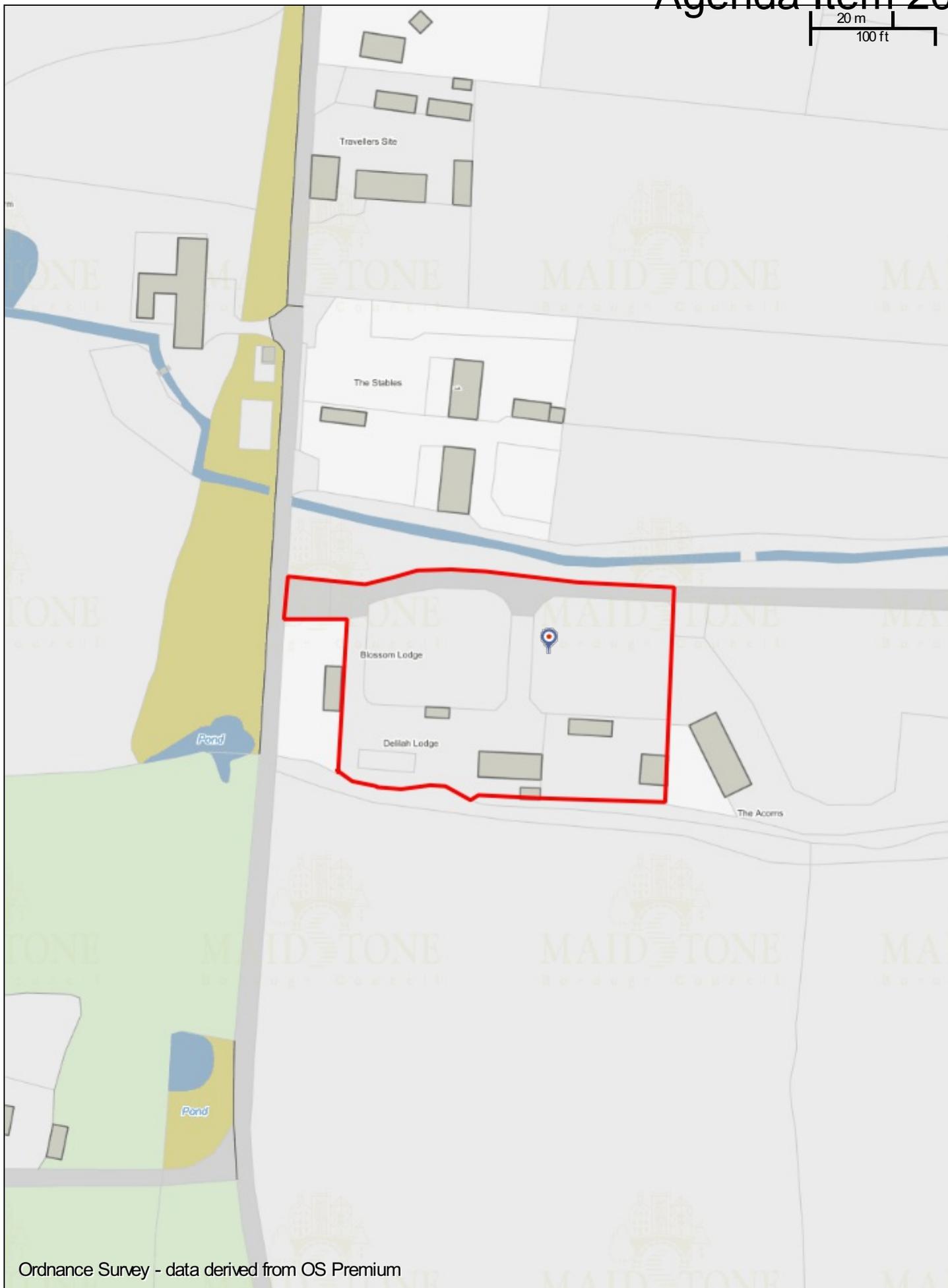
Reason: In the interest of amenity.

13. Notwithstanding the provisions of Schedule 2 Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land other than those expressly authorised by this permission (as shown on the approved plans).

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside that falls within the Low Weald Landscape of Local Value; and in the interests of residential amenity.

#### 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-a-licence/caravanand-camping-site-licence/maidstone/apply-1>



Ordnance Survey - data derived from OS Premium



22/503774/FULL Delilah Lodge, Frittenden Road, Staplehurst, Tonbridge, Kent, TN12 0DL

Scale: 1:1250

Printed on: 10/11/2022 at 12:21 PM by JoannaW



## REPORT SUMMARY

<b>REFERENCE NO:</b> - 22/503774/FULL		
<b>APPLICATION PROPOSAL:</b> Stationing of two additional mobile homes within existing gypsy site to accommodate additional family members and erection of replacement dayroom.		
<b>ADDRESS:</b> Delilah Lodge Frittenden Road Staplehurst Tonbridge Kent TN12 0DL		
<b>RECOMMENDATION:</b> GRANT PLANNING PERMISSION subject to planning conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The reasons for committee referral are available below in section 4.		
<b>WARD:</b> Staplehurst	<b>PARISH/TOWN COUNCIL:</b> Staplehurst	<b>APPLICANT:</b> Mr P Roots <b>AGENT:</b> SJM Planning Limited
<b>CASE OFFICER:</b> William Fletcher	<b>VALIDATION DATE:</b> 12/08/22	<b>DECISION DUE DATE:</b> 30/11/22
<b>ADVERTISED AS A DEPARTURE:</b> NO		

### Relevant Planning History

15/501528/FULL

Change of use of land for the stationing of a mobile home, utility room, stable block and touring caravan for gypsy family (Part retrospective).  
Approved 26.06.2017

17/504081/FULL

Removal of condition 1 requiring site vacation after 3 years and condition 2 seeking removal of named occupier appending to planning permission to 15/501528 ( Change of use of land for the stationing of a mobile home, utility room, stable block and touring caravan for gypsy family (Part retrospective)).  
Approved 27.10.2017

### MAIN REPORT

#### 1. DESCRIPTION OF SITE

1.01 Deliah Lodge is a lawful Gypsy site, with permanent (unrestricted) permission for one static mobile home (and one touring caravan). Temporary permission was originally granted under 15/501528/FULL with 17/504081/FULL. The site is accessed via a track from Frittenden Road to the north of the site (some 270m in length); and there are a number of Gypsy sites within the vicinity of the site. For the purposes of the Local Plan the application site is within the countryside that falls within the Low Weald Landscape of Local Value. The site is within Flood Zone 1; and the site is also more than 50m away from any Ancient Woodland and Local Wildlife sites.

## **2. PROPOSAL**

- 2.01 The application is described as: Stationing of two additional mobile homes within existing gypsy site to accommodate additional family members and erection of a dayroom.
- 2.02 The two additional caravans would be sited 10m north west of the existing mobile home, to the front of the existing stable building located on a grassed area. Whilst described as a 'new' dayroom this is a replacement and would be sited in the same location as the existing day room, approximately 20m east of the existing mobile.
- 2.03 The application form indicates the external walls of the caravan would be 'brick and render' with a plain tiled roof and uPVC windows. The dimensions would be 12.8m by 4.3m in area with shallow pitched roofs and would be some 3.5m in height.
- 2.04 The proposed dayroom would measure some 14.2m by 7m in footprint (99m<sup>2</sup>); with a hipped roof less than 4m in height from its ridge to ground level. Its eaves would be some 2m in height. The day room would be finished in brick and render, with plain roof tiles.
- 2.05 The mobiles are sought to provide accommodation for the applicants' mother and mother in law, whilst there are health considerations both grandparents would also help provide childcare on occasion for the applicant's children.

## **3. POLICY AND OTHER CONSIDERATIONS**

- Maidstone Local Plan (2017): SS1, SP17, DM1, DM3, DM8, DM15, DM23, DM30
  - Staplehurst Neighbourhood Plan (2016-2031)
  - Landscape Character Assessment (2013) & Landscape Capacity Study (2015)
  - National Planning Policy Framework (2021) & National Planning Practice Guidance
  - Planning Policy for Traveller Sites (2015)
  - Gypsy & Traveller and Travelling Showpeople Topic Paper (2016)
  - Gypsy & Traveller & Travelling Showpeople Accommodation Assessment (2012)
  - Regulation 22 Local Plan
- 3.01 Local Plan policy DM15 allows for gypsy and traveller accommodation in the countryside provided certain criteria are met.
- 3.02 Policy PW2 of the Staplehurst Neighbourhood Plan states:
- PROPOSALS FOR NEW DEVELOPMENT IN THE COUNTRYSIDE BEYOND THE EXTENDED VILLAGE ENVELOPE WILL BE ASSESSED IN TERMS OF THE POTENTIAL IMPACT OF THE DEVELOPMENT UPON THE VISUAL SETTING AND LANDSCAPE FEATURES OF THE SITE AND ITS SURROUNDINGS, THE POTENTIAL IMPACT UPON THE BIODIVERSITY OF THE AREA AND OTHER RELEVANT PLANNING CONSIDERATIONS, SUCH AS THE IMPACT OF TRAFFIC AND NOISE. PROPOSALS WHICH FAIL TO DEMONSTRATE THESE IMPACTS CAN BE SATISFACTORILY ADDRESSED WILL NOT BE SUPPORTED.*
- 3.03 The NPPF is clear that good design is a key aspect of sustainable development and that permission should be refused for development that is not well designed; and section 12 of the NPPF refers to achieving well-designed places. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

- 3.04 The Maidstone Landscape Character Assessment (LCA) identifies the application site as falling within the Sherenden Wooded Hills LCA (Area 45). The landscape guidelines for this area are to 'CONSERVE'. Within the Council's Landscape Capacity Study, Sherenden Wooded Hills is assessed as being of 'HIGH' overall landscape sensitivity and is 'sensitive to change'.
- 3.05 The Council's Regulation 22 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.

#### 4. LOCAL REPRESENTATIONS

**Local Residents:** No representations received.

**Staplehurst Parish Council:** *Object to application and wish for it to be reported to Planning Committee if minded to recommend approval for the following (summarised) reasons:*

- *Against Local Plan Policy SP17 and GT1 plus Staplehurst NP policy PW2;*
- *Limited information on flooding; and*
- *Unallocated site and is over intensification, urbanisation by stealth, of Low Weald.*

#### 5. CONSULTATIONS

KCC Highways

- 5.01 No objections issued this consultee replied with their standing advice.

#### 6. APPRAISAL

- 6.01 The key issues for consideration relate to: need for Gypsy sites; supply of Gypsy sites; Gypsy status/personal circumstances; location; visual impact; flood risk; and then other matters.
- 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 (NB: due to the age of this document it has very limited weight as a material planning consideration).

##### **Need for Gypsy and Traveller Pitches Oct 2011 to March 2031**

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

- 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 of the decision and the GTAA is now 11 years old.
- 6.05 The local plan review (Regulation 22) examination in public commenced on the 6 September 2022 (hearings currently adjourned). Whilst this document is a material planning consideration, at this time it is not apportioned much weight.
- 6.06 The Council's Regulation 22 Local Plan seeks to meet the future identified need for Gypsy and Traveller accommodation. A separate Gypsy, Traveller and Travelling Showpeople DPD will also be produced to manage the emerging need for the period until 2037. A call for sites exercise ran from 1 February 2022 to 31 March 2022 as part of the process. The Gypsy, Traveller and Travelling Showpeople DPD is at its early stages and is not due to be completed until 2024.
- 6.07 In contrast to the full assessment in the 2012 GTAA, (and whilst it is highlighted that nothing has to date been published), the work completed so far on an up to date assessment has indicated a significant emerging need for Gypsy and Traveller accommodation in the borough. This need is significantly greater than the need set out in the 2012 GTAA of 187 pitches.

#### **Supply of Gypsy Sites**

- 6.08 Accommodation for Gypsies and Travellers is a specific type of housing that Councils have a duty to provide under the Housing Act (2004).
- 6.09 The following table sets out the overall number of pitches which have been granted consent from 1 October 2011, the base date of the assessment, up to 30 April 2022.

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

<b>Type of consents</b>	<b>No. pitches</b>
Permanent consent	253
Permanent consent and personal condition	26
Consent with temporary condition	0
Consent with temporary and personal conditions	7

- 6.10 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 (based only on the data in the 11 year old GTAA) is that it can demonstrate a 6.2 year supply of Gypsy and Traveller sites at the base date of 1 April 2021.
- 6.11 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".
- 6.12 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 (based on the 2012 assessment), the PPTS direction to positively consider the granting of temporary consent does not apply.

### **Gypsy status/personal circumstances**

- 6.13 The Government's PPTS (August 2015) sets the planning definition of 'gypsies & travellers', and this excludes those who have ceased to travel permanently. The current definition is as follows (Annex 1):
- 6.14 '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.'
- 6.15 The definition still includes those who are of a nomadic habit of life, and those who have ceased to travel temporarily because of their own, or their dependants, health or education needs, or old age.
- 6.16 The applicant's status has previously been accepted under 15/501528/FULL, which is now a permanent permission; and the applicant's status is not questioned. The family now have children, who are dependents and not required to demonstrate Gypsy status, and it is considered reasonable for them to have more living space. Further to this, the mothers (who are of Gypsy heritage) will also live on the site. Both mothers are on their own and have their own personal issues; and living on the application site will not only provide them with support but will also enable them to help out with the family. Indeed, a multi-generational pitch is not unusual amongst the travelling community.
- 6.17 With regards to the status of the both mothers, their land-use needs relate to their ethnicity; and it is considered discriminatory to exclude them from the Government's definition just because they are no longer able to travel (Smith v Secretary of State for Levelling Up, Housing and Communities & Anr. Case Number: CA-2021-001741). In this instance, it is therefore considered that the desire and need to have a strong family unit on the site, outweighs their exclusion from the Government's definition above (considering Article 8 Human Rights Convention).

### **Location**

- 6.18 Government guidance set out in the Planning Policy for Traveller Sites (PPTS) places emphasis on the need for increased gypsy and traveller site provision, supporting self-provision (as opposed to local authority provision), and it acknowledges that sites are more likely to be found in rural areas. This is an exception to the principle of restraint in the countryside. In terms of broad principles, Local Plan policies and central government guidance both permit gypsy and traveller sites to be located in the countryside as an exception to policies which otherwise seek to restrain development. It should also be noted that the site is already an existing and lawful Gypsy site.

### **Visual Impact**

- 6.19 As previously set out, guidance in the PPTS states that local planning authorities should very strictly limit new traveller development in the countryside. No specific reference to landscape impact has been outlined however this is addressed in the relevant Local Plan policies and the NPPF. Specifically, policy DM15 of the Local Plan allows for Gypsy accommodation in the countryside provided certain criteria are met. This includes allowing development that does not result in significant harm to the landscape and rural character of the area.

- 6.20 Deliah Lodge is a lawful Gypsy site, and currently on site is a mobile home, touring caravan, stable building, dayroom and associated hard surfacing. The site is also largely enclosed by close boarded fencing, with a mature hedgerow along the 'access road' which also provides some screening when travelling south towards the site.
- 6.21 The proposal would not see the site area of Deliah Lodge increased; an additional 170m<sup>2</sup> of hardstanding would be added to the site to provide an access and parking area situated between the two mobiles. The additional mobile homes would be set back more than 25m from the front (western) boundary of the site and surrounded by additional planting; and the proposed day room would be set back some 70m from this boundary. Whilst the mobiles are somewhat centrally located, there is still space around all the mobiles and utility buildings on site, it is not assessed that the proposal results in the site becoming 'cramped'.
- 6.22 The mobile homes are of a typical style and appearance and appear to fall within the definition of a caravan (Section 29 of the Caravan Sites and Control of Development Act 1960); the materials proposed are found on typically found on mobile homes on Gypsy and Traveller Sites.
- 6.23 The proposed day room is also considered to be of a simple design and of a modest scale, standing less than 4m in height and having a footprint of some 99m<sup>2</sup> in area, the quality of its external finish can be secured by way of appropriate condition.
- 6.24 To reiterate, the addition of two mobile homes and a day room would be read in the context of an existing lawful Gypsy site and would not appear visually dominant on the landscape; and it is also noted that any public view of the site from Frittenden Road would be from more than 250m away and through existing wider landscaping and built form. It is also considered that the proposal would not appear visually harmful from any other public highway. Notwithstanding this, there is also the opportunity to plant additional (native) planting, to help supplement existing landscaping in and around the site. To further safeguard the amenity of the surrounding landscape, external lighting can also be restricted by way of condition.
- 6.25 With everything taken into account, including the retention of existing landscaping and the potential for mitigation/further planting, it is considered that the development would cause some harm to the character and appearance of the countryside hereabouts that falls within the Low Weald Landscape of Local Value, but that in landscape terms it would be in accordance with Local Plan policy DM15 as this harm to the landscape and rural character of the area is not considered to be significant. In visual amenity terms, the development is therefore considered to be in accordance with the relevant policies of the Local Plan; the Staplehurst Neighbourhood Plan; the aims of the revised NPPF.

#### **Other matters**

- 6.26 The application site is not located in an area at risk from flooding (Flood Zone 1); surface water disposal would be via soakaway; and foul sewage would be via a septic tank. A submitted Flood Risk Assessment and Drainage report also concludes that no objection should be raised to the development in flood risk terms. With everything considered, no objections are raised to the application in this respect and no further details are required. Furthermore, no objections are raised in terms of land contamination and air quality.
- 6.27 The development would make use of the existing access for Deliah Lodge, and this would be acceptable in highway safety terms; there is sufficient parking/turning provision on the site; and the traffic generation as a result of the additional mobile homes would not have a severe impact upon the local road network.

- 6.28 Given the separation distances of the development from any dwelling, given the existing use of the site, and given that a residential use is not generally a noise generating use, this development would not have an adverse impact upon the living conditions of any neighbouring resident, including in terms of general noise and disturbance. Furthermore, after assessing the potential impact on the existing residential community, the proposal is found to be acceptable, when considered on its own merits and then cumulatively with other lawful gypsy sites in the vicinity. In the interests of amenity, external lighting can be controlled by way of appropriate condition.
- 6.29 With the managed character of the land, the development is unlikely to have had an adverse impact upon any protected species, and so no further details on this are required prior to the determination of this application. Notwithstanding this, 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. On this basis, if the application were to be approved a suitable condition could be imposed to seek biodiversity enhancement on the site.
- 6.30 Regard should be given to the Human Rights Act 1998 and rights under Articles 3 and, and the Public Sector Equality Duty (PSED) under the Equality Act 2010. This protects the right of an individual to, amongst other things, a private family life and home; there is a duty to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it; and the courts have held that the best interest of the children shall be a primary consideration in planning decisions concerning children, including requiring a settled base.
- 6.31 In addition to this, race is one of the protected characteristics under the Equality Act 2010 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 his family who will occupy the caravans, and it is considered that the requirements of the PSED have been met and approving this development would not undermine the objectives of the Duty.
- 6.32 Caravan Site Licence under the Caravan Sites and the Control of Development Act 1960 within 21 days of planning consent having been granted.
- 6.33 The issues raised by Staplehurst Parish Council have been considered in the assessment of this application. The submission is not EIA development.

## **7. CONCLUSION**

- 7.01 There is a general policy constraint on development in the countryside but there is an exception for Gypsy accommodation. Local Plan policy DM15 allows for gypsy and traveller accommodation in the countryside provided certain criteria are met; and policies SP17 and DM30 allow for development provided it does not result in harm to the character and appearance of the area. The Council's Regulation 22 Local Plan, although not apportioned much weight at this time, states that there is a potentially significant emerging need for Gypsy & Traveller accommodation.
- 7.02 In this instance, the occupation of the additional mobile homes will be restricted by way of condition and there is no reasonable justification to object to this type of development on sustainability grounds in terms of location. Furthermore, the development is not considered to cause significant harm to the character and

appearance of the countryside that falls within the Low Weald Landscape of Local Value; it is considered to be acceptable in flood risk terms; and there are no other planning objections raised to the development.

- 7.03 With everything considered, the development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of permanent approval is therefore made on this basis, subject to the suggested conditions.

## **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.

#### **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:

Application for planning permission

2022-1121v1-Location      Site Location Plan

2022-1121v1a-PropDay      Proposed Ground Floor Plan and Elevations

2022-1121v1a-PropMobile      Proposed Ground Floor Plan and Elevations

2022-1121v1-ExistBlock      Existing Block Plan

2022-1121v1a-PropBlock      Proposed Block Plan

Planning Statement

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

- 3) Prior to the first occupation of the development hereby approved, written details of the materials to be used in the external surfacing and roofing of the mobile homes and the day room hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials and maintained as such thereafter.

Reason: To safeguard the character and appearance of the countryside that falls within the Low Weald Landscape of Local Value.

- 4) The site shall not be used as a caravan site by any persons other than Gypsies or Travellers, as defined in Annex 1 of the Planning Policy for Traveller Sites 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.

- 5) No more than 3 caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the land at any one time, of which no more than 3 shall be a static caravan or mobile home. The mobile homes shall be positioned on the site as set out on the submitted drawings and the touring caravan shall only be used for the purposes ancillary to the residential use of the mobile home hereby approved.

Reason: To safeguard the character and appearance of the countryside that falls within the Low Weald Landscape of Local Value.

- 6) If the lawful use of the site ceases, all caravans, structures, equipment and materials bought onto the land for the purposes hereby permitted including hardstandings and buildings shall be removed within two months from the date of the use ceasing.

Reason: To safeguard the character and appearance of the countryside that falls within the Low Weald Landscape of Local Value.

- 7) No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site at any time.

Reason: To safeguard the character and appearance of the countryside that falls within the Low Weald Landscape of Local Value.

- 8) No commercial or business activities shall take place on the land, including the storage of vehicles or materials or any livery use.

Reason: To prevent inappropriate development; to safeguard the character and appearance of the countryside that falls within the Low Weald Landscape of Local Value; and in the interests of residential amenity.

- 9) Prior to the first occupation of the additional mobile homes hereby approved, details of a scheme of soft landscaping, using indigenous species, together with a programme for the approved scheme's implementation, shall be submitted to and approved in writing by the local planning authority. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment (2012) and shall include:

(i) Location, species, number and size of all new trees, perennials and shrubs to be planted within site; and

(ii) Provision of new 100% mixed native species hedgerow planting along northern boundary of application site;

Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the countryside that falls within the Low Weald Landscape of Local Value; and in the interests of biodiversity enhancement.

- 10) The approved landscaping scheme shall be in place at the end of the first planting and seeding season following the first occupation of the additional mobile homes hereby approved. Any planting which, within a period of 5 years from the first occupation of the development die, are removed, or become 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: To safeguard the character and appearance of the countryside that falls within the Low Weald Landscape of Local Value; and to enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.

- 11) Prior to the first occupation of the additional mobile homes hereby approved, a scheme for the enhancement of biodiversity on the site, to include the installation of a minimum of one bat tube on each of these mobile homes, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of the additional mobile homes and all features shall be maintained as such thereafter.

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

- 12) 12. No external lighting, whether temporary or permanent, shall be placed or erected within the site unless details are submitted to and approved in writing by the local planning authority. Any details to be submitted shall be in accordance with the 2005 Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01 (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 development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interest of amenity.

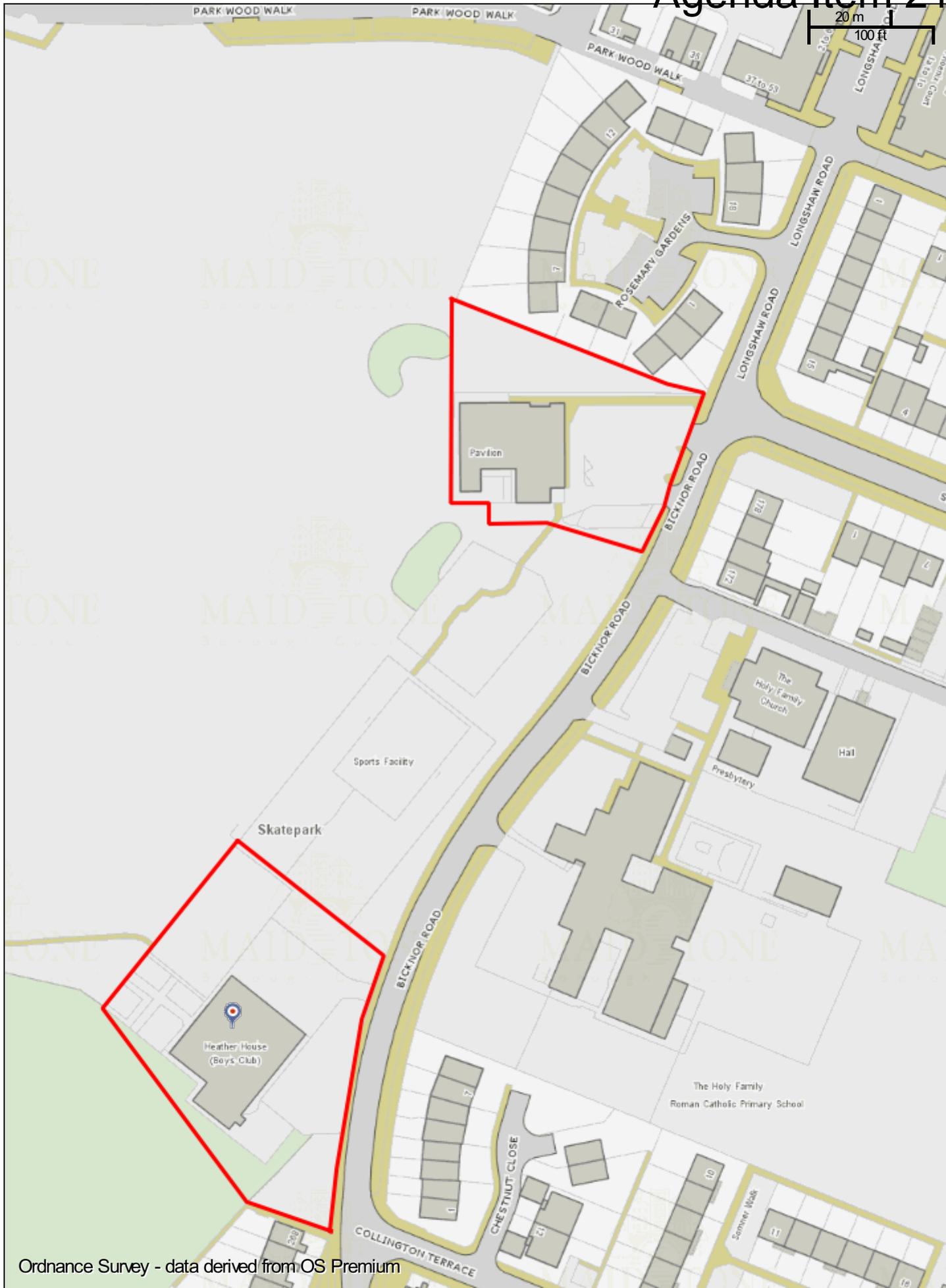
- 13) Notwithstanding the provisions of Schedule 2 Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land other than those expressly authorised by this permission (as shown on the approved plans).

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside that falls within the Low Weald Landscape of Local Value; and in the interests of residential amenity.

### **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-licence/caravan-and-camping-site-licence/maidstone/apply-1>



Ordnance Survey - data derived from OS Premium

22/500222/FULL Heather House and Pavilion Building, Bicknor Road, Maidstone, Kent

Scale: 1:1250

Printed on: 1/8/2022 at 15:45 PM by JoannaW



## REPORT SUMMARY

<b>REFERENCE NO:</b> - 22/500222/FULL		
<b>APPLICATION PROPOSAL:</b> Demolition of Heather House Community Centre and construction of a New Community Centre and change of use of land to Parkwood Recreation Ground. Demolition of the Pavilion Building and erection of 11no. dwellings on the site of the Pavilion and partly on adjacent Parkwood Recreation Ground. Both with associated parking, vehicular and pedestrian access and landscaping.		
<b>ADDRESS:</b> Heather House and Pavilion Building Bicknor Road Maidstone Kent ME15 9PS		
<b>RECOMMENDATION:</b> Approve subject to Memorandum of Understanding		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> There is a net loss of community facilities in this scheme in the order of 732 sqm but significant qualitative benefits in the new Community Centre will arise as required by the Community facilities policy DM20(2) being more storage, 4 RFU compliant changing rooms, better and more accessible WC facilities, more energy efficiency and modern social accommodation.  Conditions can be imposed to ensure adequate replacement of facilities in the Pavilion currently benefitting local sports clubs and to seek a minimisation of interruption of their use. This is considered necessary to address the objections of Sport England as far as is practicable.  The design, landscaping and density accord with policies DM1 and DM12 of the MBLP and there is a high score of 10/12 in terms of Maidstone Building for Life 12 (2018).  The scheme is acceptable in terms of residential amenity criteria of policy DM1.  There is an overall net gain in Public Open Space and provision of a 15m landscaped buffer to the Ancient Woodland and potential for 20% Biodiversity Net Gain.  On-site affordable housing provision of 4 First Homes is to be secured and this is considered to be acceptable in terms of numbers and tenure.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The applicant is Maidstone Borough Council.		
<b>WARD:</b> Park Wood	<b>APPLICANT:</b> MBC Regeneration and Economic Development <b>AGENT:</b> Calfordseaden LLP	
<b>CASE OFFICER:</b> Marion Geary	<b>VALIDATION DATE:</b> 02/03/22	<b>DECISION DUE DATE:</b> 30/11/22
<b>ADVERTISED AS A DEPARTURE:</b> NO		

### Relevant Planning History

n/a

### MAIN REPORT

#### 1. DESCRIPTION OF SITE

- 1.01 The site comprises of 2 separate areas within the Parkwood area of Maidstone: Heather House and the Pavilion which are both Council owned buildings adjacent to the Council owned Parkwood Recreation Ground.



- 1.02 The existing Pavilion building is the northernmost and is single storey and mainly flat roofed. It was originally occupied by the Royal British Legion, now being a licensed bar/social area and changing room facilities used by 2 Rugby Clubs (who also use the recreation ground sports pitches).
- 1.03 The Pavilion fronts Bicknor Road, close to the redevelopment scheme at Wallis Avenue/Longshaw Road, part of which is up to 4 storeys high. To the north are adjoining bungalows at Rosemary Gardens. The western and southern boundaries are to Parkwood Recreation Ground.
- 1.04 Heather House is the southernmost building, also fronting Bicknor Road and is a part 1-storey and part 2-storey building with low pitched roofs, with a brick faced ground floor and corrugated panels to the upper level. It includes a sports hall, offices and storage and a boxing gym. It is a community facility with on-site parking that is wholly owned and directly managed by the Council.
- 1.05 It is situated separated from the Pavilion site by a children's play area and skate park. It is surrounded by Parkwood Recreation Ground on all 3 sides but the Heather House site abuts designated Ancient Woodland (AW) on its southwestern side is
- 1.06 There are several mature trees in the Recreation Ground close to both of the sites.

## **2. PROPOSAL**

- 2.01 The application has 2 elements: the first is that the land on which the Pavilion sits (plus 843sqm of the Parkwood Recreation Ground) is proposed for the redevelopment of 11 new houses. The Pavilion site is to be given a more developable shape by adding 2 areas of public open space from the neighbouring recreation ground.

- 2.02 The housing development is for mix of 3 x 4 bed dwellings and 8 x 3 bed dwellings. Initially, the application proposed only market rent and market sale. However, the exclusion of any affordable housing was not justified by financial viability and has now been amended to include 4 affordable units in the form of First Homes.
- 2.03 The proposed residential properties include a row of 5 x 2-storey terrace homes which face onto Bicknor Road. Towards the rear of the site are 6 x 2.5 storey detached houses formed around an informal cul-de-sac. Plot 11's siting has been revised since original submission to move it away from existing trees and to re-orientate it relative to Rosemary Gardens to reduce impact thereon.
- 2.04 The second element is to demolish the existing Heather House building and build a single combined community centre with indoor sports hall, bar and 4 separate changing rooms with direct access to the sports pitches. The new community centre would include facilities to replace some of those in the existing Pavilion eg a base for Rugby Teams. The new community building will be 580sqm and there is a net loss of floorspace overall of 732sqm.
- 2.05 The proposed redevelopment of the site will re-site the building and thereby create a 15m wide buffer to the Ancient Woodland to become part of the Recreation Ground. This area totals 1016sqm.

### **3. POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP19, SP20, ID1, DM1, DM3, DM6, DM12; DM19, DM20; DM21, DM23,  
Kent Waste and Minerals Plan (amended 2020):  
The National Planning Policy Framework (NPPF):  
National Planning Practice Guidance (NPPG):  
Supplementary Planning Documents: Maidstone Building for Life; Affordable and Local Needs Housing.

- 3.01 In terms of Regulation 22 of the Local Plan Review, it 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 because of the stage it has reached. This weight is limited, as it is currently the subject of an examination in public.
- 3.02 There are not considered to be any draft policies in the Regulation 22 that need to be considered in the determination of this specific planning application.

### **4. LOCAL REPRESENTATIONS**

**Local Residents:** 1 representation received from a local resident

- Loss of privacy from new houses
- Need secure boundaries to Rosemary Gardens

### **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)*

#### Sport England

- 5.01 Initially objected to loss of buildings used by Sports Clubs but no objections to the trade off of Sports Playing Field land. They request that Weaving Warriors need

security of tenure; a mezzanine floor adjacent to the sports hall should be included; need storage for mobile lighting units; the boxing club at Heather House should be relocated by agreement of the club.

- 5.02 Final Comments: Sport England would have no objection to the proposal subject to its model community use agreement condition so that the rugby clubs get comparable access to the changing and social facilities in the new building and are involved in future management and access arrangements.

KCC (Waste and Minerals)

- 5.03 No comments

KCC (Flood and Water Management)

- 5.04 No objections

Forestry Commission

- 5.05 Standing Advice on Ancient Woodland.

Environment Agency

- 5.06 Standing Advice on contamination and development site waste.

Natural England

- 5.07 No comments

KCC Ecology

- 5.08 An area of Ancient Woodland is directly to the south of the site and is adjacent to the proposed community centre and there is potential for birds and bats. To minimise the impact of recreational pressure, the buffer between the development and the woodland should be enhanced with scrub planting.

- 5.09 External lighting must minimise light spill into the open space.

- 5.10 Need to enhance biodiversity by ecological enhancement features within buildings and increased native species planting.

Southern Water

- 5.11 No objections

KCC Infrastructure

- 5.12 Development will create a demand on KCC services including education.

Kent Police

- 5.13 Comments made re off plot car parking; lighting; cycle parking, need for passive surveillance.

KCC Highways

- 5.14 No objection subject to a Construction Management Plan. Parking, access and visibility splays and refuse freighter turning is acceptable for both sites. In terms of traffic generation on the wider Sutton Road corridor, conditions worsen but not an unacceptable impact on highway safety, or severe residual cumulative impacts on the road network.

MBC Environmental Protection

- 5.15 Noise: Needs an acoustic assessment of the new community centre. The upgraded windows and alternative ventilation will need to be confirmed.

- 5.16 Lighting: Potential for security lighting to cause disturbance.

- 5.17 Asbestos containing materials will need to be safely removed.

- 5.18 Air Quality. The development will not be impacted by or negatively impact on local air quality, subject to mitigation of dust emissions during construction.
- 5.19 Land contamination. The site investigation, risk assessment and remediation strategy are acceptable subject to verification reporting.

MBC Parks and Open Space

- 5.20 The application does not indicate any on-site open space provision so request a contribution of £1,575 per property for off-site improvements or maintenance to open space in Parkwood Recreation Ground; as sports pitch refurbishment and Tree planting and woodland management at Parkwood Recreation Ground.

MBC Arboricultural Officer

- 5.21 The construction of the new residential plots at the rear of the site may result in future pressure for continuous pruning and/or removal due to shading and leaf drop.

**6. APPRAISAL**

- 6.01 The key issues are:

- Principle of Development
- Community facilities
- Design and Landscaping
- Residential amenity
- Parking and Access
- Open Space
- Biodiversity
- Affordable Housing

**Principle of Development**

- 6.02 The site is within the urban area of Maidstone. Policy SP1 encourages the redevelopment of appropriate urban sites that contributes positively to the locality's distinctive character subject to retaining green spaces and positive contributes to their setting, accessibility, biodiversity and amenity value. Parkwood is a locality that would benefit from development that improves its social and environmental well-being. The housing sizes being 3 and 4 bedrooms and market/ First Home tenure is considered to accord with policy SP19 which aims for sustainable mixed communities.

**Community facilities**

- 6.03 The scheme includes demotion of 2 Community buildings and policy DM20 (2) requires qualitative benefits to arise.
- 6.04 The new facility at Heather House is an acceptable replacement facility for the Pavilion on the basis of the qualitative improvements with more storage, inclusion of 4 RFU compliant changing rooms, better and more accessible WC facilities, more energy efficiency and modern social accommodation for the clubs' source of income.
- 6.05 However, it is necessary for an appropriate commitment to the new Community building before the demolition of the Pavilion can take place and a condition is suggested of a let contract for the erection of the new Community Centre, the

timetable for its first use by Community groups and any interim accommodation measures.

- 6.06 Regarding the comments of Sport England, the use of their standard condition should ensure that the sporting use of the building being demolished will be safeguarded in the new Heather House. A condition will also be needed in regard of ensuring storage for the mobile lighting units used for evening training sessions.
- 6.07 **Design and Landscaping**
- 6.08 Policy DM1 requires high quality and respect of the amenities of occupiers of neighbouring properties and adequate residential amenities for future occupiers of the development.
- 6.09 The dwellings are either 2 or 2.5 storeys and all with a simple gabled hipped roof with a contemporary appearance, some with windows angled into the tops of the gables, and colour coded windows and panels with a vertical emphasis to reflect the proportions of the dwellings. The houses all incorporate brickwork on the ground floor with vertical timber effect weatherboarding to upper floors and composite Aluminium windows and doors. All units have a garden and 6 also have glazed inset balconies. Roofs are indicated to be either slate tile (5 units) and standing seam metal (6 units). I am satisfied that the scale, height, materials, detailing, articulation and site coverage are acceptable and a condition can secure the materials indicated.
- 6.10 Off-site landscaping in the Recreation Ground to partly screen the development on the western and southern boundaries has been negotiated with the relevant officers of the Council. This is indicated to comprise native hedgerow to augment the existing trees within the Park. Street trees will also be included within the housing development of oak, upright hornbeam etc and overall will provide a good level of landscaping to the development.
- 6.11 The density is 11 units on 0.26ha which is 42dph which is greater than the standard aim of 35dph for urban area in policy DM12 of the MBLP. However, this is a site which is adjacent to a very large public open space on 2 boundaries which, when viewed in that open setting, does not appear unduly overdeveloped. Most of the density is created by the 5 terraced units at the front to Bicknor Road: the setting to the rear of the site where the units are more spaced out and densities are consequently lower does integrate better with the context by being transitional.
- 6.12 Maidstone Building for Life 12 is a design tool designed for proposed new residential development. The housing development is relatively dense on land that abuts and includes a Recreation Ground and replaces a low rise community building so is not ideal in terms of integration into the neighbourhood and working with its context. As mentioned above, the layout of the development is suitably transitional in regard of its relationship to Bicknor Road and to the recreation ground. Beneficially, it is close to services and facilities, public transport and will help to meet local housing requirements. It is not out of character with that established by the development at Wallis Avenue, creates a well-defined and legible cul de sac which will be low speed with adequate car parking, private spaces and external storage and amenity areas. I consider it scores 10 out of 12 assessed against Maidstone BfL12.
- 6.13 The replacement building for Heather House is also contemporary in appearance, being a flat roofed single storey building with double height over the sports hall with uppermost area faced with U-shaped profiled glazing to allow natural light to the hall. The main walls of the building will have timber effect cladding, face brickwork and composite aluminium glazing. Roof projections to the front, side and rear of the building provide articulation and are also intended to provide shelter. The main part of the roof will have a parapet so that any roof plant is visually screened and the upper part of the roof will have aluminium trim. The scale, height,

materials, detailing, articulation and site coverage are therefore acceptable and a condition can secure the materials indicated.

### **Residential Amenity**

- 6.14 In terms of the housing site, there are adjoining residential bungalows at Rosemary Gardens to the northwest. There is adequate separation to avoid an overbearing relationship and upper floor landing windows to 3 new dwellings that face Rosemary Gardens are obscure glazed. A high brick/ragstone wall is shown along the common boundary at the back of the parking bays to replace the mesh fence in situ.
- 6.15 Within the site, units 6- 11 have side gardens rather than rear gardens. The relationships between the houses on the site has been the subject of consideration of orientation and fenestration arrangements (eg high level windows where necessary) and screening boundary treatments to private gardens to ensure that future occupants have both acceptable privacy and outlook.
- 6.16 Plot 11 has been re-sited by negotiation to reduce any overbearing impact on the neighbouring bungalows at Rosemary Gardens.
- 6.17 The submitted noise report states that subject to glazing specification and ventilation strategy, there are no acoustic issues with the scheme. The Community Centre is a potential source of noise to houses in Bicknor Road due to the likely hosting of social events and a noise management plan is suggested by condition. This is to take account of Policy DM1 which requires respect the amenities of occupiers of neighbouring properties and uses by ensuring that development does not result in excessive noise to the occupiers of nearby properties.
- 6.18 The scheme is acceptable in terms of residential amenity criteria of policy DM1 subject to conditions referred to above.

### **Parking and Access**

- 6.19 The parking for the housing is all independently accessible and comprises 22 spaces for 11 units which for this suburban area exceeds the parking standards in Policy DM23 by 4 spaces. Cycle parking stated in SPG4 1 space per bedroom of each dwelling will be provided.
- 6.20 Tracking drawings for adequate on site turning by refuse freighters are provided and a condition for a refuse collection strategy is also suggested.
- 6.21 For the Community Centre, 27 spaces need to be provided which meets the requirement for 1 space per 15 seats. 3 motorcycle spaces will also be provided. Based on minimum standards for cycle parking stated in SPG4, 5 spaces are in excess of the minimum standards.

### **Open Space**

- 6.22 The housing site does not provide any onsite public open space as required by policy DM19. The small size of the site means that any resulting open space typologies would be very small and be under the sizes that are viable. However, the site lies immediately adjacent to Parkwood Recreation Ground, where there is a net gain of 173 sqm of open land to the Recreation Ground across the 2 development areas, including a very significant gain in the provision of a landscaped buffer to the Ancient Woodland. The site thus has close proximity to play space, Sport fields, Amenity Green Space and semi- natural habitat.
- 6.23 Therefore, new residents in the scheme will reside immediately adjacent to a large public open space used for the majority of the typologies of open space in DM19 and it is not considered that there would be any harm arising from a quantitative on-site deficiency. The market units in the development will be CIL liable. CIL can

be used fund Open Space provision/improvement such as sports pitch refurbishment and Tree planting and woodland management at Parkwood Recreation Ground.

### **Biodiversity**

- 6.24 The NPPF requires that planning decisions should contribute to and enhance the natural and local environment and provide net gains for biodiversity. Legislation is due next year for to specify a 10% minimum BNG. The Local Plan Review has a draft policy which, if adopted, will require 20% minimum BNG
- 6.25 Policy DM3 protects ecological interests including areas of Ancient Woodland which abuts the application site of Heather House on its SW boundary. Natural England's Standing Advice requires a 15m wide buffer to the boundary for root protection purposes. The new buffer zone would contribute to wider ecological networks, be part of the green infrastructure of the area and a condition can require semi-natural habitat comprised of scrub planting of local and appropriate native species.
- 6.26 The submitted ecological report does not provide a % for BNG but it has been informally assessed against the latest Natural England matrix and 20% BNG is feasible from new hedgerow around part of the housing site, if wildflower meadows are established around the new Community building and new broadleaf woodland planting in the AW buffer. Therefore, a condition is suggested to secure this.
- 6.27 A condition is also suggested to achieve ecological enhancement by way of features within both the residential and community buildings and increased native species planting within the wider proposed development site.

### **Affordable Housing**

- 6.28 Policy ID1 of the MBLP has affordable housing as the priority form of infrastructure and the applicant's initial approach of not providing any affordable housing in order to maximise the cross subsidy of the replacement community facility would have been contrary to that policy.
- 6.29 As a site in the urban area, a minimum of 30% affordable housing is required under policy SP20. This has been no evidence by a viability review that will unacceptably impact on viability and a standard percentage of developer profit will still be achieved (which can be re-invested towards the cost of replacing Heather House).
- 6.30 The NPPF, Policy SP20 and the recently adopted SPD on Affordable Housing would, in combination, require the following affordable tenures:
- 1 First Homes
  - 1 Shared Ownership/intermediate
  - 2 Social Rent.
- 6.31 The very low numbers of affordable units on the site creates practical management issues for a Registered Provider to be interested in taking on this mix. Therefore, 4 First Homes have been offered as an alternative. This equates to on-site affordable housing provision of 36% and this is considered to be acceptable in terms of numbers and tenure and will ensure that the Government's policies are complied with for First Homes and "routes to affordable home ownership".
- 6.32 It is standing advice from MKLS that Affordable Homes (including First Homes) cannot be secured by planning condition. Moreover, because the Council owns the site, it is not possible to secure affordable housing under a Section 106 Agreement under the Town & Country Planning Act. The advice of MKLS is that the mechanism to secure this is a Memorandum of Understanding between the relevant Directors

to provide the necessary affordable housing, MKLS consider this to be enforceable and in accordance with the Constitution of this Council. A MoU requires a small sub group of Members and Officers (with one independent person) to be set up to monitor compliance with its terms.

### **Other Matters**

- 6.33 Policy DM3 relates to arboricultural impacts. The submitted tree report concluded that the installation of foundations for the Community Centre is situated just outside the Root Protection Areas. In regard of the original housing layout, it concluded that Plot 11 was marginally within the RPA of one tree though said it was marginal and non-harmful. In terms of hard surfaces, it also concluded no long-term adverse effects on the trees. However, in response to concerns over the very close position of Plot 11 to the neighbouring trees, it has been revised in its siting to exclude the RPA.
- 6.34 There will be shade constraints and leaf fall/debris due to the proximity and orientation of existing retained trees within the neighbouring park to the west of plots 9-11. Most affected was plot 11's original siting and so this has been relocated further from the trees by an extra average of 4m and this relationship is now considered to be acceptable.
- 6.35 An Archaeological Report concludes that the site is in an area of high archaeological potential for the Iron Age and Roman period and trial trenching is recommended.
- 6.36 In terms of Policy DM 6 on Air Quality, there are no concerns in principle other than the need for dust mitigation during construction which can be the subject of an informative.
- 6.37 The Energy statement says that the community centre will be constructed using energy-efficient building techniques and efficient mechanical and electrical systems. Mechanical ventilation with heat recovery will be used in the Community Centre and a wastewater heat recovery system will be used in the showers. PV panels will be installed on the south facing roof of each dwelling. A BREEAM condition is also suggested. The scheme therefore acceptably complies with Policy DM 2 (Sustainable design).
- 6.38 KCC have referred to a need for contributions to local education facilities but this would need to be funded by CIL rather than the financial contributions requested.

### **PUBLIC SECTOR EQUALITY DUTY**

- 6.39 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.

### **CIL**

- 6.40 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. CONCLUSION**

- 7.01 Whilst there is a net loss of floorspace within community facilities from this scheme, in mitigation there would be significant qualitative benefits in the new Community Centre as required by the Community facilities policy DM20(2). Conditions are

proposed to ensure adequate replacement of facilities in the Pavilion currently to benefit local sports clubs and to seek a minimisation of interruption of their use. This is considered to address the concerns raised by Sport England to an acceptable degree.

- 7.02 The design, landscaping and layout of the new housing broadly accord with policy DM1, whilst the net density is considered to be acceptable having regard to the character of the area and thus accord with DM12 of the MBLP. In addition, there is a satisfactory score in term of Maidstone Building for Life 12 (2018).
- 7.03 The scheme as amended is now acceptable in terms of residential amenity criteria of policy DM1.
- 7.04 There is an overall net gain in Public Open Space when the 2 elements are considered in combination and ecological improvement in provision of a 15m landscaped buffer to the Ancient Woodland. The scheme has potential for 20% Biodiversity Net Gain.
- 7.05 On-site affordable housing provision of 4 First Homes is to be secured and this is considered to be acceptable in terms of numbers and tenure.

## 8. RECOMMENDATION

### Subject to:

The conditions set out below, and the prior completion of a Memorandum of Understanding to secure the heads of terms set out below:

**the Head of Planning and Development BE DELEGATED POWERS TO GRANT PLANNING PERMISSION** (and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee).

Monitoring Fee £1,530

### HEADS OF TERMS

- Provision on site of 4 No. 3 bedroomed First Homes

### 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:
- TBC in Urgent Update.
- Reason: To clarify which plans have been approved.
- 3) Prior to first use of the Community Centre, details of a community use agreement (CUA) prepared by the operator in consultation with Sport England and the principal users of the facility, shall be submitted to and approved in writing by the Local

Planning Authority, and a copy of the completed approved agreement provided to the Local Planning Authority. The agreement shall apply to the facilities within the community centre including the changing rooms, bar area, kitchen and sports hall, ancillary facilities and circulation areas and include details of pricing policy, hours of use, access by sports clubs and other community users, management responsibilities and a mechanism for review. The CUA shall seek to make comparable access arrangements to those that currently exist for the sports clubs related to the use of Parkwood Recreation Ground whilst accommodating the requirements of all other users. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To ensure adequate accommodation for the Sports Club facilities in the existing Pavilion community building being removed.

- 4) No demolition of any part of the Pavilion building shall take place until details have been submitted to and approved by the Local Planning Authority demonstrating proof of a let contract for the erection of the new Community Centre, the timetable for its first use by Community groups and any interim accommodation measures. The development shall be carried out in accordance with the approved details and timetable.

Reason: To ensure timely replacement of the existing Pavilion community building being removed.

- 5) Prior to first use of the new Community Centre hereby approved, details of storage facilities for mobile floodlighting equipment shall be submitted and approved by the Local Planning Authority and such facilities shall be implemented as approved.

Reason: To ensure adequate accommodation for the Sports Club facilities in the existing Pavilion community building being removed.

- 6) The Community Centre building shall be used for Community Use and by Sports Clubs related to Parkwood Recreation Ground and for no other purpose (including any other purpose in Class F.2 of the Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification).

Reason: To allow control of the use of the building or land to safeguard the character, appearance and functioning of the surrounding area and/or residential amenities.

- 7) Prior to commencement of the new Community Centre hereby approved, details of access to Parkwood Recreation Ground for grounds maintenance vehicles shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the Public Open Space can be maintained.

- 8) Prior to the commencement of the housing development about slab level, a refuse/recycling collection strategy shall be submitted to and approved by the Local planning Authority. It shall show both bin storage areas and "day of collection" areas.

Reason: To ensure adequate refuse/recycling collection in the interests of amenity.

- 9) Prior to the commencement of each element, the following shall be secured and implemented to the related part of the site:
- i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
  - ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority
- Reason: To ensure that features of archaeological interest are properly examined and recorded.
- 10) The Community Centre and housing hereby approved shall not commence above slab level until written details and photographs of samples of the materials to be used in the construction of the external surfaces of the related buildings have been submitted to and approved in writing by the local planning authority. These shall include:
- Community Centre: profiled glazing; timber effect cladding, face brickwork and composite aluminium glazing; aluminium trim to roof.
- Housing: facing brickwork; vertical weatherboarding; composite Aluminium windows and doors; natural slate tiles; standing seam metal roofs.
- The development shall be constructed using the approved materials.
- Reason: To ensure a satisfactory appearance to the development.
- 11) Above ground construction work on the Community Centre and housing hereby approved shall not commence until details of related fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The details shall include a ragstone/brick wall to the north-east boundary of the housing site. The development shall be carried out in accordance with the approved details before the first occupation of the related building and retained thereafter.
- Reason: To ensure a satisfactory appearance to the development and in the interests of residential amenity.
- 12) The Community Centre and housing hereby approved shall not commence until details of the proposed slab levels of the related building(s) and the related existing site levels have been submitted to and approved in writing by the local planning authority. The development shall be completed strictly in accordance with the approved levels.
- Reason: In order to secure a satisfactory form of development
- 13) The approved details of the access points to each element of the site shall be completed before the commencement of the use of the related buildings hereby permitted and, any approved sight lines shall be retained free of all obstruction to visibility above 1.0 metres thereafter.
- Reason: In the interests of highway safety.
- 14) The approved details of cycle parking and vehicle parking/turning areas related to each building hereby permitted shall be completed before that building's first use and shall thereafter be kept available for such use. No development, whether

permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.

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

- 15) Neither element of development hereby approved shall commence above slab level until details of a scheme for biodiversity net gain on the overall site of at least 20% (based on the latest Natural England matrix) have been submitted to and approved in writing by the Local Planning Authority.

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

- 16) Neither element of development hereby approved shall commence above slab level until details of an Ecological Management Plan to accord with the recommendation of the Preliminary Ecological Appraisal by Greengage 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 (such as swift bricks, bat tubes and bee bricks) and through the provision within the site (such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and native hedgerow corridors) and use of hedgehog friendly boundary treatments. The relevant part of the development shall be implemented in accordance with the related approved details prior to first use/occupation and all features shall be retained thereafter.

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

- 17) Neither element of development hereby approved shall commence above slab level until details of a Construction And Environmental Management Plan to accord with the recommendation of the Preliminary Ecological Appraisal by Greengage have been submitted to and approved in writing by the Local Planning Authority. The relevant part of the development shall be implemented in accordance with the related approved details prior to first use/occupation and all features shall be retained thereafter.

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

- 18) Prior to occupation of any element of development hereby approved, a lighting design plan for biodiversity should be submitted to and approved by the Local Planning Authority. The plan will show the type and locations of external lighting, demonstrating that areas to be lit will not disturb bat activity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter. 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. No lighting shall be installed except in accordance with the approved scheme which shall be retained and operated in accordance with the approved scheme.

Reason: In the interests of biodiversity and rural amenity.

- 19) A glazing and ventilation strategy for the new residential units shall be submitted for approval by the local planning authority. This shall be based upon the Acoustic

Assessment Report P1420/03 (October 2021) and implemented as approved and retained thereafter.

Reason: In the interest of the amenity of future occupants.

- 20) The rating level of noise emitted from the proposed plant and equipment to be installed on the community building (determined using the guidance of BS 4142: 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be low as can be possible. In general, this is expected to be 5dB below the existing measured background noise level LA90, T.

Reason: In the interests of residential amenity.

- 21) Prior to its first use, a noise management plan for the operation of the community centre shall have been submitted to and approved by the local planning authority. The approved noise management plan shall be implemented prior to first use and retained thereafter.

Reason: In the interests of residential amenity.

- 22) Any development within 30m of Ancient Woodland or within 10m of the canopy or Root Protection Area of any other tree shall accord with the Arboricultural Implementations Assessment by "Down to Earth". The approved barriers and/or ground protection measures shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. The measures set out in the Arboricultural Implementations Assessment shall be adhered to in accordance with the approved details.

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

- 23) All existing trees and hedges on and immediately adjoining the site shall be retained unless identified on the approved site plan (or block plan in the absence of a site plan) as being removed. All trees and hedges shall be protected from damage in accordance with the current edition of BS5837. Any trees or hedges removed, damaged or pruned such that their long term amenity value has been adversely affected shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions to mitigate the loss as agreed in writing with the Local Planning Authority.

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

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

detail any tree works necessary to implement the approved scheme and include a tree protection plan.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development C100

- 25) Prior to commencement of any element hereby approved, related details of foundation design shall have been submitted to and approved in writing by the Local Planning Authority. The foundations of the proposed development shall be designed to take into account the growth to maturity of such trees that are planted as part of the landscape scheme or which may reasonably be expected to be planted by future owner/ occupiers 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.

- 26) Prior to commencement of any element hereby approved, related details of protection for retained structural planting and ground designated for new structural planting in accordance with the current edition of BS 5837 shall have been submitted to and approved in writing by the local planning authority. All planting to be retained must be protected by barriers and/or ground protection.

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

- 27) Neither the new community centre nor housing hereby approved shall commence above slab level until a related landscape scheme designed in accordance with the principles of the Council's landscape character guidance Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority for the related element of the development. 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 onsite 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 planting specification, a programme of implementation details, a maintenance schedule and a 5 year management plan. The landscape scheme shall specifically address the need to provide robust hedge planting to the southern and western boundaries of the housing site, the inclusion of street trees as detailed on Landscape Masterplan drawing and the need to provide a 15m wide buffer to the Ancient Woodland appropriately landscaped with broadleaved planting.

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

- 28) The use or occupation of the new community centre or housing hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details related to that element has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved

landscape scheme unless the local planning authority gives written consent to any variation.

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

- 29) Each individual dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed on all dwellings with dedicated off street parking, and shall thereafter be retained for that purpose.

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

- 30) Prior to first use of the Community Centre hereby approved, a minimum of one publicly accessible rapid charge electric vehicle charging point (of 22kW or faster) shall be installed and shall thereafter be retained for public use thereafter.

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

- 31) Surface Water Drainage for each element of the development hereby approved shall be carried out in accordance with the Drainage Strategy ref K220363/C5/004 dated 29.07.22.

Reason: In the interests of pollution and flood prevention.

- 32) The Energy Strategy for each element of the development hereby approved shall be carried out in accordance with the Energy Statement Issue 2 (10 November 2021)

Reason: To promote the reduction of CO2 emissions.

- 33) Within 6 months of first use of the Community Centre hereby approved, a Post-Construction Review Certificate issued by the Building Research Establishment or other equivalent assessors confirming that the non-residential development has achieved a BREEAM rating of not less than the standards equivalent to 'Very Good' has been submitted to and acknowledged in writing by the Local Planning Authority.

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

- 34) Prior to occupation of each element of the development hereby approved, a related Closure Report shall be submitted for approval by the Local Planning Authority demonstrating completion of decontamination and remediation detailed in the approved Remedial Strategy And Verification Plan ref P2519J1849/TE version 1.2. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean. Any changes to these components require the express consent of the local planning authority and the scheme shall thereafter be implemented as approved.

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

- 35) 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 the developer has submitted, and obtained written approval from the LPA for a supplementary remediation strategy detailing

how this unforeseen contamination shall be dealt with. The supplementary remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the LPA.

Reason: There is always the potential for unexpected contamination to be identified during development groundworks

### **INFORMATIVES**

- 1) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.
- 2) You are advised to adhere to a Construction Management Plan to include
  - Routing of construction and delivery vehicles to / from site
  - Parking and turning areas for construction and delivery vehicles and site
  - personnel
  - Timing of deliveries
  - Provision of wheel washing facilities
  - Temporary traffic management / signage
  - Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
  - Provision of measures to prevent the discharge of surface water onto the highway.
  - Dust mitigation measures.

Case Officer: Marion Geary

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

## **THE MAIDSTONE BOROUGH COUNCIL** **PLANNING COMMITTEE – 24<sup>th</sup> NOVEMBER 2022**

### **APPEAL DECISIONS:**

- 1. 22/500027/FULL** Demolition of conservatory, erection of two storey side extension with balcony and creation of front canopy.

**APPEAL:** DISMISSED

April Cottage  
Bow Hill  
Yalding  
Maidstone  
Kent  
ME18 6AJ

(Delegated)

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- 2. 22/500099/FULL** Erection of a detached annexe in rear garden.

**APPEAL:** ALLOWED

28A Manor Rise  
Bearsted  
Maidstone  
Kent  
ME14 4DB

(Delegated)

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- 3. 22/500495/FULL** Conversion of garage into habitable space, with external alterations and erection of first floor side extension.

**APPEAL:** DISMISSED

Hollymead  
38 Franklin Drive  
Weaving  
Kent  
ME14 5SY

(Delegated)

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**4. 22/501044/FULL**

Creation of new access to front, forming permeable block paved driveway for 2no. cars, works to include excavation of ground to meet road level and erection of retaining wall.

**APPEAL: DISMISSED**

1 Mount Villas  
Yalding Hill  
Yalding  
Maidstone  
Kent

(Delegated)

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**5. 21/503644/FULL**

Demolition of existing garages. Erection of a two bedroom dwelling complete with new shared access and driveway.

**APPEAL: ALLOWED**

72 West Park Road  
Maidstone  
Kent  
ME15 7AG

(Delegated)

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**6. 21/502307/OUT**

Outline application with access matters sought for a residential development. (Matters of appearance, landscaping, layout and scale are reserved for future considerations.)

**APPEAL: ALLOWED**

The Three Ashes  
Boxley Road  
Walderslade  
Chatham  
Kent  
ME5 9JG

(Committee)

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**7. 20/503651/FULL**

Construction of 6no. one bedroom tourist lodges  
(Resubmission of 19/500305/FULL).

**APPEAL:** ALLOWED

River Wood  
Chegworth Lane  
Harrietsham  
Kent

(Committee)

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