

PLANNING COMMITTEE MEETING

Date: Thursday 19 October 2023
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Cox, English (Vice-Chairman), Mrs Gooch, Harwood, Holmes, Jeffery, Kimmance, McKenna, Perry, Riordan, Russell, Spooner (Chairman) and D Wilkinson

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.

<u>AGENDA</u>	<u>Page No.</u>
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 Items withdrawn from the Agenda	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 - 26 October 2023	
6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting	
7. Disclosures by Members and Officers	
8. Disclosures of lobbying	
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
10. Minutes of the meeting held on 21 September 2023	1 - 9
11. Presentation of Petitions (if any)	
12. Deferred Item	10
13. 22/504692/HYBRID - Land At Haven Farm, North Street, Sutton Valence, Kent	11 - 55

Issued on Wednesday 11 October 2023

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

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16.	21/503412/FULL - Marden Sports Club, Maidstone Road, Marden, Kent	108 - 121
17.	23/503136/FULL - Great Fowle Hall Oast House, Darman Lane, Paddock Wood, Tonbridge, Kent	122 - 130
18.	23/502654/FULL - 38 South Bank, Staplehurst, Tonbridge, Kent	131 - 138
19.	23/500773/FULL & 23/500769/LBC - Len House, Mill Street, Maidstone, Kent	139 - 172
20.	23/501293/FULL - The Coach Yard, Old Ashford Road, Lenham, Kent	173 - 182
21.	23/501716/FULL - Cherry Barn, Old Tree Lane, Boughton Monchelsea, Kent	183 - 196
22.	23/503889/FULL - Balfour Winery, Five Oak Lane, Staplehurst, Kent	197 - 205
23.	Appeal Decisions	206 - 210

PLEASE NOTE

Due to the size of the agenda, the following applications will be rolled over for consideration at the adjourned meeting of the Committee scheduled to be held on Thursday 26 October 2023 together with any other unfinished business:

23/500773/FULL & 23/500769/LBC - Len House, Mill Street, Maidstone, Kent

23/501293/FULL - The Coach Yard, Old Ashford Road, Lenham, Kent

23/501716/FULL - Cherry Barn, Old Tree Lane, Boughton Monchelsea, Kent

23/503889/FULL - Balfour Winery, Five Oak Lane, Staplehurst, Kent

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/adjourned meeting, please call 01622 602899 or email committee@maidstone.gov.uk by 4 p.m. on Wednesday 18 October 2023. You will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated for each application on a first come, first served basis.

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

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MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 21 SEPTEMBER 2023

Present:

Committee Members:	Councillor Spooner (Chairman) and Councillors Cox, English, Mrs Gooch, Holmes, Jeffery, Kimmance, McKenna, Perry, Riordan, Russell, Wilby and J Wilkinson
Visiting Members:	Councillors Cleator, Naghi, Parfitt-Reid, Round and Trzebinski

97. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Harwood and D Wilkinson.

98. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Wilby for Councillor Harwood
Councillor J Wilkinson for Councillor D Wilkinson

99. ELECTION OF VICE-CHAIRMAN

RESOLVED: That Councillor English be elected as Vice-Chairman of the Committee for the remainder of the 2023/24 Municipal Year.

100. NOTIFICATION OF VISITING MEMBERS

Councillors Cleator, Naghi, Parfitt-Reid, Round and Trzebinski were present as Visiting Members for item 16 – 23/502511/FULL (Field Adjacent to Dancing Green, Lenham Road, Headcorn, Kent).

101. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

102. 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.

103. DISCLOSURES BY MEMBERS AND OFFICERS

Councillors English and Spooner stated that they were Members of Bearsted Parish Council. However, they had not participated in the Parish Council's

discussions on application 22/504433/FULL (8 Nethermount, Bearsted, Maidstone, Kent) and intended to speak and vote when it was considered.

Councillors English and Wilby stated that they were Members of Tovil Parish Council. However, they had not participated in the Parish Council's discussions on applications 23/502594/FULL (46 Gleneagles Drive, Tovil, Maidstone, Kent) and 23/503281/FULL (Hillside, Hayle Place, Cripple Street, Maidstone, Kent) and intended to speak and vote when they were considered.

Councillors Perry and Riordan stated that they were Members of Staplehurst Parish Council. However, they had not participated in the Parish Council's discussions on application 23/503100/FULL (Lovehurst Paddock, Goudhurst Road, Staplehurst, Tonbridge, Kent) and intended to speak and vote when it was considered.

Councillor Russell stated that since she was the Cabinet Member with responsibility for Maidstone Museum she would not participate in the discussion or voting on application 23/503347/LBC which related to proposed works in the building to improve disabled access and inclusivity.

104. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

14.	18/506662/FULL & 19/506031/LBC - Courtyard Studios, Hollingbourne House, Hollingbourne Hill, Hollingbourne, Maidstone, Kent	Councillors English, Mrs Gooch, Holmes, Jeffery, Kimmance, McKenna, Perry, Riordan, Russell and Spooner
15.	22/504433/FULL - 8 Nethermount, Bearsted, Maidstone, Kent	Councillors Cox, Mrs Gooch, Holmes, Jeffery, Kimmance, McKenna, Perry, Riordan, Russell and Spooner
16.	23/502511/FULL - Field Adjacent To Dancing Green, Lenham Road, Headcorn, Kent	Councillors Cox, English, Mrs Gooch, Holmes, Jeffery, Kimmance, McKenna, Perry, Riordan, Russell, Spooner, Wilby and J Wilkinson
18.	23/502594/FULL - 46 Gleneagles Drive, Tovil, Maidstone, Kent	Councillor Wilby
19.	23/503281/FULL - Hillside, Hayle Place, Cripple Street, Maidstone, Kent	Councillor Wilby
20.	23/501294/FULL - The Coach Park, Old Ashford Road, Lenham, Kent	Councillor Kimmance
21.	23/503100/FULL - Lovehurst Paddock, Goudhurst Road, Staplehurst, Tonbridge, Kent	Councillors Perry and Riordan

105. TO CONSIDER WHETHER ANY ITEMS SHOULD BE TAKEN IN PRIVATE BECAUSE OF THE POSSIBLE DISCLOSURE OF EXEMPT INFORMATION

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

106. MINUTES OF THE MEETING HELD ON 24 AUGUST 2023

RESOLVED: That the Minutes of the meeting held on 24 August 2023 be approved as a correct record and signed.

107. PRESENTATION OF PETITIONS

There were no petitions.

108. DEFERRED ITEMS

23/501579/FULL - CHANGE OF USE OF FORMER TELEPHONE EXCHANGE (SUI GENERIS) TO AN OFFICE (CLASS E(G)), INCLUDING ERECTION OF A SINGLE STOREY SIDE EXTENSION (RE-SUBMISSION OF 22/505768/FULL) - FORMER TELEPHONE EXCHANGE, ASHFORD ROAD, HOLLINGBOURNE, KENT

The Head of Development Management stated that further information had been received which the Officers were considering with a view to the application being reported back to the October meeting of the Committee.

23/501635/FULL - CONVERSION OF EXISTING BARN TO RESIDENTIAL DWELLING, INCLUDING NEW ENTRANCE AND ACCESS DRIVE WITH ASSOCIATED PARKING (RE-SUBMISSION OF 22/501591/FULL) - CHICKENDEN BARN, CHICKENDEN LANE, STAPLEHURST, TONBRIDGE, KENT

The Head of Development Management stated that further information was awaited which, when received, would need to be considered in liaison with the Landscape Team.

109. 23/502511/FULL - ERECTION OF VEHICLE WORKSHOP, TRAINING HUB AND DROP IN CENTRE FOR MILITARY VETERANS, AND CREATION OF NEW VEHICLE ACCESS (RE-SUBMISSION OF 21/502548/FULL - DISMISSED AT APPEAL UNDER APP/U2235/W/21/3287610) - FIELD ADJACENT TO DANCING GREEN, LENHAM ROAD, HEADCORN, KENT

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

Councillor Thomas of Headcorn Parish Council and Mr Roberts, the applicant, addressed the meeting.

Following the public speaking, those present observed a minute's silence in memory of the veterans who take their own lives each year.

Councillors Parfitt-Reid, Round, Cleator, Naghi and Trzebinski (Visiting Members) then addressed the meeting.

Contrary to the recommendation of the Officers that permission be refused, the Committee agreed that subject to the prior completion of a unilateral undertaking

focused on the business plan put forward by the applicant and refining it, the Head of Development Management be given delegated powers to grant permission subject to conditions focused on inter alia landscaping (planting to help soften the impact of the building), ecology, hours of use and minimising harm to residential amenity (low level lighting if any lighting at all and other 'Good Neighbour' type conditions).

In making this decision, due to the landscape context of the application site, particularly the site's proximity to the large indoor equestrian centre and The Meadows Gypsy and Traveller site, together with the Landscape Character Area Guidelines being dated 2012, the Committee considered that the landscape harm here added to the significant recognised benefits of the proposed use make this particular proposal an exception to Development Plan policies and is therefore acceptable.

RESOLVED: That subject to the prior completion of a unilateral undertaking focused on the business plan put forward by the applicant and refining it, the Head of Development Management be given delegated powers to grant permission subject to conditions focused on inter alia landscaping (planting to help soften the impact of the building), ecology, hours of use and minimising harm to residential amenity (low level lighting if any lighting at all and other 'Good Neighbour' type conditions).

Voting: 12 – For 0 – Against 1 - Abstention

110. 18/506662/FULL & 19/506031/LBC - COURTYARD STUDIOS, HOLLINGBOURNE HOUSE, HOLLINGBOURNE HILL, HOLLINGBOURNE, MAIDSTONE, KENT

18/506662/FULL - DEMOLITION OF THE REAR SECTION OF THE BUILDING AND ERECTION OF REPLACEMENT STRUCTURE, AND CONVERSION OF FRONT SECTION OF BUILDING INCLUDING EXTERNAL ALTERATIONS, TO FACILITATE THE CREATION OF 2 DWELLINGS WITH ASSOCIATED PARKING AND GARDEN AREAS. DEMOLITION OF EXISTING DERELICT AND UNSTABLE (NORTH-EAST FACING) GARDEN WALL, RECONSTRUCTION ON EXISTING LINE AT REDUCED HEIGHT WITH 2 ADDITIONAL OPENINGS, REPAIRS, RESTORATION OF OTHER GARDEN WALLS AND RESTORATION OF 1 SUNKEN GLASSHOUSE – COURTYARD STUDIOS, HOLLINGBOURNE HOUSE, HOLLINGBOURNE HILL, HOLLINGBOURNE, MAIDSTONE, KENT

AND

19/506031/LBC - DEMOLITION OF EXISTING DERELICT AND UNSTABLE (NORTH-EAST FACING) GARDEN WALL, RECONSTRUCTION ON EXISTING LINE AT REDUCED HEIGHT WITH 2 ADDITIONAL OPENINGS, REPAIRS, RESTORATION OF OTHER GARDEN WALLS AND RESTORATION OF 1 SUNKEN GLASSHOUSE - COURTYARD STUDIOS, HOLLINGBOURNE HOUSE, HOLLINGBOURNE HILL, HOLLINGBOURNE, MAIDSTONE, KENT

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

Mr Kinnersley, an objector, and Mr Collins, agent for the applicant, addressed the meeting on both applications.

18/506662/FULL

RESOLVED: That permission be granted subject to the conditions and informative set out in Section 11 of the report to the meeting of the Committee held on 20 July 2023 with delegated powers given to the Head of Development Management 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: 13 – For 0 – Against 0 – Abstentions

19/506031/LBC

RESOLVED: That listed building consent be granted subject to the conditions and informative set out in Section 11 of the report to the meeting of the Committee held on 20 July 2023 with delegated powers given to the Head of Development Management 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: 13 – For 0 – Against 0 – Abstentions

111. 22/504433/FULL - RETROSPECTIVE APPLICATION FOR THE REPLACEMENT AND RECONFIGURATION OF PATIO TO THE REAR OF THE HOUSE WITH PROPOSED PRIVACY SCREEN; THE ERECTION OF A GAZEBO WITH SURROUNDING DECKING; THE ERECTION OF AN ORANGERY; AND THE PART CONVERSION OF THE INTEGRAL GARAGE TO A UTILITY ROOM AND WC (RE-SUBMISSION OF 22/500345/FULL) - 8 NETHERMOUNT, BEARSTED, MAIDSTONE, KENT

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

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report as amended by the urgent update report with delegated powers given to the Head of Development Management 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: 13 – For 0 – Against 0 – Abstentions

112. 23/503347/LBC - LISTED BUILDING CONSENT TO REPLACE AN EXISTING STAIRWAY WITH A FLEXSTEP PLATFORM LIFT - MAIDSTONE CORPORATION, MUSEUM AND ART GALLERY, ST FAITHS STREET, MAIDSTONE, KENT

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

RESOLVED: That listed building consent be granted subject to the conditions set out in the report with delegated powers given to the Head of Development Management 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

Note: Having stated that she was the Cabinet Member with responsibility for the Museum, Councillor Russell left the meeting while this application was considered.

113. 23/502594/FULL - CONVERSION OF DOUBLE GARAGE INTO RESIDENTIAL ANNEXE ACCOMMODATION INCLUDING ROOF ALTERATIONS - 46 GLENEAGLES DRIVE, TOVIL, MAIDSTONE, KENT

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

In introducing the application, the Joint Team Leader (Development Management (Householder Team)) advised the Committee that she wished to amend the description of the application to read:

Conversion of double garage into residential annexe accommodation **including roof alterations.**

Councillor Hemsted of Tovil Parish Council addressed the meeting.

During the discussion, the Joint Team Leader (Development Management (Householder Team)) confirmed that the first sentence of condition 5 (Enhancement of Biodiversity) should be amended to include the word 'not' as follows:

The development hereby approved shall **not** be occupied as an annexe 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.

RESOLVED:

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

The amendment of the first sentence of condition 5 to include the word 'not' as set out above; and
An additional condition to require the provision of the additional parking to the front garden (labelled 'future parking' on the amended block plan) prior to the first use of the annexe.

2. That delegated powers be given to the Head of Development Management 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: 13 – For 0 - Against 0 – Abstentions

114. 23/503281/FULL - ERECTION OF SINGLE STOREY TIMBER FRAMED STORAGE STRUCTURE AND RELOCATION OF EXISTING SHED - HILLSIDE, HAYLE PLACE, CRIPPLE STREET, MAIDSTONE, KENT

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

The Chairman advised the Committee that Tovil Parish Council had now withdrawn its objection to the application.

RESOLVED: That permission be granted subject to the conditions set out in the report with delegated powers given to the Head of Development Management 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: 13 – For 0 – Against 0 – Abstentions

115. 23/501294/FULL - RETROSPECTIVE APPLICATION FOR THE ERECTION OF A TYRE BAY BUILDING AND THE LAYING OF HARDSTANDING - THE COACH PARK, OLD ASHFORD ROAD, LENHAM, KENT

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

Councillor Walmsley of Lenham Parish Council addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report, as amended by the urgent update report, and the additional conditions set out in the urgent update report, with:

An additional condition to prevent the outdoor storage of materials; and

The strengthening of amended condition 5 (i)(e) (Site Development Scheme – Landscaping) to require double-staggered native hedge planting to soften the boundaries of the site.

2. That delegated powers be given to the Head of Development Management 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: 13 – For 0 – Against 0 – Abstentions

116. 23/503100/FULL - CHANGE OF USE FROM EQUESTRIAN TO DOG EXERCISE AREA AND ERECTION OF STOCK FENCING - LOVEHURST PADDOCK, GOUDHURST ROAD, STAPLEHURST, TONBRIDGE, KENT

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

RESOLVED: That permission be granted subject to the conditions and informative set out in the report with delegated powers given to the Head of Development Management 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: 13 – For 0 – Against 0 – Abstentions

117. 5005/2023/TPO - OTHAM GLEBE, CHURCH ROAD, OTHAM, KENT

Prior to consideration of this item, the Chairman took the opportunity to introduce Ms Anna Stevens, the recently appointed Team Leader for Heritage, Landscape and Trees, to the Committee.

The Committee considered the report of the Head of Development Management concerning provisional Tree Preservation Order No. 5005/2023/TPO which had been made to protect fifteen individual trees, two groups of trees and two areas of woodland growing on land at Otham Glebe, Church Road, Otham. It was noted that the objections raised to this TPO were not considered to be sufficiently robust to question its validity and the exclusion of an incorrectly plotted area of garden as woodland within the area identified as Woodland W1 was considered appropriate in terms of following current government guidance when making and confirming Tree Preservation Orders.

RESOLVED: That Tree Preservation Order No. 5005/2023/TPO be confirmed with modification to exclude the area hatched red within Woodland W1 on the map.

Voting: 13 – For 0 – Against 0 – Abstentions

118. 23/500247/TPOA - TPO APPLICATION TO FELL TWO ASH TREES (T1 AND T2). TO REDUCE ONE ASH TREE (T5) BY 4M, 9M TO 5M, LIFT TO 5M AND THIN BY 15%. TO REPOLLARD ONE LIME TREE (T6) FROM 13M TO 7M. TO LIFT ONE SYCAMORE TREE (T7) TO 5M OVER CAR PARK AND REDUCE LONGER LATERALS BY 3M FROM 8M TO 5M. TO LIFT ONE YEW TREE (T8) TO 4M OVER NEIGHBOURING PROPERTY AND PRUNE OVERHANG TO CLEAR BUILDING BY 1.5M. TO REMOVE EPICORMIC GROWTH UP TO CROWN BREAK OF ONE LIME TREE (T9), THIN BY 15% & RE-POLLARD 1 X VERTICAL STEM (CLOSEST TO FENCE) DUE TO MAJOR CAVITY FROM PREVIOUS HISTORICAL POLLARD POINT (CAVITY AT 6.5M) - TRINITY PARK, CHURCH STREET, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management. It was noted that since the submission of this application, Trees T1 (Ash) and T2 (Ash) had both died. In the interests of safety, they were made subject to a 5-day exemption notice under 23/502937/TDD for removal. Consequently, the removal of these trees did not require consideration as part of this application.

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

Voting: 13 – For 0 – Against 0 – Abstentions

119. 23/502061/TPOA - TPO APPLICATION TO CROWN REDUCE ONE MULTI-STEMMED SYCAMORE TO HEIGHT OF 18M, WIDTH TO 7M - ASHURST ROAD OPEN SPACE, ASHURST ROAD, MAIDSTONE, KENT

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

RESOLVED: That consent be granted subject to the condition and informatives set out in the report.

Voting: 13 – For 0 – Against 0 – Abstentions

120. 23/502211/TPOA - TPO APPLICATION TO CARRY OUT VARIOUS WORKS - METHODIST CHURCH COMMUNITY CENTRE, BREWER STREET, MAIDSTONE, KENT

Councillor English stated that he was a member of the Methodist Circuit and the application site was its principal church in Maidstone. He would not participate in the discussion or the voting on the application.

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

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

Voting: 12 – For 0 – Against 0 – Abstentions

Note: Councillor English did not participate in the discussion or the voting on this application.

121. APPEAL DECISIONS

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

- He would like to thank the Development Management Team Leaders and the Case Officers for a particularly good set of appeal decisions;
- Consideration was being given to judicially reviewing the Inspector's decision to allow the appeal against the decision taken under delegated powers to refuse application 21/506239/OUT (Outline application for the erection of two dwellings (Matter of access being sought with all other matters reserved for future consideration) – Glenrowan House, Roundwell, Bearsted, Maidstone, Kent); and
- He would find it useful to have the Committee's views on the prioritisation of Conservation Area Appraisals and management plans.

RESOLVED: That the report be noted and that the Officers be thanked for their success at appeal.

122. DURATION OF MEETING

6.00 p.m. to 9.25 p.m.

Agenda Item 12

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

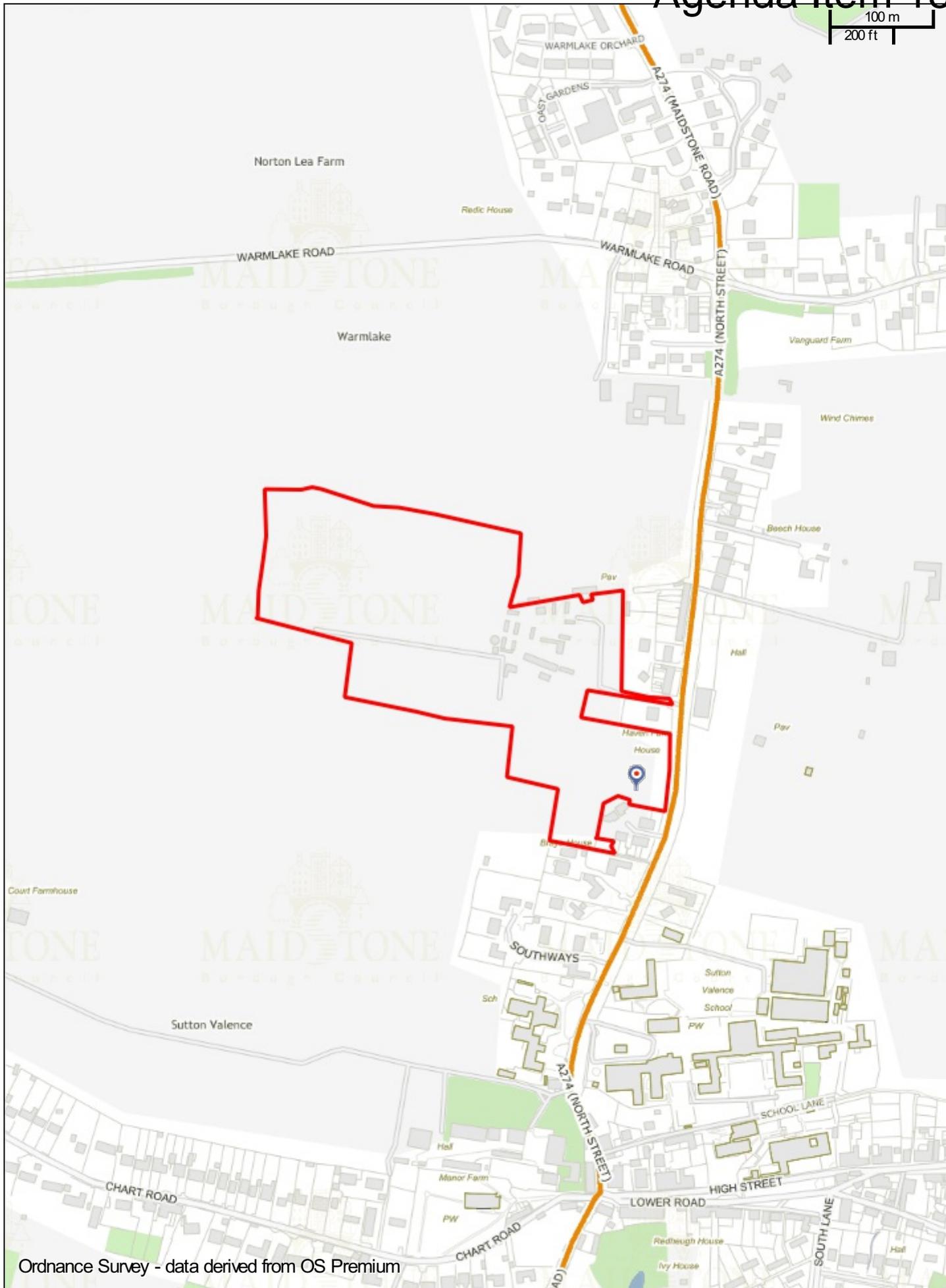
19 OCTOBER 2023

REPORT OF THE HEAD OF DEVELOPMENT MANAGEMENT

DEFERRED ITEM

The following application stands deferred from a previous meeting of the Planning Committee. The Head of Development Management will report orally at the meeting on the latest situation.

APPLICATION	DATE DEFERRED
<p><u>23/501635/FULL - CONVERSION OF EXISTING BARN TO RESIDENTIAL DWELLING, INCLUDING NEW ENTRANCE AND ACCESS DRIVE WITH ASSOCIATED PARKING (RE-SUBMISSION OF 22/501591/FULL) - CHICKENDEN BARN, CHICKENDEN LANE, STAPLEHURST, TONBRIDGE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none">• Seek further arboricultural information on tree removal and the impact of the proposed development on retained trees (if any); and• Negotiate with the applicant regarding the submission of an ecological method statement for the dredging of the ditch and pond given the potential to affect protected species.	24 August 2023



Ordnance Survey - data derived from OS Premium



22/504692/HYBRID - Land at Haven Farm, North Street, South Valence, Kent, ME17 3HT

Scale: 1:5000

Printed on: 6/10/2023 at 12:56 PM by KirstyS



REPORT SUMMARY

REFERENCE NO: 22/504692/HYBRID

APPLICATION PROPOSAL:

Hybrid Planning Application consisting of:

Full planning application for the erection of 105 dwellings, retail space (423m²), access off North Street and site infrastructure works, following demolition/removal of the existing structures.

Outline planning application (with all matters reserved) for the development of a doctors surgery (1,500m²) with associated car parking and a phased development of 5 x self-build plots.

(110 dwellings in total)

ADDRESS: Land at Haven Farm, North Street, Sutton Valence, ME17 3HT

RECOMMENDATION: APPROVE PERMISSION

SUMMARY OF REASONS FOR RECOMMENDATION:

The site is located outside the defined settlement of Sutton Valence in the adopted Local Plan. It is therefore within the 'countryside' for Local Plan purposes where policy SP17 applies and states, "*Development proposal in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.*"

There are no other policies in the Local Plan which allow for major housing development outside defined settlements and the change from largely undeveloped fields will inevitably cause harm to the character and appearance of the area. The proposals are therefore contrary to Local Plan policies SS1 (Spatial Strategy) and SP11 (Larger Villages) in terms of proposing major housing development outside any settlement and policies SP17 and DM30 in terms of causing harm to the character and appearance of the countryside.

Section 38(6) of the Planning and Compulsory Purchase Order 2006 states that,

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The site falls within an allocation (policy LPRSA078) for mixed uses of housing, a doctors surgery, and retail in the emerging Local Plan Review (LPR) and so the LPR allocation and need for a doctors surgery are material considerations.

For the reasons set out in the report the draft LPR and site policy LPRSA078 are considered to attract moderate weight but the proposals would result in a dwelling yield of at least 20% above that allocated and so are contrary to the policy in this respect. The site is perpendicular to Sutton valence and extends significantly westwards, however, and in the context of the draft allocation, the landscape impact, layout, and design quality is considered to be acceptable.

There is considered to be an urgent need for a doctors surgery which attracts significant weight. This is based on the NHS stating the surgery is needed to provide capacity for growth in the Langley/Sutton Road area; this need being identified 4 years ago in which time patients numbers have continued to increase and will continue to do so; the local practices operating at peak capacity with stated problems for their operation and having to use a mobile building; the Council having identified the need for a new premises for southeast Maidstone and selecting 'Haven Farm' as the site to deliver this in the LPR; and it being identified within the Council's Infrastructure Delivery Plan to "respond to growth in the Langley/Sutton Road/Sutton Valence area".

The development would cause a low level of 'less than substantial harm' to the setting of the Grade II listed Osborne House and whilst giving great weight to this, in balancing matters it is considered the significant 'social' public benefits of providing 110 dwellings including affordable housing to meet ongoing housing needs on a draft housing allocation, and the urgent need for a doctors surgery, provide for clear and convincing justification for accepting some harm to the heritage asset, and these public benefits outweigh this low level of 'less than substantial harm' in line with Paragraph 202 of the NPPF.

The proposals result in the loss of the 'best and most versatile' agricultural land (Grade 2) which the NPPF recognises the economic benefits of. This matter has not been raised as a potential barrier to the site being allocated by the LPR Inspector. Prior to adoption of the LPR its loss weighs against the development but is not considered of sufficient weight to refuse permission.

The two matters of moderate weight to the Local Plan Review policy allocation LPRSA078 and the urgent need for a doctors surgery, which attracts significant weight, are together considered to represent material considerations of sufficient weight to outweigh the conflict with the Development Plan. The social benefits from the delivery of housing including affordable housing also attract significant weight in favour of the development.

Otherwise the development complies with all other relevant Development Plan policies and suitable mitigation is secured by conditions or a legal agreement where necessary.

For these reasons planning permission is recommend subject to conditions and a legal agreement.

REASON FOR REFERRAL TO COMMITTEE:

The recommendation is a departure from the Maidstone Local Plan 2017.

Sutton Valence Parish Council wish to see the application refused and reported to committee for the reasons set out in the report.

WARD: Sutton Valence & Langley	PARISH COUNCIL: Sutton Valence	APPLICANT: Fernham Homes Ltd AGENT: DHA Planning
CASE OFFICER: Richard Timms	VALIDATION DATE: 17/10/23	DECISION DUE DATE: 30/11/23
ADVERTISED AS A DEPARTURE: Yes		

Relevant Planning History

23/503704 Temporary change of use of land for stationing, over winter storage, and limited occupation of 11(no) seasonal and general agricultural workers caravans, for a period of 5 years (retrospective) – DECISION PENDING

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The application relates to an irregular shaped parcel of land on the west side of North Street (A274) in Sutton Valence. It can be split roughly into three parts - a grassed fields fronting the road; an area north of this where there are some single storey buildings one of which is used as a farm shop and post office, and also mobile homes which currently do not have planning permission (retrospective application 23/503704 submitted); and a rear parcel where there are polytunnels. The site extends a significant distance back from the main road by around 440m and rises from south to north.

1.02 The nearest dwellings are adjacent the site to the north and south of the front field and to the northeast. Further north is a sports pavilion and pitches and to northwest, west and southeast is agricultural land. To the east is the village hall and both grass and surfaced sports pitches/courts.

1.03 The settlement boundary of Sutton Valence is immediately south of part of the site as is the Greensand Ridge Landscape of Local Value (LLV). The site is therefore within the countryside for Local Plan purposes. The Sutton Valence Conservation Area is just under 200m to the south and there is a Grade II listed dwelling (Osborne House) around 50m to the northeast.

1.04 The site falls within an allocation for 100 dwellings including 5 self/custom build plots, 400m² of retail/business uses, a 1,500m² doctors surgery with 50 parking spaces, and woodland/open space in the draft Local Plan Review (policy LPRSA078). The allocation also includes a parcel of land to the south which is not part of this planning application.

2. PROPOSAL

2.01 Permission is sought for the following which would involve demolition and removal of all buildings and structures at the site:

- Full application for the erection of 105 dwellings and retail space (423m²) below an apartment block.
- Outline application (with all matters reserved) for a doctors surgery (1,500m²) with 52 space car park and 5 self-build plots.
- 110 dwellings in total.

2.02 The proposals are for mainly detached houses but also some semi-detached and terraced properties all two storeys in height. A 2.5 storey apartment block (rooms in the roof) is proposed to the front with retail floorspace on the ground floor. For the outline application the plans illustrate a doctors surgery

would be provided towards the front of the site with a 52 space car park to the southwest. There would be a new main access off North Street between the apartment block and surgery with a secondary emergency/pedestrian route using the existing access to the farm shop.

- 2.03 Affordable housing is proposed at 40% and areas of open space/landscaping including around 0.75ha of new woodland/tree planting, around 0.35ha of amenity space including a play area, a small orchard, and wildlife pond.
- 2.04 The application was submitted in October 2022 and is subject to a Planning Performance Agreement which essentially agreed to await the outcome of the Local Plan Review Examination before reaching a recommendation/ decision. Member Briefings on the proposals were held before the application was submitted and also in July 2023. The latter was held due to changes of Councillors on Planning Committee and the Ward Councillor.

3. **POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough Local Plan 2017: SS1, SP15, SP17, SP18, SP19, SP20, SP23, ID1, DM1, DM2, DM3, DM4, DM5, DM6, DM8, DM12, DM19, DM20, DM21, DM23, DM30

Kent Waste and Minerals Plan (amended 2020): CSW3, DM7, DM9

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

Supplementary Planning Documents: Maidstone Building for Life 12 (2018); Affordable and Local Needs Housing (2020); Air Quality Guidance (2017); Public Art Guidance (2017)

Maidstone Local Plan Review (Regulation 22): LPRSS1, LPRSP7(C), LPRSP10, LPRSP10(A), LPRSP10(B), LPRSP12, LPRSP13, LPRSP14, LPRSP14(A), LPRSP14(B), LPRSP14(C), LPRSP15, LPRSA078, LPRHOU5, LPRHOU9, LPRTRA1, LPRTRA2, LPRTRA4, LPRINF1, LPRINF2, LPRINF4, LPRENV1, LPRQ&D1, LPRQ&D2, LPRQ&D6, LPRQ&D7

The Regulation 22 Local Plan Review (LPR) submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is therefore a material consideration and attracts some weight. The LPR has been through Stage 1 and 2 Hearings and the main modifications the Inspector considers are required to make it sound are out to public consultation so it is at an advanced stage. However, responses to the consultation need to be considered by the Inspector along with him producing his Final Report so the LPR is considered to attract moderate weight at the current time.

4. **LOCAL REPRESENTATIONS**

- 4.01 **Local Residents:** 134 representations received raising the following (summarised) points:

- Traffic congestion.
- Highway safety from increased traffic.
- Changes to the A274/B2163 junction will be dangerous; encourage more traffic through Leeds; will mean vehicles on Leeds Road cannot get out; lack of pedestrian/cycle crossings.

- Money should go towards relief road.
- Dangerous access.
- Lack of parking.
- Pedestrian surveys are not representative.
- Poor walking/cycling access.
- Infrastructure cannot cope (roads, schools, doctors, water supply, sewerage and energy).
- Access road should be provided to other parcel of land in emerging plan.
- Contrary to policies DM1, DM3, DM7, DM8, SP11, SP15, SP23 and draft policy for the site.
- No need for development.
- Local school does not have capacity.
- Poor public transport.
- Car reliance.
- Out of character with village.
- Apartment block is not in keeping.
- Harm to the countryside.
- Harm to Conservation Area.
- Loss of trees and hedges.
- Too dense.
- Cramped development.
- Does not meet expected net density of 30 dwellings per hectare.
- Small gardens.
- Lack of varied architectural styles or local character.
- Poor quality materials.
- Suburban character.
- Balconies will look poor.
- Plans do not show neighbouring property accurately.
- Loss of privacy.
- Loss of light and outlook.
- Overbearing and enclosing impact.
- Noise and disturbance.
- Harm to wildlife.
- Increased air pollution.
- Flood risk.
- Loss of Grade 2 farmland.
- Lack of foul sewage capacity.
- Houses will not be affordable.
- Ecological surveys out of date.
- Bats use the site.
- Pond next to site.
- Errors in biodiversity net gain assessment and baseline assessment is incorrect.
- Air quality and pollution.
- Archaeology should be addressed.
- Loss of post office.
- Developer should build the surgery before any housing.
- Lack of funding for new surgery.
- Need for surgery is questionable and new facility will face similar problems.
- Decline in GP numbers generally.
- Inaccuracies and errors in documents.
- Solar panels and ground source heat pumps should be provided.
- Japanese knotweed on site.
- Disruption from construction.

- Support doctors surgery.
- Support for development and providing affordable housing.

4.02 Sutton Valence Parish Council: Wish to see the application refused
and reported to committee for the following (summarised reasons):

- Huge impact on Parish as it alters the whole dynamic of the village and its services.
- Sutton Valence as a 'larger village' has been allocated more houses than the other larger villages.
- Not in character with the surrounding area – policy DM1.
- Balconies not in keeping with existing buildings in Sutton Valence.
- Concern re. traffic impact on air quality.
- Will increase traffic queuing on the A274.
- Concern re. narrowing of the A274.
- Strongly resist suggestion of a filter road at the Plough crossroads as it will be unworkable and cause further queuing; encourage more vehicles and HGVs down the Leeds arm; make turning more difficult for HGVs; insufficient consideration to pedestrian and cyclists; and would wish to see 30mph limit.
- Strongly in favour of a new medical practice but concerns as it appears doctors are yet to agree the site and have no plans or funding in place so site could remain vacant for some time. Guarantees are needed or site might be used for even more housing.
- No data to back up claim the current GP facilities are a reason for struggling to employ and retain staff and this may continue to occur even with new building.
- Concerned re. strain on infrastructure and primary school which has no possibility to expand.
- Will exacerbate current sewage and drainage problems.
- Concern that boundary hedgerows and trees will be damaged.
- Lack of safe crossing.
- Safe access to the school grounds should remain.
- Errors on plans.
- Concern re. impact on adjoining and nearby residents and loss of their outlook.
- Car park will abut fence to neighbouring house.
- No account of pedestrians from the north.
- Would like an affordable mini supermarket.
- Postal services should be retained.
- Should investigate Southern Water's assertion the existing sewer system can cope.
- Can three of the affordable properties be set aside in perpetuity for parishioners and should not be 'right to buy'. They should be of superior quality with durable materials and solar panels.
- Would be happy to receive an allocation towards existing play facilities instead of a new one on site.
- Renewable energy sources, EV charging points, native planting, biodiversity measures, high levels of insulation, permeable surfaces, and limited light pollution should be secured.
- Space should be provided for construction vehicles to park on site.
- Long-lived trees are required instead of orchard planting.

4.03 (Neighbouring) Langley Parish Council: Raise objections for the following reasons:

"We strongly feel that the proposals outlined by DHA by adding an additional traffic lane will create an accident waiting to happen as the vehicles travelling on the Maidstone Road will no longer stop to allow out vehicles from the Leeds Road and instead will create a dangerous precedent of vehicles half traversing the carriageway in order to get out or alternatively vehicles will start to further rat run through our villages roads of Heath Road and Horseshoes Lane and back onto the Sutton/Maidstone Road. We would welcome Kent Highways view on this matter and seek for other possible solutions such as sensor-controlled traffic lights etc."

4.04 (Neighbouring) Chart Sutton Parish Council: Wish to see the application refused due to increased traffic along the A274 and at the Plough crossroads; access is not in a very good place; and lack of capacity at the local primary school. If minded to approve would wish to see the local banking/post office retained and the surgery built prior to the housing.

4.05 (Neighbouring) Leeds Parish Council: *"Leeds Parish already suffers from excessive traffic issues, and it is recognised that this road is over capacity and a bypass is needed, the suggested remodelling will place increased strain on the village and damaging air quality further."*

4.06 Borough Councillor Fort: *"Put simply this proposed development will be disastrous for those living along the B2163 in Leeds and Langley. The road is already running at over capacity."*

4.07 Former Ward Councillor Young: Consider the proposals are unacceptable due to increased traffic; Plough junction changes will make it worse, dangerous, and encourage vehicles through Leeds which is already a rat run and the only solution is traffic lights; and an air quality survey should be carried out at this junction.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below. Comments are discussed in more detail in the appraisal section where considered necessary)

KCC Highways and Transportation

5.01 No objections subject to conditions relating to the access and visibility; improvements to the B2163 Plough Wents/Leeds Road/A274 Sutton Road/Maidstone Road junction; financial contribution towards the A274 Sutton Road/Willington Street junction improvement scheme; travel plan; construction management plan; retention of vehicle and cycle parking spaces and vehicle loading/unloading and turning facilities, and measures to prevent discharge of surface water to the highway.

Natural England

5.02 No objection.

KCC Flood and Water Management

5.03 **No objection subject to conditions** to provide fine details of the SUDs scheme and its verification and infiltration.

KCC Minerals and Waste

5.04 **No objection.**

NHS Strategic Planning and Primary Care Estates

5.05 Support the provision of a doctors surgery at the site to provide capacity for the growth in the Langley/Sutton Valence area and advise the need for new GP premises has been identified since 2019 and delay to the scheme will continue to create further challenges for the practice.

KCC Ecological Advice Service

5.06 **No objections subject to conditions** relating to protected species mitigation, biodiversity net gain, and enhancements.

KCC Infrastructure

5.07 Request financial contributions towards primary (£389,928) and secondary (£381,360) education, community learning (£1,707.68), youth services (£6,812), libraries (£5,766.80), social care (£15,275.52), and waste (£5,664.88).

KCC Archaeology

5.08 **No objections subject to a condition** re. archaeological field evaluation, recording, reporting, and post excavation assessment.

MBC Housing

5.09 Provide advice on the affordable housing mix/sizes.

MBC Parks and Open Spaces

5.10 Request a financial contribution of £353.42 per dwelling towards *"the provision of, or improvement, refurbishment and maintenance of, existing sports facilities or equipped play facilities or to improve/provide natural open space features, biodiversity improvements, tree planting and access improvements footpaths/signage, within one mile of the development.*

Environmental Health

5.11 **No objection subject to conditions** relating to construction, noise, lighting, air quality, EV charging, and contamination.

Upper Medway Internal Drainage Board

5.12 Applicant must satisfy KCC's requests re. surface water drainage.

Southern Water

5.13 Advise that they can provide foul sewage disposal to service the development.

Kent Police

5.14 Recommend various measure to reduce crime.

6 APPRAISAL

6.01 The key issues are:

- Policy Context & Assessment
(Adopted Local Plan, Draft Local Plan Review and Site Policy LPRSA078)
- Need for Doctors Surgery
(Draft Local Plan Review & Information from the NHS and Sutton Valence Group Practice)
- Impact on the Landscape and the Character and Appearance of the Area
(Local Landscape Character and Visual Impact)
- Design Quality & Landscaping
(Connectivity, Layout, Character, Identity, Building Designs, and Landscaping, and Maidstone Building for Life 12)
- Impact on Conservation Area and Listed Buildings
- Residential Amenity
(Existing and Future Residents)
- Highways
(Traffic Impacts, Public Transport and Parking)
- Biodiversity
(Protected Species and Biodiversity Net Gain)
- Infrastructure, Open Space, Doctors Surgery and Affordable Housing
- Other Matters including Drainage, Consultees and Representations

Policy Context & Assessment

6.02 The site is located outside the defined settlement of Sutton Valence in the adopted Local Plan. It is therefore within the 'countryside' for Local Plan purposes where policy SP17 applies and states, "*Development proposal in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.*"

6.03 Policy DM30 (Design Principle in the Countryside) also seeks to "*maintain, or where possible, enhance local distinctiveness including landscape features*".

6.04 There are no other policies in the Local Plan which allow for major housing development outside defined settlements and the change from largely undeveloped fields will inevitably cause harm to the character and appearance of the area. The proposals are therefore contrary to Local Plan policies SS1 (Spatial Strategy) and SP11 (Larger Villages) in terms of proposing major housing development outside any settlement and policies SP17 and DM30 in terms of causing harm to the character and appearance of the countryside.

6.05 Section 38(6) of the Planning and Compulsory Purchase Order 2006 states that,

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.06 The site falls within an allocation (policy LPRSA078) for mixed uses of housing, a doctors surgery, and retail in the emerging Local Plan Review (LPR) and so the LPR allocation and need for a doctors surgery are material considerations which need to be taken into account.

Draft Local Plan Review

6.07 The LPR was submitted to the Secretary of State in March 2022 and has been the subject of a public examination by a government Planning Inspector over two stages of hearings in September-November 2022 (Stage 1) and May-June 2023 (Stage 2). Stage 1 considered matters of legal compliance, the amounts of development being planned for and the overarching strategy. Stage 2 considered site allocations, strategic policies not dealt with at Stage 1, and the various development management policies.

6.08 After the Stage 1 hearings and at a high level the Inspector provided a letter (11/01/23). In summary this concluded the Plan was not sound but could be made so subject to 'main modifications' relating to key strategic matters which he recommended as follows:

- The plan period extended until 2038.
- The calculation of housing need is sound subject to an increase in the requirement based on the extended plan period.
- The inclusion of a stepped housing trajectory.
- The employment land floorspace requirement is sound subject to an increase based on the extended plan period.
- The spatial strategy for development is an appropriate strategy.
- Modifications are required relating to the removal of the 'Leeds Langley' area as a potential development location, matters relating to the two garden settlements at 'Heathlands' and 'Lidsing', and matters relating to Invicta Barracks.

6.09 The Council set out modifications to address the above and in his letter after the Stage 2 hearings the Inspector stated, *"Having considered the Council's*

proposed modifications together with statements and discussion with participants at the hearing sessions, I consider that the LPR could be made sound by main modifications." This includes modifications that came out of the hearing sessions beyond the strategic issues outlined above.

6.10 The Haven Farm allocation (policy LPRSA078) was discussed at the Stage 2 hearings. Prior to the hearings the Inspector set out a number of questions relating to the providing a medical facility, landscape character, the setting of listed buildings, relationship to the existing settlement pattern, the quantum of development, and the site area. These were discussed at the hearing session. However, it is important to note that the Inspector only examined matters of 'soundness' which relate to plans being 'positively prepared'; 'justified'; 'effective'; and 'consistent with national policy'. As such, this was a high level assessment and the Inspector did not examine detailed matters such as landscape impact, and these are left to the decision making stage, i.e. under this planning application.

6.11 The Council has published the 'main modifications' (MMs) which the Inspector considers are necessary to make the Plan sound and a 6 week public consultation commenced on 29th September. The MMs relating to policy LPRSA078 are to confirm a yield of approximately 100 dwellings (as the submission document referred to both 100 and 110), the site area (extending further west), and a 'key diagram' showing the location of residential, employment/mixed use, and open space areas. The first two were submitted alongside the Plan when originally submitted in March 2022 and were discussed at the hearing session. The latter came out of the discussions at the hearing session.

6.12 The NPPF at paragraph 48 states that,

Local planning authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

6.13 The LPR is at an advanced stage having been through Examination with MMs the Inspector considers are required to make it sound out to consultation. All objections to the Plan have been considered by the Inspector through the Examination process but any responses on the MMs still need to be considered by him.

6.14 For the Haven Farm site allocation itself (policy LPRSA078) all representations received during the LPR consultation have been considered by the Inspector. There were 4 representations none of which objected to the site. The MMs include clarification on the yield and where the different types of development will go. The proposed site area change was submitted alongside the Plan in

March 2022 and was discussed at the hearing session. The Inspector has not found that any of these clarification/changes make the policy unsound so in my view there are not currently any 'unresolved objections' to the site policy.

- 6.15 Policy LPRSA078 is considered to be consistent with the NPPF as the Inspector has not found any issues with compliance, and subject to the MMs has been found sound. The LPR is at an advanced stage having been through Examination with MMs to make it sound out to consultation. However, the MMs are still the subject of public consultation and the Inspector must consider these before issuing his Final Report and for these reasons it is considered site allocation policy LPRSA078 currently has 'moderate weight'. This is not considered sufficient weight to outweigh conflict with the adopted Local Plan alone but is a material consideration in the balance.
- 6.16 One of the key points (in addition to landscape impact) is that the allocation is for 100 residential units but the proposal is for 110 and does not include all of the allocated land whereby I estimate that a further 10 dwellings could be accommodated. The overall development of the site is therefore estimated to result in at least 20 dwellings over the allocation in the draft LPR and a deviation of 20% cannot be regarded as 'approximate' either. Therefore, in relation to site yield, the proposal is not in accordance with the draft policy which this Council recently confirmed as 100.
- 6.17 Therefore, the proposals are contrary to policies SS1, SP11, SP17 and DM30 of the adopted Local Plan in that it is within the open countryside and, secondly, the draft policy LPRSA078 in that 20% more units are proposed than allocated.

Need for Doctors Surgery

- 6.18 The Council has decided to include a doctors surgery within the draft allocation and it is very specific of the size of the surgery and its car park. It is my understanding that this was the primary reason for the allocation i.e. the urgent need to replace the existing two surgeries with a new one. The Council explained at the LPR examination hearing sessions (23rd May 2023) that this has been through working with the NHS to find a suitable location for a new surgery in southeast Maidstone. Indeed this is the main reason for the extent of allocation and its protrusion westwards to accommodate the surgery and its car park, in addition to the housing. In this respect the draft policy states, *"The residential development of the rear agricultural element of site is subject to the provision of a new, serviced, medical surgery...."*
- 6.19 The Council's 'Infrastructure Delivery Plan' 2022 also identifies the need for a new premises to replace the two existing Sutton Valence practices to "respond to growth in the Langley/Sutton Road/Sutton Valence area". This is in relation to both development within the adopted Local Plan and that planned in the LPR and its prioritisation is described as 'essential'.
- 6.20 The applicant has also provided information on the need for the surgery. This includes a letter from the Kent and Medway NHS (Strategic Planning and Primary Care Estates) department with the following statements:

"In 2019, Sutton Valence Group Practice obtained approval in principle from the former West Kent Clinical Commissioning Group (now NHS Kent and Medway "The ICB") to develop plans for a new GP surgery.

The Maidstone Borough Council Local Plan (Regulation 19 Draft plan for submission document October 2021) details the above site as acceptable to accommodate a doctors surgery and includes a requirement for this to be a serviced site for this purpose (Policy LPRSA078).

The practice is in the process of appointing a third-party developer to take the development forward and progress developing an outline business case for the next stage of the premises development process.

The approval in principle to develop plans recognised the need for new premises in Sutton Valence to provide capacity for the growth in the Langley/Sutton Road area. The Practice premises surveys carried out in 2017 reported that the premises do not have the capacity to accommodate growth and are not suitable for long-term use.

The Practice faces challenges recruiting and retaining workforce required to cope with the growing service demand and population growth due to the space constraints and deficiencies in the existing premises.

The need for new GP premises has been identified since 2019 and operational challenges with delivering primary medical services have continued to increase.

The practice registered patient list has increased by 16% (1034 patients) in the past 4 years and there is expected population growth of circa 2000 expected in the next 5 years in the practice area. Delay to the premises development scheme will continue to create further challenges for the practice."

6.21 Also of relevance is site allocation H1(10) of the adopted Local Plan which has outline permission for 800 houses including for a potential GP surgery on 'land south of Sutton Road'. Under the final phase of this development the NHS were asked by MBC if there was a need for a facility at this site in July 2023. They advised that, "we no longer require space for a doctors surgery on the Sutton Road development" which is due to the identification of a preferred site at Sutton Valence.

6.22 The applicant has also submitted a letter from the GPs of the Sutton Valence Group Practice with the following (summarised) statements made which are considered to be relevant:

- Operating at peak capacity and currently have 7,500 patients registered at Sutton Valence Group Practice
- In 2017, West Kent CCG (now Kent and Medway ICB) performed a General Practice Premises Survey, which found no room for expansion at either site (South Lane and Cobtree).
- Have already purchased one mobile building and are considering a second but this offers only limited quantity of administrative space for our staff and has not addressed a requirement for increased clinical space.
- Limited toilet facilities, some of which are shared between staff and patients.

- Two practices were merged in 2018 and being split across two sites results in a divided clinical team and limits the treatments and services offered at each individual site.
- Dispensing facility is running at capacity and due to the design of the main building, there is no dedicated 'hatch' for patients to access dispensary.
- Ability to store medicine is limited due to lack of space.
- As a result of local housing development, the ICB have indicated to them they expect patients to increase to approximately 10,000 in the next 3 to 5 years.
- Consider that without new facilities, they will be unable to provide safe medical services to the current cohort of patients and have grave concerns re. the ability to safely meet future increased patient demand from the existing facilities.
- Without new facilities, they consider above issues will deteriorate over time.

6.23 Based on the NHS stating the surgery is needed to provide capacity for growth in the Langley/Sutton Road area; this need being identified 4 years ago in which time patients numbers have continued to increase and will continue to do so; the local practices operating at peak capacity with stated problems for their operation and having to use a mobile building; the Council having identified the need for a new premises for southeast Maidstone and selecting 'Haven Farm' as the site to deliver this in the LPR; and it being identified within the Council's Infrastructure Delivery Plan to "respond to growth in the Langley/Sutton Road/Sutton Valence area", I consider there is an urgent need for a doctors surgery. This is considered to be a material consideration that attracts significant weight and strongly weighs in favour of potentially allowing this development in advance of the adoption of the LPR. Therefore, it is crucial to ensure this new facility by way of a s106 legal agreement.

Impact Upon the Landscape and the Character and Appearance of the Area

6.24 The introduction of fairly significant development on a largely undeveloped site will inevitably cause harm to the character and appearance of the local area contrary to policy SP17 of the Local Plan but in view of the moderate weight given to the draft site allocation policy and it being a material consideration, this impact will be assessed in the context of this policy. The site is perpendicular to the linear morphology of Sutton Valence and its western extent is highly visible from nearby public rights of way including the Greensand Way.

6.25 The LPR or site policy is not accompanied by specific landscape impact evidence to define how the site should be developed and the draft allocation states, "the site layout and design of the site shall be informed by a landscape and visual impact assessment (LVIA)." This is because landscape impact of sites was not assessed within the Strategic Land Availability Assessment (SLAA 2021) for the LPR - it was not on the pro forma. As stated above, this is a detailed matter which was not examined by the Inspector so is left to the decision making stage. The 'Key Diagram' produced by the Council through

the MMs for the LPR does show the location of development and open space areas but has been based on this application.

- 6.26 Given the policy vacuum and, moreover, the impact on the landscape, officers therefore negotiated at the pre-application stage with the applicant to reach a position whereby the impact is considered to be suitably limited. The main consideration in this respect has been the westward extent of development for two reasons. Firstly, because the built settlement of Sutton Valence in this location is fairly close to the main road in a linear form and secondly, because the site is on rising land above the Greensand Way national trail (PROW KH498) so has the potential for high visibility. The applicant has submitted an LVIA with the application in line with the draft allocation.
- 6.27 Unfortunately the Landscape Character Guidelines are from 2012 and there was no landscape sensitivity testing in 2016 as Sutton Valence was not identified for growth of this scale. However, the site falls within Local Character Area (LCA) 29 – ‘Boughton Monchelsea to Chart Sutton Plateau’ within the Maidstone Landscape Character Assessment (2013). This is an area described as having low sensitivity and a poor condition with the guideline to ‘improve’ the landscape. ‘Actions’ include conserving and improving the extent of woodland cover, improving hedgerows, and maintain open space between swathes of development.
- 6.28 It adjoins LCA 35 – ‘Sutton Valence Greensand Ridge’ to the south an area described as having high sensitivity to change and good condition with the guideline to ‘conserve’ the landscape. ‘Actions’ include conserving orchards/hop gardens and small scale field patterns, resist further conversion to arable, conserve the scattered pattern of development and rural character, the rural setting of traditional buildings/settlements, narrow enclosed lanes, and consider the exposed landscape in view from the Low Weald to the south.
- 6.29 The development will inevitably result in a major change to the character of the site and the local landscape both close to North Street through closing a gap between development but more so towards the rear of the site as it moves into the open and undeveloped countryside. The applicant’s LVIA considers the development would have a ‘moderate adverse effect’ on landscape character. In my view the effect would be greater as the change in character from largely undeveloped fields to a housing estate is substantial.
- 6.30 In respect of visibility, the applicant’s LVIA considers views from the Greensand Way national trail around 345m to the south have a high sensitivity to change. It states, *“receptors will experience some change in views towards the site with building rooflines and some upper storeys visible through and beyond the existing hedgerow and line of mature trees. This visibility is mainly due to the gaps within the existing southern boundary. It is also likely to be more visible during winter months and perhaps some light spill after daylight hours.”* I would agree with this assessment in that the western part of the site protrudes and is visible from the Greensand Way.
- 6.31 Therefore through negotiation, buildings have been set back by around 90-100m from the far west edge of the site which is also visible from PROW KH550 315m to the west. The proposals are at their lowest density here with detached houses and new woodland planting is proposed ranging from 10m to 60m in depth. It is considered this set back and proposed tree planting

would suitably limit the visual impact of the development here. This together with woodland belts of 10m depth along the south and north boundaries would serve to break/soften any views of the development from the Greensand Way trail, PROW KH550 and also from Warmlake Road 230m to the north. This has resulted in a higher density to the east of the site near the entrance but it is considered that this is a reasonable compromise overall.

- 6.32 The front part of the site and development would be clearly visible from North Street. Proposed buildings here are set back to respect the building line between development to the north and south and would allow room for landscaping in line with the draft policy to provide a 'semi-rural' character.
- 6.33 Overall, the development will clearly cause harm to the character and appearance of the local area and landscape, however, in the context of the draft LPR allocation the measures to limit this impact through setting development well back from the western edge with new woodland planting and retaining/strengthening boundary trees and hedgerows, which are also 'actions' identified in the LCA, would serve to suitably minimise the impact. The LPR allocation only has moderate weight but the proposals align with the draft site policy in respect of the impact upon the character and appearance of the area and generally align with the 'Key Diagram' in terms of the location of development although as stated above this has been based on this planning application. Furthermore, the allocation as submitted made no specific reference to landscape impact nor, moreover, where and where not built development could be located so, given this context, it is considered that a reasonable compromise has been reached.

Design Quality & Landscaping

- 6.34 The NPPF has a chapter dedicated to design (12 - Achieving Well-designed Places) and there is specific reference to the design framework 'Building for Life 12'. This application has been developed and assessed against Maidstone's own version of this.

Access and Connectivity, Walking and Cycling

- 6.35 Access would be off North Street with new pavements linking to those either side on the road. KCC Highways have raised no objections in terms of the suitability of the access and the visibility splays that can be achieved and also the internal layout in terms of access and turning space for delivery, refuse and emergency vehicles.
- 6.36 A Toucan crossing is proposed just to the north of the access to provide a safe route across the A274 and connectivity with the village hall and public open space on the opposite side in line with the draft policy. There would also be footway widening to 2.5m from the village hall entrance southwards for around 150m which is considered suitable as extending further would result in the loss of trees which contribute to the streetscene. KCC Highways have raised no objections to these proposals. The existing access to the farm shop/post office would be used as an emergency access only for the development with a retractable bollard where it meets the site but can also be used by pedestrians and cyclists. These measures are considered appropriate to promote walking and cycling and access to the existing bus stop to the south of the site and a relocated one to the north. The nearest public rights of

way (PROW) are to the west and south of the site with farmland between. It is considered appropriate to require the applicant to use reasonable endeavours to explore potential routes for new residents to these with the adjacent landowner under a legal agreement to provide recreational walking routes and access to the countryside.

- 6.37 Within the site a footway provides a clear route through the development along the main spine road towards the rear part of the scheme. Off the main spine road are some shared streets without footways but they are short in length and so are suitable for pedestrians. There would be paths around the open space areas at the west end which are overlooked by houses on clear desire lines. An existing pedestrian link to the sports pitches to the north would be retained with a lockable pedestrian gate.
- 6.38 It would be possible to access the other parcel of land that forms part of the allocation to the south (different ownership) as the open space here would have sufficient space for a vehicular access should this come forward.
- 6.39 Overall, it would be easy to find your way around the development with a main dedicated footway and paths around open space areas, and a controlled crossing and footway widening would provide off-site connectivity in accordance with policy DM1 of the Local Plan, and as advocated by Sections 1, 2, and 3 of 'Maidstone Building for Life 12' (MBfL12).
- 6.40 However, the layout is, in effect a cul de sac and this aligns with the policy allocation. However, at the decision making stage, it is important, in terms of good design, to improve connectivity. Therefore a pedestrian gate and PROW route map is required by condition and a s106 head will be for the developer to use best endeavours to enable a link to the development with the PROW network with the KCC Public Rights of Way department.

Layout/Character/Identity

- 6.41 The draft policy requires a masterplan, rural vernacular, distinct character areas with variety in typologies, materials, landscaping and street scenes.
- 6.42 The Design & Access Statement (DAS) refers to three main character areas being the 'Arrival Square', 'Green Avenue' and 'Woodland Fringe'. I would agree these are areas with different character as they have the following features to define them:

'Arrival Square'

- 6.43 This has the highest density and the largest buildings being the 2.5 storey apartment block with retail below and doctors' surgery with a more urban grain. Behind these is a hard surfaced 'square' which includes parking for the retail use and is enclosed and defined by buildings that have active frontages on to the space. This will provide an arrival space within the scheme and provided quality surface materials, kerbing, and street trees are secured by condition it would ensure an attractive area in line with Section 5 of MBfL12. The building at the west end of this entrance which will be highly visible when entering the site will provide an 'end stop' and be fully faced in ragstone. The building enclosing the northern side has apartments above parking spaces

but these spaces are screened by false doors to provide an attractive elevation and these can be secured as timber by condition.

6.44 The density of this part and footprints of the frontage buildings (apartment block and surgery) are somewhat out of character with existing development to the north and south but the apartment block is articulated to the front with variations in the roof line, projecting gables set down from the roof, recessed sections, and different materials to break up its mass. It is designed to have the appearance of a series of terrace buildings rather than as a large block which I consider would be achieved. The appearance of the doctors surgery is not being considered but it is indicated it will be 2.5 storeys and with suitable articulation and materials at the reserved matters stage it could be designed to appropriately fit in.

'Green Avenue'

6.45 This area winds through the centre of the scheme following the main street. After the arrival square the street runs through an open space area with trees and SUDs basins where appropriate landscaping will be secured by condition to provide an attractive year round space. The street continues through and is a wide space due to the large set back of houses from the road (6-9m) which allows room for street trees and front gardens which are shown to be mainly enclosed by hedging. Buildings fronting the street are detached with space at first floor level of at least 5m but in most cases more. The set back of buildings and space between them was required by officers to ensure a spacious and attractive development.

'Woodland Fringe'

6.46 This is the lowest density area with the largest detached houses addressing the open space at the west end of the site. Houses are well spaced with some gaps of around 15-20m with generally large front gardens and native hedging. There are some exposed boundaries here because they face the public open space where fencing is proposed but ragstone walling would be more appropriate and secured by condition.

6.47 The layout of buildings within the site is generally made up of perimeter blocks with buildings fronting streets and turning/addressing corners either through siting and/or architectural detailing/windows so providing active or dual aspect frontages. There are instances of garden boundaries within the streetscene but these can be secured as ragstone walls in prominent locations by condition.

6.48 The residential proposals are for a net density (excluding open space areas) of approximately 26 dwellings per hectare (dph) which appropriately lowers towards the west edge. Policy DM12 sets out that for 'larger villages' residential development will be expected to achieve a net density of 30dph as does the draft policy in the LPR (LPRHou5). The proposals are therefore lower and this is appropriate particularly bearing in mind the westwards projection of the development. This is also borne out through the spacious nature of the development.

6.49 As stated above the proposals for 110 dwellings exceed the draft policy by 10 units and this does not include the separate parcel of land to the south which

is likely to be suitable for around 10 dwellings. The proposed yield is contrary to the site policy but the density is below those set out for 'larger villages' and importantly the layout is considered to be acceptable in design terms for the reasons set out above.

6.50 Overall, the layout is considered to be of high quality providing suitable connections, an arrival 'square', and spine road running through an open space area and onwards to the western open area to provide memorable features and a specific identity/character to the scheme. Buildings would generally be set well back from the road with front gardens and room for street trees, with spaces between buildings at first floor level and the scheme would provide an attractive place in accordance with policy DM1 of the Local Plan, and MBfL12. It would also comply with 'Design and Layout' part of draft policy LPRSA078.

Building Designs

6.51 There are a large variety of house types/designs which are mainly two storeys but there are three chalet bungalows proposed. They are 'traditional' in style with gables and hipped roofs. Good detailing and interest are provided through exposed rafter feet, arched brick headers above windows, raised brick courses between floors and plinths, decorative gable features, tile hanging, porches, bay windows, chimneys, and projecting gables. Materials include stock bricks, ragstone, clay tiles, and composite weatherboarding and all these details and materials will be secured by condition to ensure high quality. The designs are of good quality and are appropriate for the semi-rural location.

6.52 The Council's Conservation Officer originally raised concerns regarding the apartment block's design considering it would create a large dominant block to the front of the site with an urban character which would conflict with the setting of the Conservation Area (CA). I have carefully considered this but in my view the front of the site is too distant from the CA (200-280m) and this together with fairly significant built development between means it is not appreciated or seen in the context of the CA. For these reasons, I do not consider it forms part of its setting and so the apartment block does not impact upon or harm the CA.

6.53 Notwithstanding this, amendments were negotiated for a less 'urban' appearance and as stated above, the apartment block is now well articulated to break up its mass and so it appears as a series of terrace buildings rather than a single block. It will be 'traditional' in appearance with a fully hipped roof, barn hips, projecting gables and feature detailing including exposed rafter feet, raised brick courses between floors and plinths, arched brick headers above windows, and chimneys. Materials will be secured for stock bricks and clay tiles. Balconies are proposed on most apartments and these would be glazed so would have a 'light weight' impact on the appearance.

6.54 The appearance of the doctors surgery is not being considered but conditions can guide this in terms of expected articulation, materials and detailing to ensure it fits appropriately in the streetscene.

6.55 Five self-build units are proposed in outline form so their appearance and scale will be dealt with at reserved matters stage. The applicant has

submitted a 'Plot Passport' example for this area which sets some parameters to guide the reserved matters such as heights, set-backs, materials, and landscaping. This is appropriate and can be secured by condition. A legal agreement would be needed to ensure these plots are secured for self/custom build to deliver what is proposed and comply with the draft policy.

- 6.56 Hard surfaces are predominantly block paving for roads and parking areas which is appropriate and can be secured by condition. Front boundaries are generally open with hedging shown and any exposed boundaries are mainly ragstone or brick walls which is appropriate and can be secured by condition.
- 6.57 Refuse storage details have been provided which for houses would be in rear gardens/garages and for the apartments a dedicated bin storage area within the building.
- 6.58 Overall, the building designs are of good quality with the use of vernacular materials and detailing in accordance with policy DM1 of the Local Plan. They would also comply with draft policy LPRSA078.

Landscaping

- 6.59 A high level landscape masterplan has been provided which shows tree, hedge and wildflower planting along the site frontage which is appropriate. Within the housing areas properties are generally bounded by hedges to the front with areas of shrub planting in front gardens. Street trees are shown along the main spine road within grassed verges which means they have more space to grow and are not in private ownership but conditions will be required to ensure they are delivered alongside any services. The fundamentals of the masterplan are acceptable but a condition will be used to guide the fine details to include native trees, hedges, and shrubs, and more shrub planting in place of some grassed areas to provide more interest. Details for the planting of street trees and their ongoing mechanical irrigation will be secured.
- 6.60 For the areas beyond the housing there would be attenuation basins and linear swales and it will be important for the landscaping to provide year round interest in these areas which can be secured by condition. The basins would not be excessively large, deep (2.5m), or steep (1:3), and would have a permanent wetland depth of 0.5m so would be aesthetically acceptable subject to landscaping. Details of the native woodland planting along the north, west and south boundaries will be secured by condition as will the grassland areas, orchard and wildlife pond. Conditions will secure details of implementation and ongoing management.
- 6.61 Overall, it is considered the landscaping principles will provide a good quality environment and setting to the development and conditions can guide the details to ensure a high quality scheme is delivered in accordance with policy DM1 of the Local Plan. This would also comply with the landscape requirements of draft policy LPRSA078.

Impact on Conservation Area and Listed Buildings

- 6.62 The NPPF outlines at paragraphs 199 and 200, that great weight must be given to the conservation of designated heritage assets irrespective of

whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Any harm requires clear and convincing justification. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

6.63 The Conservation Officer has provided advice and considers development of the front part of the site infilling the current open space would cause 'less than substantial harm' to the rural setting of the CA. As stated above, in my view the front of the site is too distant from the CA (200-280m) and this together with the intervening built development means it is not appreciated or seen in its context. For these reasons, I do not consider the site forms part of its setting and so the development does not impact upon the CA or its setting.

6.64 I agree with the Conservation Officer that Osborne House (GII listed) which is around 50m east of the northeast part of the site would have been constructed to allow for views over the open countryside to the west as this was free from development when it was built. Although there is already a house to its rear, low height buildings within the application site (not including mobile homes as they don't have permission), and a telecommunications mast, the undeveloped parts of the application site near to the building and further west do maintain some openness to its setting here. I therefore consider the introduction of more significant development to the rear of this listed building would cause some harm to its setting and this would be 'less than substantial harm' as considered by the Conservation Officer. In my view this would be a low level of such harm because the openness and thus significance of the rear setting has been partly eroded already.

6.65 As such, there is some conflict with criterion 1 of policy DM4 of the Local Plan which seeks development to conserve or where possible enhance heritage assets and their settings but the explanatory text refers to carrying out a weighting exercise in line with the NPPF where there is potential harm.

6.66 The NPPF at paragraph 202 advises harm should be weighed against the 'public benefits' of the proposal which can be anything that delivers economic, social or environmental objectives as set out in the NPPF. The public benefits that would flow from the proposed development would be economic in terms of contributing to the local economy with both direct and indirect construction jobs. The increased population would also contribute to the local jobs through expenditure in local shops and on local services. These carry moderate weight. Social benefits would arise from the provision for 110 dwellings including 44 affordable dwellings which would help to "support strong, vibrant and healthy communities" and contribute to the Government's aim to significantly boost the supply of housing. The provision of a much needed doctors' surgery would also support the local community's health well-being. The benefits arising from the delivery of housing, including affordable housing, and the doctors surgery attract significant weight.

6.67 I give special regard to the preservation of the setting of Osborne House and the development will further erode the openness causing a low level of harm.

However, in balancing matters it is considered the significant 'social' public benefits of providing 110 dwellings including affordable housing to meet ongoing housing needs on a draft housing allocation and the urgent need for a doctors surgery provide for clear and convincing justification for accepting some harm to the heritage asset, and these public benefits outweigh this low level of 'less than substantial harm' to Osborne House in line with Paragraph 202 of the NPPF.

Residential Amenity

Neighbouring Properties

- 6.68 The main potential impacts will be upon the dwelling 'Haven Farm House' to the north of the front part of the site, dwellings to the south at Haven Close and others to the south, and those dwellings to the northeast.
- 6.69 In terms of privacy and overlooking, the apartment block would not have any windows on the north flank elevation facing Haven Farm House. There are three roof lights in the north roof slope and to prevent any overlooking of the immediate rear amenity area of this property, which has a main patio adjoining the south side of the house and a swimming pool, they will be set at least 1.7m above inside floor level and this will be secured by condition. The balcony to the front of the apartment block is set back from the north flank of the building sufficiently so no loss of privacy to the rear area would occur to the north. The rooflight balcony is even further north and would not affect privacy.
- 6.70 The nearest first floor window to Haven Farm House is on plot 12 and would be around 18m from the boundary with this property and 30m from the dwelling itself. This is a bathroom window which can be conditioned to be obscure glazed with high opening only. The next nearest window would serve a living area and would be 18m from the boundary of the garden and around 32m from the dwelling. At this distance I do not consider there would be any unacceptable overlooking or loss of privacy to the dwelling. The main patio area for this property would be over 25m from first floor windows and at this distance I do not consider any unacceptable overlooking would occur. The swimming pool is closer but any views would be at a more oblique angle and over 21m away and therefore no unacceptable loss of privacy would occur. A small decking area next to the pool would not be overlooked as it is adjacent to the existing boundary fence. The remainder of the garden would have windows either 18m or 9m away with conifer trees between for the closer windows and any limited impact on the rest of the garden is not unacceptable. As such the house will have sufficient privacy and a suitably private amenity area to the immediate rear.
- 6.71 In terms of light and outlook for Haven Farm House, the apartment block would be roughly in line with the front and rear of this property and as it has no south flank room windows there would be no impact on light or outlook for the dwelling. Rear facing windows would not be harmfully affected. The rear lounge has large glazing areas on the south and west sides and this together with the distance away of around 15m means it would not suffer from any unacceptable loss of day or sunlight. The apartment block would cause some overshadowing of the swimming pool and rear amenity area but this would not result in a poor standard of amenity or poor living conditions. Plots 12/13 would be a sufficient distance away so as not to harmfully affect

light or outlook to this dwelling or its rear amenity area. Any other proposed houses near to the boundaries of this property would be a sufficient distance away so as not to harmfully affect light, privacy, or outlook.

- 6.72 There would be a car park near to the rear garden of Haven Farm House serving 13 properties which would be set off the boundary. This would cause some noise and disturbance but it would not be constant and vehicles would be moving/manoeuvring at low speeds so I do not consider this would result in unacceptable impact upon amenity. The delivery area for the retail unit is over 20m from this property with fencing proposed between and would not result in any unacceptable impact upon amenity. Delivery hours can also be controlled to ensure this doesn't occur overnight. Details of any plant or equipment for the retail unit can be secured by condition to ensure no harmful impacts.
- 6.73 For 6-12 Haven Close to the south it will necessary that the doctors surgery, the details of which will be known at the reserved matters stage, does not cause a loss of privacy to these properties which can be guided by condition. Otherwise the nearest dwelling (plot 29) would not have any windows facing Haven Close. People using the north part of the outline area for the surgery car park and walking to and from it would have views towards the rear windows of 6-10 Have Close. However, these windows can already be overlooked by neighbours within their rear gardens to a degree, any direct views would be from over 17m away, and some existing trees would break views so this is considered to be acceptable.
- 6.74 For the dwelling 'Maseline' immediately south of the proposed car park area, this property has two small first floor windows facing the site but these are obscure glazed so no loss of privacy would occur. The car park can be laid out at reserved matters stage to avoid any loss of privacy to the rear windows of this property. Other properties to the south would be a sufficient distance away so as not to harmfully affect privacy. There would be some noise and disturbance from vehicles using the car park but there is space to ensure the car park does not abut any boundaries and on this basis I do not consider use of the car park would harm amenity.
- 6.75 For the nearest dwellings 'Kelvin' and 'North Street Cottages' to the northeast, proposed houses would be at least 26m away so there would be no unacceptable impact upon privacy, light, or outlook here.

Future Residents

- 6.76 All proposed houses would have sufficiently sized rear gardens that would benefit from suitable outlook and privacy. All but three of the flats within the apartment block would have balconies to provide some outdoor space. The three without balconies are to ensure there would be no overlooking of the neighbouring property. Ten flats without gardens would have a communal 9m x 10.5m outdoor space with seating adjacent to provide an amenity area, which could also be used by other residents.
- 6.77 Residents would also have access to open space areas on site including a small play area for children and easy access to the recreation ground on the opposite side of the road by the village hall.
- 6.78 Overall it is considered the development would not result in an unacceptable impact upon privacy, light, or outlook of any neighbouring properties or result

in excessive noise or disturbance in accordance with policy DM1 of the Local Plan and new residents would benefit from sufficient amenity. This would also comply with draft policy LPRSA078.

Highways

6.79 KCC Highways have no objections to the proposed access, changes to the road width to accommodate it, or the toucan crossing in terms of safety or traffic impacts. These would all be secured by condition prior to the occupation of the development.

Traffic Impacts

6.80 The applicant has assessed traffic from the development at the A274/Warmlake Road/Chartway Road, Sutton Road/Willington Street/Wallis Avenue, and the A274/Leeds Road/Plough Wents Road junctions, as these would be most affected by the development. The evidence predicts these will remain within their capacity (which KCC Highways agree), apart from the A274/Leeds Road/Plough Wents Road junction.

6.81 For this junction, the evidence predicts two arms (Leeds Road and Plough Wents Road) will be over capacity in 2027 without the development in the AM peak (10% and 9% over) and one arm (Plough Wents Road) in the PM Peak (11% over). With the development traffic this would increase to 21% and 15% in the AM and 16% in the PM peaks respectively. Therefore, KCC Highways have requested the applicant seeks mitigation and they have produced a design for changes to the junction.

6.82 The proposed changes essentially introduce a northbound right hand turn lane towards Leeds Road with some limited widening to accommodate this. With this scheme the impact would be reduced to a 17% and 12% over capacity in the AM and 13% in the PM peaks respectively. This equates to an increase of 7 more vehicles queuing on Leeds Road and 2 more on Plough Wents Road in the AM peak, and 2 and 3 more in the PM peak in 2027. This is not considered to be a significant increase on the capacity or queuing at the junction that will occur without the development.

6.83 Importantly the main arms of the junction (A274) would see some improvements and not be significantly affected from what they would be without the development. Queuing lengths would be reduced northbound by 7 vehicles and southbound increased by 1 in the AM peak and reduced northbound by 10 and would be the same southbound in the PM peak.

6.84 KCC Highways have raised the issue that they will be increased delays on some arms of the junction but raise no objections stating, *"it is accepted that the delays stated are generated from the increase in queue lengths demonstrated on the minor arms (B2163 – Plough Wents Road and Leeds Road) whilst improvements/stabilisation are seen on the A274 arms. It is therefore considered that the proposed scheme delivers suitable improvement to the primary route."*

6.85 The junction works have also been subject to an independent Stage 1 Road Safety Audit and following responses to this from the applicant, KCC have raised no objections in terms of highway safety.

- 6.86 These junction works are considered to be necessary to mitigate the impact of the development and the costs, which will be agreed with KCC Highways, will be secured by a legal agreement to ensure delivery. Payment will be secured early on to enable delivery as soon as possible.
- 6.87 KCC Highway have requested a financial contribution (amount not stated) towards the 'A274 Sutton Road/Willington Street junction improvement scheme'. The predicted impact of the development on this junction from the development, with which KCC Highways agree, is insignificant and so does not justify a financial contribution. In addition, there is already section 106 funding held by MBC and KCC to improve this junction.
- 6.88 The A247 has a 30mph speed limit outside the site and traffic speed management measures (virtual speed bumps) were explored in line with the draft policy. However, KCC Highways advised that based on DfT guidance and Section 81 & 82 of the Road Traffic Regulation Act 1984, as North Street has street lighting the installation of repeater signage or roundels is prohibited.

Public Transport

- 6.89 There are existing bus stops outside the site and the Maidstone-bound stop would be moved just north of the new access. The service provides a mainly half hourly to hourly frequency to Maidstone and whilst some representations do not consider it is a good service and is sometimes full, it is considered to provide a sufficient opportunity for public transport use.
- 6.90 It is considered that a Travel Plan, to include a welcome pack with information on buses, pedestrian and cycle network and bus vouchers, is necessary for this scale of development with an aim to reduce vehicle trips and promote sustainable travel in line with policies SP23 and DM21 of the Local Plan and the NPPF. This will be secured by condition a monitoring fee secured under a legal agreement.

Parking

- 6.91 There would be 200 parking spaces for 105 dwellings and all properties would have parking spaces to meet the Council's standards. This is 1 space for 1/2 bed apartments, 1.5 spaces for 1/2 bed houses, and 2 spaces for 3/4 bed houses. Many would have 2 spaces in tandem where the parking standards seek independently accessible spaces but an overprovision of 7 visitor spaces (28 in total) are proposed if there was some overspill and I do not consider this would lead to any highway safety issues. Bike storage would be provided for all properties and cycle parking for two bikes outside the retail unit is proposed which is acceptable and will be secured by condition. EV charging is now dealt with under the Building Regulations.
- 6.92 There would be 10 parking spaces including 2 accessible spaces for the retail use where the standards seek a maximum of 24. These are maximum standards and as this is a relatively small retail space that is accessible by foot within the village, this is acceptable. A space for delivery vehicles would be to the rear.
- 6.93 The surgery would have up to 50 spaces and with the standards being maximums this is considered to be a sufficient number for the footprint proposed (1,500m²) and accords with the draft allocation policy.

Biodiversity

Protected Species

- 6.94 Protected species present at the site are bats and surveys have been carried out. KCC Ecology originally raised some issues with the extent of the surveys but advised that provided dark corridors along the boundaries, and around trees with bat roosting suitability can be provided they are satisfied with the submissions. Most of the corridors would have new tree planting and large buffers to houses but KCC Ecology have some concerns regarding the proximity of parts of the corridors to residential gardens. However, they advise the areas of most concern are relatively small and provided the applicant is able to provide dark corridors along the boundaries, and around trees with bat roosting suitability within their lighting strategy, significant negative effects upon roosting, commuting/foraging bats are considered unlikely. This means the use of sensitive lighting in these areas and ensuring light levels are in accordance with UK guidelines which can be secured by condition. The condition can also prevent the installation of further lighting in these sensitive areas. This is in accordance with policy DM8 of the Local Plan.
- 6.95 Otherwise the surveys recorded no other protected species at the site and precautionary measures are proposed for breeding birds and hedgehogs. There is a badger sett at the site and this would potentially be affected by proposed swales. If the sett is confirmed to be active from camera trapping results, a license will need to be obtained prior to the commencement of works within this area and the on-site sett will need to be closed. I agree that given the extent of habitat planting proposed towards the west part of the site, in the event that a replacement sett is required, there is sufficient space to incorporate this. Conditions can ensure this process is followed.
- 6.96 A local resident has stated there is a pond nearby where frogs, toads and snakes have been observed. KCC Ecology have seen a photograph of this small pond and advise the likelihood of it supporting breeding Great Crested Newts (GCN) is negligible due to its size, surrounding habitat, and vegetation visible in the water. This, in addition to the lack of suitable ponds connected by suitable habitat to the site, makes the likelihood of GCN occurring on-site very low. In terms of snakes, reptile surveys were undertaken on-site and did not find any evidence of reptiles. Nevertheless, KCC Ecology advise that very low numbers of reptiles can be difficult to detect during survey, particularly during the summer months and it is likely that very low numbers of reptiles are making use of suitable habitats on-site based on information supplied by neighbours. KCC advise the proposals include a wildlife pond, and other habitats that would be suitable for grass snake and common toads. Where areas of habitat need to be cleared on-site that have suitability for grass snake/ other reptiles, a precautionary method statement is recommended which can be required by condition.
- 6.97 A local resident has also questioned the age of the surveys which were carried out in Summer/Autumn 2021. KCC Ecology have specifically been asked to consider this and advise the surveys are sufficient. The proposals are considered to be in accordance with policy DM3 of the Local Plan.

Biodiversity Net Gain

- 6.98 Whilst Biodiversity Net Gain (BNG) is not mandatory until January 2024 the applicant is proposing 20% to align with the draft LPR. A BNG Assessment has been submitted which demonstrates there would be a net gain of just over 20% for 'habitats' and a 56% gain for 'hedgerows' post development on site. In simple terms this is demonstrated through establishing habitats and hedges both pre and post development and then using the Natural England metric, at the time of the submission of the application, to calculate the change. For habitats this is achieved through replacing existing habitat on site and creating higher quality habitats, and for hedgerows through increasing the amount of them on site and also improving those that exist.
- 6.99 KCC Ecology have raised a number of queries of the BNG assessment over the course of the application and after responses from the applicant are satisfied the assessment is accurate and the BNG can be delivered. They also considered issues raised by a local resident in relation to the calculations. The local resident has more recently questioned the calculations based on 11 mobile homes at the site not benefitting from planning permission and other structures without permission, and so the baseline calculation should be different (e.g. potentially being grassland instead of hard surfacing). The applicant has responded that the mobile homes sit upon hard surfacing so would not make a difference which I consider is appropriate. The applicant also makes the point that there is more hard surfacing now which has been carried out under permitted development rights. I am satisfied with the calculations as are KCC Ecology and ultimately a condition will be attached to require that a BNG Management Plan is submitted to deliver the BNG including management and monitoring for 30 years.

Infrastructure, Open Space, Doctors Surgery and Affordable Housing

- 6.100 Policy DM20 states that residential development that would generate a need for new community facilities or for which spare capacity does not exist will not be permitted unless the provision of new, extended or improved facilities, or contributions towards such provision is secured either through legal agreements or the Community Infrastructure Levy (CIL).
- 6.101 Kent County Council have requested financial contributions towards primary (£389,928) and secondary (£381,360) education, community learning (£1,707.68), youth services (£6,812), libraries (£5,766.80), social care (£15,275.52), and waste (£5,664.88). The development itself is not of a scale to require a specific 'item' of infrastructure such as a new form of entry for primary or secondary schools and so would have an impact cumulatively with other development upon the infrastructure listed above. On this basis the use of CIL is considered appropriate for this infrastructure and it is noted in the Infrastructure Delivery Plan submitted alongside and to support the LPR, that further primary school capacity for the 'larger villages' is identified and also secondary school capacity. The actual amount of CIL monies can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved but for information purposes the development would be likely to pay in the region of £830,000 based on the proposed floorspace.
- 6.102 In terms of open space, the draft allocation policy seeks 0.9ha of semi-natural open space the principle focus of which is to create new woodland and BNG and 0.35ha of amenity land including children's play

space. The proposals are for around 0.75ha of woodland which would be bounded by around 0.2ha of mixed scrub. Whilst scrub is not woodland per se it is often found on the edge of woodland and is considered appropriate to provide a transition and contributes to BNG. Amenity land of around 0.35ha would be provided along with a children's play area.

6.103 Policy DM19 sets out open space standards and other categories including outdoor sports and allotments using a formula. The Council's Parks and Open Spaces section have calculated the development is around 0.5ha short of the open space requirements and seek an off-site contribution of £353.49 per unit (£38,883) to make up the shortfall. They have stated this would be used for "the provision of, or improvement, refurbishment and maintenance of, existing sports facilities or equipped play facilities or to improve/provide natural open space features, biodiversity improvements, tree planting and access improvements footpaths/signage" within one mile of the development. They have clarified these are the Chart Sutton Recreation Ground; Sutton Valence Recreation and Sports Ground; Tumblers Hill Amenity and Natural Open Space (also referred to as Bowhalls Greenspace); and The Harbour & Sutton Valence Playing Field (Including Jubilee Field). All these sites are managed and maintained by the Parish Councils.

6.104 As the draft site policy specifically states that, where it is not feasible, due to site characteristics, to provide all open space typologies, the scheme shall make appropriate financial contributions towards off-site provision/public realm improvements within the village, it is considered that a legal agreement to secure this financial contribution is appropriate. I consider the Chart Sutton Recreation ground is too distant from the site but the others are in Sutton Valence and are more accessible from the site. They have a mix of open space types to which the contribution could be used to mitigate the additional pressure from new residents. This would pass the relevant tests of being necessary to make the development acceptable, directly related to the development, and fairly and reason related in scale and kind to the development (Regulation 122 of the CIL Regulations)

6.105 It is necessary for the doctors surgery land to be protected for that use only for a reasonable period of time (5 years) and transferred at nil cost to allow this to come forward due to the urgent need and this being a requirement of the draft policy. A legal agreement will therefore secure this and the final wording will be agreed with the NHS.

6.106 Affordable housing is proposed at 40% (44 dwellings) in line with existing and emerging policy which includes a mix of 1, 2, 3 and 4 bed properties. The mix of sizes is in general alignment with the ranges set out in the Council's Affordable Housing SPD apart from a slight under provision of 3 bed houses by 3 units but this is not considered to be unacceptable. The provision of 25% First Homes is set as mandatory by the Government and after this the remainder is split in line with the indicative targets under policy SP20 being a 70/30 (affordable rent/shared ownership) split. This equates to 25% First Homes, 53% affordable rent, and 22% shared ownership which will be secured under a legal agreement. The affordable housing is located towards the front of the site and in the northeast corner and is integrated with the private housing and would be 'tenure blind' which is acceptable and is in accordance with policies SP19 and SP20.

6.107 It is also considered appropriate to have a mechanism within the legal agreement for the applicant to use reasonable endeavours to provide a post office service within the retail floorspace. The Council cannot insist or make this happen as it is a business decision but this will help to facilitate the potential replacement of this community facility in line with policy DM20.

Other Matters including Drainage, Consultees and Representations

6.108 Surface water drainage would be dealt with through the use of swales and storage ponds and a deep bore soakaway to deal with the worst rainfall events. KCC Flood and Water Management have reviewed the proposals and following clarification on matter raise no objections subject to conditions. Foul drainage would be into the existing system on North Street and Southern Water have advised there is sufficient capacity to service the development.

6.109 In terms of minerals safeguarding, the site is situated upon land as being safeguarded for sandy limestone or ragstone. The applicant's mineral assessment considers that due to the buffers required to residential properties, the area left over for mineral extraction would be too small to be economically viable. KCC Minerals & Waste have reviewed the assessment and raise no objections and I have no reasons to disagree with their advice. Their comments on the LPR were also that the potential mineral yield is too limited in all probability to enable a viable prior extraction of the safeguarded mineral. The proposals are therefore in accordance with policy DM7 (1 & 2) of the Kent Minerals and Waste Plan.

6.110 KCC Heritage recommend conditions requiring archaeological field evaluation, recording, reporting, and post excavation assessment, which are considered necessary.

6.111 Environmental Health recommend conditions relating to a construction method statement (noise, vibration and dust), noise levels for new properties, lighting, air quality mitigation, EV charging, and contamination. In terms of air quality Environmental Health do not consider an air quality assessment is required due to the scale of the development and is distance from the nearest air quality management area in Maidstone town centre but that an Air Quality Emissions Reduction condition should be applied. On balance, I consider a condition is justified to reduce any air quality impacts even if they are limited. EV charging measures are dealt with under the building regulations. Any impacts from construction are generally outside the consideration of the application, would be temporary, and are covered by Environmental Health legislation.

6.112 Other representations not relating to matters considered above include loss of Grade 2 farmland, solar panels and ground source heat pumps, Japanese knotweed, and disruption from construction.

6.113 The site falls upon Grade 2 agricultural land according to Natural England's land classification maps. This must have been a factor in the allocation of this site in the first place but has been allocated nevertheless. These are high level maps which are not accurate to individual fields or sites but the applicant has not provided an assessment of the site itself so it must be assumed it is Grade 2, which falls within the 'best and most versatile' (BMV)

category. There is no policy in the Local Plan which specifically protects this apart from when a change of use of land to domestic garden is proposed but there is a monitoring target to avoid the loss of such land. The NPPF refers to recognising economic and other benefits of the BMV land. This matter has not been raised as a potential barrier to the site being allocated by the Local Plan Review Inspector but prior to adoption of the LPR its loss is a factor that weighs against the development.

6.114 The applicant proposes to provide 10% of the energy requirement by on site renewable energy technology or low carbon energy but this is not clarified further. Whilst there is no Local Plan requirement to provide renewable energy generating sources this is being offered by the applicant and a condition can require these details which is likely to be the use of PV panels and/or air source heat pumps.

6.115 Matters relating to Japanese knotweed are covered by other legislation if it is present at the site. As stated above, any impacts from construction are generally outside the consideration of the application, would be temporary, and are covered by Environmental Health legislation.

PUBLIC SECTOR EQUALITY DUTY

6.116 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 site is located outside the defined settlement of Sutton Valence in the adopted Local Plan. It is therefore within the 'countryside' for Local Plan purposes where policy SP17 applies and states, "*Development proposal in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.*"

7.02 There are no other policies in the Local Plan which allow for major housing development outside defined settlements and the change from largely undeveloped fields will inevitably cause harm to the character and appearance of the area. The proposals are therefore contrary to Local Plan policies SS1 (Spatial Strategy) and SP11 (Larger Villages) in terms of proposing major housing development outside any settlement and policy SP17 and DM30 in terms of causing harm to the character and appearance of the countryside.

7.03 Section 38(6) of the Planning and Compulsory Purchase Order 2006 states that,

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

- 7.04 Any decision not in accordance with the Development Plan requires clear justification. Material considerations include the draft LPR and allocation of the site for housing, retail, and a doctors surgery.
- 7.05 As outlined in the report, draft site policy LPRSA078 is considered to attract moderate weight but the proposals would result in a dwelling yield of at least 20% above that allocated and so are contrary to the policy in this respect. The site is perpendicular to Sutton valence and extends significantly westwards, however, and in the context of the allocation, the landscape impact, layout, and design quality is considered to be acceptable.
- 7.06 Based on the NHS stating the surgery is needed to provide capacity for growth in the Langley/Sutton Road area; this need being identified 4 years ago in which time patients numbers have continued to increase and will continue to do so; the local practices operating at peak capacity with stated problems for their operation and having to use a mobile building; the Council having identified the need for a new premises for southeast Maidstone and selecting 'Haven Farm' as the site to deliver this in the LPR; and it being identified within the Council's Infrastructure Delivery Plan to "respond to growth in the Langley/Sutton Road/Sutton Valence area", it is considered there is an urgent need for a doctors surgery and this is a material consideration that attracts significant weight.
- 7.07 The development would cause a low level of 'less than substantial harm' to the setting of the Grade II listed Osborne House and whilst giving great weight to this, in balancing matters it is considered the significant 'social' public benefits of providing 110 dwellings including affordable housing to meet ongoing housing needs on a draft housing allocation and the urgent need for a doctors surgery provide for clear and convincing justification for accepting some harm to the heritage asset, and these public benefits outweigh this low level of 'less than substantial harm' to Osborne House in line with Paragraph 202 of the NPPF.
- 7.08 In the absence of any evidence to the contrary the proposals result in the loss of the 'best and most versatile' Grade 2 agricultural land which the NPPF recognises the economic benefits of. This matter has not been raised as a potential barrier to the site being allocated by the LPR Inspector. Prior to adoption of the LPR its loss weighs against the development but is not considered of sufficient weight to refuse permission.
- 7.09 The two matters of moderate weight to the Local Plan Review policy allocation LPRSA078 together and the urgent need for a doctors surgery which attracts significant weight are together considered to represent material considerations of sufficient weight to outweigh the conflict with the Development Plan. The social benefits from the delivery of housing including affordable housing also attract significant weight in favour of the development.
- 7.10 Otherwise the development complies with all other relevant Development Plan policies and suitable mitigation is secured by conditions or a legal agreement where necessary.
- 7.11 For these reasons planning permission is recommend subject to conditions and a legal agreement.

EIA Screening

EIA Development	Yes
Comments	<p>Whilst the proposals fall within Schedule 2 (10b) of the Regulations and exceed the applicable threshold of a 5ha site, the NPPG acknowledges that only a “very small proportion” of Schedule 2 projects will require an EIA.</p> <p>The site is not within or near to a ‘sensitive area’ defined under the EIA Regulations.</p> <p>The development is not complex in nature or of a scale such that any impacts upon natural resources, waste, pollution, human health, water resources, biodiversity, landscape/visual, heritage, highways, or the environment would be of a magnitude to result in significant environmental effects. Potential impacts are considered to be localised with the scope for mitigation.</p> <p>Therefore the characteristics, scale, or location of the development and its potential impacts are not likely to give rise to significant effects on the environment and thus an EIA is not required.</p>

8 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions and the prior completion of a legal agreement to secure the heads of terms set out below with delegated authority to the Head of Development Management to be able to settle or amend any necessary planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee:

Legal Agreement to require prior payment of monitoring fees of £6,885.

HEADS OF TERMS

- a) The ‘Doctors Surgery Land’ for which outline permission is hereby approved to be secured for such use for 5 years from the date of permission and transferred to the NHS (or other appropriate body) for nil cost following the grant of reserved matters for the doctors surgery. (Final wording to be agreed in consultation with the NHS.)
- b) A financial contribution of £38,883 to be used for the provision of, or improvement, refurbishment and maintenance of, existing sports facilities or equipped play facilities or to improve/provide natural open space features, biodiversity improvements, tree planting and access improvements footpaths/signage at the Sutton Valence Recreation and Sports Ground, and/or the Tumblers Hill Amenity and Natural Open Space (also referred to as Bowhalls Greenspace), and/or The Harbour & Sutton Valence Playing Field (including Jubilee Field).

- c) A financial contribution (to be agreed by officers in consultation with KCC Highways) to cover the costs of the works to the A274/Leeds Road/Plough Wents Road junction as shown on drawing no. H-03 RevP3.
- d) 40% affordable housing provision (44 dwellings) with a tenure split of:
 - 53% affordable rent (23 dwellings)
 - 25% First Homes (11 dwellings)
 - 22% shared ownership (10 dwellings)
- e) A financial contribution (to be agreed by officers in consultation with KCC Highways) to cover the costs of monitoring the Travel Plan.
- f) To secure the self/custom build units for this purpose only.
- g) To require the landowner to use reasonable endeavours to facilitate the provision of pedestrian routes to PROW KH498 and KH550 from the site in liaison with the Kent PROW Department.
- h) To require the landowner to use reasonable endeavours to facilitate the provision of a post office service within the retail floorspace.

CONDITIONS:

Time Limit (Full Permission)

1. The full detailed element of 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.

Time Limit (Outline Permission)

2. The outline elements of the development hereby approved (doctors' surgery and self/custom build) shall not commence until approval of the following reserved matters has been obtained in writing from the local planning authority:

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

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

The outline development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

Outline Parameters

3. The reserved matters details in relation to the doctors surgery submitted pursuant to condition 2 shall follow the principles of the 'Doctors Surgery Design Code' document and include the following:
 - a) The building set back from the front of the application site with the A274 by at least 15m.
 - b) No windows in the south elevation unless obscure glazed with high opening only.
 - c) The use of articulation, materials, and detailing to break up the mass of the building.
 - d) The use of vernacular materials being stock bricks, ragstone, and clay roof tiles.
 - e) The use of native landscaping.

Reason: To ensure the development is in keeping with the character of the local area and protects neighbouring amenity.

4. The reserved matters details in relation to the self/custom build properties submitted pursuant to condition 2 shall follow the following parameters:
 - a) Buildings set back to provide room for front gardens with tree planting.
 - b) No buildings over two storeys in height.
 - c) The use of vernacular materials being stock bricks, ragstone, and clay and/or natural slate roof tiles.
 - d) The use of native landscaping.

Reason: To ensure the development is in keeping with the character of the local area.

Approved Plans & Compliance

5. The development hereby permitted shall be carried out in accordance with the drawings listed on the 'Submission Drawings and Documents' (October 2023) list received on 10th October 2023.

Reason: To clarify which plans have been approved, to ensure a high-quality development, and to protect residential amenity.

6. The approved vehicle parking/turning areas shall be completed before the commencement of the use of the land or buildings to which they relate 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.

7. The approved cycle parking shall be provided before the occupation of the land or buildings to which they relate and shall thereafter be kept available for such use.

Reason: To promote sustainable transport use.

8. All planting, seeding, and turfing specified in the approved landscape details shall be carried out in the first planting season (1st October to end of February) following the first occupation/use of the building(s) to which they relate, or in the case of open space/public/communal areas (areas outside of operational building work) following completion of these areas. The approved landscaping shall be retained for at least 10 years following its implementation and shall be managed and retained strictly in accordance with the approved specification. Any approved or retained seeding or turfing which fails to establish or any trees or plants which, before a period of 10 years from the completion of the development has expired, die or become so seriously damaged or diseased that their 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. No replacement planting or removal of any planting shall take place without the prior written consent of the local planning authority.

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

Pre-commencement

9. No development shall take place until a Phasing Plan for delivery of the development has been submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include:
 - a) Phase(s) for the detailed element to include early delivery of the retail unit.
 - b) The doctors surgery and parking (outline) element to allow delivery as early as possible.
 - c) The custom/self-build (outline) element.

The development shall then be implemented in accordance with the approved Phasing Plan.

Reason: In the interests of ensuring that the development is carried out in a coordinated manner.

10. No development shall take place until a Biodiversity Management Plan (BMP) to ensure a minimum 20% net gain in habitat units and 56% net gain in hedgerow units across the site in line with the 'Preliminary Biodiversity Net Gain Assessment' (February 2023) has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Management Plan shall include:
 - a) Detailed proposals for each phase for biodiversity net gain as shown within the 'Preliminary Biodiversity Net Gain Assessment' (February 2023).
 - b) A 30 year management and monitoring plan for onsite biodiversity net gain including 30 year objectives, management responsibilities, maintenance

schedules and a methodology to ensure the submission of monitoring reports in years 2, 5, 10, 15, 20, 25 and 30 from commencement of the development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The development shall be implemented in full accordance with the requirements of the approved Biodiversity Management Plan.

Reason: To ensure measurable net gains to biodiversity.

11. No development shall take place until a Waste Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall follow the Waste Hierarchy within the Kent Minerals and Waste Local Plan and include the following:

- a) Measures to minimise the production of construction, demolition, and excavation waste.
- b) Measures for the storage, collection, and management of waste arising from the occupation of each phase of the development.

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

Reason: To comply with the Kent Minerals and Waste Local Plan.

12. No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP (Biodiversity)) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of 'biodiversity protection zones';
- c) Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Results of further surveys carried out for badger and where necessary any mitigation and the details of the appropriate licence from Natural England.

The CEMP will need to include precautionary methodology to protect hedgerows/trees (and/or reference to the arboricultural method statement), bats, reptiles, badgers, breeding birds and hedgehogs as indicated within the submitted Ecological Assessment by Bakerwell, dated September 2022 and the Letter from Kent County Council Ecological Advice Service dated 8th December 2022.

The approved CEMP (Biodiversity) shall be strictly adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure that any impacts of development activities are mitigated.

13. No development shall take place within any phase until details of the proposed levels of the development and ground levels together with existing site levels shown at 0.5m contour intervals for that phase have been submitted to and approved in writing by the Local Planning Authority. The details shall ensure buildings are cut into the ground to reduce their impact and avoid land raising. The development shall be completed strictly in accordance with the approved levels.

Reason: In order to secure a satisfactory form of development.

14. No development shall take place until the applicant, or their agents or successors in title, has provided the following:

- a) Archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority;
- b) 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; and
- c) If required a programme of post excavation assessment and publication.

Reason: To ensure that features of archaeological interest are properly examined, recorded, reported and disseminated.

15. No development shall take place within any phase until a detailed sustainable surface water drainage scheme for that phase has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the Technical Note in response to LLFA Planning Comments (28/11/22) and the Flood Risk Assessment (23/09/22) prepared by CTP Consulting Engineers and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- a) That silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- b) Appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding.

Pre-Slab Level

16. No development above floor slab level within any phase shall take place until details of hard surfaces for that phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details which shall include the following:

- a) Block paving for all driveways, parking areas, and roads as shown on drawing no. 2973.C.1005.PL RevF.
- b) Details of high quality kerbing for the 'arrival square'.
- c) Resin bound pathways in open space areas.

Reason: To ensure a high-quality development.

17. No development above floor slab level shall take place within any phase until details of all fencing, walling and other boundary treatments for that phase have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land to which they relate and maintained thereafter and shall include the following:

- a) Ragstone walls for the main boundaries visible from public areas for plots 18, 30, 31, 34, 35, 40, 43, 47, 49, 50, 52, 71, 82, 86, 90, 91, 92, 93, 95, 96, 97, 99, 100, 101, 103, and 105.
- b) Timber post and rail fencing at the frontage with the A274.

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

18. No development above floor slab level shall take place until a written statement of public art to be provided on site, in the form of a Public Art Delivery Plan in line with the thresholds set within the Public Art Guidance has been submitted to and approved in writing by the local planning authority. This should include the budget, locations of public art, the timetable for provision, and ongoing maintenance. The development shall be carried out in accordance with the approved details.

Reason: To provide a sense of place.

19. No development above floor slab level shall take place until details of the equipment, furniture and bins for the play area and a timetable for its delivery have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented and thereafter maintained in line with the approved timetable.

Reason: To ensure quality areas of public space.

20. In relation to the full detailed element of the development, no development above floor slab level shall take place until a detailed landscaping scheme which shall follow the principles of the Landscape Masterplan and be designed

in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall include a planting specification, a programme of implementation and a long-term management plan and provide the following:

- a) Native trees and double staggered hedging along the site frontage.
- b) Native street trees.
- c) Native double staggered hedges to the front of properties to define front gardens.
- d) Increased native shrub planting in place of grassed areas.
- e) Native planting within the SUDs features to ensure year-round interest.
- f) At least 0.9ha of native woodland to include areas of mixed scrub.
- g) Woodland buffers of at least 10m along the site boundaries between plots 38 and 110.

The development shall be carried out 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.

21. No development above floor slab level shall take place until the details for the planting of street trees including details of services, tree pits, and mechanical irrigation measures which shall follow BS 8545:2014, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained.

Reason: To ensure a satisfactory appearance to the development.

22. No development above floor slab level shall take place until, a scheme to demonstrate that the internal noise levels within the residential units and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, has been submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall be carried out prior to occupation of the premises to which they relate and be retained thereafter.

Reason: To ensure adequate amenity levels for residential units that may be affected by the commercial uses.

23. No development beyond slab level shall take place until full details of the ecological enhancements and their delivery have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and measures which shall include the following:

- a) Bat, bird, and bee bricks.
- b) Reptile and amphibian hibernacula/log/brush piles and hedgehog nest boxes.
- c) Measures to allow hedgehogs to move through the development.

Reason: To enhance biodiversity.

24. No development above floor slab level for any phase shall take place until written details and samples/images of the materials, to be used in the

construction of the external surfaces of the buildings for that phase have been submitted to and approved in writing by the local planning authority. The materials shall include the following:

- a) Multi stock bricks with variation in colour and texture.
- b) Clay roof tiles for all buildings.
- c) Clay hanging tiles for buildings approved with hanging tiles.
- d) Kentish ragstone for buildings approved with ragstone.
- e) Timber false doors for plots 12 and 13.

The development shall be constructed using the approved materials.

Reason: To ensure a high-quality development.

25. No development above floor slab level shall take place until photographs of a sample panel of the Kentish ragstone for the buildings and walls (which has been constructed on site) have been submitted to and approved in writing by the Local Planning Authority including written details of the mortar mix. Such details as approved shall be fully implemented on site and thereafter retained.

Reason: To ensure a high-quality design and finish.

26. No development above slab floor level for any phase shall take place until details of the proposed renewable energy measures for that phase have been submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be fully implemented on site and thereafter retained.

Reason: To ensure a high-quality design and finish.

27. No development beyond slab level for the detailed element shall take place until, large-scale plans showing the following architectural detailing have been submitted to and approved in writing by the local planning authority:

- a) Recessed windows of at least one bricks depth.
- b) Exposed rafter feet.
- c) Arched brick headers.
- d) Raised brick courses between floors and as plinths.
- e) Decorative gables.
- f) 'Fishscale' tile hanging details.
- g) Corbel brick detailing.

The development shall be constructed in accordance with the approved details.

Reason: To ensure a high-quality development.

28. No development above floor slab level on any phase shall take place until details of any external utility pipes and paraphernalia on the elevations of buildings have been submitted to and approved in writing by the local planning authority for that phase. Any external features shall be sited and coloured to minimise their impact. The development shall be carried out in accordance with the approved details.

Reason: To ensure a high-quality development.

29. No development above floor slab level for any phase shall take place until a "lighting plan for biodiversity" has been submitted to and approved in writing by the local planning authority for that phase. The lighting plan shall:

a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around potential roost sites or along important routes used to access key areas of their territory;

b) Show how and where external lighting will be installed, as well as the expected light spill in lux levels which shall be no higher than 0.2 lux on the horizontal plan and 0.4 lux on the vertical plan, so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

Reason: To prevent a harmful impact upon bats.

30. No development above floor slab level for any phase shall take place until details of all external lighting has been submitted to and approved in writing by the local planning authority for that phase. The lighting shall be carried out in accordance with the approved scheme.

Reason: In the interest of protecting residential amenity.

Pre-Occupation

31. The development shall not be occupied until the following off-site highway works have been provided in full:

a) A toucan crossing across the A274 as shown on drawing no. H-04 RevP2 (19/09/23).

b) Alterations to the A274 to facilitate the access as shown on drawing no. H-04 RevP2 (19/09/23).

c) Pavement widening on the east side of the A274 as shown on drawing no. H-04 RevP2 (19/09/23).

Reason: In the interest of highway safety.

32. The development shall not be occupied until the access as shown on drawing no. H-04 RevP2 (19/09/23) has been provided and thereafter the visibility splays within the application site shall be kept free of obstruction above a height of 1 metre.

Reason: In the interest of highway safety.

33. The development shall not be occupied until details of pedestrian gates to allow access to the public rights of way network and information boards on local public rights of way have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained.

Reason: In the interests of connectivity and active travel.

34. No occupation/use of the retail floorspace shall take place until details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall include an acoustic assessment which demonstrates that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority

Reason: In the interests of residential amenity.

35. No phase of the development shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority for that phase. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant.

36. No dwelling shall be occupied until any bathroom or toilet window on that dwelling has been fitted with obscure glazing and they shall be incapable of being opened except for a high-level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such.

Reason: To prevent overlooking of neighbouring properties and to safeguard the privacy of prospective occupiers.

37. No phase of the development shall be occupied until a Travel Plan which shall include a welcome pack with information on buses, pedestrian and cycle networks, and the provision of bus vouchers, has been submitted to and approved in writing by the local planning authority for that phase. The development shall be carried out in accordance with the approved Travel Plan(s).

Reason: To promote sustainable transport use.

38. The development shall not be occupied until details of measures to prevent use of the emergency access other than by emergency vehicles, pedestrians, and cyclists has been submitted to and approved in writing by the local planning

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

Reason: In the interests of highway safety.

39. The development shall not be occupied until details of measures to enable access to the school sports pitches to the north of the site have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of connectivity.

40. The development shall not be occupied until, a scheme detailing and where possible quantifying what measures or offsetting schemes to be included in the development which will reduce the transport related air pollution of the development when in occupation, has been submitted to and approved in writing by the local planning authority. The details shall have regard to the DEFRA guidance from the document 'Low Emissions Strategy - Using the planning system to reduce transport emissions January 2010'. The approved scheme shall thereafter be carried out.

Reason: Due to the scale of the development and to reduce any air quality impacts.

41. All commercial buildings shall achieve a Very Good BREEAM rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that at a Very Good BREEAM rating has been achieved within 6 months of the first occupation of any commercial building.

Reason: To ensure a sustainable and energy efficient form of development.

Compliance/Restrictions

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

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

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: In the interest of human health.

43. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to and approved in writing to the Local Planning Authority to demonstrate that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources.

44. The development shall be carried out in accordance with the tree protection measures outlined in the Arboricultural Implications Assessment and on the tree protection plan (Appendix 5).

Reason: To protect retained trees.

45. The retail floorspace hereby approved shall only be used for Use Classes E(a) and/or use for mail postal services and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any statutory instrument revoking and re-enacting those Orders with or without modification);

Reason: To comply with the draft site policy and other uses may not be suitable at the site.

46. No activity in connection with the retail or any mail postal service uses, other than the cleaning of the premises, shall be carried out outside of the hours of 6am to 10pm.

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.

47. No deliveries to the retail or any mail postal service uses shall be taken at or despatched from the site outside of the hours of 6am to 10pm.

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.

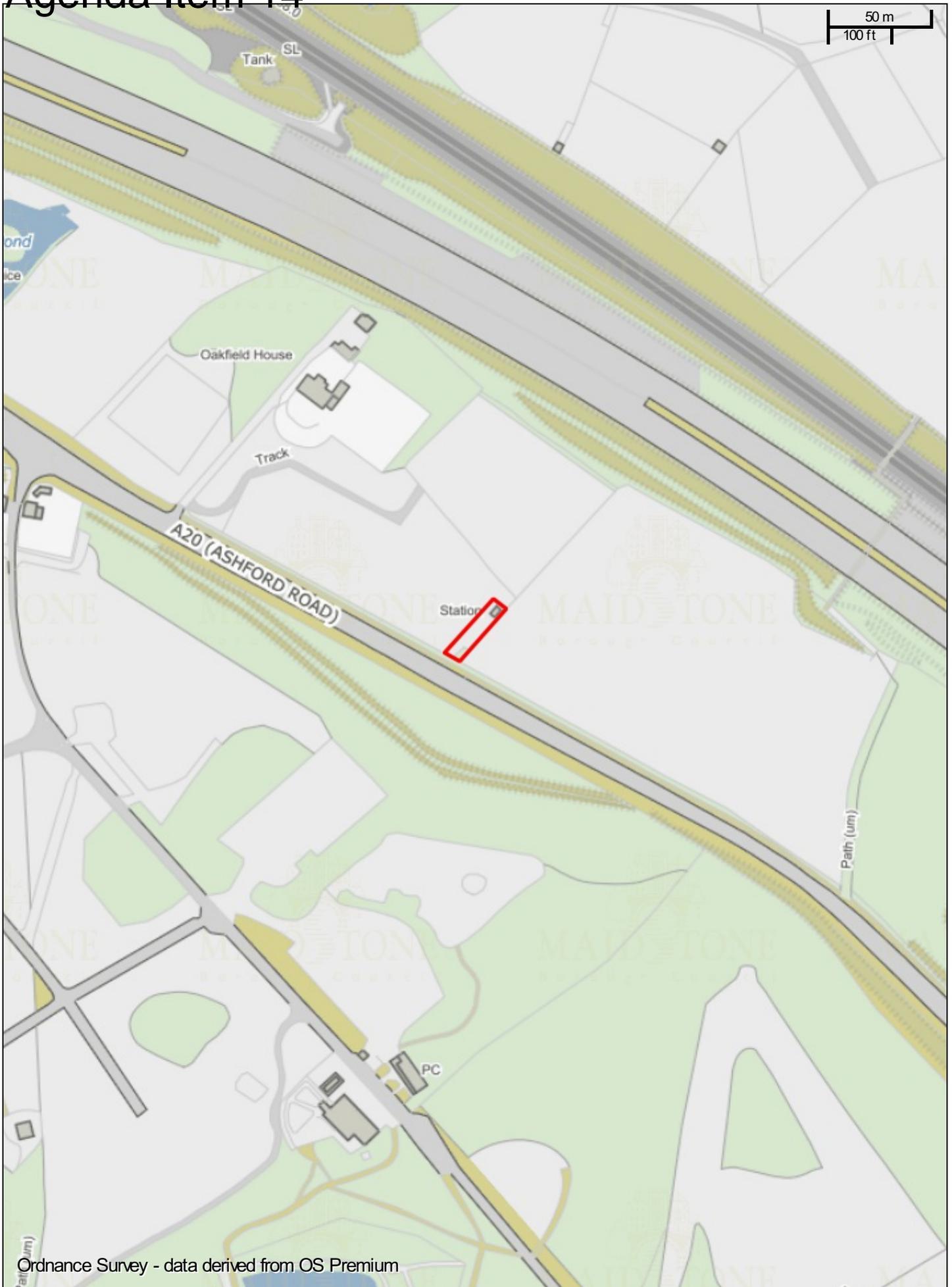
48. The bottom of the north and west facing roof slope windows for plots 7 and 8 of the apartment block shall be set at least 1.7m above inside floor level and shall subsequently be maintained as such.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.

49. No further permanent lighting beyond that approved under conditions 29 and 30 shall be installed at the site.

Reason: To prevent a harmful impact upon bats.

Agenda Item 14



Ordnance Survey - data derived from OS Premium



23/501579/FULL - Former Telephone Exchange, Ashford Road, Hollingbourne, Kent, ME17 1PF

Scale: 1:2500

Printed on: 6/10/2023 at 12:25 PM by KirstyS



REFERENCE NO: 23/501579/FULL		
APPLICATION PROPOSAL: Change of use of former telephone exchange (Sui Generis) to an office (Class E(g)), including erection of a single storey side extension (resubmission of 22/505768/FULL).		
ADDRESS: Former telephone exchange, Ashford Road, Hollingbourne, Kent		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to the planning conditions set out in Section 5 of this report.		
SUMMARY OF REASONS FOR RECOMMENDATION: <ul style="list-style-type: none"> • The proposal is acceptable in relation to the minimal level of harm that will be caused to the character and appearance of this rural area. • The proposal is acceptable in relation to heritage impacts, neighbour amenity, and biodiversity. • The access and parking arrangements revised from previous applications following comments from KCC Highways are acceptable. 		
REASON FOR REFERRAL TO COMMITTEE: <ul style="list-style-type: none"> • The officer recommendation is contrary to the views of Hollingbourne Parish Council. 		
WARD North Downs	PARISH Hollingbourne	COUNCIL APPLICANT: Mrs Anna Al-Shawi AGENT Lusher Architects
CASE OFFICER: Tony Ryan	VALIDATION DATE: 19/04/23	DECISION DUE DATE: 29/07/2023
ADVERTISED AS A DEPARTURE: No		

1. BACKGROUND

1.01 This application was first considered by members at the planning committee meeting on the 20 July 2023. The committee report to this meeting is provided as an appendix to this report. The committee resolved to defer a decision for the following single reason:

- (a) to check whether vegetation would have to be removed to achieve the required visibility splays and if removal is required to what extent.

1.02 In addition to the deferral reason, members also expressed concerns at the first meeting in relation to the following:

- (b) Construction management.
- (c) Landscaping and visual impact.
- (d) Biodiversity net gain.
- (e) On site sustainability.
- (f) Traffic assessment – comparison data from ‘edge of centre’ locations.

2. PROPOSAL

- 2.01 The application is for the change of use from telephone exchange (Use Class Sui Generis) to an office use (planning use class E(g)). With a single storey side extension, the building GIA will be increased to 15 square metres.
- 2.02 With reference to the planning history planning applications 18/501322/FULL and 18/504363/FULL (dismissed appeal) involved conversion of the application building to residential use. Planning permission was refused for residential use on two grounds, firstly that the applicant had not demonstrated that the building could not accommodate a business use and secondly highway safety issues. No parish council or third-party objection to these applications.
- 2.03 Application 22/505768/FULL involved conversion of the building to an alternative business use. Planning permission was refused for a single highway safety ground (objection from KCC Highways) as the applicant had failed to demonstrate that safe vehicle access could be provided. Parish council objected on highway safety grounds.
- 2.04 The current application includes a supporting transport note. This transport note provides all the information that KCC Highways required to assess the highways impact of the development. KCC Highways have no objection to the current application.

3. APPRAISAL

- 3.01 This report seeks to address the reason for deferral (a) as set out in the committee minutes. In addition, the report provides further information on other areas of concern ((b) to (f)) that were expressed by members during the discussion at the committee on the 20 July 2023. These areas of concern are listed above at paragraph 1.03 and considered in turn below.

(a) Reason for deferral – whether vegetation would have to be removed to achieve visibility splays and if removal is required to what extent.

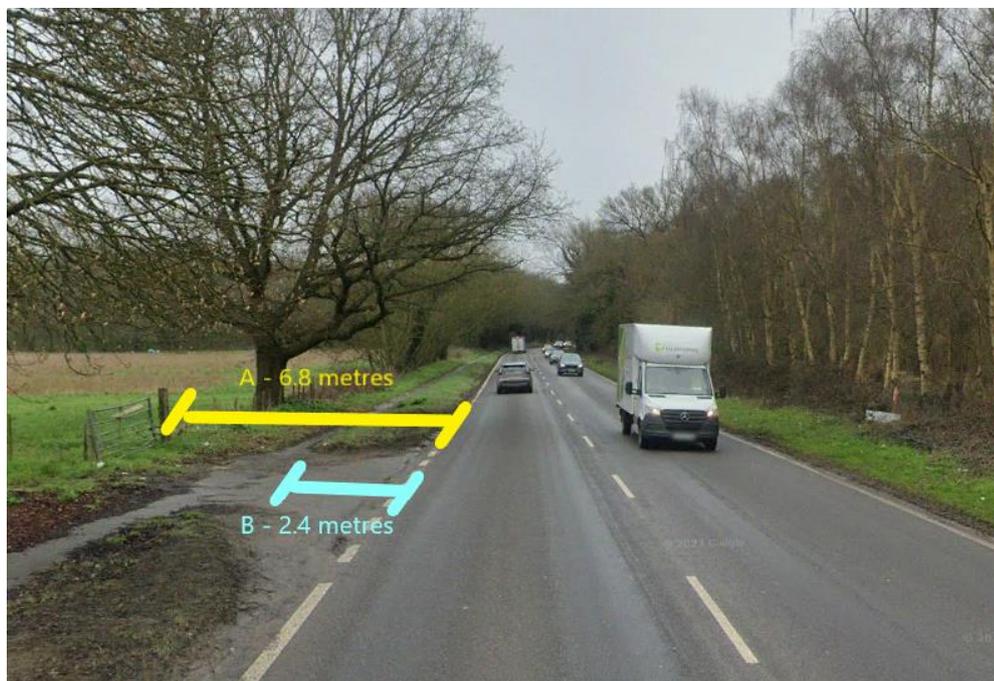
- 3.02 No existing vegetation would need to be removed to provide the required driver visibility splays.
- 3.03 The applicant has provided a plan that shows that visibility splays of 2.4m x 215m provided on land controlled by the highway authority.
- 3.04 The front boundary of the application site and adjoining land along Ashford Road are set back from the edge of the carriageway. Even when accounting for the tree outside the application site, there is still double the required set back to achieve the necessary sightline distance of 2.4 metres.
- 3.05 This section of Ashford Road is straight. The straight road and the consistent substantial and generally consistent set back of front boundaries from the carriageway will provide good visibility in both directions for drivers using the access. The submitted information demonstrates that the visibility splay of the required distance of 215 metres can be provided without the need to remove vegetation.
- 3.06 The images on the following page look firstly west and then east from the application site frontage. The images show the set back of front boundaries from the Ashford Road carriageway and the location of the tree outside the application site that is also set back.

Fig 1: View looking west along Ashford Road towards Hollingbourne



- 6.8 metres (distance A) separates the front boundary of the application site from the edge of the carriageway in Ashford Road.
- 5 metres (distance B) separates the existing tree outside the application site from the edge of the carriageway in Ashford Road.
- To achieve the necessary driver visibility splay, a clear space of 2.4 metres (distance C) back from the edge of the carriageway is required.

Fig 2: View looking east along Ashford Road towards Lenham



- 6.8 metres (distance A) separates the front boundary of the application site from the edge of the carriageway in Ashford Road.
- To achieve the necessary driver visibility splay, a clear space of 2.4 metres (distance B) back from the edge of the carriageway is required.

(b)Construction management.

- 3.07 Concerns were expressed by members in relation to potential highway safety issues during the construction of the building extension.
- 3.08 In response to members concerns, the applicant has submitted a construction traffic management plan as part of the application (commonly submitted post decision through a planning condition). A copy of the submitted Construction Traffic Management Plan is included as an appendix with a summary of its contents below:
- 3.09 Details of the Construction Project Manager role
- An appointed Construction Project Manager will be responsible for
 - implementing measures in this Construction Traffic Management Plan.
 - managing the safe and efficient movement of vehicles to the site (daily average of three vehicles per day, maximum of five/six).
 - dealing with any concerns of residents and businesses.
 - Waste management and reduction.
 - liaison with the planning authority where necessary.
- 3.10 Traffic management
- Prior to any works commencing temporary signage will inform drivers coming from both directions in Ashford Road of construction traffic.
 - All construction deliveries and loading will take place on site and all materials will be stored on site.
 - A banksman will be present to support vehicles reversing into the existing site access.
 - The CPM will ensure that no vehicles associated with the development are permitted to stop or wait on the public highway, nor cause any obstruction to neighbouring properties that would impede pedestrian or vehicle access/egress to those properties.
- 3.11 Construction vehicles and delivery management
- Deliveries will be pre-booked and allocated set arrival times.
 - Deliveries will take place outside the network and school peak hours.
 - Arrangements will seek to avoid more than one vehicle arriving and departing at any one time.
 - Only one vehicle parked on site at any one time.
 - All contractors, delivery companies and visitors to the site made aware of the access and egress route and of the parking restrictions in the vicinity of the site prior to undertaking their journey.
 - A written briefing and plan for the site will be provided to contractors, delivery companies and visitors.
- 3.12 Vehicle routing and staff parking
- Construction vehicles will route to and from the site from Ashford Road (A20) from the north, which offers direct connections to the M20.
 - Submitted plan demonstrates that staff parking (4 vehicles) can be provided on site whilst also providing space for HGVs to unload.
 - Staff will be encouraged to car-share where possible.
- 3.13 Nuisance Control and security
- Every effort will be made to avoid waste,
 - All waste stored on site and dealt with in accordance with the duty of care Section 34 of the Environmental Protection Act 1990 and the Environmental Protection (Duty of Care) Regulations 1991.
 - Where hazardous waste is identified, it will be controlled and disposed of following the Environment Agency approved procedures.

- No HGV movements to or from the site between the hours of 08:00 and 09:00am and 17:00 and 18:00pm.
- All vehicles accessing the site will be inspected and wheels cleaned before leaving the site to the public highway. In event that mud is spread on the public highway this will be cleaned using a road sweeper.
- All materials will be stored on site within a secure area. The Construction Project Manager will be responsible for site security and emergency procedures.

3.14 Consultation

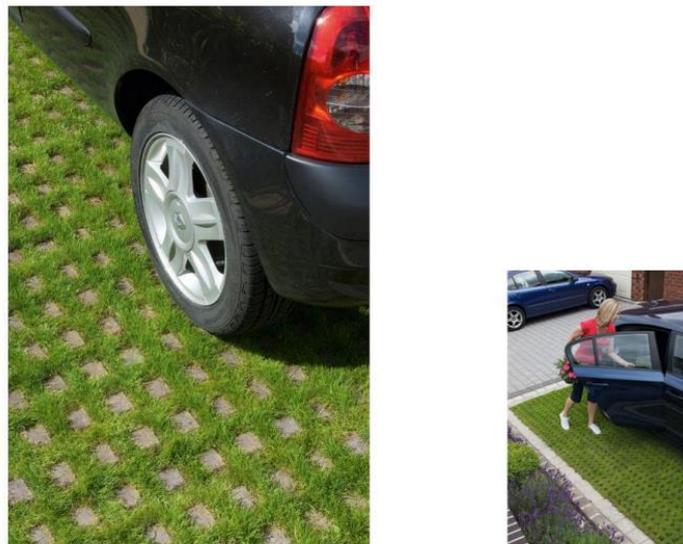
- The Construction Project Manager will liaise with immediate neighbours and businesses so that they are aware of the construction works giving the opportunity to raise issues.

(c) Landscaping and visual impact.

3.15 Members raised concerns regarding the visual impact of the building extension and changes to the open areas of the site. In response to these concerns the applicant has made the following changes:

- Pedestrian path changed from hard paving to pebbles.
- Landscape screening introduced to side and rear boundaries.
- Parking and circulation areas reduced.
- Surface of retained parking and circulation areas changed to use 'grasscrete' (similar surface used in Leeds Castle car parks with visual example below).

Fig 3: Indicative example of 'grasscrete' surface



- All vehicles accessing the site will be inspected and wheels cleaned before leaving the site to the public highway. In event that mud is spread on the public highway this will be cleaned using a road sweeper.
- All materials will be stored on site within a secure area. The Construction Project Manager will be responsible for site security and emergency procedures.

(d) Biodiversity net gain.

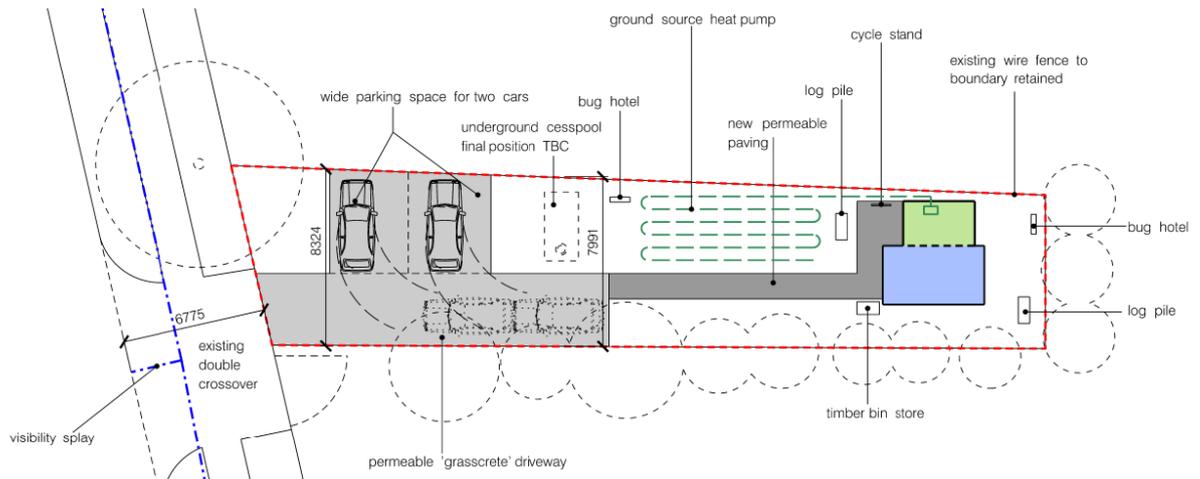
3.16 The applicant has submitted details of bird and bat boxes integral to the construction of the proposed extension and their location on the building.

3.17 In addition to the new boundary hedging, the submitted details also now include provision of bug hotels and log piles in the open areas of the site. The location of the log piles and the bug hotel is shown on the drawing below.

(e) On site sustainability.

- 3.18 Members queried the sustainability of the retained building structure. The applicant has in response confirmed that the new and existing structure will be internally lined with 80mm insulation with 100mm to ceiling to improve thermal performance.
- 3.19 In relation to renewable energy, a ground source heat pump is proposed. This ground source heat pump located below ground and within the building will not have any visual impact. The location of the below ground element of the ground source heat pump is shown in the drawing extract below.

Fig 4: Location of ground source heat pump, bug hotel and log piles.



(f) Traffic assessment – comparison data from ‘edge of centre’ locations.

- 3.20 The applicant’s transport consultant has confirmed that when assessing the total number of trips generated by a use, it is the nature of the business that is important and not the location. This is because it is the nature of the business that dictates the number and nature of servicing trips, and these trips are unlikely to vary from one location to another.
- 3.21 In the context of the above background, the submitted information relating to ‘edge of centre’ locations is accurate and relevant to the assessment of the current planning application.
- 3.22 Due to the minimal number of servicing trips, and the short period of time for which servicing vehicles would remain at the site, service vehicles visiting the site can pull over within the site’s crossover without impacting on the function or safety of the local highway network.
- 3.23 The NPPF states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (Paragraph 111)”.
- 3.24 The access and is suitable for the proposed use and the trips associated with the use can be safely accommodated on the road network. There has been no objection raised by KCC Highways. It is concluded that the impact of the application on highway safety will be acceptable and the impact on the road network will not be ‘severe’. The impact of the proposal is found to be acceptable.

PUBLIC SECTOR EQUALITY DUTY

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

4. CONCLUSION

- 4.01 The proposal is acceptable in relation to the minimal level of harm that will be caused to the character and appearance of this rural area. The proposal is acceptable in relation to heritage impacts, neighbour amenity, and biodiversity. The access and parking arrangements are acceptable.
- 4.02 The application brings a vacant building back into beneficial use and supports the aims of NPPF and the Local Plan in achieving a prosperous rural economy.

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

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans and documents:
- 001. P01 Site Location Plan
 - 002. P01 Existing Block Plan
 - 010. P01 Existing Ground Floor and Roof Plans
 - 020. P01 Existing Front and Side Elevations
 - 021. P01 Existing Rear and Side Elevations
 - 102. P03 Proposed Block Plan (07.09.2023)
 - 110. P02 Proposed Ground Floor and Roof Plans (07.09.2023)
 - 120. P02 Proposed Front and Side Elevations (07.09.2023)
 - 121. P01 Proposed Rear and Side Elevations
 - 200. P01 Landscape Plan (07.09.2023)
 - Supporting documents – Building Condition Survey and Summary Report
 - Supporting documents - Design and Access Statement
 - Supporting documents - Material Schedule (07.09.2023)
 - Supporting documents - 'Motion' Highways Technical Note (revised 17.08.23)
 - Supporting documents – Construction Traffic Management Plan (07.09.2023)
- Reason: in the interests of proper planning.
- 3) The external facing materials to be used in the development hereby approved shall be as indicated in the submitted Design and Access Statement as revised by the submitted 'Material Schedule'. Reason: To ensure a satisfactory appearance to the development.
- 4) The measures taken for the onsite enhancement of biodiversity as shown in the submitted drawings 120. P02 Proposed Front and Side Elevations (07.09.2023), 102. P03 Proposed Block Plan (07.09.2023) and Material Schedule (07.09.2023) shall be in place prior to first occupation of the approved building. All features shall be maintained permanently thereafter. Reason: To enhance ecology and biodiversity on the site

in line with the requirement to achieve a net biodiversity gain from all development.

- 5) The extension hereby approved shall not commence above slab level until a hard and soft landscape scheme designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall
 - (a) provide details of on-site planting in a planting specification including plant species, plant spacing, quantities, and maturity (non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted).
 - (b) provide landscape implementation details and timetable
 - (d) provide a [5] year landscape management planReason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 6) All planting, seeding, and turfing specified in the approved landscape details shall be completed by the end of the first planting season (October to February) following first occupation of the approved building. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, die, are removed 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.
- 7) The building or land shall be used for office purposes only and for no other purpose (including any other purpose in Classes of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification). Reason: Unrestricted use of the building or land could cause demonstrable harm to the character, appearance and functioning of the surrounding area and/or the enjoyment of their properties by adjoining residential occupiers.
- 8) Driver visibility splays of 2.4m x 215m with no obstruction over 1.0m above ground level shall be provided in accordance with Location Plan and shall be subsequently maintained for the lifetime of the development. Reason: In the interests of highway safety.
- 9) The approved parking areas shall be retained and shall be kept available for such use. 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.
- 10) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011 (and any subsequent revisions) and follow the recommendations within Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting', 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: To safeguard the character and appearance of the countryside and in the interests of residential amenity and wildlife.

- 11) Prior to the occupation of the approved building the bicycle parking shown on drawing 102. P03 Proposed Block Plan (07.09.2023) and Material Schedule (07.09.2023) shall be in place. These details will be maintained as such thereafter. Reason: To promote sustainable travel choices and the reduction of CO2 emissions.
- 12) The construction works shall only proceed in accordance with the approved Construction Traffic Management Plan.
Reason: In the interests of residential amenity and highway safety

REFERENCE NO: 23/501579/FULL		
APPLICATION PROPOSAL: Change of use of former telephone exchange (Sui Generis) to an office (Class E(g)), including erection of a single storey side extension (resubmission of 22/505768/FULL).		
ADDRESS: Former telephone exchange, Ashford Road, Hollingbourne, Kent		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to the planning conditions set out in Section 8 of this report.		
SUMMARY OF REASONS FOR RECOMMENDATION:		
<ul style="list-style-type: none"> • The proposal is acceptable in relation to the minimal level of harm that will be caused to the character and appearance of this rural area. • The proposal is acceptable in relation to heritage impacts, neighbour amenity, and biodiversity. • The access and parking arrangements revised from previous applications following comments from KCC Highways are acceptable. 		
REASON FOR REFERRAL TO COMMITTEE:		
<ul style="list-style-type: none"> • The officer recommendation is contrary to the views of Hollingbourne Parish Council. 		
WARD North Downs	PARISH Hollingbourne	COUNCIL APPLICANT: Mrs Anna Al-Shawi AGENT Lusher Architects
CASE OFFICER: Tony Ryan	VALIDATION DATE: 19/04/23	DECISION DUE DATE: 29/07/2023
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

- 18/501322/FULL- Conversion of former telephone exchange and erection of a single storey side extension to form a one bedroom dwelling with parking – Refused 23 May 2018 for the following reasons:
 - (1) *In the absence of relevant information, the application has failed to demonstrate that there is no prospect of securing an alternative suitable business use for the former telephone exchange building and that residential conversion is the only means of providing a suitable re-use of this building, the proposal fails to meet the requirements of policy DM31 and government guidance in the National Planning Policy Framework 2012.*
 - (2) *With the site location between the A20 and the M20 and the nearby channel tunnel rail link the application has failed to demonstrate that the proposal will provide an adequate standard of living accommodation in relation to noise and disturbance and the amenities of future occupiers. It is therefore contrary to the provisions of policy DM1 (iv) of the adopted local plan and government guidance in the NPPF.*

(3) The proposal has failed to demonstrate that vehicle movements associated with the development including servicing and deliveries would not have an adverse impact on highway safety and free flow of traffic onto the A20, Ashford Road.

- 18/504363/FULL- Conversion and single storey side extension to former telephone exchange to create a one bedroom dwelling with associated parking, vehicle turntable, timber gates and new bike shed – Refused 9 November 2018 for the same reasons as 18/501322/FULL that are listed above (As it found that it would not be used, the addition of a vehicle turntable did not remove the earlier grounds for refusal).
- Appeal submitted against the refusal of application 18/504363/FULL dismissed with the Inspector noting:
 - (i) "...do not find that reasonable attempts have been made to secure a business re-use for the building as required by the policy (DM31), and therefore it has not been shown that residential conversion is a suitable re-use for it (Para 7).
 - (ii) "...it has not been demonstrated that the proposal would result in suitable living conditions for future occupiers with respect to noise. It would therefore conflict with Policy DM1(iv) of the Local Plan..."(Para 12).
 - (iii)The Council is concerned that it would not be able to compel drivers to use the turntable, which could result in vehicles reversing onto the A20, and that any associated condition would be difficult to enforce (Para 14). "... development would ...would conflict with Policy DM1 of the Local Plan, insofar as it requires that new development creates a safe environment that safely accommodates vehicular and pedestrian movement through the site access" (Para 15).
- 22/505768/FULL Proposed change of use from telephone exchange (Use Class Sui Generis) to Class E(g) and single storey extension Refused 08.02.2023 for the following reasons (*NB Inspector's point (i) above relating to marketing for a business use and point (ii) residential amenity were no longer relevant as this application did not include a residential conversion*).

"The proposal has failed to demonstrate that vehicle movements associated with the development including servicing and deliveries would not have an adverse impact on highway safety and free flow of traffic onto the A20, Ashford Road contrary to Policies DM1 and DM23 of the Local Plan".

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site (291 square metres) is in the open countryside as designated by the Maidstone Borough Local Plan 2017. The site has no special landscape designation but is in the KCC Minerals Safeguarding Area. Hollingbourne Railway Station is 3 minutes by car to the north and Harrietsham Village Hall 5 minutes by car to the south east.
- 1.02 The site is on the north side of Ashford Road (A20), with first the M20 (circa 105 metres) and then the Channel Tunnel railway link (circa 167 metres) located to the north. Agricultural land is to the west, east and north of the application site.
- 1.03 The land on the south side of Ashford Road including the Leeds Castle visitor car park (Leeds Castle building is 0.5 miles to the south) is in Len Valley Landscape of Local Value and is a registered park. Oakfield House (Grade II listed building) is located circa 128 metres to the north west.
- 1.04 The application site is rectangular in shape and occupied by a small single storey brick building with a pitched tiled roof. The existing building previously served as

a telephone exchange (circa 1950's) and has a gross internal area (GIA) of 9.3 square metres. Site boundaries have trees / planting and a low-level wire fence between concrete posts. The application site has existing vehicular access to Ashford Road

2. PROPOSAL

- 2.01 The application is for the change of use from telephone exchange (Use Class Sui Generis) to an office use (planning use class E(g)). With a single storey side extension, the building GIA will be increased to 15 square metres.
- 2.02 With reference to the planning history planning applications 18/501322/FULL and 18/504363/FULL (dismissed appeal) involved conversion of the application building to residential use. Planning permission was refused for residential use on two grounds, firstly that the applicant had not demonstrated that the building could not accommodate a business use and secondly highway safety issues. No parish council or third party objections to these applications.
- 2.03 Application 22/505768/FULL involved conversion of the building to an alternative business use. Planning permission was refused for a single highway safety ground (objection from KCC Highways) as the applicant had failed to demonstrate that safe vehicle access could be provided. Parish council objection on highway safety grounds.
- 2.04 The current application includes a supporting transport note. This transport note provides all the information that KCC Highways required to assess the highways impact of the development. KCC Highways have no objection to the current application.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan Adopted October 2017,
 SS1: Maidstone Borough spatial strategy
 SP17: Countryside
 SP18: Historic Environment
 SP21: Economic development
 DM1: Principles of good design
 DM3: Natural environment
 DM4: Development affecting designated and non-designated heritage assets
 DM23: Parking standards
 DM30: Design principles in the countryside
 DM31 Conversion of rural buildings

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 (Stage 2 concluded on the 9 June 2023).

The relevant policies in the draft plan are as follows:
 LPRSS1 Maidstone Borough Spatial Strategy
 LPRSP9 Development in the Countryside
 LPRSP11 - Economic development
 LPRSP11(B) - Creating new employment opportunities
 LPRSP12 - Sustainable transport
 LPRSP14 - Environment
 LPRSP14(A) - Natural environment

LPRSP14(B) - Historic environment
 LPRSP14(C) - Climate change
 LPRSP15 - Principles of good design
 LPRSS1 - Spatial strategy
 LPRTRA2 - Assessing transport impacts
 LPRTRA4 - Parking
 LPRENV1 - Historic environment
 LPRQ&D1 - Sustainable design
 LPRQ&D2 - External lighting
 LPRQ&D 4 Design principles in the countryside

Supplementary Planning Documents:
 Maidstone Landscape Character Assessment
 The National Planning Policy Framework (NPPF)
 National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Local residents

4.01 No representations received.

Hollingbourne Parish Council

- 4.02 Objection and request refusal for the following reasons:
- The plot is only 7m wide and there is not the space to turn a car, plus the applicant is proposing two car parking spaces.
 - KCC Highways have recommended rejection of the two previous planning applications for this building due to the danger in reversing onto the A20.

Councillor Garten

- 4.03 Objection for the following reasons:
- The application site is only 7 metres wide
 - The site is not designated for commercial development and the applicant does not show an exceptional need for an office
 - The parking, the access and the extension will overwhelm and are disproportionate to the existing building.
 - The existing building is not an exceptional building and the applicant does not show how they will make the building sustainable in terms of energy conservation.
 - There is concern about the highway impact during the construction phase.
 - There is concern about arrangements for on site sewage treatment.
 - The predicted service trip levels are unrealistic.

5. CONSULTATIONS

KCC Highways

5.01 No objection.

MBC Environmental Health

5.02 No objection.

MBC Conservation officer

5.03 No objection subject to the following comments:

- The building with local interest due to the materials and simple design and its former use is a non-designated heritage asset.
- The design is considered suitable.
- The use of UPVC doors is not appropriate on a non-designated heritage asset.
- The building is well screened by trees and vegetation and due to its location would not harm the setting of Leeds Castle or the Grade II listed Oakfield.

6. APPRAISAL

6.01 The starting point for assessment of all applications in the countryside is Local Plan Policy SP17. Policy SP17 states that development proposals in the countryside will only be permitted where:

- a) there is no harm to local character and appearance, and
- b) they accord with other Local Plan policies

6.02 Policy SP17 does not specify an acceptable level of harm and all proposals in the countryside are likely to result in some harm to local character and appearance. In this context all countryside development does not accord with this part of SP17.

Character and appearance

6.03 Supporting text to policy SP17 advises "*The countryside has an intrinsic character and beauty that should be conserved and protected for its own sake*". Policy DM30 states that materials, design, mass, and scale of development should maintain, or where possible, enhance local distinctiveness including landscape features. Impacts on the appearance and character of the landscape would be appropriately mitigated.

6.04 In terms of assessing this intrinsic character in the Council's published Landscape Character Assessment, the application site is in the Leeds Castle Parklands character area. The summary of actions in this area include:

- Conserve the traditional parkland character of the landscape
- Conserve the remote qualities of the Len Valley and its setting,
- Conserve and restore tree cover, which helps to screen views of major infrastructure routes
- Ensure continuity of mature isolated trees through planting new stock
- Restore hedgerow boundaries where they have been removed
- Resist field segregation, avoiding fence line boundaries.

6.05 The site is on the north side of Ashford Road (A20), with first the M20 (circa 105 metres) and then the Channel Tunnel railway link (circa 167 metres) located to the north. The land on the south side of Ashford Road including the Leeds Castle visitor car park is in Len Valley Landscape of Local Value and is a registered park. Agricultural land is to the west, east and north of the application site.

6.06 The proposal involves the retention and reuse of the existing brick built former telephone exchange building; the building is set back circa 34 metres from the Ashford Road carriageway. The extension (as discussed below) is in keeping with and to scale with the existing building.

6.07 The existing tree at the site entrance will be retained as part of the current application. The existing landscaping along the south east site boundary and the existing landscaping in the middle of the site and in front of the building will be retained and enhanced. This is in line with the character assessment relating to conserving landscape boundaries. The building is screened in existing views from the north west along Ashford Road by roadside planting in adjacent fields.

- 6.08 The site has an existing vehicular access and the proposed parking and turning area will be surfaced with a permeable stone resin surface. It is accepted that this change will have a visual impact on the site frontage, however this impact will be reduced by screening provided by existing and proposed new planting.
- 6.09 The vehicular access will be more discrete than other existing access points along this stretch of Ashford Road. The visual impact of the site access (or visual impact of the building extension) was not raised as an issue as part of three earlier decisions to refuse planning permission or by the appeal Inspector.
- 6.10 Although not directly relevant, Local Plan policies SP21 and DM37 are generally supportive of proposals for economic development in the countryside subject to listed criteria. The assessment above shows that the new building is *"...an appropriate scale for the location and can be satisfactorily integrated into the local landscape"*.
- 6.11 Other Local Plan policies permit development in the countryside in certain circumstances (and subject to listed criteria). If development accords with one of these other policies, this compliance generally outweighs the harm caused to character and appearance with a proposal in accordance with policy SP17 overall.

Images of the existing brick application building.



- 6.12 Policy SP21 (vii) states that improving the economy and providing for the needs of business will be achieved through *"Prioritising the commercial re-use of existing rural buildings in the countryside over conversion to residential use, in accordance with policy DM31"*. LP policy DM31 relates to the conversion of certain rural buildings and the criteria is assessed below:

The building is of permanent, substantial, and sound construction and is capable of conversion without major or complete reconstruction. DM31-1(i)

- 6.13 In terms of the general condition and state of repair of the application building, a submitted building survey report has been submitted. In summary, the survey report found
- Main roof good state of repair, no sign of missing or broken tiles and pointing to the ridge tiles intact. Water staining to soffits likely due to gutters not been cleared.
 - Brickwork and pointing good condition with no sign of cracks.

- Original door frame still in place, Lintel above in good condition.
- Original metal frame window to the front in good condition with no broken glass or sign of decay. Lintel above in good condition.
- All gutters and downpipes in good condition although likely require clearing of leaves due to the number of surrounding trees.
- *"...structure is in a good state of repair and does not require substantial works to get it back into use".*

- 6.14 To bring the application building back into beneficial use and provide viable and practical floorspace a building extension is proposed. The extension will not involve major or complete reconstruction and the proposal complies with this criterion in policy DM31.

The building should be of a form, bulk, scale and design which takes account of and reinforces landscape character DM31-1(ii)

- 6.15 With reference to buildings with the quality of Oast Houses, policy DM31 permits the retention and conversion of rural buildings that 'reinforce landscape character'. The attractive existing brick built former telephone exchange has the building quality and character to be covered by policy DM31 which reinforces landscape character.

Alterations proposed as part of the conversion should be in keeping with the landscape and building character in terms of materials used design and form. DM31-1(iii)

- 6.16 The existing former pumping station building has a modest character with small high level windows in the two end walls. The building is of a scale and appearance that does not overly dominant the street scene and the existing rural character. The proposed extension *"...is detailed to match the existing with a roofline stepped down by 450mm from the existing ridge line"* (applicant's Design and Access Statement). The front elevation of the extension is also set back one metre from the front elevation of the building.

- 6.17 The existing or proposed uses are not residential and there is no specific guidance available on the volume of extensions to commercial buildings. The Council does have SPG guidance on extensions to residential buildings and this guidance says

"In considering an extension to a residential dwelling in the countryside, the Local Planning Authority would normally judge an application as modest or limited in size if, in itself and cumulatively with previous extensions, it would result in an increase of no more than 50% in the volume of the dwelling...The gross volume will be ascertained by external measurement taken above ground level and include the volume of the roof".

- 6.18 The volume of the proposed extension (circa 22 cubic metres) with the set back from the main roof and the set back from both the front and rear elevations will be less than 50% of the existing building (circa 49 cubic metres). The form, scale and detailing of the extension has been designed to match the existing building.

- 6.19 The applicant has stated *"The rest of the site will remain as overgrown native planting except for a new permeable resin bonded drive area and a permeable block pathway leading to the new entrance to the building"* (applicant's Design and Access Statement).

- 6.20 The applicant has sought materials in the extension that match the existing building as closely as possible. These materials include Michelmersh Multi Stock Facing Brick and Wienerberger Plain Brown roof tiles.

There is sufficient room in the curtilage of the building to park the vehicles of those will live there without detriment to the visual amenity of the countryside DM31-1(iv)

- 6.21 The current application is for office use and the submitted plans show provision of two off street car parking spaces.
- 6.22 A consistent reason in the decisions to refuse four earlier planning application for this site has been highway safety in relation to vehicles leaving the application site (highway safety discussed later in this report and the car parking space width). The site layout now proposed with onsite turning space offers the correct balance between making beneficial use of site, ensuring the long term survival of the building and highway safety.

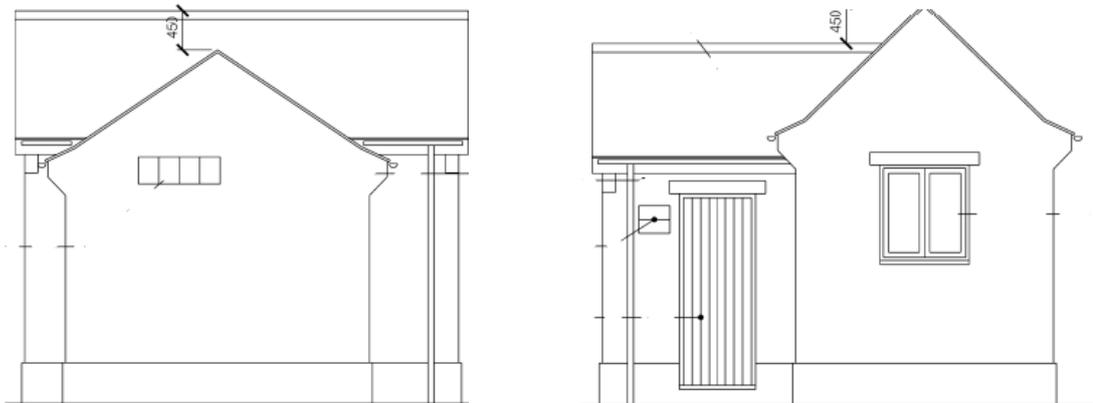
No fences, walls or other structures associated with the use of the building or the definition of its curtilage or any sub-division of it are erected which would harm landscape character and visual amenity. DM31-1(v)

- 6.23 The applicant has stated that boundary treatments will be wire mesh and concrete post fence. This type of fence is largely transparent and is appropriate for the application site and will maintain landscape character.

The traffic generated by the new use would not result in the erosion of roadside verges, and is not detrimental to the character of the landscape; DM31-2(i)

- 6.24 The extended building provides a modest area of floorspace, and the traffic generated by the use would not be detrimental to the character of the countryside.

Front and side proposed elevations



Heritage

- 6.25 Policy SP18 of the Local Plan relates to the historic environment and requires that, inter-alia, the characteristics of heritage assets are protected, and design is sensitive to heritage assets and their settings. Policy DM4 of the Local Plan also relates to development affecting designated heritage assets and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.
- 6.26 The NPPF (paragraphs 201 and 202) requires the impact on the significance of a designated heritage asset to be assessed as either “substantial harm” or “less than substantial harm” with NPPG guidance setting out that “substantial harm” has a high threshold “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm

should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.

- 6.27 NPPF guidance (paragraphs 199 and 200) states that when assessing the impact of development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm to significance amounts to substantial harm, total loss or less than substantial harm.
- 6.28 Oakfield House (Grade II listed building) is located circa 128 metres to the north west. With the distance between the two buildings, and the design, scale and appearance of the building and the proposed extension the impact of the application on the significance of the nearby designated heritage assets will be less than substantial. This conclusion is reached for the following reasons:
- existing building and extension single storey in height,
 - separation distance,
 - existing and retained screening landscaping.
- 6.29 The ‘less than substantial harm’ has been weighed against the public benefits of the proposal including, and the harm is outweighed by the benefits from the reuse of this site.

Neighbour amenity

- 6.30 Local Plan policy DM1 states that development must “*Respect the amenities of occupiers of neighbouring properties and uses by ensuring that development does not result in, or is exposed to, excessive noise, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties*”.
- 6.31 The nearest residential dwelling is Oakfield House located circa 128 metres to the north west. Office uses are generally appropriate near residential dwellings and in this case with the separation distances there are no issues present in relation to residential amenity.

Traffic, transport, and highways.

- 6.32 The NPPF states Planning decisions “*...should recognise that sites to meet local business...needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development ... does not have an unacceptable impact on local roads...*”.
- 6.33 The site is outside of a settlement, but Hollingbourne Railway Station is 3 minutes by car to the north and Harrietsham Village Hall 5 minutes by car to the south east.

Car parking

- 6.34 Local Plan policy DM 23 states that the car parking provided for non-residential uses will consider the following:
- The accessibility of the development and availability of public transport.
 - The type, mix and use of the development proposed, and
 - Whether development proposals exacerbate on street car parking to an unacceptable degree.

- 6.35 The car parking standards for non-residential uses set out in Supplementary Planning Guidance SPG 4 Kent Vehicle Parking Standards July 2006. These standards are generally set as maximum (not minimum) and require one space per 20 square metres.
- 6.36 The site is proposed to be provided with two car parking spaces and will utilise the existing crossover from Ashford Road. whilst above the maximum levels in the SPG guidance, the parking provision is acceptable in this location and is sufficient for the potential level of use.

Cycle parking

- 6.37 The parking standards for non-residential uses set out in Supplementary Planning Guidance SPG 4 Kent Vehicle Parking Standards July 2006. The applicant has indicated that a cycle hoop will also be installed adjacent to the new entrance into the building, and this is in line with standards that require 2 spaces

Site access

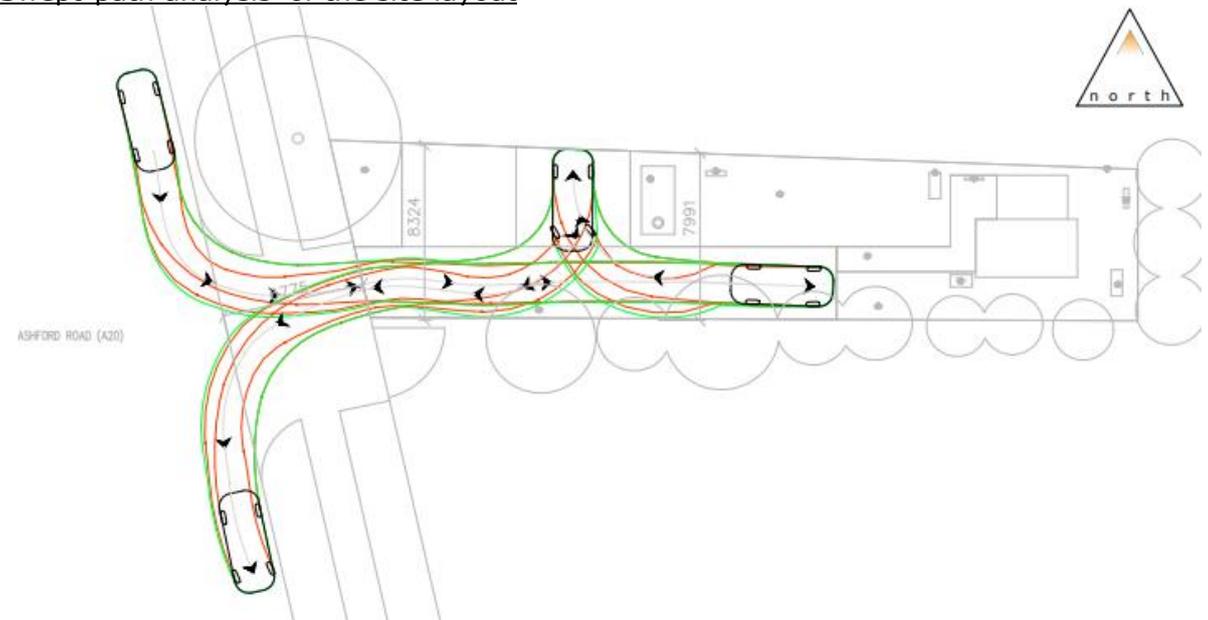
- 6.38 Local Plan policy DM 1 states that proposals will be permitted, where they can safely accommodate the associated vehicular and pedestrian movement on the local highway network and through the site access. An existing double crossover shared with the adjoining site provides vehicular access on to Ashford Road.
- 6.39 In response to KCC Highways comments on earlier applications, the applicant has submitted a transport note with the current application. This note considers in turn the points made by KCC Highways in relation to missing information and these responses are summarised below:
- Personal Injury Collision Data for the most recent five year period.
- 6.40 The applicant has used the website Crashmap.com to identify accidents that have occurred on Ashford Road in the vicinity of the site over the last 5 years. It was found that one accident occurred within 100m of the site access. It has been concluded that this incident was due to driver error and not fault with the highway network. The applicant concludes that the increase in traffic associated with the development is unlikely to cause any road safety issues.
- Revised drawings to demonstrate sufficient widths, distances and visibility as required from Manual for Streets and the Kent Design Guide.
- 6.41 The single refusal ground for earlier applications for business use related to on site vehicle parking and turning, with vehicles required to either reverse from, or out on to Ashford Road (A20).
- 6.42 The industry standards in Manual for Streets guidance state that where the normal turning space behind car parking is not available, an acceptable alternative is to increase the width of the individual car parking bays themselves. This increased width providing additional manoeuvring space within the bays themselves.
- 6.43 In accordance with Manual for Streets guidance the applicant has provided 'swept-path analysis' of the site layout. This analysis demonstrates that a 4.84 metre long vehicle can safety access both the car parking bays and manoeuvre to allow site entry and egress in a forward gear.

6.44 The revised site layout is in accordance with manual for streets guidance and the Kent Design Guide. KCC have assessed the revised layout and raise no objection to the current application. Driver visibility is assessed below.

- Evidence that proposal and the required visibility splays can be achieved within land in control of the applicant and/or the highway authority."

6.45 With Ashford Road covered by the national speed limit, visibility splays relating to speeds of 60mph have been calculated. The applicant has provided a plan that shows that visibility splays of 2.4m x 215m are provided on land controlled by the applicant and/or the highway authority.

'Swept-path analysis' of the site layout



Servicing

6.46 In line with standard practice the applicant has provided the likely number of service vehicle trips to the application site using information from a national database (TRICS database). It is found that a site of this nature is likely to generate less than one servicing trip each day and this level of activity will not have a negative impact on the function of the local highway network.

6.47 The minimal number of servicing trips to the site indicates that despite the lack of space for servicing vehicles within the site, servicing of the site will not have a negative impact on the function of the local highway network. Due to the minimal number of servicing trips, and the short period of time for which servicing vehicles would remain at the site, service vehicles visiting the site can pull over within the site's crossover without impacting on the function or safety of the local highway network.

6.48 The NPPF states "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (Paragraph 111)*".

6.49 The access and is suitable for the proposed use and the trips associated with the use can be safely accommodated on the road network. There has been no objection raised by KCC Highways. It is concluded that the impact of the

application on highway safety will be acceptable and the impact on the road network will not be 'severe'. The impact of the proposal is found to be acceptable

Biodiversity

- 6.50 Local Plan policy DM3 states: *"To enable Maidstone borough to retain a high quality of living and to be able to respond to the effects of climate change, developers will ensure that new development protects and enhances the natural environment ...where appropriate development proposals will be expected to appraise the value of the borough's natural environment through the provision of...an ecological evaluation of development sites...to take full account of the biodiversity present, including the potential for the retention and provision of native plant species"*.
- 6.51 The proposal does not result in the need for ecological surveys, and there are no protected species which would be at risk. Policy DM1, DM3 and the NPPF do however all promote ecological enhancement. With the nature and extent of the proposals a condition is recommended seeking biodiversity enhancements.

Rural economy

- 6.52 Guidance in the National Planning Policy Framework is a material planning consideration. Under the heading *"Supporting a prosperous rural economy"* the NPPF states planning decisions *"...should enable the sustainable growth and expansion of all types of business in rural areas...through conversion of existing buildings"*.
- 6.53 Although not directly relevant, Local Plan policies SP21 and DM37 are generally supportive of proposals for economic development in the countryside. With the nature of the use and the space required for dogs to be exercised, it would be difficult to find a suitable site for this use in a settlement.

PUBLIC SECTOR EQUALITY DUTY

- 6.54 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 acceptable in relation to the minimal level of harm that will be caused to the character and appearance of this rural area. The proposal is acceptable in relation to heritage impacts, neighbour amenity, and biodiversity. The access and parking arrangements are acceptable
- 7.02 The application brings a vacant building back into beneficial use and supports the aims of NPPF and the Local Plan in achieving a prosperous rural economy.

8 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby approved shall be carried out in accordance with the following approved plans and documents:
- 001. P01 Site Location Plan
 - 002. P01 Existing Block Plan
 - 010. P01 Existing Ground Floor and Roof Plans
 - 020. P01 Existing Front and Side Elevations
 - 021. P01 Existing Rear and Side Elevations
 - 102. P01 Proposed Block Plan
 - 110. P01 Proposed Ground Floor and Roof Plans
 - 120. P01 Proposed Front and Side Elevations
 - 121. P01 Proposed Rear and Side Elevations
 - Supporting documents – Building Condition Survey and Summary Report
 - Supporting documents - Design and Access Statement
- Reason: in the interests of proper planning.
- 3) The external facing materials to be used in the development hereby approved shall be as indicated in the submitted Design and Access Statement. Reason: To ensure a satisfactory appearance to the development.
- 4) Prior to first occupation of the approved use the measures taken for the on site enhancement of biodiversity as shown in the submitted design and access statement shall be in place. All features shall be maintained permanently thereafter. Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.
- 5) The extension hereby approved shall not commence above slab level until a hard and soft landscape scheme designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall
- (a) show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed,
 - (b) provide details of on-site planting in a planting specification including plant species, plant spacing, quantities, and maturity (non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted).
 - (c) provide landscape implementation details and timetable
 - (d) provide a [5] year landscape management plan
- Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 6) All planting, seeding, and turfing specified in the approved landscape details shall be completed by the end of the first planting season (October to February) following first occupation of the extension hereby approved. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme. Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.
- 7) The building or land shall be used for office purposes only and for no other purpose (including any other purpose in Classes of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders

- with or without modification). Reason: Unrestricted use of the building or land could cause demonstrable harm to the character, appearance and functioning of the surrounding area and/or the enjoyment of their properties by adjoining residential occupiers.
- 8) Driver visibility splays of 2.4m x 215m with no obstruction over 1.0m above ground level shall be provided in accordance with Location Plan and shall be subsequently maintained for the lifetime of the development. Reason: In the interests of highway safety.
- 9) The approved parking areas shall be retained and shall be kept available for such use. 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.
- 10) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011 (and any subsequent revisions) and follow the recommendations within Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting', 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: To safeguard the character and appearance of the countryside and in the interests of residential amenity and wildlife.
- 11) Prior to the commencement of the approved use secure bicycle storage shall be in place that is in accordance with details that have previously been submitted to and approved by the Local Planning Authority. These details will be maintained as such thereafter. Reason: To promote sustainable travel choices and the reduction of CO2 emissions.
- 12) No development shall take place until a Construction Management Plan for the site has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include the following details-
- (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage
 - (f) Measures to control dust and potential use of asbestos in the existing building.
- The construction works shall proceed only in accordance with the approved Construction Management Plan.
Reason: In the interests of residential amenity and highway safety

Former Telephone Exchange
Ashford Road, Hollingbourne

Construction Transport Management Plan

For

Lusher Architects

Document Control Sheet

Former Telephone Exchange
 Ashford Road, Hollingbourne
 Lusher Architects

This document has been issued and amended as follows:

Date	Issue	Prepared by	Approved by
31/08/2023	1 st Draft	MS	DM



Contents

1.0	Introduction	1
2.0	Baseline Conditions	2
3.0	Construction Project Manager	3
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7.0	Monitoring and Management	8

Appendices

- A Swept Path Analysis – Delivery Vehicle
- B Swept Path Analysis – Staff Vehicles

1.0 Introduction

- 1.1 Motion has been appointed to prepare this Construction Transport Management Plan (CTMP) in relation to redevelopment proposals at a former telephone exchange, located on Ashford Road, near to Hollingbourne within the administrative authority of Maidstone Borough Council as planning authority and Kent County Council as highway authority.
- 1.2 The site is located to the north of Ashford Road (A20) close to the village of Hollingbourne, Maidstone, approximately 800 metres north of Leeds Castle. The M20 is located to the north of the site.
- 1.3 Following the introduction, the remainder of this report comprises the following sections:
 - ▶ Baseline Conditions;
 - ▶ Construction Project Manager;
 - ▶ Construction Programme;
 - ▶ Traffic Management;
 - ▶ Nuisance Control; and,
 - ▶ Monitoring and Management.

2.0 Baseline Conditions

Site Location

- 2.1 The site is located on Ashford Road, Hollingbourne approximately 800 metres north of Leeds Castle and the site benefits from close proximity to the A20 and M20. The site in relation to the surrounding area is shown in Figure 2.1 below.

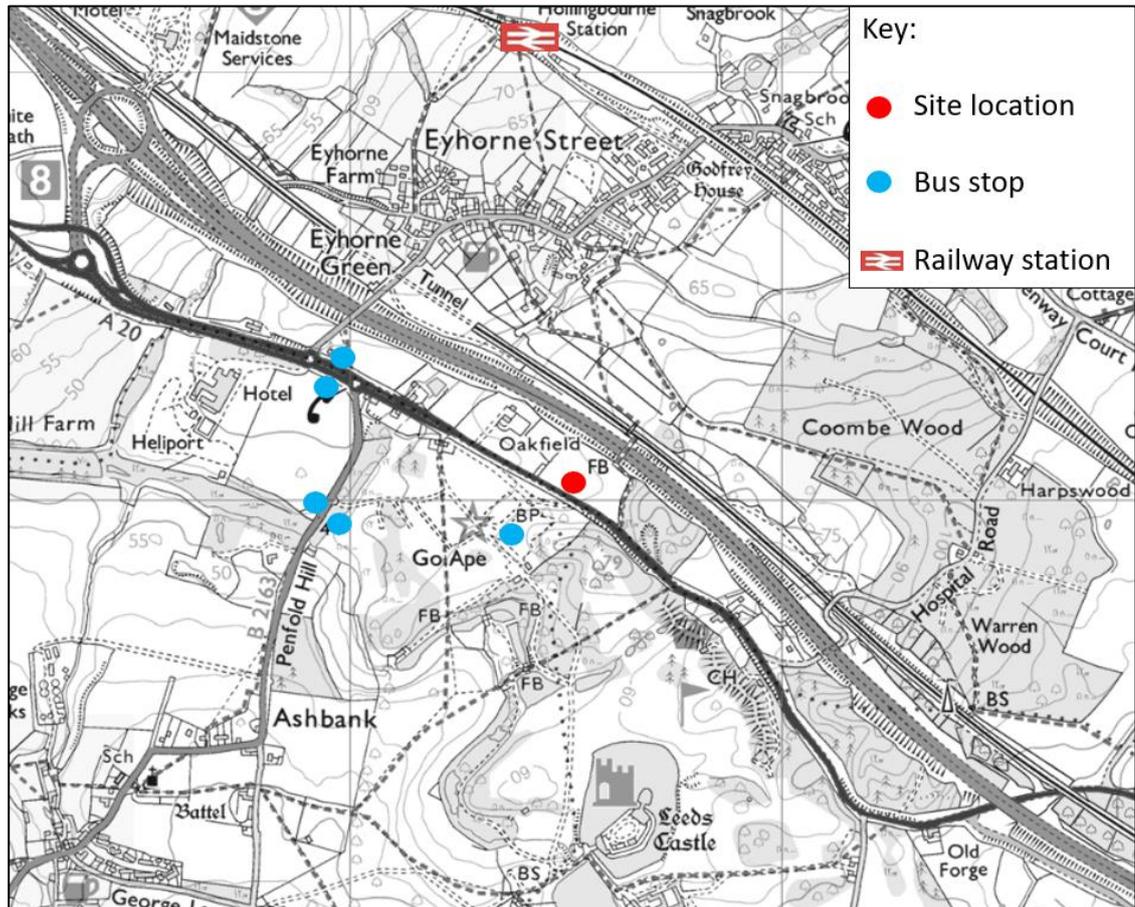


Figure 2.1: Site Location Plan

Development Proposals

- 2.2 Development proposals for the site include the extension of the existing former telephone exchange building and the change of use of the building to office space (Class E use). The site is proposed to be provided with two car parking spaces and will utilise the existing crossover from Ashford Road.

Local Highway Network

- 2.3 Vehicular access to the site is via Ashford Road (A20), a two-way single carriageway road subject to a 60 miles per hour speed limit. The A20 connects south to Ashford and north to Maidstone.

3.0 Construction Project Manager

- 3.1 The Construction Project Manager (CPM) will be responsible for implementing measures contained in this CTMP.
- 3.2 The CPM will be responsible for monitoring and reviewing the CTMP and will deal with any concerns of local residents and businesses. The contact details will be provided when known.
- 3.3 MBC and KCC will be notified should the CPM change during the works.

4.0 Construction Programme

Programme of Works

- 4.1 Works are anticipated to continue for a period of 6-8 weeks. The level of traffic attraction during this time period will be fairly consistent.

Description of Works

Site Set-up

- 4.2 Prior to any works commencing on the site, there will be temporary signage provided from both directions to inform traffic to be cautious of construction vehicles reversing into the site ahead.

Structural/Non-Structural Works/ Internal Fit Out

- 4.3 Construction vehicles will access the site and stop on-site to unload materials. Further details of the vehicle access arrangements and site setup are detailed at Section 5.

Site Clear-up

- 4.4 Following the completion of works, works will be undertaken to return the site to suitable for use. The temporary signage will be removed from the highway.

5.0 Traffic Management

- 5.1 It is proposed that all construction deliveries and loading will take place on site and all materials will be stored on site. There is an existing access fronting Ashford Road which the vehicle will use to access the site. Vehicles will require to reverse into the site from Ashford Road as there is no turning area within the site. A banksman will be present to support the vehicle reversing into the site, the drawing attached at **Appendix A** demonstrates this.
- 5.2 All operatives, sub-concentrators and suppliers will be advised of the loading arrangements at the site and that under no circumstance should vehicles parked or stop on the public highway outside the site. The CPM will ensure that no vehicles associated with the development are permitted to stop or wait on the public highway, nor cause any obstruction to neighbouring properties that would impede pedestrian or vehicle access/egress to those properties.

Construction Vehicles

- 5.3 It is envisaged that vehicular activity associated with the construction operations will comprise a mix of the following:
- ▶ Ready-mix concrete deliveries during construction; and
 - ▶ Deliveries of construction materials and fixtures and fittings.
- 5.4 Swept path analysis has been undertaken to demonstrate the expected construction vehicle can access and exit the site appropriately using the access. The analysis demonstrates that the expected vehicles would approach from the north on the A20, pull up and reverse into the site and then exist the site in forward gear. Swept path analysis is attached at **Appendix A**.
- 5.5 The CPM will be responsible for managing the safe and efficient movement of vehicles to the site.

Delivery Management

- 5.6 All deliveries will be pre-booked in advance and allocated set arrival times. Suppliers shall call the Construction Project Manager before their arrival to inform the CPM of their expected arrival time, this will allow the banksman to get to the site access and ensures the safe entry and exit of the vehicle.
- 5.7 Vehicles arriving to the site will take place outside the network and school peak hours. Vehicles will be scheduled to distribute vehicle movements throughout these hours and to avoid more than one vehicle arriving and departing at any one time. There will only be one vehicle parked on site at any one time.
- 5.8 All contractors, delivery companies and visitors to the site will be made aware of the access and egress route and of the parking restrictions in the vicinity of the site prior to undertaking their journey. A written briefing and plan for the site will be provided to contractors, delivery companies and visitors.
- 5.9 The CPM will be responsible for managing the safe and efficient movement of vehicles to the site and the interaction between construction vehicles, pedestrians, cyclists and other road users.
- 5.10 There will be a daily average of three expected vehicles to the site per day, at a maximum of five/six. In addition, a banksman will be located at the access junction when deliveries are anticipated to take place to ensure quick movement of vehicles into and out of the site.

Staff Parking

- 5.11 There is scope to accommodate staff parking on site whilst also providing space for HGVs to unload. This is highlighted on the drawing attached as **Appendix B**, which illustrates four parked cars. Staff will be encouraged to car-share where possible.

Vehicle Routing

- 5.12 Construction vehicles will route to and from the site from Ashford Road (A20) from the north, which offers direct connections to the M20.

6.0 Nuisance Control

- 6.1 A range of measures will be implemented to ensure that the potential impact of the works on local residents and businesses will be minimised. These measures are discussed in turn below.

Waste and Recycling

- 6.2 All waste will be stored on site and dealt with in accordance with the duty of care Section 34 of the Environmental Protection Act 1990 and the Environmental Protection (Duty of Care) Regulations 1991. Where hazardous waste is identified, it will be controlled and disposed of following the Environment Agency approved procedures.
- 6.3 Waste material will be sorted on site and any suitable materials will be recycled. In addition, during the progress of the works every effort will be made to avoid waste, and where waste material is produced, this will again be sorted and recycled in accordance with good practice guidance. As part of their induction, all site operatives will be made aware of the need to reduce waste and where waste is unavoidable, that waste will be sorted and recycled where possible.

Hazardous Material

- 6.4 In the event that hazardous materials are found, the materials will be disposed of using the appropriate procedures and local residents/businesses advised accordingly.

Noise Control

- 6.5 There will be no HGV movements to or from the site between the hours of 08:00 and 09:00am and 17:00 and 18:00pm. This is to avoid potential conflict with traffic during the peak periods of the day. Where possible, deliveries will be scheduled to distribute vehicle movements throughout these hours to limit the number of vehicles on site at any one time.

Wheel Washing

- 6.6 To prevent the spread of dirt and debris to the public highway, all vehicles accessing the site will be inspected and wheels cleaned before leaving the site to the public highway, if necessary. In event that mud is spread on the public highway this will be cleaned using a road sweeper.

Site Security

- 6.7 All materials will be stored on site within a secure area. The CPM will be responsible for site security and emergency procedures and contact details for the CPM will be advertised.

Consultation

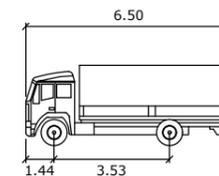
- 6.8 The CPM will liaise with immediate neighbouring school and immediate neighbours in the nearby vicinity of the site to ensure that residents and businesses are aware of how the construction works are progressing and provide them with the opportunity to raise any issues that may arise as they occur.

7.0 Monitoring and Management

- 7.1 The CPM will be responsible for the ongoing monitoring and management of the construction process. This will include the following:
- ▶ The control of the frequency of vehicles entering the site and the safety of the vehicles accessing the site;
 - ▶ Waste management and reduction, including the disposal of hazardous materials; and,
 - ▶ Review meetings with the planning authority, as necessary.
- 7.2 The CPM will further be responsible for the updating of the Plan as and when it is required.

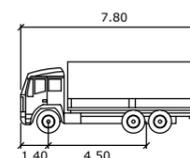
Appendix A

Swept Path Analysis – Delivery Vehicle



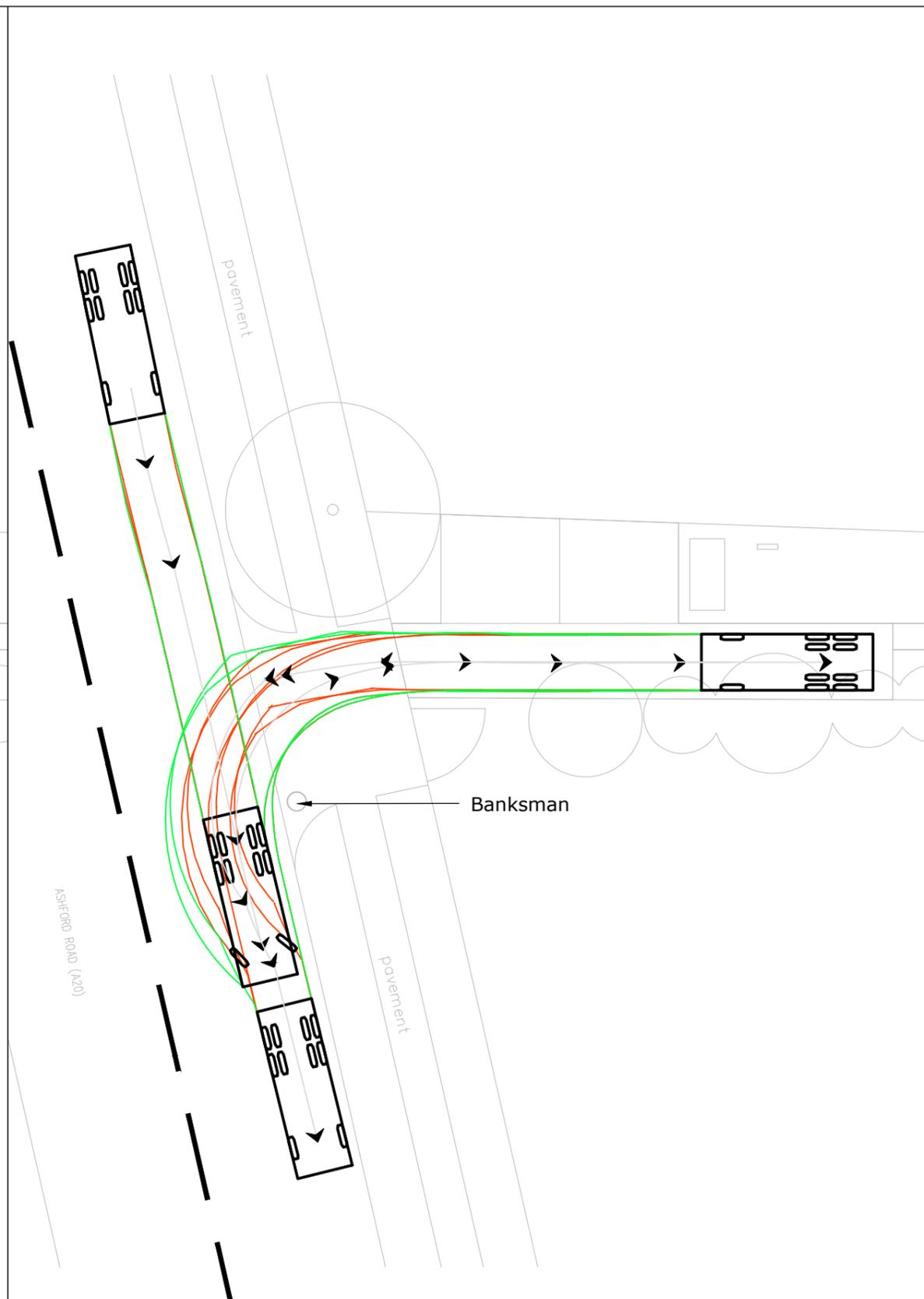
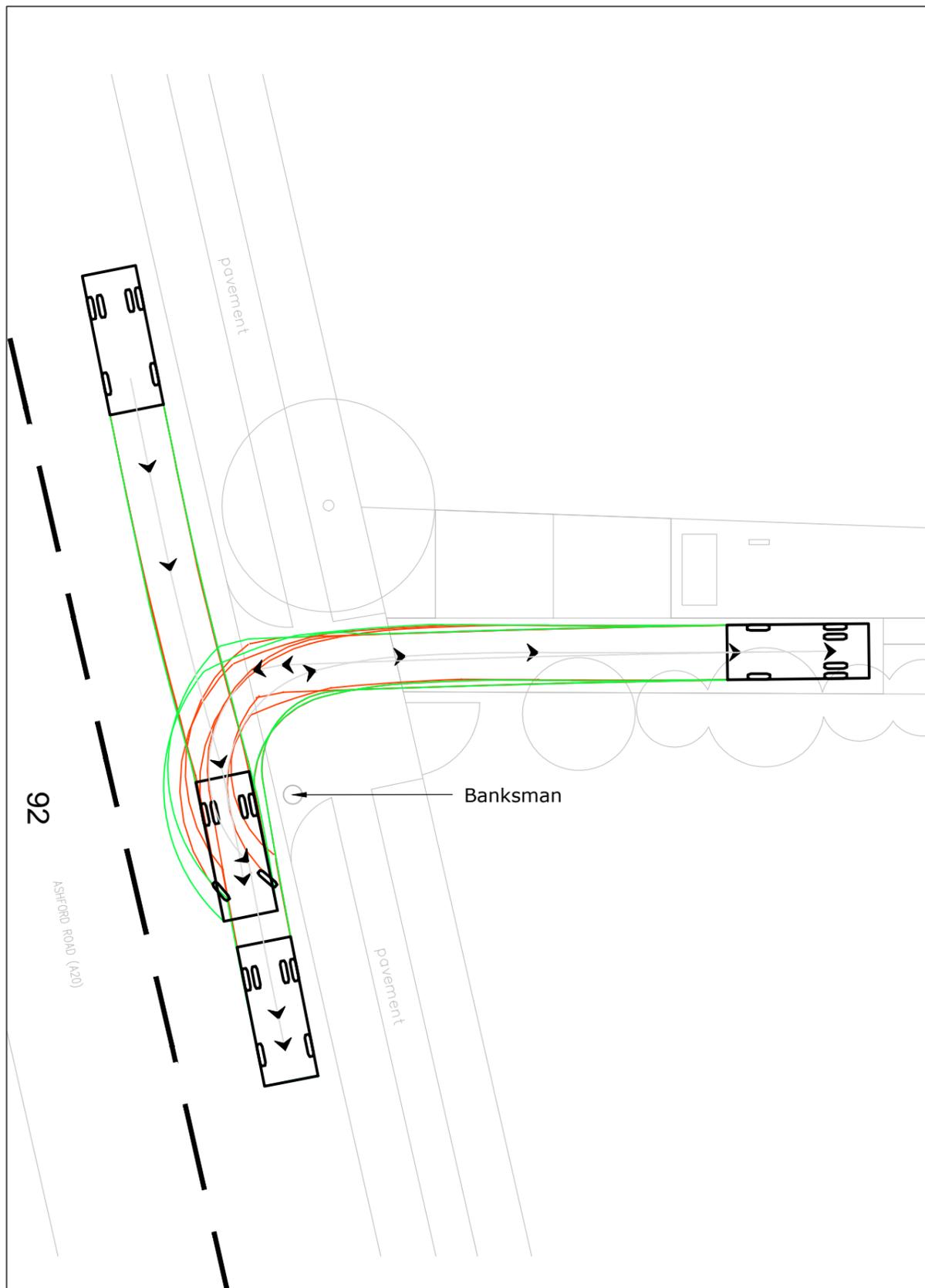
SKIP LOADER

Width	: 2.50
Track	: 2.50
Lock to Lock Time	: 6.0
Steering Angle	: 36.3



TIPPER 3AXLE

Width	: 2.55
Track	: 2.55
Lock to Lock Time	: 6.0
Steering Angle	: 38.5



84 North Street
 Guildford
 Surrey
 GU1 4AU
 T: 01483 531 300

Golden Cross House
 8 Duncannon Street
 London
 WC2N 4JF
 T: 020 8065 5208

www.motion.co.uk

Project:
Ashford Road, Hollingbourne

Title:
**Swept Path Analysis
 Construction Vehicles**

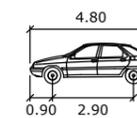
Scale: 1:250 (@ A3)

Drawing:
2302045-TK02

Revision:

Appendix B

Swept Path Analysis – Staff Vehicles



SDV

	meters
Width	: 1.80
Track	: 1.80
Lock to Lock Time	: 6.0
Steering Angle	: 37.8



84 North Street
 Guildford
 Surrey
 GU1 4AU

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 8 Duncannon Street
 London
 WC2N 4JF

T: 01483 531 300 T: 020 8065 5208

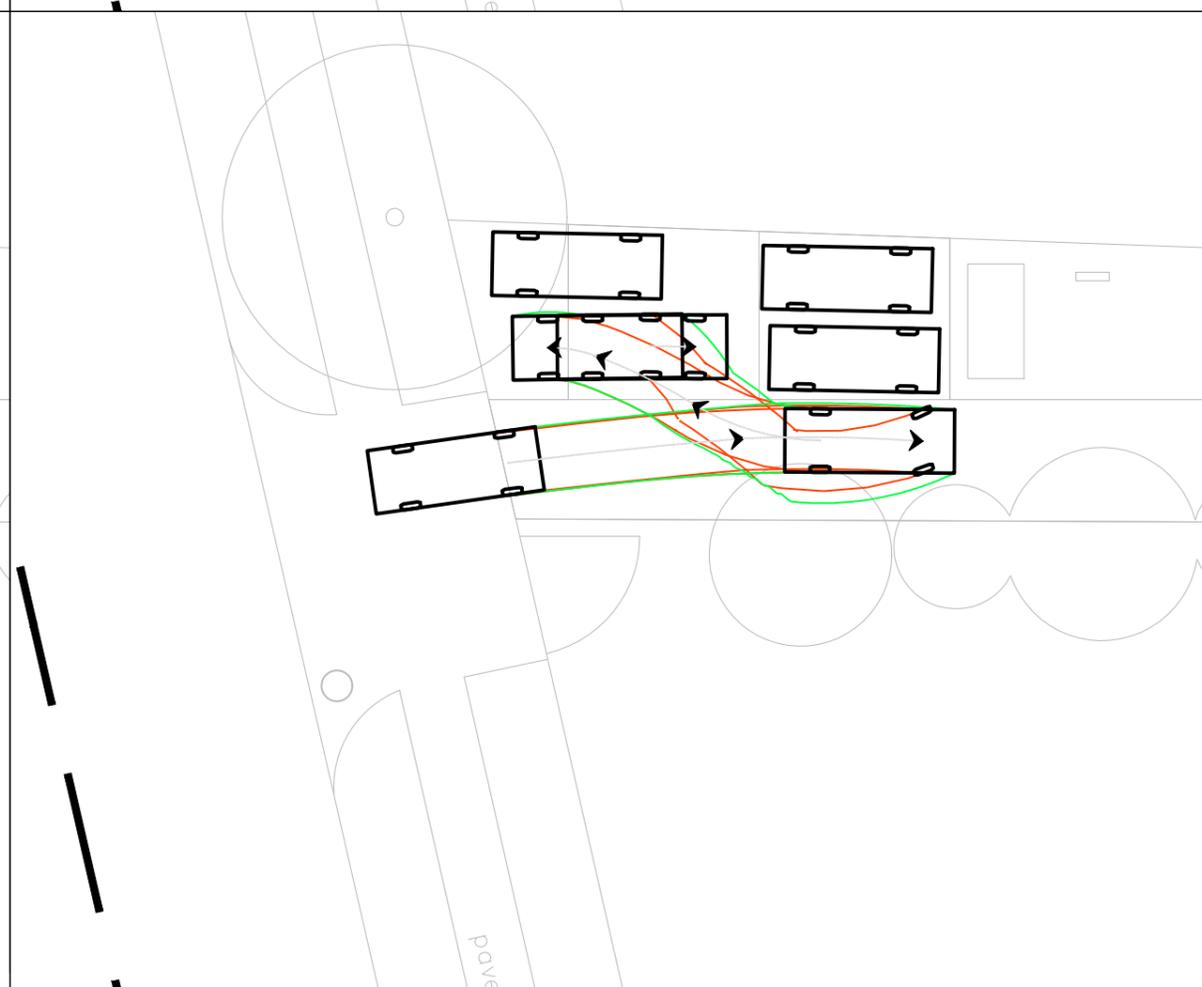
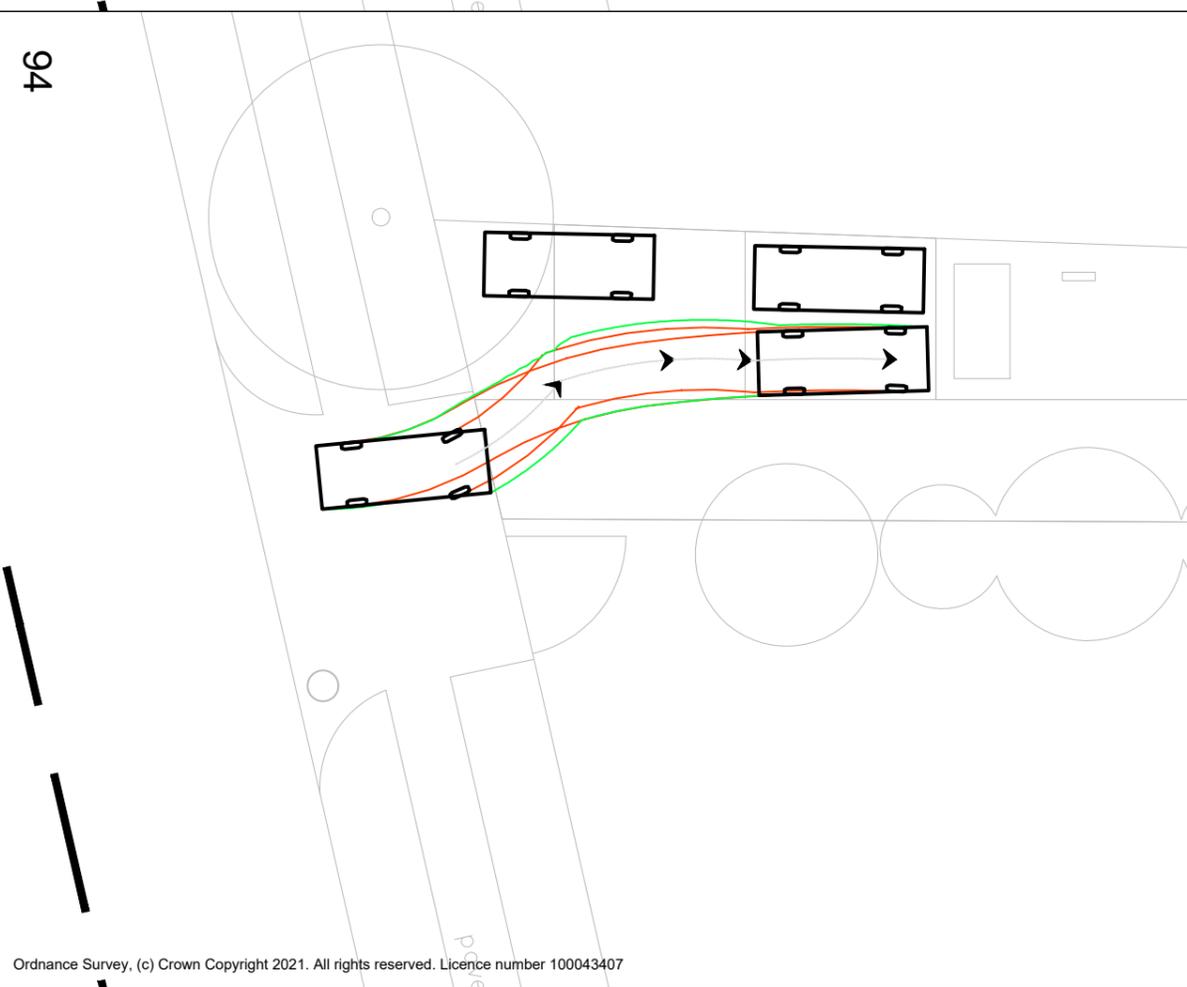
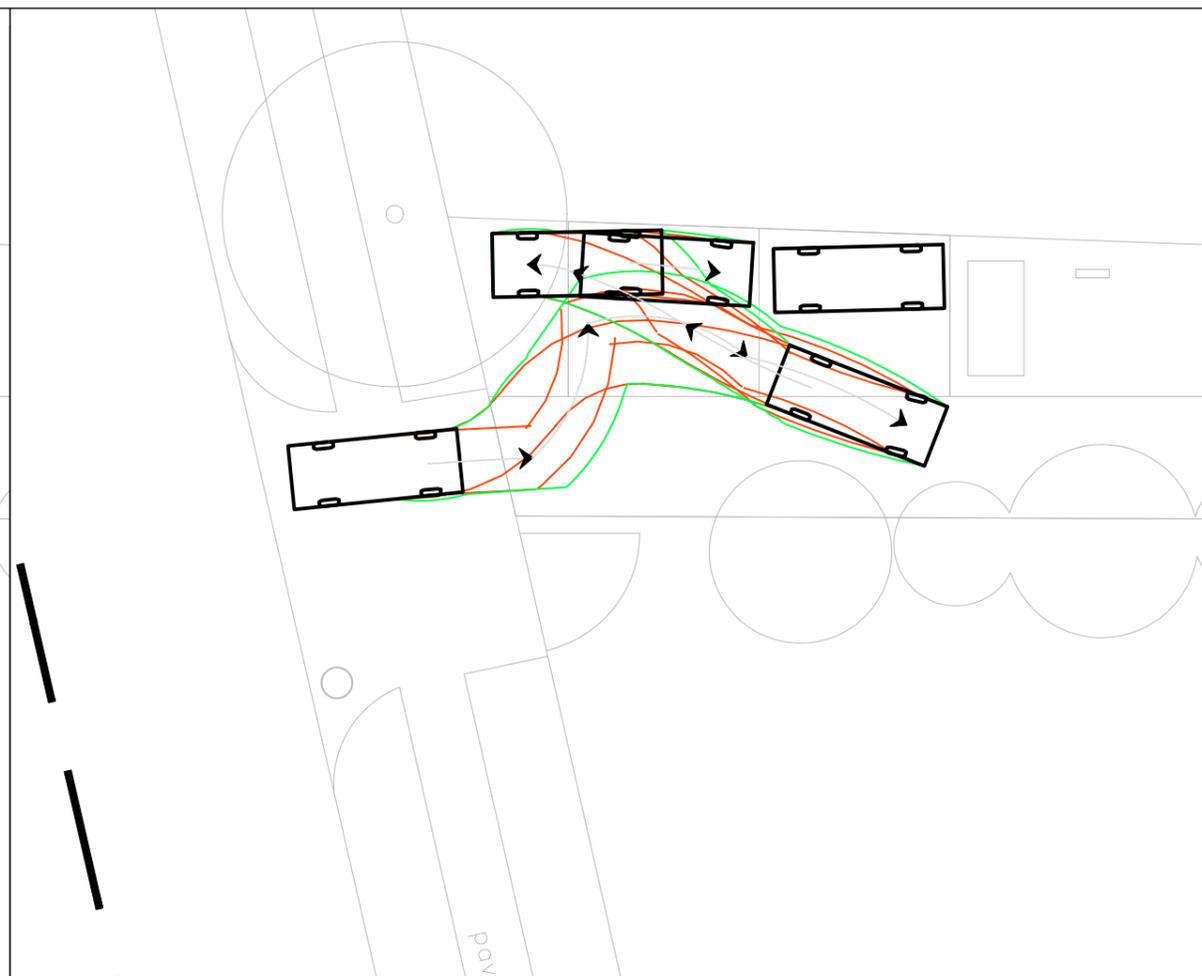
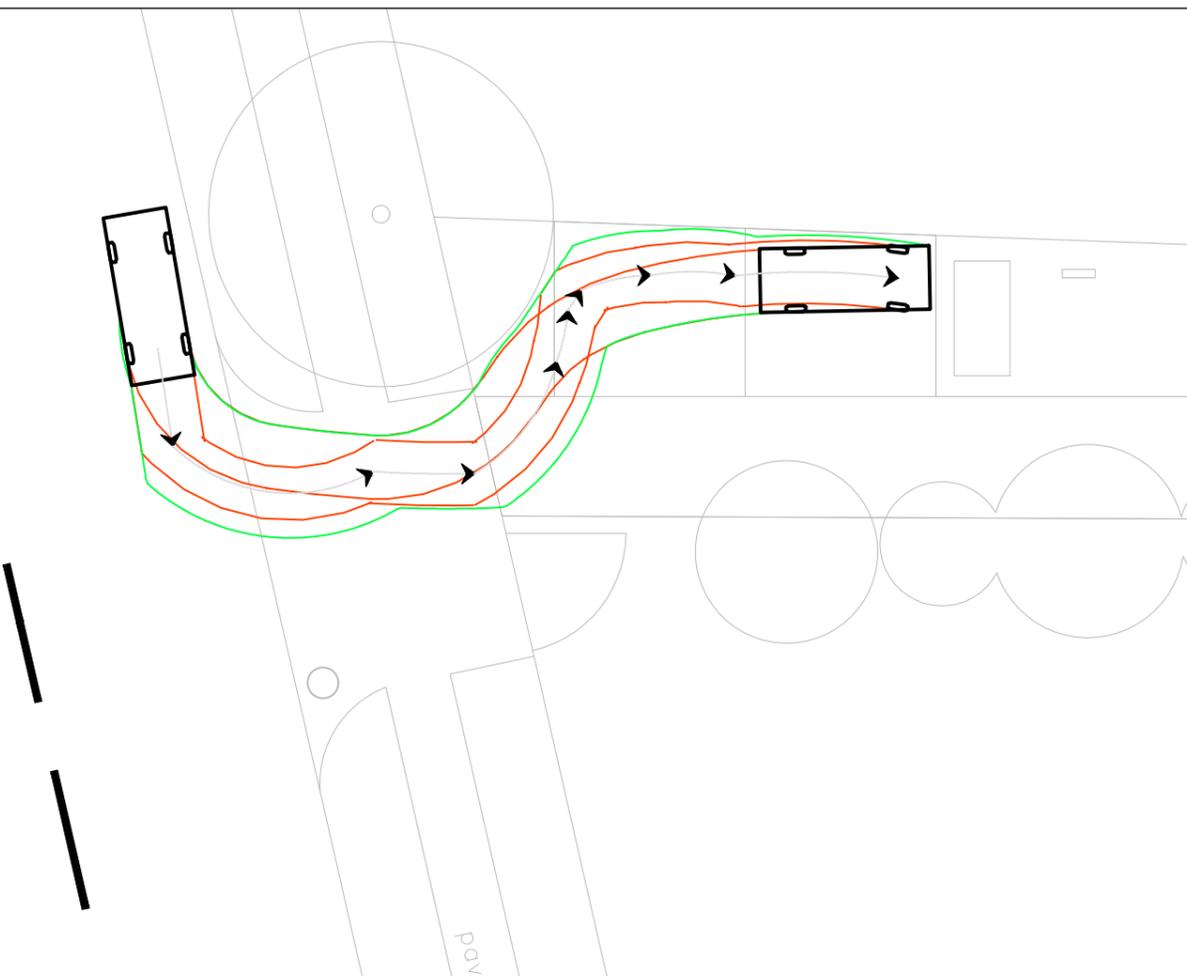
www.motion.co.uk

Project:
Ashford Road, Hollingbourne

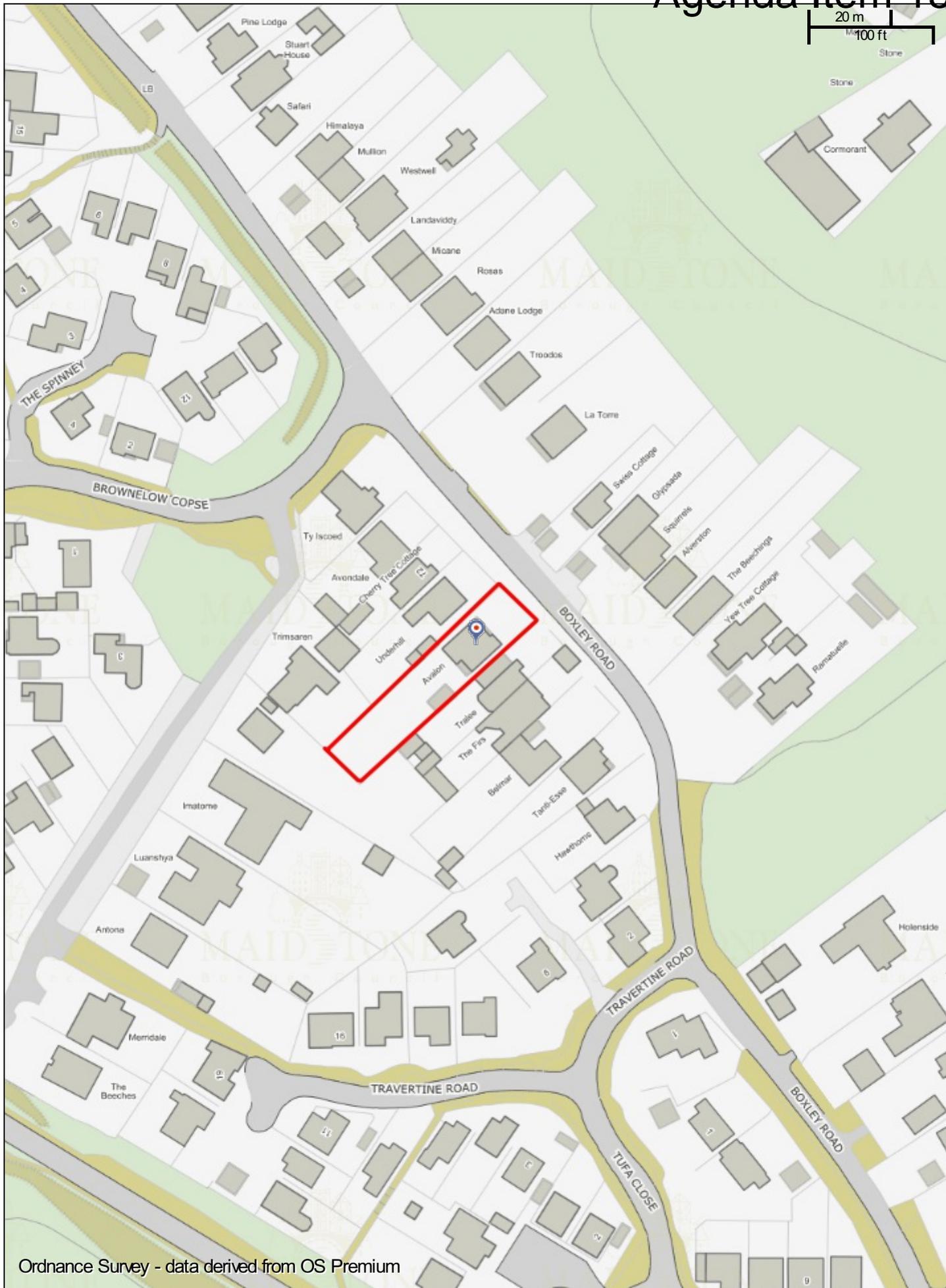
Title:
**Swept Path Analysis
 Large Car**

Scale: 1:200 (@ A3)

Drawing: **2302045-TK01** Revision: **B**



94



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

REFERENCE NO: - 23/503006/FULL		
APPLICATION PROPOSAL: Erection of front infill extension, front porch and single storey rear extension. Insertion of side dormers, rear rooflights and extension to existing first floor.		
ADDRESS: Avalon Boxley Road Walderslade Chatham Kent ME5 9JE		
RECOMMENDATION: Approval subject to the conditions and informatives set out in section 8.		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposal overcomes the reasons for the refusal of recent applications for extensions and complies with the adopted development plan policies regarding domestic extensions.		
REASON FOR REFERRAL TO COMMITTEE: The recommendation is contrary to the views of Boxley Parish Council and is reported to the Committee at their request.		
WARD: Boxley	PARISH/TOWN COUNCIL: Boxley	APPLICANT: Mr Dean Symmons AGENT: Mr Ray Chambers
CASE OFFICER: Georgina Quinn	VALIDATION DATE: 30/06/23	DECISION DUE DATE: 25/08/23
ADVERTISED AS A DEPARTURE: No		

Relevant Planning History

22/504386/FULL Demolition of existing detached garage and erection of a first floor extension to dwelling, including new roof, canopy to front, and part single storey, part two storey rear and side extension. **Refused** 08.11.2022

22/505825/FULL Demolition of existing detached garage and erection of a first floor extension to dwelling, including new roof, canopy to front, and a part single storey, part two storey rear extension. (Resubmission of 22/504386/FULL) **Refused** 01.02.2023

Enforcement History:

None.

Appeal History:

23/500045/REF Demolition of existing detached garage and erection of a first floor extension to dwelling, including new roof, canopy to front, and a part single storey, part two storey rear extension. (Resubmission of 22/504386/FULL) **Dismissed** 19.04.2023

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site comprises a detached bungalow style dwelling located to the south-western side of the street. The property dates from the late 1950s and is designed with a gable roof form to the front and rear elevations. The exterior walls are brick and the gables are finished in white weatherboarding. There is presently accommodation on the ground floor and in the roof space, with the upper floor being served by windows positioned within the front and rear gables along with roof lights

to the south-eastern roof slope. There is a detached, flat roof outbuilding positioned beyond the rear elevation, adjacent to the south-eastern boundary. To the front of the dwelling there is a driveway and grassed garden area.

- 1.02 The surrounding area is residential in character and features a range of housing styles and designs. Tralee to the south-east is an attached bungalow style property with accommodation in the roof that is served by flat roof dormers to the front and rear elevations. Underhill is adjacent to the north-western boundary and this is a detached bungalow style property, also with rooms in the roof and flat roof dormers to the front and rear elevations.
- 1.03 This part of Boxley Road has a verdant, landscaped character due to the extent of woodland in the locality. Avalon is not however affected by any Tree Preservation Order and there are no mature trees within the site. The land levels also vary in the immediate vicinity, with the dwellings opposite occupying a raised position in relation to the highway. Avalon and the properties to either side are on a slightly lower ground level than the street.



2.0 PROPOSAL

- 2.01 This application seeks to extend this detached dwelling by increasing the ridge height by 0.781m and extending the property to the rear by a total of 5m in length to the ground floor and 3m to the upper floor accommodation in the roof. The width of the extensions will match the existing dwelling. The gable roof form is maintained and flat roof dormers of approximately 12.85m in length are proposed to either side. The dormers will be set back by approximately 1m from the front and rear elevations of the property together with being positioned above the eaves and below the ridge. There is currently a minor recess to part of the front elevation and this will be in-filled but will not result in any extensions that increase the footprint of the dwelling in this area. An entrance porch designed with a gable roof will also be added to the centre of the front elevation.
- 2.02 The external surfaces will be comprised of render to the walls and weatherboarding to the dormers, both in a cream/light grey colour; and composite slate tiles for the roof. The windows will be dark grey upvc.
- 2.03 The interior of the property will be reorganised so that all of the bedrooms are within the roof space. This will see 4 bedrooms (2 with en-suite bathrooms) and a main bathroom in the extended loft area. To the ground floor, the kitchen will be enlarged to provide an open plan space with a dining area. The relocation of the bedrooms to the upper floor will see the original ground floor bedrooms repurposed to provide a playroom, lounge, home office; WC; and a utility room.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):

Policy DM1 – Principles of Good Design;

Policy DM9 – Residential Extensions, Conversions and Redevelopment within the Built Up Area;

Policy DM23 – Parking Standards;

Maidstone Borough Council Draft Local Plan Review (Regulation 22):

The Regulation 22 Local Plan Review (LPR) submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is therefore a material consideration and attracts some weight. The LPR has been through Stage 1 and 2 Hearings and the main modifications the Inspector considers are required to make it sound are out to public consultation so it is at an advanced stage. However, responses to the consultation need to be considered by the Inspector along with him producing his Final Report so the LPR is considered to attract moderate weight at the current time.

Policy LPRSP15 – Principles of Good Design; Policy LPRHOU 2 - Residential extensions, conversions, annexes and redevelopment in the built-up area; Policy LPRTRA4 – Assessing the Transport Impacts of Development

The National Planning Policy Framework (NPPF);

National Planning Practice Guidance (NPPG);

Supplementary Planning Documents: Residential Extensions (2009).

4.0 LOCAL REPRESENTATIONS

4.01 Consultation letters were sent to Swiss Cottage; La Torre; Tralee; Squirrels; Underhill; and Glypsada on Boxley Road; and to Guideland and Trimsaren on Cossington Road, at the rear of the site. A site notice was also displayed on Boxley Road.

One representation was received from the neighbouring occupants at Underhill, raising the following (summarised) objections:

- This has not overcome the appeal and Inspectorate's review objection;
- The application still results in a substantial increase in volume of the first floor level, considerably enlarging the scale of the existing bungalow in terms of footprint and height (because of the scale of the massive dormers);
- The extent of development will not be sympathetic to the existing dwelling and adjoining properties;
- The cumulative impact of the mass and bulk at first floor level will be clearly evident from the public highway between the building, resulting in a cramped appearance that will be dominant and obtrusive in the streetscene;
- The new proposal does not respect the amenity of the adjoining house, Underhill as there are 2 windows in the living room facing the side of Avalon;

- The 3m first floor extension will affect the daylight, sunlight, and maintenance of a pleasing outlook from the living room.
- Underhill will definitely not be safeguarded, in breach of Policy DM5 of the adopted Local Plan;
- The first floor would reduce the amount of energy and revenue gained from the solar panels on the flat roof of Underhill in the late autumn, winter, and early spring;
- We have no objection to the 5m extension of the ground floor at the rear of the property but do object to a 3m first floor extension.

5.0 CONSULTATIONS

Boxley Parish Council

- 5.01 Boxley Parish Council object to this application. The proposed additions add considerable massing that overwhelms the original property; the proposed changes would create a highly visible and much larger property that is out of keeping with the existing street scene; The proposals contravene Policies DM1 and DM9 of the Maidstone Local Plan (2017) the Supplementary Planning Document Residential Extensions (2009) and the National Planning Policy Framework (2021).

A follow up email submitted on 20.07.2023 confirmed that Boxley Parish Council would like to call the application in to Planning Committee if the officer recommendation is contrary to their views.

Kent County Council Archaeology

- 5.02 No comments submitted.

6.0 APPRAISAL

The key issues are:

- The principle of the development proposed;
- The visual impact of the proposal, including a consideration of the recent planning history of the site;
- The impact upon neighbouring amenities.

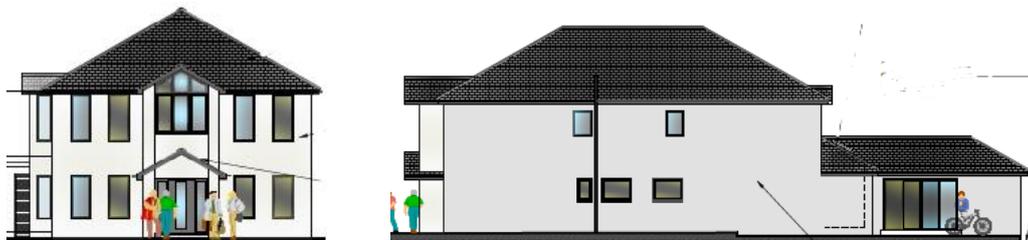
Principle of Development

- 6.01 Avalon is located in a suburban location within the Borough and it is evident from the planning history of the street, together with observations on site, that a number of the properties have been extended and/or altered. There is no uniformity of design within the street, although flat roof dormers are prevalent. There are also a range of finishing materials.
- 6.02 Policy DM9 is supportive of extensions to existing dwellings, subject to meeting the criteria regarding design and appropriate relationships with neighbouring occupants (to be assessed in further detail below). The recent planning history of Avalon details the refusal of two planning applications however the reasons were not based upon the general principle of extending the dwelling. Furthermore, there have been no previous additions to the roof of the property (other than roof lights) such that it would be open to the applicant to explore opportunities to exercise permitted development rights for extensions. On balance, there are no material planning reasons to suggest that the principle of extending this property is unacceptable.

Design and Visual Impact

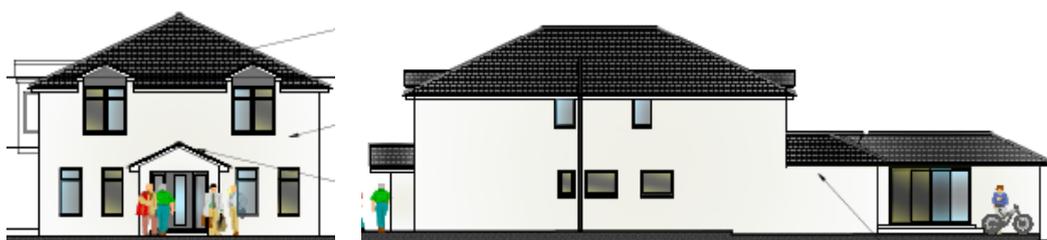
- 6.03 Avalon is a detached bungalow with accommodation in the roof space. The property dates from the late 1950s and its design is of no particular merit, such that the loss of architectural features would be a concern. The dwellings to this side of the street, on this part of Boxley Road, occupy a lower ground level than the highway and are of varying designs with differences in their ridge heights. The dwellings to the opposite side are elevated in relation to the highway and for the most part are larger properties in larger plots. Whilst the range of housing designs and finishes is notable, there are also variations in the ridge heights of the dwellings and flat roof dormers in prominent positions are a notable characteristic.
- 6.04 There have been two recent applications for the extension of Avalon, both of which were refused, with the later of the applications being appealed and dismissed. The key concern with these applications related to proposal to add a first floor to the property to establish a 2-storey dwelling with a pitched roof. Images of the elevations proposed in the refused schemes are provided below in figures 1 and 2:

Proposed Front and Side Elevations – Application 22/504386/FULL:



(Figure 1)

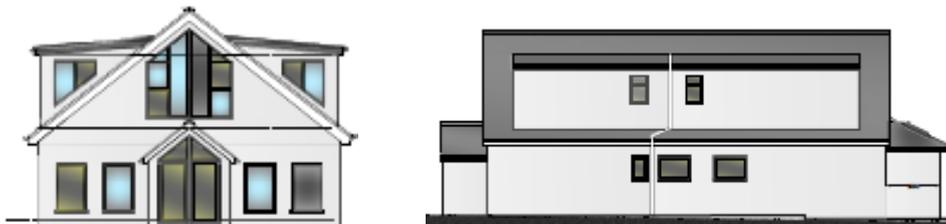
Proposed Front and Side Elevations – Application 22/505825/FULL:



(Figure 2)

- 6.05 The establishment of a 2-storey dwelling was considered to be obtrusive in the streetscene and would not be subservient by virtue of completely subsuming the original dwelling. A subsequent appeal of application 22/505825/FULL (as shown in figure 2 above) was dismissed. The Inspector concurred with the view that the addition of a first floor under a pitched roof together with the proposed 2-storey rear extension would result in a cramped appearance and the dwelling would be dominant and obtrusive within the streetscene.

- 6.06 The current submission is the result of pre-application discussions with the applicant. The proposal involves a relatively modest increase in the ridge height of the dwelling but the bungalow form is retained. The property would be extended by 5m to the ground floor and 3m to the upper floor formed by the roof space. Flat roof dormers would be established to the side elevations that incorporate a setback from the front and rear elevations. The dormers would be set above the eaves and below the main ridge. A pitched roof porch will also be added to the front elevation and an existing recess to this elevation would be in-filled. The design is detailed in figure 3 below:



(Figure 3)

- 6.07 The proposed extensions would result in significant alterations to the appearance of Avalon within the streetscene however this will not appear conspicuous given that the presence of differing designs and finishes are a characteristic of the street. A notable design theme along this part of Boxley Road is flat roof dormers. Whilst the SPD Residential Extensions (2009) generally favours the use of pitched roofs for development in prominent locations, it is the case that flat roof dormers are a prevailing characteristic of this part of Boxley Road such that the proposal would not appear incongruous in this setting. It is acknowledged that the dormers are quite large, however they would be set back from the front and rear elevations by approximately 1m and the increase in the ridge height would not exceed that of the neighbouring dwellings. By virtue of the presence of dwellings to either side, there would be some screening of the dormer features in the longer views from Boxley Road, however a suitable gap and sense of space will also remain between the properties.
- 6.08 The proposed alterations to the front elevation of the property would not result in a dominance of extensions in this direction. The proposed entrance porch at 1.6m in depth is not excessively sized or disproportionate for its intended purpose. The external finishes will undoubtedly alter the appearance of Avalon within the streetscene however they are not significantly different to other properties in the surrounding area.
- 6.09 The proximity of the property to Brownlow Copse and Crossington Road means that the rear elevation of Avalon is also visible from surrounding public vantage points, as seen in figure 4 below:

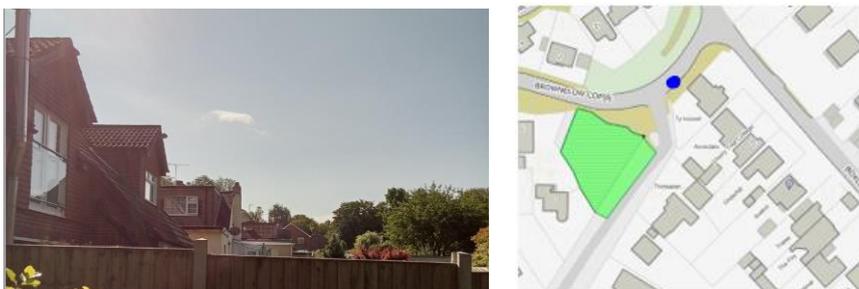


Figure 4 – Photograph taken from Brownlow Copse, from the location marked ●

- 6.10 It is however the case that for similar reasons to those identified above, i.e. the position of the property in between other dwellings of similar ridge heights and presence of flat roof dormers in the locality, mean that the proposed alterations and extensions to the roof will not appear conspicuous. The ground floor addition will not be overly prominent due to the positioning and presence of boundary treatments.
- 6.11 The application submission has been supported by streetscene images to illustrate how the proposed development will appear the immediate setting, as detailed in figures 5 and 6 below:

Existing Streetscene (figure 5):



Proposed Streetscene (figure 6):



- 6.12 On balance, given the requirements of Policy DM9 regarding extensions in the defined urban boundaries and guidance contained within the residential extensions SPD, together with the reductions from the previous schemes to see that the bungalow form is retained, this scheme presents an acceptable development that will suitably integrate with the general pattern of development and design themes along this part of Boxley Road. The concerns expressed in the objections from Boxley Parish Council and the neighbouring occupants at Underhill have been evaluated however, the above policy context is supportive of the proposals. It is therefore considered that the current scheme suitably addresses the reasons for the refusal of the previous proposals.

Residential Amenity

- 6.13 The reasons for the refusal of the previous applications did not reference a loss of privacy, amenity, or daylight/sunlight for the neighbouring householders. It is also the case that the related appeal decision defined that the key issues for consideration related to the effect of the development on the character and appearance of the existing house and the surrounding area. The scheme that was the subject of the appeal detailed extensions that would increase the eaves height of the dwelling from approximately 2.9m, as existing, to approximately 5.1m; and the ridge height from approximately 6.4m to approximately 7.8m (maximums, as measured at the rear of the property).
- 6.14 The overall ground floor extension was detailed as being a maximum depth of 5.42m, reducing to 2m at first floor. The ground floor element would have also incorporated a link to a proposed garden room extension of approximately 5.9m in length along the south-eastern boundary, adjacent to Tralee, in the location of an existing outbuilding.

- 6.15 Whilst the current scheme still presents relatively sizeable extensions to this dwelling, the fact that the previous proposals were much larger in terms of scale and bulk together with the conclusion that there would be no adverse impact on the neighbouring occupants, is a material consideration.
- 6.16 In terms of the specific relationship with Underhill to the north-west, this property incorporates a rear projection that is set away from the boundary with Avalon. There is also a flat roofed outbuilding in the garden of Underhill that is positioned adjacent to the boundary with the application site. The kitchen at Underhill is the ground floor room closest to Avalon and this benefits from a glazed door to the side and 2 windows facing into the rear garden. The lounge relating to the property is within the projection that is further distanced from Avalon and this room also benefits from 2 windows to the side (facing the boundary with Avalon) and glazed patio doors to the rear elevation.
- 6.17 The increase to the maximum height of the dwelling is relatively modest and the proposed additional length, together with the fact that the dormers will be well contained by the existing roof form, will see that the development will not be unduly prominent in the general outlook from Underhill or cause material loss of light to habitable rooms given the separation distance. Whilst it is acknowledged that there are windows relating to the lounge facing towards the application property, the existing view from these windows is primarily towards the boundary fence and dwelling at Avalon. As the room also benefits from glazed doors to the rear which face into the garden for Underhill, it would be difficult to substantiate a refusal based on loss of outlook. There is a first floor window within the gable end of Underhill and this would not appear to relate to a habitable room however that aside, the outlook from this window is already formed of the roof of Avalon.
- 6.18 The proposed dormer to the side facing Underhill incorporates 2 windows and these will relate to bathrooms. To avoid the potential for adverse relationships, it is recommended that a condition is imposed to require that these windows are obscure glazed and top opening only, to be maintained as such on a permanent basis. A further condition to prevent the introduction of any additional openings to the side of the dormer or roof slope should also be included. The ground floor windows as proposed, relate to existing openings which consequently have established relationships. There is already an upper floor window to the rear elevation of Avalon and consequently, views in this direction are established.
- 6.19 On balance, in evaluating the proposals in the context of the objections from the occupants of Underhill, it is concluded that the development will have an acceptable relationship with this particular property.
- 6.20 To the south-east of Avalon is the boundary with Tralee. This is an attached bungalow style property with rooms in the roof space that are served by dormers located to the front and rear elevations. By virtue of the orientation of the properties, there will be no material loss of sunlight, with any impact being limited to the end of the day. There is a window together with an aperture relating to a covered area at the rear of Avalon that face towards the boundary with Tralee and windows in these locations will be retained as part of the proposals. The views towards Tralee are restricted by virtue of the boundary treatments. There is a first floor window within the proposed dormer to this side and this will relate to a bathroom. There is an upper floor flank elevation window at Tralee and it would seem that this relates to a stairway/landing and not a habitable room. In a similar way to the dormer facing Underhill, it would be prudent to include a condition that requires the proposed window to be fitted with obscure glazing and top opening only as well the prevention of any further openings to the first floor elevation of Avalon to prevent any loss of privacy/overlooking to the dwelling and its private garden area.

- 6.21 The proposals are suitably distanced from the dwellings to the rear and opposite such that there will be no material impact on the amenities of these occupants.

Parking and Highways

- 6.22 Avalon benefits from an established vehicular access onto Boxley Road together with a driveway that can accommodate at least 2 vehicles. This is sufficient provision for this type of location to meet the increased size of the dwelling. There are no issues of highway safety arising from this scheme.

Other Matters

- 6.23 The objections received from Underhill suggest that the first floor extension would reduce the amount of energy and revenue gained from the solar panels on the flat roof of Underhill in the late autumn, winter and early spring. There is no material evidence provided to support this assertion.
- 6.24 This issue was evaluated in the previous applications relating to Avalon, with consideration being given to the judgement taken in the case of *McLennan, R v Medway Council (2019)* in which it was established that interface with solar panels is a material planning consideration. The conclusions relating to the previously refused extensions at Avalon determined that there would be some minor impact on the panels to that are closest to Avalon, due to the increase in the eaves height and the overall ridge height together with the length of the extension. The location of the majority of the panels are set further away from the boundary with Avalon and would not be significantly affected.
- 6.25 Given the reduced height of the current scheme, it would be acceptable to draw the same conclusions. As such, the impact on the solar panels at Underhill would not represent a material reason for the refusal of this application.
- 6.26 Policy DM1 of the Local Plan sets out in point viii that proposals should 'protect and enhance any on-site biodiversity and geodiversity features where appropriate or provide mitigation.' Due to the nature of the proposal and the residential use of the site and the continued residential use, it is not considered appropriate/necessary to require any ecological surveys. The proposals will add a relatively sizeable amount of additional floorspace and as such, this presents the opportunity for enhancements to biodiversity within the extension and the garden area. A suitably worded condition should therefore be added to the decision notice requiring the submission of details.
- 6.27 Avalon lies within an area that is noted as being of potential archaeological importance. A consultation was undertaken with KCC Archaeology however no requests for additional information or conditions have been submitted. Furthermore, in reviewing the recent applications relating to Avalon, this issue was not identified as requiring further investigation/reports.
- 6.28 The NPPF, Local Plan and Residential Extensions SPD all seek to promote the use of renewables and energy efficient buildings. This could take the form of measures such as solar panels on the roof of the dormers, air source heat pump and/or provision of an electric vehicle charging point). It is considered that a condition securing a small-scale renewable energy installation would not be unreasonable to offset the environmental impact of the building works and the resultant larger building.

PUBLIC SECTOR EQUALITY DUTY

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

7.0 CONCLUSION

- 7.01 Avalon is a detached property located in a suburban location where the extension of existing dwellings is considered acceptable in principle, subject to meeting the criteria set out in Policies DM1 and DM9 of the adopted Maidstone Local Plan (2017) and the guidelines contained within the SPD Residential Extensions (2009). Two recent applications for the upwards extension of the property were refused on the grounds that they represented a form of development that would not fit unobtrusively or appear subservient to the existing dwelling, subsequently resulting in harm to the character of the streetscene.
- 7.02 The current scheme has sought to address these issues by retaining the general bungalow form of the property with a minor increase in the height of the dwelling and addition of dormers to both sides to provide first floor accommodation in the roof space. Whilst the SPD Residential Extensions is encouraging of pitched roof forms, it is the case that along this part of Boxley Road, flat roof dormers are a prevailing characteristic. The increased ridge height will not exceed the neighbouring properties and this in combination with the position of the dwelling in between others, will see that the longer range views within the street are not unduly compromised.
- 7.03 The concerns raised by Boxley Parish Council and the neighbour objections have been considered, and in evaluating the proposals in the context of the streetscene of Boxley Road, together with the indicative images provided by the agent for the application, it is concluded that the previous concerns relating to visual impact have been satisfactorily addressed. In terms of neighbouring amenities, there are no material impacts identified that would support a recommendation of refusal. In reaching this conclusion, consideration has also been given to the assessments made in the previously refused schemes which proposed a greater scale and bulk of development. These conclusions are however subject to the inclusion of conditions relating to obscure glazing and extent of opening of the windows to the dormers, as well as restrictions on any future openings to the first floor accommodation.
- 7.04 No substantial impacts are identified in relation to the solar panels at the neighbouring property. This concurs with the conclusions for a larger form of development in the recently refused applications and furthermore, was not identified as a material issue by the Inspector in the appeal decision.
- 7.05 The scale and extent of development are such that in line with the NPPF and Policy DM1, there is scope for the provision of enhancements to biodiversity and these can be secured through a condition.
- 7.06 On balance, it is concluded that the reasons for the refusal of the previous schemes have been suitably overcome. The recommendation is therefore approval, subject to the conditions set out in the report above.

8.0 RECOMMENDATION

GRANT planning permission subject to the following conditions

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

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: Existing Location Plan; Proposed Block Plan; PLN01; PAA08;

Reason: To clarify which plans have been approved.
- 3) The materials to be used in the external surfaces of the development hereby approved shall be as indicated on the approved plans and documents in the application submission;

Reason: To ensure a satisfactory appearance to the development.
- 4) Before the development hereby permitted is first used, all windows in the dormers to the south-eastern and north-western roof slopes shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3, and the windows shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.
- 5) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the south-eastern or north-western roof slopes or dormers;

Reason: To prevent the overlooking of adjoining properties and to safeguard the privacy of their occupiers.
- 6) 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 methods 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.
- 7) The development shall not proceed above damp-proof course level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation of the development and shall be retained and maintained thereafter;

Reason: To ensure an energy efficient form of development. Details are required prior to commencement as these methods may impact or influence the overall appearance of development.

INFORMATIVES

- 1) Advice regarding the need to comply with Building Regulations.
- 2) Advice on the need to observe the environmental code of development practice.

Case Officer: Georgina Quinn

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 16



Ordnance Survey - data derived from OS Premium

21/503412/FULL - Marden Sports Club, Maidstone Road, Marden, Kent, TN12 9AG

Scale: 1:2500

Printed on: 6/10/2023 at 14:28 PM by KirstyS

REPORT SUMMARY

REFERENCE NO: - 21/503412/FULL		
APPLICATION PROPOSAL: Erection of 8no. full masts and 4no. lower masts floodlighting to serve the sports pitches.		
ADDRESS: Marden Sports Club Maidstone Road Marden Kent TN12 9AG		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The development is acceptable regarding the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: The reasons for referral to committee from Marden Parish Council are detailed below within section 4.		
WARD: Marden And Yalding	PARISH/TOWN COUNCIL: Marden	APPLICANT: Marden Sports Club AGENT: Kent Planning Consultancy Ltd
CASE OFFICER: William Fletcher	VALIDATION DATE: 12/07/21	DECISION DUE DATE: 27/10/2023
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

13/0358 Outline application for the provision of new sports club ground (to include cricket pitches, artificial multi-purpose/hockey pitches, tennis courts, cricket nets, floodlights, clubhouse and car parking) including change of use from agriculture, with access to be determined and all other matters reserved for subsequent approval. Amendments to and resubmission of application MA/11/0361. Approved 06.06.2013.

22/501761/FULL Erection of 2no. floodlit padel tennis courts, including erection of canopy over one court. The padel tennis court is situated at the southern end of the wider sports ground and approximately 90m north of the dwellings in Ramsden Way. Within paragraph 7 of the appeal the Inspectorate accepts that the proposed courts would result in additional noise from visitors using the facilities.

Refused 02.09.2022 for the following reason: *"The submitted application fails to demonstrate that the development would not have a harmful amenity impact on neighbouring properties in terms of light intrusion and aural nuisance. As such the development would not be in accordance with policies SP17 and DM1 of the Maidstone Borough Local Plan (2017), policy NE4 of the Marden Neighbourhood Plan (2017) and guidance within the National Planning Policy Framework (2021)".*

Appeal against the refusal of permission under reference 22/501761/FULL Allowed 22.09.2023. In summary the Inspector found the following:

- The amended lighting design document (submitted during the appeal) indicates that the light spill from the proposed floodlights would not extend past the railway line and that there would be no effect on the closest dwellings to the south. There

are also mature trees to the south of the railway line which provide a visual barrier between these houses and the development site.

- The predicted noise levels outlined in the noise impact assessment would be below the existing noise levels at the nearest dwellings. The proposal would not lead to these properties exceeding the internal daytime noise limits or the desired limits for outdoor daytime noise set out in the relevant British Standards for acoustic design. The noise levels would also be within Sport England’s Design Guidelines for Artificial Grass Pitch Acoustics. Given the proposed opening times, the British Standards for night-time noise would not apply. Therefore, the proposal would not cause unacceptable noise impacts to the residents of the neighbouring dwellings.
- The Inspectorate considered that the surrounding vegetation (which neighbouring occupants have included photos of) is sufficient to mitigate any impact from lighting. The inspectorate also concluded that conditions restricting the hours of operation are sufficient to mitigate any harm to biodiversity (as well as neighbouring occupants).

Site location plans: (left - allowed appeal site) (right - current application).



MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 In policy terms the application site is in the countryside, but immediately north of the Marden Rural Service Centre boundary. The application site forms part of Marden Cricket, Hockey, and Tennis Club (MCHTC). The site includes a club house initially approved under outline planning application Ref: 13/0358.
- 1.02 The MCHTC grounds include a cricket pitch on the eastern part of the site, with two artificial multipurpose/hockey pitches on the western part of the site with four tennis courts immediately to the north of the hockey pitches. One of the two existing hockey pitches and two (of the four) tennis courts that are located closest to the cricket pitch benefit from existing floodlighting.

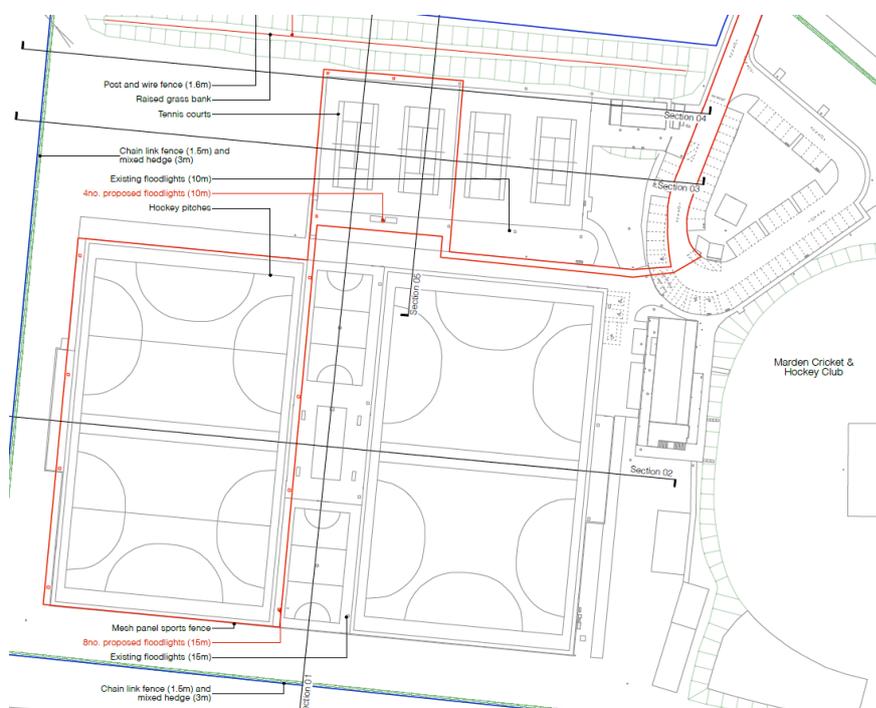
2. PROPOSAL

- 2.01 The current application seeks to provide floodlighting to the single hockey pitch and two tennis courts on the site that do not currently have floodlighting. The proposal is for the installation of 8 no. 15-metre-high flood light masts at the western hockey pitch and 4no. 10 metre high flood light masts to the two westerly tennis courts of the four that currently exist. As well as this a 1m high acoustic fence would be installed along the northern boundary on top of an existing 1m high bund.
- 2.02 The 8 no. lighting columns would be stationed on 600m x 600m raised base sections with foundation bolts, with a cable duct element underneath. The 15 metre steel lighting columns reduce in width as they rise and are made up of 8 sections

assembled to comprise one column/mast, with 11no. lights arranged horizontally at the top.

- 2.03 The 8no. masts would be sited around the western hockey pitch, with one mast in each corner of the pitch and two further masts positioned along the main sides.
- 2.04 The 4no. lighting columns would be stationed on 500m x 500m profiled base sections with foundation bolts and a hinged anchor point, and a smaller cable duct element underneath. The 10-metre-high steel lighting columns, reduce in width as they rise and are made up of 4 sections assembled to comprise one column, with 4no. lights arranged horizontally at the top.
- 2.05 The 4no. masts would serve the north-western tennis courts, including two positioned to the south and two positioned to the north of the courts.
- 2.06 The floodlighting system proposed would seek to match the existing flood lighting already approved and in place on the wider site, which currently serves the other pitches. The below site plan below indicates the exact siting of the proposed lighting.

Proposed site plan



- 2.07 The existing bund/mound is situated approximately 10m north of the tennis courts at the northern end of the application site. The bund is 1m high and stretches the length of the larger hockey pitches depicted above. It is proposed to erect a 1m high acoustic fence on top of the bund to provide aural mitigation from activities taking place on site.

3. POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031):
- SP17 - Countryside
- DM 1 – Principles of good design
- DM2 – Sustainable design
- DM3 – Natural environment
- DM8 – External lighting

DM20 - Community facilities
DM30 - Design principles in the countryside

Marden Neighbourhood Plan: BE2, NE3, NE4
The National Planning Policy Framework (NPPF):
National Planning Practice Guidance (NPPG):
Supplementary Planning Documents:
Maidstone Landscape Character Assessment 2012 (Updated 2013)

Application site is located within the Staplehurst Low Weald Landscape Character Area which is assessed as being in 'Good' condition and of 'High' sensitivity with guidelines to 'Conserve'.

Maidstone Local Plan Review (Regulation 22):

The Regulation 22 Local Plan Review (LPR) submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is therefore a material consideration and attracts some weight. The LPR has been through Stage 1 and 2 Hearings and the main modifications the Inspector considers are required to make it sound are out to public consultation, so it is at an advanced stage. However, responses to the consultation need to be considered by the Inspector along with him producing his Final Report so the LPR is considered to attract moderate weight at the current time.

4. LOCAL REPRESENTATIONS

Marden Parish Council 27/03/2023

Objection: (Officer Note Case officer response included below in italics.)

- Additional information supplied relating to lighting and noise does not demonstrate conformity with Marden Neighbourhood Plan Policy BE2 Residential Amenity, NE3 Landscape Integration, NE4 Biodiversity and Habitats. (*Officer Note: No objections have been received to the application from environmental or ecological consultees subject to a condition requiring the lights be turned off by a certain time or when sports pitches are not in use, this can very easily be conditioned and enforced. As detailed above the inspectorate was satisfied with this approach with regards to a similar development on site.*)
- The proposal seeks to increase the hours of lighting to 10:00pm (*Officer note: This is incorrect the existing site is already permitted to have floodlighting on until 10pm.*)

Cllr Claudine Russell - Ward Member for Marden and Yalding (Summarised)

- Raises concerns relating to biodiversity and landscape impact of the development.
- Highlights concerns raised by local residents relating to the aural impacts of the development as well as light intrusion into neighbouring properties. Additional detail is requested relating to the proposed fencing the application seeks.

Local residents:

11 representations received from residents objecting to the application for the following (summarised) reasons:

- The impact of the development on biodiversity in the area
- The aural impact of activities taking place on site.
- The impact from additional lighting on neighbouring properties

5. CONSULTATIONS

KCC Ecology

5.01 No Objection:

- Light spill is considered a primary driver of invertebrate decline and given the relatively rural nature of this site it is imperative that the site is not illuminated throughout the entire night.
- Advise that conditions are attached to any granted planning permission which requires the lighting to be switched off before a specific time (previously highlighted as 10pm).

Environmental Health

5.02 No Objection:

- The proposed noise mitigation methods set out in the applicant's noise impact assessment will ensure that neighbour's amenity is maintained.
- The information in the submitted Lighting Design Statement and Spill Impact Assessment, including louvres and baffles intend used to reduce the impact of spill lighting on neighbouring residents is acceptable.
- Comments dependent on a planning condition requiring lighting to be switched off by 2200hrs every day and when sports pitches are not in use.

KCC Public Rights of Way officer

5.03 No objections received this consultee replied with their standing advice.

KCC Highways

5.04 No objections received, this consultee replied with their standing advice, this development proposal does not meet the criteria to warrant involvement from the Local Highway Authority in accordance with the current consultation protocol arrangements.

6. APPRAISAL

The key issues are:

- Location in the countryside
- Visual impact
- Residential amenity
- Highways
- Landscaping
- Biodiversity

Location in the countryside

6.01 The application site is in the countryside and the starting point for assessment of all 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.

6.02 In relation to SP17 a) and considering the impact of development on the character and appearance of the countryside the relevant adopted local plan policies are DM1, DM8 and DM30. The impact of the development on local character and appearance is considered against policies DM1 and DM30 in the following section and the impact on amenity considered in relation to policy DM8.

Character and appearance

6.03 Policy DM8 which relates to external lighting states "Proposals for external lighting which meet the following criteria will be permitted:

- i. It is demonstrated that the minimum amount of lighting necessary to achieve its purpose is proposed.
 - ii. The design and specification of the lighting would minimise glare and light spillage and would not dazzle or distract drivers or pedestrians using nearby highways; and
 - iii. The lighting scheme would not be visually detrimental to its immediate or wider setting, particularly intrinsically dark landscapes.
- 6.04 The supporting text to DM8 (para 6.51) states "The council recognises that carefully designed external lighting can enhance the night-time economy and have benefits for security and the viability of recreational facilities". The backdrop to the current application site is a large sporting facility with existing flood lighting. It is concluded that the additional flood lights will not cause landscape or sufficiently greater visual harm over the existing arrangement.
- 6.05 The lighting would be used to light the remaining sports pitches to allow the pitches to be fully utilised into the evening and as such it is assessed that the lighting would be the amount necessary to achieve this and complies with paragraph i. of DM8. Environmental Health consultees are satisfied with the details submitted.
- 6.06 The proposed lighting is designed to minimise glare and light spillage. The lighting columns are not sited adjacent to any highways and would not interfere with pedestrians or drivers. The development complies with paragraph ii of DM8. Environmental Health have accepted.
- 6.07 In terms of the impact on night skies, the applicant has submitted assessments which indicate that the lighting would comply with standards for rural areas. The lights will be switched off at 2200hrs and also switched off when the pitches are not in use. The lighting will be viewed against the backdrop of existing lighting on site. The additional lighting is acceptable in relation to visual harm and the proposal adheres to paragraph iii. of DM8.
- 6.08 In the daytime the lighting columns will appear as slender structures that will not be intrusive and in keeping with the nature of the site and existing floodlighting. It is not assessed that the acoustic fence causes any visual harm to the site, nor would the bund which plans indicate is an existing one.

Residential amenity

- 6.09 Policy DM1 states that development proposals must "Respect the amenities of occupiers of neighbouring properties...by ensuring that development does not result in..., excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light ...".
- 6.10 In terms of neighbouring properties, the closest dwelling is Bumpers Oast which is located approximately 42m to the north of the tennis courts. The tennis courts would be lit by 4 additional flood lights. 6 other dwellings are located further to the north of Bumpers Oast approximately 100m north of the tennis courts.
- 6.11 Dwellings located along Maidstone Road are approximately 200m to the west of the hockey pitches. Properties in Ramsden Way are approximately 120m south of the hockey pitch with a railway line in between the dwellings and the hockey pitch.
- 6.12 The applicant has submitted a noise impact assessment which concluded that an acoustic fence should be provided along the northern part of the site. This fence would be to attenuate any noise to the nearest neighbouring properties. This is

indicated on drawings and a condition is recommended to request full details of any fencing and for the fence to be in place before the new floodlighting is used.

- 6.13 Drawings also indicate the existing bunding, where on average this lies some 1m high above the pitch levels, separating the sports pitches and the boundaries of the nearest properties. A 1m high acoustic fence would be erected on top of the bund, where in combination there would be 2m high noise attenuation.
- 6.14 The applicants supporting statement details that the proposed flood lighting would be operated in accordance with the following:
- Weekdays
 - The operating times of the pitches are generally Monday to Thursday – the lights to be turned off by 21.30 for hockey.
 - There are some ad hoc training or games events, which may go on a little later but always finish and lights off by 22.00.
 - Tennis lights are on a timer, which shut off at 22.00 (even if people are still playing).
 - Weekends
 - The hockey lights are not used after 19.00 (as league requirements do not permit games to start later than 16.30).
- 6.15 The applicant has submitted a light spill assessment in support of the application and Environmental Health are satisfied that the impact from the lighting is acceptable in relation to protecting residential amenity.
- 6.16 The proposal seeks to provide the minimum light necessary with measures to minimise glare and light spillage. The submitted information has been considered by the Council's Environmental Health officer who notes that the submitted information has demonstrated that the lighting would result in a low vertical overspill and backwards light and would fully and uniformly direct the light onto the pitch surfaces. The Council's Environmental Health officer has raised no objection in relation to light generated by the current proposal, subject to a condition restricting the hours of operation.
- 6.17 After considering the submitted information, the proposal was found to be in accordance with policy DM8. With a condition to ensure that the lighting is installed and maintained in line with the approved details, the proposal was found acceptable in relation to the impact on wildlife.
- 6.18 A similar application on site also involving flood lighting has recently been allowed at appeal following the LPAs decision to refuse the application based on amenity harm caused by the flood lighting. The appeal decision letter is appended to this report. As stated by the Inspectorate "*The main issue is the effect of the proposed development on the living conditions of the occupiers of neighbouring dwellings with particular regard to noise and light spill.*"
- 6.19 The paddle tennis court would be sited at the southern end of the wider sports ground and approximately 90m north of the dwellings in Ramsden Way. In paragraph 7 of the appeal letter the Inspectorate accepts that the proposed courts would result in additional noise from visitors using the facilities.
- 6.20 Paragraph 8 of the appeal decision letter assesses the impacts from the additional floodlighting. The Inspector states "*The amended lighting design document indicates that the light spill from the proposed floodlights would not extend past the railway line and that there would be no effect on the closest dwellings to the*

south. There are also mature trees to the south of the railway line which provide a visual barrier between these houses and the development site”.

- 6.21 The Inspectorate considered that the surrounding vegetation is sufficient to mitigate any impact from lighting. The inspectorate also concluded that conditions restricting the hours of operation are sufficient to mitigate any harm to biodiversity (as well as neighbouring occupants).
- 6.22 Sport England’s Planning for Sport Guidance (June 2019) advises that the lighting of outdoor sports facilities can provide extended hours, and this is considered critical to long-term viability of these facilities. The guidance highlights significant recent advances in lighting technology that minimise the impact on local amenity and neighbouring properties.
- 6.23 The application site and the wider site currently provide a sporting facility and the sporting facility has existed on the site for some time. The existing site and indeed the hockey and tennis courts immediately adjacent to the courts that are the subject of this application, have similar existing lighting and are already used in a manner and time as now proposed for the remaining courts.
- 6.24 The cumulative impact of existing and proposed has been considered by the environmental health and no concerns have been raised in relation to aural or light intrusion based on the proposed measures outlined above. This assessment was on the basis that the new lighting (in a similar way to existing lighting) would be switched off at 2200hrs and switched off when the courts were not in use. Activities could take place now later into the evening during the summer months, the lighting would not need to be used for a significant period of time each day.

Highways

- 6.25 The development would cause any direct impact upon the highway network with the lighting relating to existing sports facilities.

Biodiversity

- 6.26 Several concerns have been raised regarding the developments impact upon biodiversity. Policy DM3 states “Where appropriate development proposals will be expected to appraise the value of the boroughs natural environment through the provision of ...An ecological evaluation of the development site...”
- 6.27 The application site has no specific landscape designation (AONB, LoLV) nor is it subject to any biodiversity protection designations.
- 6.28 Much of the site consists of hockey and cricket pitches, the latter of which is a large, grassed area. The cricket pitch is heavily managed and unlikely to provide a suitable habitat for any species. In terms of light spill, KCC Ecology have not raised any issues subject to conditions to ensure the lights are switched off at 2200hrs.

PUBLIC SECTOR EQUALITY DUTY

- 6.29 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 With suitable conditions, the cumulative impact of existing and proposed lighting and the additional activity from the extended use of the courts are not great enough

to justify the refusal of permission on harm to neighbouring amenity. No objections have been received from Environmental Health.

- 7.02 No objections have been received from KCC Ecology subject to the flood lighting being turned off by 2200hrs and when not in use. A planning condition is recommended with this timing restriction.

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

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development shall be carried out in accordance with the following approved plans and documents:
 - Application for planning permission
 - 0000 Site Location Plan
 - 0010 Existing Site Plan
 - 0020 Existing Site Sections
 - 0201-GA Existing Site Sections
 - 0100 P3 Proposed Site Plan
 - 0200-GA-P1 Proposed Site Sections
 - 0201 P1 Proposed Site Sections
 - a1707-1678 Proposed Foundation Size for Normal Soil Conditions
 - Base Hinged Raise and Lower Mast
 - Christy Lighting Ltd Portfolio
 - Christy Lighting Masts Ltd Documents
 - Phase 1 and Phase 2 Full LED Lighting
 - 15m Lighting Mast & Foundation
 - Covering Letter - Additional Information
 - Lighting Design Phase 2
 - Lighting Design Statement
 - Lighting Specification
 - Noise Impact Assessment
 - Spill Impact Assessment
 - Planning Statement
 - Planning Support LetterReason: To clarify the approved plans and to ensure the development is carried out to an acceptable visual standard.
- 3) The proposed floodlights shall not be illuminated except between the hours of 09:00 and 22:00 on any day. Reason: To prevent light pollution and in the interests of residential amenity.
- 4) The lighting hereby approved shall be installed in accordance with the submitted details and shall be subsequently maintained as such. Reason: To prevent light pollution and in the interests of residential amenity.
- 5) The development shall not commence until a scheme for the enhancement of biodiversity around the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity by means such as bird boxes, small mammal habitats, and insect habitats The development shall be implemented in accordance with the approved details prior to the first use of the floodlighting hereby permitted and all features

shall be maintained and retained thereafter. Reason: To protect and enhance the ecology and biodiversity on the site in the future.

- 6) The development hereby approved shall not commence until, details of all fencing, walling (including the acoustic fencing and bund) and other boundary treatments have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details prior to the first use of the floodlighting hereby approved. Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.
- 7) The development hereby approved shall not commence until a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall use predominantly native or near-native species as appropriate and show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall also provide details of replacement planting to mitigate any loss of amenity and biodiversity value, the location of any habitat piles of cut and rotting wood and include a plant specification, implementation details, a maintenance schedule and a [5] year management plan. 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 following first use of the approved floodlighting. 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 use of the approved floodlighting, are removed 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.

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



Appeal Decision

Site visit made on 5 September 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2023

Appeal Ref: APP/U2235/W/23/3316790

Marden Sports Club, Maidstone Road, Marden, Kent TN12 9AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Peter Gordon of Game4Padel Ltd against the decision of Maidstone Borough Council.
- The application Ref 22/501761/FULL, dated 4 April 2022, was refused by notice dated 2 September 2022.
- The development proposed is to erect two floodlit padel tennis courts one with canopy.

Decision

1. The appeal is allowed and planning permission is granted to erect two floodlit padel tennis courts one with canopy at Marden Sports Club, Maidstone Road, Marden, Kent TN12 9AG in accordance with the terms of the application, Ref 22/501761/FULL, dated 4 April 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001 Revision A; 003 Revision A; 004 Revision A; and 005 Revision A.
 - 3) The floodlights hereby permitted shall not be illuminated except between the hours of 09:00 and 22:00 on any day.
 - 4) The floodlights hereby permitted shall conform to the luminaire schedule and luminaire location summary contained in the Lighting Design Document by exled dated 18 January 2023 and shall be maintained in accordance with these details at all times.

Preliminary Matters

2. The Procedural Guide for Planning Appeals makes clear that the appeal process should not be used to evolve a scheme and it is important that what is considered is essentially what was considered by the Council, and on which interested people's views were sought. The Council's decision was based on information contained in a lighting design document dated 27 June 2022 and in the absence of any noise assessment. The appeal submission includes an amended lighting design document dated 18 January 2023 and a noise impact assessment dated January 2023. The amended document now refers to the tilt rather than the roll of the luminaires and both documents provide additional information. As these do not materially change the proposal, I have had regard to them in my determination of the appeal as I am satisfied that the interests of the parties would not be prejudiced.

3. I note that there is another planning application for the erection of floodlighting masts to serve sports pitches at the club (planning application ref 21/503412/FULL) which has not yet been determined. I have limited information on this, and I must determine the current proposal on its merits on the basis of the plans and information before me.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of neighbouring dwellings with particular regard to noise and light spill.

Reasons

5. The appeal site lies within the grounds of an existing sports club which provides hockey, cricket and tennis facilities, adjacent to a large floodlit all weather pitch. There are also floodlit tennis courts to the north of this. A hedge, mature trees and a railway line separate the site from houses to the south. In addition, there are some dwellings to the north of the club grounds, alongside Maidstone Road.
6. One of the proposed padel tennis courts would be located under a canopy and each of the two courts would be floodlit using four columns approximately 6m high. The appellant indicates the facility would be open from 9am-10pm every day.
7. The proposed courts would clearly result in some additional noise from people using the courts and tennis balls hitting rackets and the surfaces of the courts during play. The predicted noise levels outlined in the noise impact assessment would be below the existing noise levels at the nearest dwellings. The proposal would not lead to these properties exceeding the internal daytime noise limits or the desired limits for outdoor daytime noise set out in the relevant British Standards for acoustic design. The noise levels would also be within Sport England's Design Guidelines for Artificial Grass Pitch Acoustics. Given the proposed opening times, the British Standards for night-time noise would not apply. Therefore, the proposal would not cause unacceptable noise impacts to the residents of the neighbouring dwellings.
8. The additional floodlighting columns would increase the amount of artificial light emanating from the site during hours of darkness when the courts are in use. The amended lighting design document indicates that the light spill from the proposed floodlights would not extend past the railway line and that there would be no effect on the closest dwellings to the south. There are also mature trees to the south of the railway line which provide a visual barrier between these houses and the development site. A condition would ensure that the development would be carried out in accordance with the amended lighting design document and therefore the proposal would not cause unacceptable light intrusion to nearby residents.
9. Overall, I conclude that the proposed development would not harm the living conditions of the occupiers of neighbouring dwellings with particular regard to noise and light spill. It would comply with Policies SP17 and DM1 of the Maidstone Borough Local Plan 2017. Together, these require developments in the countryside to respect the amenities of occupiers of neighbouring properties by ensuring that they do not result in excessive noise or visual

intrusion, amongst other things. Additionally, it would accord with the National Planning Policy Framework (the Framework) which requires decisions to provide a high standard of amenity for existing users.

10. The Council refers to Policy NE4 of the Marden Neighbourhood Plan 2017-2031 (the MNP) in its reason for refusal. However, this policy relates to biodiversity and habitats and is not relevant to the living conditions of existing occupiers.

Other Matters

11. There are concerns about the impacts of the proposal on biodiversity, in particular on invertebrates and bats. However, as the proposed floodlights would be adjacent to existing ones and their night-time use would be restricted by condition, the development would not harmfully affect wildlife and would comply with Policy NE4 of the MNP.
12. It has been suggested that a landscape and visual impact assessment should have been provided and that the proposal would affect dark skies. The scheme would be located adjacent to an existing floodlit pitch and would be smaller scale than the other floodlit pitches within an existing sports club, and therefore would not harm the landscape or dark skies. The Council does not raise concerns in relation to landscape and visual impacts or effects on dark skies, nor does it find conflict with Policy NE3 of the MNP, and I see no reason to disagree.
13. A third party is concerned that surface water drainage would have the potential to pollute a vulnerable watercourse but there is limited evidence to suggest that this would occur.

Conditions

14. I have had regard to the Council's suggested conditions and considered them against the statutory tests outlined in the Framework and the advice in the Planning Practice Guidance. I have made minor amendments, where necessary, to ensure that the conditions comply with these documents and have added a condition relating to compliance with the amended lighting design document.
15. In addition to the standard time limit condition (1), I have imposed a condition requiring that the development is carried out in accordance with the approved plans (2). This is in the interest of certainty.
16. Conditions relating to the hours of use of the floodlights (3) and requiring the floodlights to conform to details in the amended lighting design document (4) are necessary to protect the living conditions of the occupiers of neighbouring dwellings and biodiversity.

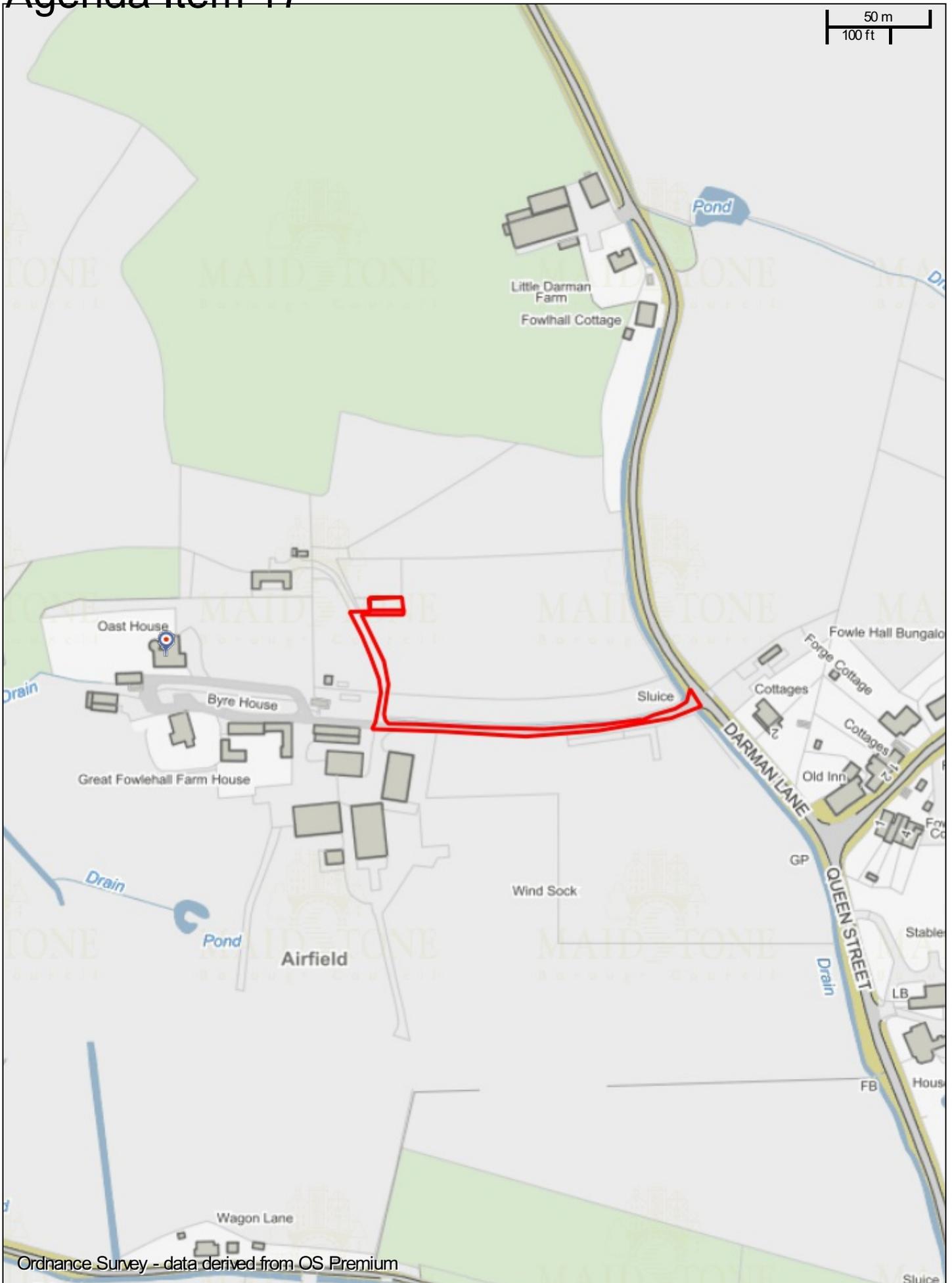
Conclusion

17. For the reasons given, I conclude that the proposal would accord with the development plan and the Framework, and therefore the appeal is allowed.

A Wright BSc (Hons) MRIPi

INSPECTOR

Agenda Item 17



Ordnance Survey - data derived from OS Premium

23/503136/FULL - Great Fowle Hall Oast House, Darman Lane, Paddock Wood, Tonbridge, Kent, TN12 6PW

Scale: 1:2500

Printed on: 6/10/2023 at 14:38 PM by KirstyS

REPORT SUMMARY

REFERENCE NO: - 23/503136/FULL		
APPLICATION PROPOSAL: Erection of barn for the purposes of agriculture use.		
ADDRESS: Great Fowle Hall Oast House Darman Lane Paddock Wood Tonbridge Kent TN12 6PW		
RECOMMENDATION: GRANT PLANNING PERMSSION subject to planning conditions set out in Section 8 of this report.		
SUMMARY OF REASONS FOR RECOMMENDATION: For the reasons set out below, the proposed erection of a barn for the purposes of agriculture use 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 development is in accordance with current policy and guidance.		
REASON FOR REFERRAL TO COMMITTEE: The recommendation is contrary to the views of Yalding Parish Council who have requested the application be presented to the Planning Committee.		
WARD: Marden And Yalding	PARISH/TOWN COUNCIL: Yalding	APPLICANT: Mr John Ould AGENT: Town & Country Planning Solutions
CASE OFFICER: Chloe Berkhauer-Smith	VALIDATION DATE: 19/07/23	DECISION DUE DATE: 27/10/23
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

22/500206/LAWPRO: Lawful Development Certificate for the proposed conversion of existing outbuilding to be used as an annex, ancillary to occupation of the main dwelling. - Refused 18.03.2022

22/501604/LAWPRO: Lawful Development Certificate for the proposed use of existing outbuilding as an annex, ancillary to occupation of the main dwelling (Resubmission 22/500206/LAWPRO). - Approved 01.06.2022

22/505444/FULL: Erection of a proposed detached garage. (Retrospective) - Approved 31.01.2023

23/503095/FULL: Refurbishment and extension of existing building to create ancillary domestic annex, for the use and enjoyment of the main dwellinghouse. - Refused 14.09.2023

23/503128/FULL: Conversion of existing stable building to create three bedroom holiday let, together with associated car parking and amenity space - Pending Consideration

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The application site is located within the countryside as defined in the local plan. The site is accessed from and located to the west of Darman Lane. The access track

is shared with several other buildings and dwellings including Grade II listed Great Fowlehall Farmhouse.

- 1.02 The redline boundary includes the access track from Darman Lane and a further access track which heads north to the siting of the proposed agricultural building. Also, within the applicant's ownership and shown within the blue line boundary is Great Fowle Hall Oast House, an existing stable block and approx. 10 acres of land located mainly to the north of the proposed building.
- 1.03 The site is partially enclosed with established trees and hedgerow to the north and west. Partial views of the site would be visible along Darman Lane with a short hedgerow located along the eastern boundary. To the south of the site there are several existing buildings including Grade II listed Great Fowlehall Farmhouse which is approx. 100m south-west of the proposed development.
- 1.04 Beyond the application site the area is characterised with undulating fields and sporadic built development mainly located along the road frontages. The application site is located within flood zone 2.

2. PROPOSAL

- 2.01 The application seeks the erection of barn for the purposes of agriculture use.
- 2.02 The proposed barn would have a width of approximately 15m and depth of 9m. It would have a pitched roof with an eaves height of approximately 5.1m and ridge height of 8.4m. It would be constructed of timber weatherboard cladding.
- 2.03 The submitted planning statement sets out that the applicant has recently purchased 20 sheep from a neighbouring farm with the intention of grazing and rearing sheep on his land. The proposed barn would be used to support this. The barn would store a small tractor and would enable space for a number of ewe and lamb pens during lambing season. The barn would have a mezzanine floor which would be used for hay and food storage.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):

SS1 – Maidstone borough spatial strategy

SP17 – Countryside

SP18 – Historic environment

SP21 – Economic development

DM1 – Principles of good design

DM3 – Natural environment

DM4 – Development affecting designated and non-designated heritage assets

DM8 – External lighting

DM30 – Design principles in the countryside

DM36 – New agricultural buildings and structures

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

The Regulation 22 Local Plan Review (LPR) submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is therefore a material consideration and attracts some weight. The LPR has been through Stage 1 and 2 Hearings and the main modifications the Inspector considers are required to make it sound are out to public consultation, so it is at an advanced stage. However, responses to the consultation need to be considered by the Inspector along with him producing his

Final Report so the LPR is considered to attract moderate weight at the current time. The relevant policies are:

- LPRSS1 – Maidstone borough spatial strategy
- LPRSP9 – Development in the countryside
- LPRSP11 – Economic development
- LPRSP14A – Natural environment
- LPRSP14(B) – The historic environment
- LPRSP15 – Principles of good design
- LPRCD5 – New agricultural buildings and structures
- LPRENV1 – Historic environment
- LPRQ&D2 – External lighting
- LPRQ&D4 – Design principles in the countryside

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

4. LOCAL REPRESENTATIONS

Local residents

- 4.01 2 representations received from residents in support of the application. No objections received.

Yalding Parish Council

- 4.02 Objects to this application.
- This application needs to be taken in conjunction with planning application 23/503128.
 - The application has not demonstrated that this business will be viable and as such cannot justify the need for a new barn at this time. The existing stable building could be used until such time as the business is established. A business plan needs to be provided to show how this proposal is viable.
 - The application is adjacent to a listed building.
 - The proposed agricultural barn has not been adequately justified in relation to being necessary for the purposes of agriculture and it has not been demonstrated that the location of the structures in this isolated location is essential for the needs of this holding. The application would, by virtue of its scale and location cause unacceptable harm to the character and appearance of the countryside hereabouts contrary to policies SP17, DM30, DM36 of the Maidstone Borough Local Plan 2017.
 - Should the planning officer be of a mind to approve the application Councillors ask that it be called into MBC Planning Committee.

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)

KCC Highways

- 5.01 This development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

Agricultural advisors (Acorus)

- 5.02 No objection.
- Proposed building is modest in size and is seen as commensurate with the size of the holding.
 - There are no existing buildings on the holding that would be suitable for machinery storage.
 - The existing stables would not be suitable for the purposes of lambing.

- The building is located adjacent to the existing building and is designed in a traditional manner with timber cladding.

6. APPRAISAL

The key issues are:

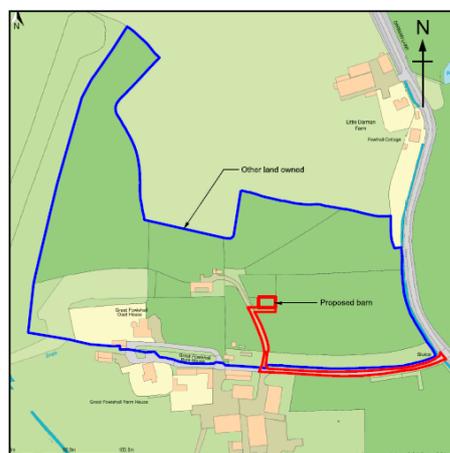
- Spatial strategy
- Character and appearance
- Residential amenity
- Heritage impact
- Highways and parking
- Other matters

Spatial strategy

- 6.01 For the purposes of the Maidstone Borough Local Plan 2017, the application site is in the open countryside. 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
- 6.02 Policy SP17 does not specify an acceptable level of harm and all proposals in the countryside are likely to result in some harm to local character and appearance. In this context all development outside the designated settlements does not accord with this part of SP17.
- 6.03 Paragraph 4.95 of the Maidstone Borough Local Plan (the supporting text to policy SP17 states "The countryside has an intrinsic character and beauty that should be conserved and protected for its own sake. However, there is also a need to ensure a level of flexibility for certain forms of development in the countryside to support farming and other aspects of the countryside economy and to maintain mixed communities".
- 6.04 Other Local Plan policies permit development in the countryside in certain circumstances and subject to listed criteria. If development accords with one of these other Local Plan policies, this compliance is weighed against the harm caused to character and appearance with a proposal in accordance with policy SP17 overall.
- 6.05 Policy DM36 considers new agricultural buildings and structures it states that:
Proposals for new agricultural buildings or structures on land in use for agricultural trade or business which meet the following criteria will be permitted:
- i. The proposal is necessary for the purposes of agriculture.*
 - ii. The proposal would not have an adverse impact on the amenity of existing residents; and*
 - iii. The building or structure would be located within or adjacent to an existing group of buildings, in order to mitigate against the visual impact of development, unless it can be demonstrated that a more isolated location is essential to meet the needs of the holding. Where an isolated location is essential the site should be chosen to minimise the impact of the building or structure on the character and appearance of the countryside.*
- 6.06 In relation to SP17 a) and considering the impact of development on the character and appearance of the countryside the relevant adopted local plan policies are DM1 and DM30. The impact of the development on local character and appearance is considered against policies DM1 and DM30 in the following section.

Character and appearance

- 6.07 Policy DM1 outlines the importance of high-quality design for any proposal. This includes considering 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.
- 6.08 Policy DM30 sets out that proposal in the countryside will be permitted if among other things, the type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible enhance local distinctiveness including landscape features.
- 6.09 Supporting text to policy SP17 advises 'The countryside has an intrinsic character and beauty that should be conserved and protected for its own sake'.
- 6.10 In the council's published Landscape Character Assessment, the application site is within the boundary of Beltring Grasslands which is part of the wider Lower Weald landscape. The summary of actions within this area are as follows:
- Conserve and enhance grassland and pasture and avoid further arabilisation.
 - Conserve, extend and enhance the tree belts and hedgerows which provide a sense of enclosure and define the field pattern.
 - Soften the prominence of large agricultural buildings with native planting.
 - Conserve the rural setting of traditional farmhouses.
- 6.11 The application site comprises approximately 10 acres of land. The site is screened to the north and west by mature trees and hedgerow. Along the eastern boundary there is a short hedgerow that would partially screen the development from Darman Lane. The proposal would incorporate a new agricultural barn situated along an existing track taken from the access track from Darman Lane. This is shown in the block plan below.



Block Plan

- 6.12 The proposed barn would have a width of approximately 15m and depth of 9m. It would have a pitched roof with an eaves height of approximately 5.1m and ridge height of 8.4m. The proposed barn would therefore be fairly modest in size.
- 6.13 Agricultural advisors (Acorus) have been consulted on the application and have reviewed the submitted information and provided the following comments:
- *Although there is minimal detail submitted within the planning statement, from plans submitted it can be clearly demonstrated the intended use of the building will be for that required by the applicant.*

- *The proposed building is modest in size and is seen as commensurate with the size of the holding given the intended use. There are no existing buildings on the holding that would be suitable for machinery storage, and it is seen as reasonable that there would be secure storage available for equipment to manage the land.*
 - *As forementioned the existing stables subject to planning for conversion would not be suitable for the purposes of lambing as well.*
 - *The building is located adjacent to the existing building and is designed in a traditional manner with timber cladding”.*
- 6.14 The proposed barn would share the same access track as the existing stable block and would be located approximately 30m from the stable block. The proposed barn would therefore be situated within nearby to the existing built development on site, ensuring that the built development is grouped.
- 6.15 The submitted planning statement states that the applicant has recently purchased 20 sheep from a neighbouring farm with the intention of grazing and rearing sheep on his land. The proposed barn would be used to support this. The barn would store a small tractor and would enable space for a number of ewe and lamb pens during lambing season. The barn would have a mezzanine floor which would be used for hay and food storage.
- 6.16 The site is bounded by other agricultural fields and the existing mature trees would provide some screening of the proposed barn. Agricultural buildings are not an uncommon feature in the countryside and the design of the proposed building is appropriate for the area. The building is of a functional and simple design, it would be constructed of timber weatherboard cladding.
- 6.17 Outdoor lighting is not proposed but could have a harmful impact upon the amenity of the area. As such a condition requiring details to be submitted to the LPA should it be sought will be imposed.
- 6.18 Overall, it has been demonstrated that the proposed scale of the building is necessary given its intended use and it is seen as proportionate with the size of the holding. The proposed building is suitably located, whereby it makes use of an existing access track and situated near to the existing stable block ensuring that the built development is grouped. Furthermore, agricultural buildings are not an uncommon feature within the countryside and the building is of a modest scale with a simple and functional design and therefore would not harm the character and appearance of the area or the countryside.
- Residential amenity**
- 6.19 Local Plan policy DM 1 states that proposals will be permitted which create high quality design and where they respect the amenities of occupiers of neighbouring properties. Development should not result in, excessive noise, vibration, odour, air pollution, activity, or vehicular movements, overlooking or visual intrusion. Built form should not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.20 The neighbouring residential properties most impacted by the proposal would be the application property Great Fowle Hall Oast House which is approximately 90m from the proposed barn, Great Fowlehall Farmhouse which is approximately 100m from the proposal and The Byre House Great Fowle Hall which is approximately 77m from the proposed barn.
- 6.21 Given these distances, the proposal would not harm the residential amenity of any adjoining properties in terms of a loss of light or overshadowing or a loss of privacy or overlooking.

Heritage impact

- 6.22 Grade II listed Great Fowlehall Farmhouse is located approximately 100m south-west of the proposed barn. There is an existing established hedgerow located between the proposed development and the Grade II listed farmhouse which would screen the development.
- 6.23 Considering the separation distance between the proposal and Grade II listed building, the proposal would not harm the setting or the character of the Grade II listed farmhouse.

Highways and parking

- 6.24 Local Plan policy DM 1 states that proposals will be permitted, where they can safely accommodate the associated vehicular and pedestrian movement on the local highway network and through the site access.
- 6.25 Paragraph 111 of the NPPF (2023) states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.26 The proposed barn would share the same access track as the existing stable block. The proposed barn would serve the existing agricultural holding and therefore would not create anymore vehicular movement to or from the site and the proposed barn would provide space for tractor and vehicle parking. The development is therefore not considered to have a detrimental impact upon parking in the area or the wider highway network.

Other matters

- 6.27 The application site is within flood zone 2. The proposed barn is non-habitable, and the use of the building is defined as 'less vulnerable' within annex 3 of the NPPF. I therefore do not consider the proposal to result in any issues in terms of flooding.
- 6.28 Local Plan policy DM3 states: "To enable Maidstone borough to retain a high quality of living and to be able to respond to the effects of climate change, developers will ensure that new development protects and enhances the natural environment ...where appropriate development proposals will be expected to appraise the value of the borough's natural environment through the provision of...an ecological evaluation of development sites...to take full account of the biodiversity present, including the potential for the retention and provision of native plant species".
- 6.29 The proposal would not result in the need for further ecological surveys, and there are no protected species which would be at risk. Policy DM1, DM3 and the NPPF do however all promote ecological enhancement. With the nature and extent of the proposals a condition is recommended seeking integral biodiversity enhancements.
- 6.30 It is noted that the Parish Council have commented to say this application needs to be taken in conjunction with planning application 23/503128 which is for the conversion of the existing stable building to create a three-bedroom holiday let, together with associated car parking and amenity space, however, each application must be determined under its own merits. Furthermore, Notwithstanding this, the existing stable block would not be suitable for the purposes of lambing and it would not be suitable for machinery storage.

PUBLIC SECTOR EQUALITY DUTY

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

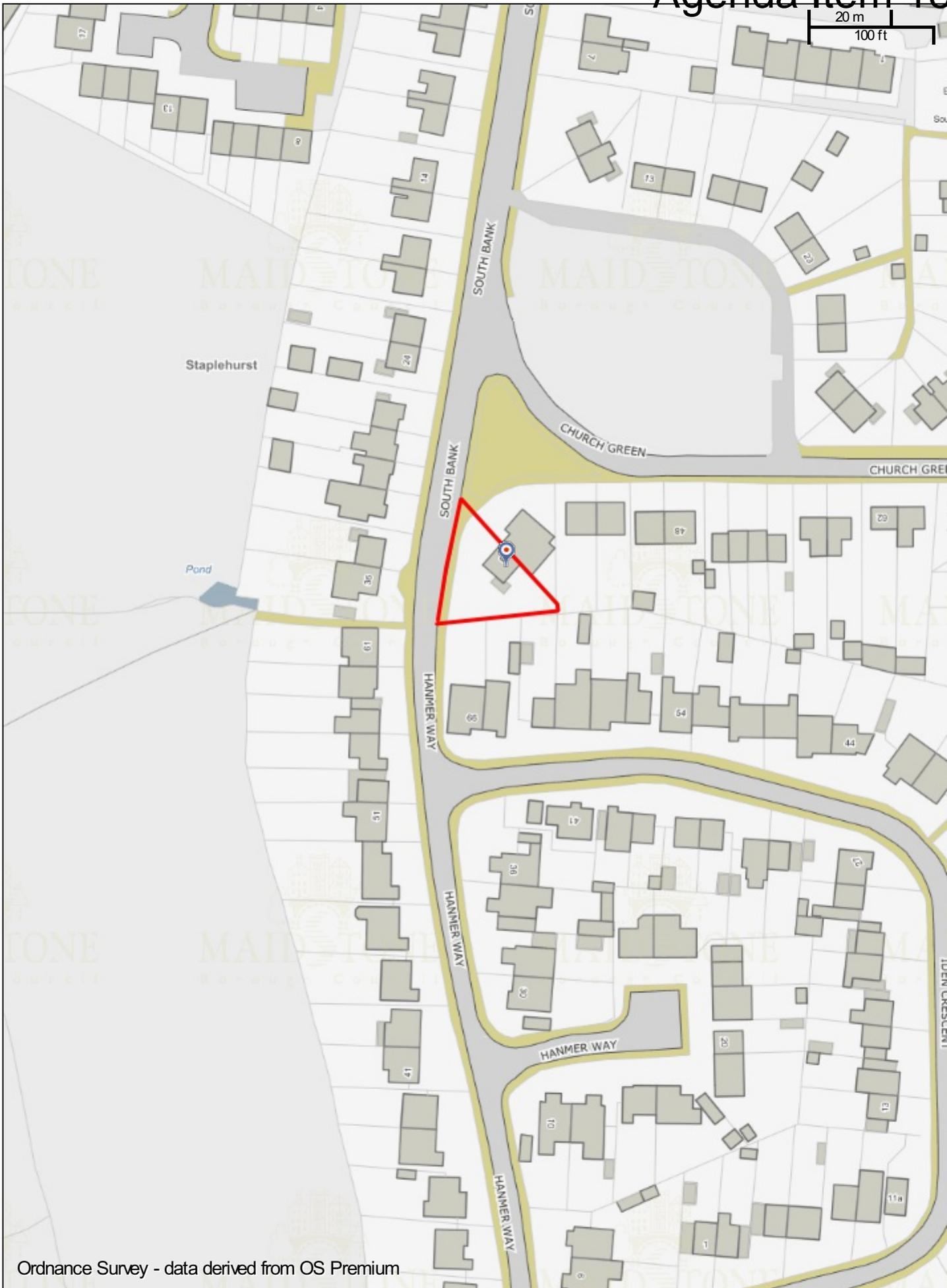
7. CONCLUSION

7.01 For the reasons set out above, the proposed erection of a barn for the purposes of agriculture use 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 development is in accordance with current policy and guidance.

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

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Ground and Mezzanine Floor – Drawing No. JBD/TN12/6PW/091 Rev A – Received 05/07/2023, Proposed Elevations – Drawing No. JBD/TN12/6PW/092 Rev A – Received 05/07/2023, Site Location and Block Plan – Drawing No. JBD/TN12/6PW/090 Rev A – Received 19/07/2023.
Reason: To clarify which plans have been approved.
- 3) The development hereby approved shall not commence above slab level until, written details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials.
Reason: To ensure a satisfactory appearance to the development.
- 4) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011 (and any subsequent revisions) and follow the recommendations within Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting', 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: To safeguard the character and appearance of the countryside and in the interests of residential amenity.
- 5) The development shall not be occupied until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the building by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details prior to first occupation and all features shall be maintained thereafter.
Reason: To protect and enhance the ecology and biodiversity on the site in the future.

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

REFERENCE NO: - 23/502654/FULL		
APPLICATION PROPOSAL: Erection of 3 bedroom dwellinghouse and provision for 2no. car parking spaces, including erection of a front porch and a single storey rear extension to existing dwellinghouse.		
ADDRESS: 38 South Bank Staplehurst Tonbridge Kent TN12 0BD		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The development is acceptable regarding the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: Staplehurst Parish Council have called the application to committee based on visual impact, overlooking and visual intrusion, loss of garden space and highways impact.		
WARD: Staplehurst	PARISH/TOWN COUNCIL: Staplehurst	APPLICANT: Mr Sola Noah AGENT: AH Designs Studio Ltd
CASE OFFICER: Joanna Russell	VALIDATION DATE: 13/06/23	DECISION DUE DATE: 23/10/23
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

23/501630/LAWPRO Lawful Development Certificate for proposed loft conversion including rear dormer and 2no. front rooflights. Approved 06.06.2023

MAIN REPORT

1. DESCRIPTION OF SITE.

- 1.01 South Bank is a residential road within the Local Plan designated Rural Service Centre of Staplehurst.
- 1.02 The application site forms one half of a pair of semi-detached dwellings on the eastern side of South Bank. The application plot is on a bend and as such is a splayed site which is wider at the front than the back.
- 1.03 The existing dwelling has a small single storey side extension and an extensive side garden with a frontage much larger than is predominantly found in the locality.

2. PROPOSAL

- 2.01 It is proposed to demolish the small side extension, subdivide the plot, and erect a two-storey dwelling with accommodation in the roof, adjacent and attached to the existing host dwelling.
- 2.02 A garden would be retained to the side of the new dwelling which would also have a rear and front garden.

- 2.03 Parking for two cars (per plot) is shown in the front garden of each dwelling with existing access points utilised. Space for bin storage is also shown in the front garden, along with cycle storage in the rear gardens.
- 2.04 The proposed new dwelling replicates the host in proportions, height, roof form and front and rear building lines.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):

Policy SS1 Maidstone borough spatial strategy
Policy SP10 Staplehurst Rural Service Centre
Policy SP23 Sustainable transport
Policy DM1 Principles of good design
Policy DM3 Natural environment
Policy DM9 Redevelopment in the built up area.
Policy DM11 Residential garden land
Policy DM12 Density of development
Policy DM21 Assessing the transport impacts of development.
Policy DM23 Parking standards

The Regulation 22 Local Plan Review (LPR) submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is therefore a material consideration and attracts some weight. The LPR has been through Stage 1 and 2 Hearings and the main modifications the Inspector considers are required to make it sound are out to public consultation, so it is at an advanced stage. However, responses to the consultation need to be considered by the Inspector along with him producing his Final Report so the LPR is considered to attract moderate weight at the current time.

Staplehurst Neighbourhood Plan

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

4. LOCAL REPRESENTATIONS

Staplehurst Parish Council

- 4.01 Objection on the following grounds:
- Loss of visual gap and impact on street scene
 - Overlooking and visual intrusion to neighbouring properties
 - Net loss of biodiversity with the loss of garden space
 - Local Plan DM11 loss of residential garden and impact on neighbours
 - Highway safety impact
 - Referral to committee of officers minded to approve.

Neighbour consultation

- 4.02 Representations received from 3 residents objecting on the following (summarised) grounds:
- Proximity of dwelling to footpath is out of keeping with others in the locality
 - Loss of visual gap
 - Overlooking of properties in Hamner Way, Iden Crescent and South Bank
 - It will turn the semi-detached properties into a terrace which is out of keeping with the locality and street scene
 - Impact on outlook of opposite dwellings

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)

Environmental Health

5.01 No objection

Kent Highways

5.02 No comment

6. APPRAISAL

- 6.01 The key issues are:
- Spatial strategy
 - Visual impact
 - Residential amenity
 - Highways
 - Sustainability and biodiversity

Spatial strategy

- 6.02 Local Plan policy SS1 (Maidstone Borough spatial strategy) states that the focus for new development in the borough will be Maidstone's urban area (as the largest and most sustainable location) followed by the designated rural service centres and then the designated larger villages.
- 6.03 Policy SP23 (sustainable transport) encourages development which would have a positive impact in terms of sustainable travel. SP10 states that outside the Maidstone urban area, rural service centres are the second most sustainable settlements in the hierarchy to accommodate growth.
- 6.04 Local plan policy DM11 seeks, subject to criteria, to allow the development of residential gardens.
- 6.05 The Staplehurst Neighbourhood Plan, at para 3.18 positively supports development by accepting the village's strategic role as a designated Rural Service Centre (RSC).
- 6.06 The application site is in the rural service centre of Staplehurst (second group of sustainable locations in the borough) and is therefore generally suitable for new residential development subject to the consideration of other adopted planning policies and assessing its detailed impact.

Visual impact

- 6.07 Policy DM1 of the Local Plan states that proposals which would create high quality design and meet a set of criteria will be permitted.
- 6.08 Local plan policy DM11 allows development of residential gardens where it can be absorbed into the existing character, pattern and layout of the built environment without detriment to visual amenity. The policy states that the development of domestic garden land to create new dwellings will be permitted where it meets a set of criteria relating to visual, neighbouring and highways impact.
- 6.09 The area surrounding the application site consists of semi-detached and terraced housing. The housing is regularly spaced and fronting onto the highway with mainly built-up corners.
- 6.10 The application property is the current side garden of the property at 38 South Bank, this garden does not contribute significantly to the spatial quality of the area. The introduction of a house in this space, with a gap still retained to the side would

not appear out of keeping in terms of the spacing and pattern of surrounding development.

Existing and proposed block plans



- 6.11 The proposed dwelling respects and continues the existing front building line, and an appropriate gap is maintained to the side of the new dwelling – approx 2.8m at the rear and 7.8m at the front to the side boundary. The new dwelling would therefore sit in an appropriate and congruous manner in relation to surrounding built form and there is sufficient room in front of the new dwelling for the introduction of soft landscaping.
- 6.12 The massing, scale and detailing of the proposed dwelling including the roof is in keeping with the existing property and other houses in the locality, and in keeping with surrounding built form. The detailed appearance of the new dwelling would accord with the character of the locality and the streetscene.
- 6.13 The porch and rear extension proposed to the existing retained dwelling would be proportionate to it and would not appear put of keeping within the streetscene.
- 6.14 The front boundary of the new dwelling matches the existing boundary. While some paving is introduced for an additional parking space, a planning condition is recommended to require soft landscaping to soften the appearance of the site within the streetscene.
- 6.15 The new dwelling is in keeping with the existing character, pattern and layout of the surrounding built environment and subject to the imposition of conditions, its visual impact would accord with local plan policies DM1 and DM11.

Residential amenity

- 6.16 Local Plan policy DM 1 states that proposals will be permitted where they respect the amenities of occupiers of neighbouring properties. Development should not result in, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion. Built form should not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties. Policy DM11 also requires development of garden land to result in no significant loss of privacy, light or outlook for adjoining properties.
- 6.17 The rear elevation of the new dwelling would be more than 21 metres from the nearest rear first floor window – and this is at an oblique angle. In addition, one of the two new first floor windows in the new dwelling, would be fitted with obscured glass as it is a bathroom. The introduction of these windows at an acceptable

distance from neighbouring occupiers is acceptable in terms of maintaining the privacy of existing neighbours.

- 6.18 The new dwelling and the single storey extension to the existing dwelling are sited such that they would not result in overshadowing or loss of privacy to neighbouring occupiers. In terms of outlook, the new dwelling retains sufficient gaps with the side boundary so that it would not have a detrimental impact on the 'neighbouring' dwelling at No 66 Iden Crescent.
- 6.19 The sizes of rooms in the proposed dwelling would accord with the national space standards. Acceptable amenity space in terms of size, natural light and privacy is shown to the rear, side and front of the proposed dwelling.
- 6.20 With the separation distances the proposal would not detrimentally impact on neighbouring amenity through overshadowing or loss of daylight, sunlight, or privacy. The new dwelling would provide acceptable living accommodation for future occupiers. It would accord with local plan policy DM1 and DM11.

Highways

- 6.21 Local Plan policy DM 1 states that proposals will be permitted, where they safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access. Local Plan policy DM21 seeks to ensure that the vehicle trips generated by a use can be adequately accommodated on the road network.
- 6.22 The provision of two car parking spaces for each dwelling would accord with the adopted standards. Cycle parking is shown in the rear garden of each dwelling. The site is in an area that has extensive on street parking provision on a wide road and with good visibility.
- 6.23 The proposal would provide policy compliant parking provision and would not cause detriment to highway safety in accordance with local plan policies DM1 and DM21.

Sustainability and biodiversity

- 6.24 Local Plan policy DM3 states: "*To enable Maidstone borough to retain a high quality of living and to be able to respond to the effects of climate change, developers will ensure that new development protects and enhances the natural environment...*"
- 6.25 A condition will be imposed to ensure a biodiversity net gain on site. A planning condition will be used to seek on site renewable energy generation to cover 10% of predicted energy requirements of the proposed houses.

PUBLIC SECTOR EQUALITY DUTY

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

CIL

- 6.27 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 The proposal would introduce an additional dwelling into a sustainable location of an appropriate design, layout, and appearance and without harm to visual or neighbouring amenity or highway safety. With suitable conditions the proposal is acceptable, and it is recommended that planning permission is granted.

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

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

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

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

230117-20 Rev B Floor and roof plans

230117-21 Rev C Elevations and section

230117-22 Rev B Ground and first floor plans

230117-23 Rev B Elevations and sections

230117-24 Rev B Second floor and roof plans

230117-31 Rev A Proposed site plan

230117-32 Rev A Proposed block and location plan

230117-33 Rev A Proposed site plan

Reason: To clarify which plans have been approved.

(3) The materials to be used in the development hereby approved shall be as indicated on the approved plans. Reason: To ensure a satisfactory appearance to the development.

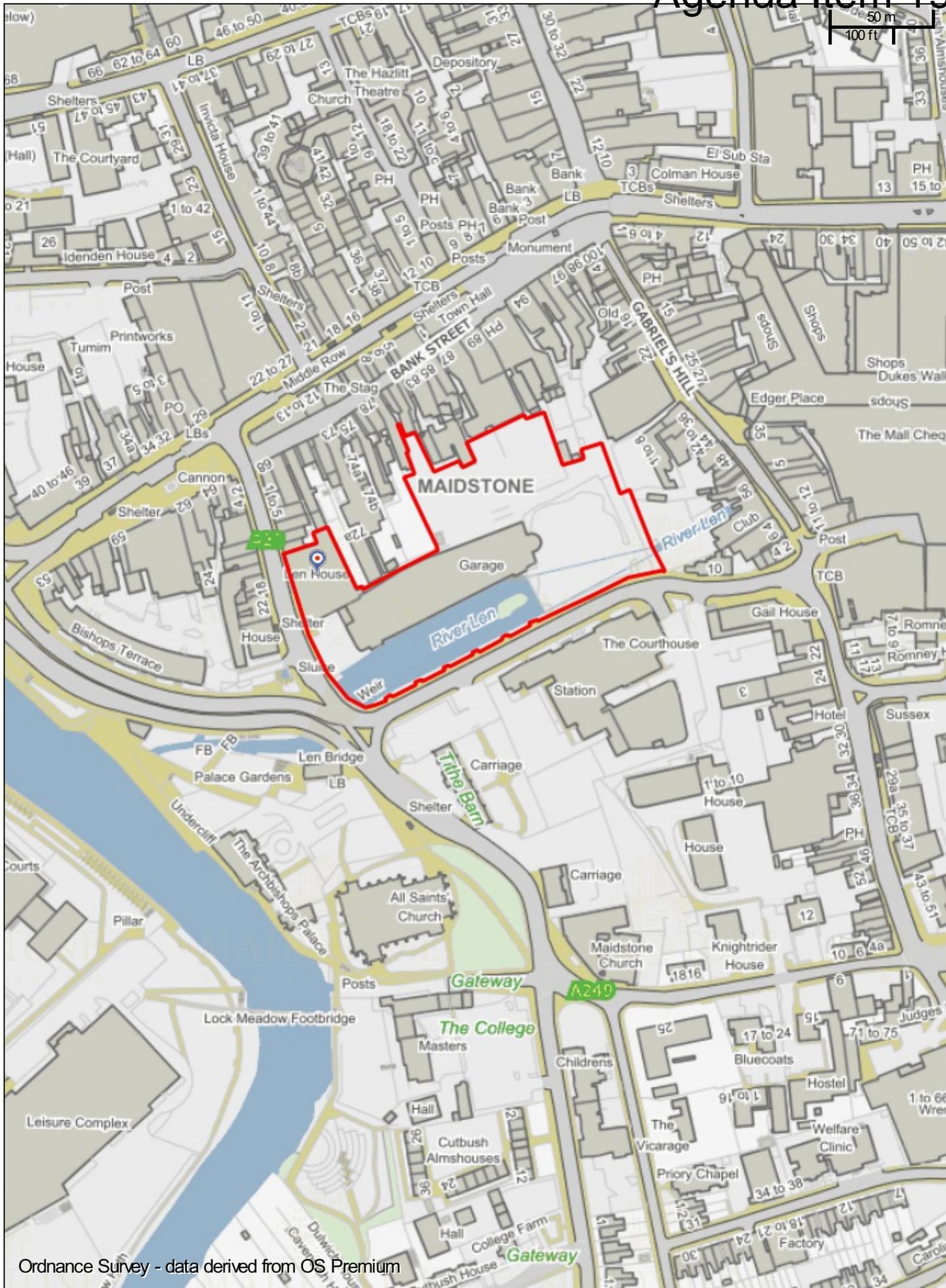
(4) Prior to the first occupation of the dwelling hereby approved, facilities for (a) the storage and screening of refuse bins, and (b) the collection of refuse bins, and (c) secure bicycle storage shall be in place that are in accordance with details that have previously been submitted to and approved by the Local Planning Authority. These details will be maintained as such thereafter. Reason: In the interests of amenity, to promote sustainable travel choices and the reduction of CO2 emissions.

(5) The development hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the extension by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter. Reason: To protect and enhance the ecology and biodiversity on the site in the future.

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

- (7) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall use predominantly native or near-native species as appropriate and show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall also provide details of planting mitigation and enhancement and include a plant specification, implementation details, a maintenance schedule and a [5] year management plan. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- (8) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted 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.
- (9) Upon completion, no further development, whether permitted by Classes A, B, C or D of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out. Reason: In the interests of the amenities of the area.

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

**23/500769/LBC & 23/500773/FULL - Len House, Mill Street,
Maidstone, Kent, ME15 6YD** Scale: 1:2500
Printed on: 6/10/2023 at 13:52 PM by Kirstys

REPORT SUMMARY

REFERENCE NO: - (A) 23/500769/LBC and (B) 23/500773/FULL

APPLICATION PROPOSAL:

- (A) Listed Building Consent for restoration of Len House, rebuilding of 2 bays to Palace Avenue and associated new build works to provide a mixed-use development comprising: (i) Retention with alterations and change of use of Len House to provide commercial floorspace within the following uses - retail, financial and professional, cafe or restaurant, drinking establishment, offices, clinic or health centre, creche, or day nursery, gymnasium or indoor recreational purposes uses (within classes E, F2(a) and Sui Generis) at ground floor. (ii) Provision of 22no. residential apartments (class C3) at first floor by conversion and erection of a part rear first floor extension and provision of 58no. residential apartments (class C3) in a two storey roof extension with rooftop amenity space (iii) Associated landscaping to roof. (revised scheme to 20/501030/LBC).
- (B) Section 73 - Application for minor material amendment to approved plans condition 2 (to allow amendments to the design and layout including rebuilding of 2 bays to Palace Avenue, omission of external boardwalk, first floor car park, 9 terraces to second floor and green roof of top roof level) and variation of conditions 3 (programme of archaeological work); 5 (contamination risks); 7 (commercial use of ground floor); 9 (materials); 10 (constructional details); 14 (roof treatments), 16 (EV charging facilities); 17 (hard landscape works); 24 (enhancement of biodiversity); 25 (LEMP); 31 (boardwalk and Mill Street forecourt), 34 (ground floor commercial space), 35 (external plant), 37 (travel plan) and 40 (sustainable surface water drainage scheme) pursuant to 20/501029/FULL (as amended by 23/500477/NMAMD) for - Restoration of Len House and associated new build works to provide a mixed-use development comprising: (i) Retention with alterations and change of use of Len House to provide flexible commercial floorspace within the following uses - retail, financial and professional, cafe or restaurant, drinking establishment, offices, clinic or health centre, crèche or day nursery, gymnasium or indoor recreational purposes uses (within classes - E, F2(a) & Sui Generis of the Town & Country Planning uses Classes Order). (ii) Provision of 22 residential apartments (C3) at first floor by conversion and erection of part rear first floor extension and provision of 58 residential apartments (C3) in two storey roof extension with rooftop amenity space, together with ancillary car parking. (iii) construction of two new buildings of up to 5-storeys to provide 79 No. residential apartments (C3) with amenity space. (iv) Provision of associated car parking, open space, landscaping, earthworks including demolition of hardstanding and structures, de-culverting the River Len and reutilisation of existing vehicular access points from Mill Street and Palace Avenue.

ADDRESS: Len House Mill Street Maidstone Kent ME15 6YD

RECOMMENDATION:

- (A) Grant listed building consent subject to conditions
(B) Grant planning permission subject to conditions and legal agreement

SUMMARY OF REASONS FOR RECOMMENDATION:

General arguments have been put forward on viability and that the scheme approved could not have been built out because of building regulations especially in regard to fire separation between ground and first floor.

Negotiations to the scheme have resulted in a residents' lounge and gym and much more of the ramp being visible to the general public from more glass curtain walling. The service/back of house areas will be less intrusively positioned.

Subject to appropriate updated conditions and a s106 legal agreement, in terms of heritage, parking provision, public realm, amenity space, drainage and flood risk, the amendments are considered to be acceptable overall.

A new legal agreement can better secure de-culverting obligations and ensure the residents of the Len House conversion have access to comparable levels to the original planning permission in terms of parking and communal open space when the wider site is developed.

REASON FOR REFERRAL TO COMMITTEE:

Relate to amendments to applications which are significantly different to those originally approved at Planning Committee and includes a planning obligation in regard of de-culverting (ie Daylighting) of River Len that would involve a key role for Maidstone Borough Council.

WARD: High Street	PARISH/TOWN COUNCIL:	APPLICANT: Mr Glen Obee AGENT: On Architecture
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CASE OFFICER: Marion Geary	VALIDATION DATE: 14/03/23	DECISION DUE DATE: 31/10/2023
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ADVERTISED AS A DEPARTURE: NO

Relevant Planning History

20/501029/FULL

Restoration of Len House and associated new build works to provide a mixed-use development comprising: (i) Retention with alterations and change of use of Len House to provide 3,612 sqm (GIA) flexible commercial floorspace within the following uses - retail, financial and professional, cafe or restaurant, drinking establishment, offices, clinic or health centre, crèche or day nursery, gymnasium or indoor recreational purposes uses (within classes A1/A2/A3/A4/A5/B1a/D1/D2 of the Town & Country Planning uses Classes Order) at ground floor, 18 No. residential apartments (C3) at first floor level, together with ancillary car parking. (ii) Erection of part rear first floor and two storey roof extension to provide 62 No. new residential apartments, with rooftop amenity space. (iii) Construction of two new buildings of up to 5-storeys to provide 79 No. residential apartments (C3) with amenity space. (iv) Provision of associated car parking, open space, earthworks including demolition of hardstanding and structures, and new boardwalk to north side, de-culverting the River Len and re-utilisation existing vehicular access points from Mill Street and Palace Avenue.

Approved 01.10.2020

20/501030/LBC

Listed Building Consent for restoration of Len House and associated new build works to provide a mixed-use development comprising: (i) Retention with alterations and change of use of Len House to provide 3,612 sqm (GIA) flexible commercial floorspace within the following uses - retail, financial and professional, café or restaurant, drinking establishment, offices, clinic or health centre, crèche or day nursery, gymnasium or indoor recreational purposes uses (within classes A1/A2/A3/A4/A5/B1a/D1/D2 of the Town & Country Planning uses Classes Order) at ground floor, 18 No. residential apartments (C3) at first floor level, together with ancillary car parking. (ii) Erection of part rear first floor and two storey roof extension to provide 62 No. new residential apartments, with rooftop amenity space. (iii) new boardwalk to north side.

Approved 01.10.2020

21/500608/SUB

Submission of details to discharge the following conditions of LBC 20/501030: Condition 3 (Materials) (as per revised materials schedule received 06.05.21); Condition 4 (Constructional Details); Condition 5 (Large Scale Drawings - Windows, Doors and Schedule of Repairs) (as per additional West Leigh window and door details submitted

05.05.21); Condition 6 (Method Statement) (as per PAYE façade condition survey and Civic Engineers repair statement submitted 10.05.21) and Condition 8 (Full Set of Record Photographs of Existing Building).
Approved 09.06.2021

21/500611/SUB

Submission of Details to Discharge the following conditions of 20/501029/FULL (insofar as they relate to Len House): 3 (Programme of Archaeological Work); Condition 9 (Materials) (as per revised details received 5th and 6th May 2021); Condition 10 (Constructional Details) (as per revised window drawing 20.061 RP04-01 S0 P2); Condition 14 (Scheme of Treatment of the Existing Roof) and Condition 37 (Travel Plan)
Approved 09.06.2021

21/504318/SUB

Submission of details pursuant to conditions 15 (part) (renewable energy strategy for Len House Conversion), 29 (detailed scheme for Mill Street forecourt & beverage kiosk), and 32 (part) (lighting strategy for Len House Conversion) of application 20/501029/FULL (mixed-use: flexible commercial and residential development)
Pending Consideration

21/504440/SUB

Submission of details part pursuant for conversion phase for conditions 21 (landscape planting scheme), & 17 (hard landscaping), of application 20/501029/FULL (mixed-use: flexible commercial and residential development).
Part Permitted Part Refused 07.10.2022

21/504441/SUB

Submission of details part pursuant to condition 24 (biodiversity enhancement scheme) for conversion phase of application 20/501029/FULL (mixed-use: flexible commercial and residential development)
Refused 07.10.2022

21/504442/SUB

Submission of details pursuant to conditions 26 (residential noise levels), & 35 (external plant noise levels) of application 20/501029/FULL (mixed-use: flexible commercial and residential development).
Part Permitted Part Refused 06.07.2022

21/504443/SUB

Submission of details pursuant to condition 40 (sustainable surface water drainage scheme) of application 20/501029/FULL (mixed-use: flexible commercial and residential development)
Approved 01.06.2022

22/505845/NMAMD

Non-Material Amendment to Application 20/501029/FULL: Amendment to development description as detailed in cover letter dated 13/12/22.
Refused 19.01.2023

22/505984/SUB

Submission of Details pursuant to condition 5 (Large Scale Drawings Details of Windows) of Application 20/501030/LBC.
Approved 13.01.2023

22/505985/SUB

Submission of Details pursuant to condition 10 (Construction Details of Windows of Len House) of Application 20/501029/FULL.
Approved 13.01.2023

23/500477/NMAMD

Non-Material Amendment to Application 20/501029/FULL to alter the description of the development.

Approved 10.02.2023

23/500497/SUB

Submission of details to discharge condition 6 (method statement) of planning application: 20/501030/LBC.

Pending Consideration

MAIN REPORT (A) AND (B)

1. DESCRIPTION OF SITE

1.01 The site is a former new and used car showroom and car repair garage undergoing redevelopment for a mixed use, predominantly residential of 80 apartments on the upper floors with "town centre " type commercial uses on ground and mezzanine floors. Len House is a Grade II listed building.

1.02 The site includes a canalised section of the River Len along Palace Avenue before it meets the River Medway a short distance from the site. Part of the River Len is culverted on the eastern part of the site.

1.03 Land to the east and north east of Len House that was mainly open areas for ancillary car display, storage and parking is included in the wider application site for new build of 79 apartments to give 159 residential units for the site as a whole. That part of the overall development scheme included a podium open space of 575 sqm set above undercroft parking.

1.04 The approved drawings showed parking as follows

	Residential Spaces	Incl Disabled Spaces	Commercial Spaces	Incl Disabled Spaces	
First Floor Len House	20	2			
Undercroft New build	88	10			
Frontage Palace Avenue			23	2	
Total	108	(12)	23	(2)	131

1.05 Hence the total residential spaces were 108 giving a ratio of parking of 0.68. Disabled spaces were provided at a ratio of 10% overall.

1.06 The original scheme was proposed as an overall redevelopment of the car related business, both the building and the extensive area of land around it Whilst the conversion of Len House has been underway for over a year, the new build element of the original planning permission has not commenced.

2. PROPOSAL

2.01 These amendments relate to the conversion/extension of Len House itself which is taking place currently. The commercial uses have not yet been specified but would be as encompassed by the extant planning permission which includes: retail, financial and professional, cafe or restaurant, drinking establishment, offices, clinic

- or health centre, crèche or day nursery, gymnasium or indoor recreational purposes uses.
- 2.02 The approvals 20/501029/FULL and 20/501030/LBC were for the double height ground floor car display/workshop and mezzanine to be in commercial "town centre" uses. The vehicle ramp that linked the 2 floors was to be retained as a vehicle ramp to access private car parking of 20 spaces on the first floor of the former workshop. It would thus have continued with a functional use similar to that when the building was in industrial use.
- 2.03 The remainder of the first floor of the workshop was approved to be converted/extended to create 22 apartments. Of those apartments, 16 were to have internal "winter gardens" to the main frontages of Mill Street and Palace Avenue.
- 2.04 The approved second and third floors would comprise of 29 apartments per floor in a new build 2 storey penthouse. The approved scheme indicated 15 of the second floor apartments having stepped access via patio doors to external terraces. None of the third floor apartments were provided with private amenity space.
- 2.05 The roof of the penthouse block was indicated to have PV panels set in a sedum roof.
- 2.06 The planning permission was subject to a s106 unilateral undertaking dated 30 September 2020 which detailed:
- Granting of a licence to MBC to carry out site investigation works
 - Payment of Culvert contribution of £80,000 to contribute to the Council's costs of undertaking the Culvert works (being further surveys and works for daylighting existing culverts on the site)
 - Transfer defined "culvert land" at nil cost to MBC
- 2.07 If the above was not carried out, the developer would alternatively landscape the culvert land in accordance with approved details. None of these s106 requirements have been met by the applicants.
- 2.08 Various amendments are sought in listed building consent **application (A)** summarised as follows:
- a) Removal of external boardwalk and replacement with internal commercial street;
 - b) Amendments to proposed fenestration;
 - c) Flexible ground floor commercial floorspace;
 - d) Relocation of internal cycle stores to external area;
 - e) Amendments to mezzanine floor;
 - f) Omission of first floor car park for residents;
 - g) Amendments to first floor level;
 - h) Omission of green (sedum) roofs of second floor roof level and top roof level;
 - i) Amendments to second floor layout;
 - j) Amendments to third floor layout.
 - k) Changes to housing mix and apartment dimensions.
- 2.09 Consent for the removal of the walls enclosing Staircae 2 (Showroom) at first floor is also being sought due to damage during demolition works which affected

structural stability of the surrounding walls. The applicant states: *“they could not be retained, but that the removal of these walls has not caused harm to the overall character and appearance of the Listed Building causing “less than substantial” low level of harm that does not seriously affect the significance of the designated heritage asset”*.

2.10 Various amendments are sought to the ‘parent’ planning permission in **application (B)**. The applicant has also suggested a related update of the timetable of the culvert obligations described above.

	Amendment	Reason Given by Applicant
i.	Amendment to the layout of Ground floor to provide 7 commercial units (4 of which in the former workshop space). Service corridor adjacent ramp reduced to increase visibility of low part of the ramp. Commercial unit adjacent ramp to have curtain glass walls to allow lower part of ramp to be visible. Main Entrance from Mill Street to workshop area to be aligned with the ramp for public visibility.	The ground floor layout needs flexibility for further sub-division of the floorspace to ensure it can be viably let to encourage a wide range of potential end users.
ii.	Dismantling and rebuilding of 2 projecting window bays to Palace Avenue using salvaged and new pre-cast masonry units.	For structural reasons, engineers have recommended exposing and then treating the corroded supporting steel frame of these 2 bays
iii.	The original scheme included an external cantilevered boardwalk along the riverfront It is proposed to omit it, to be replaced with an internal “street” on the Palace Avenue elevation which will act as public access corridor for the proposed commercial units and a thoroughfare during daytime use (to be controlled via a planning obligation)	The external boardwalk has complications of structural design, construction, and viability. It would have involved two of the building’s windows on the façade facing the River Len being enlarged and converted to create door openings, along with invasive structural works, leading to a loss of historic fabric and character of the listed building. Door openings of that size would have required special design to deal with wind loading that would not have been in-keeping with the existing fenestration. The new internal street will allow the public to experience the entire length and height of the building as well as the structure, glazing and architecture. It can be used and experienced all year round and will display historical images and materials.
iv.	the addition of external doors, removal of some windows and the addition of ventilation louvres and Various amendments	Required following a detailed design stage review of the scheme to take into account of compliance with Nationally Described Space Standards, Building Regulations, and Fire Regulations.

	including to mezzanine and third Floor layouts are also proposed and amendments or additions of stair cores.	
v.	Changes to Housing Mix and Apartment Dimensions	To meet Nationally Described Space Standards.
vi.	Delete internal first floor car park (20 Spaces) To be replaced with 22 external spaces in the SE corner of the site with legal agreement to secure that land within the new build element.	Constraints in terms of vehicle exhaust ventilation systems and accommodation of fire safety equipment to achieve Fire Regulation compliance. The number of car parking spaces would also be reduced by lobbies and fire corridor added into the layout for fire protection.
vii.	Revision to second floor to remove 9 external terraces and alter 2 to have external not internal access.	Levels of the existing roof of the building are not consistent (being higher at Palace Avenue than Mill Street) and it is no longer feasible due to Building Regulations to provide internal steps to access 9 of the terraces
viii.	First Floor to be amended to allow for 2 apartments to increase in size and have "winter gardens" and inclusion of a communal residents' lounge and gym.	To make efficient use of space that cannot accommodate internal parking [see (vi) above] and to compensate for loss of 9 terraces ([see (vii) above]. The residents' gym and lounge will have large areas of glazing to allow the upper part of the ramp to be visible.
ix.	omission of sedum "green" roof of top of penthouse roof and adding a reduced sedum "green" roof to existing roof of Len House. The Penthouse Roof to continue to be used for PV panels.	Significant structural reinforcement requirements to add to penthouse roof as this is designed to be of a lightweight steel frame avoiding numerous new steel columns ground floor. Sedum measuring 540 sqm. can be added to edge of the existing retained concrete roof of Len House which does not present structural problems.
x.	The amount of commercial floorspace is proposed to be amended from 3,612sqm GIA to 3,331sqm GIA	Reflecting the revised drawings and need for plant rooms and mechanical and engineering services to ensure compliance with Building Regulations and Fire Regulations.
xi.	Relocation of Internal Cycle Stores to External Area	To improve the layout and optimize the commercial / residential spaces the cycle stores are to be positioned to the rear of the building externally. The external cycle store will be a two-tier storage system within a secure bike hub
xii.	variation of condition 3 (programme of archaeological work);	Update condition wording Len House compliance with details approved under submission ref. 21/500611/SUB. New build apartments- details to be submitted.

xiii.	variation of condition 5 (contamination risks)	Update condition wording. Len House compliance with details approved under submission ref. 21/502283/SUB. New build apartments- details to be submitted.
xiv.	variation of conditions 7 (commercial use of ground floor)	Update condition wording to refer to Proposed Ground Floor Plan and Update Use Classes
xv.	variation of condition 9 (materials)	Update condition wording Compliance with details approved under submission ref. 21/500611/SUB
xvi.	variation of condition 10 (constructional details)	Update condition wording Compliance with details approved under submission ref. 21/500611/SUB as amended by details approved under submission ref. 22/505985/SUB
xvii.	variation of condition 14 (roof treatments)	Condition to be revised to enable revised details to be submitted once S.73 Application approved to take into account removal of some terraces and relocation of sedum roof.
xxviii.	variation of condition 16 (EV charging facilities);	Update condition wording to remove reference to Len House Residential EV charging facilities as residential car parking provision is no longer proposed on the first floor.
xix.	variation of condition 17 (hard landscape works);	Len House compliance with details approved under submission ref. 21/504440/SUB on 7 October 2022. New build- details to be submitted.
xx.	variation of condition 24 (enhancement of biodiversity)	To allow for early completion of the landscaping to the Kiosk area (Mill Street) and the mill pond as part of the works to Len House.
xxi.	variation of condition 25 (LEMP)	To allow for early completion of the landscaping to the Kiosk area (Mill Street) and the mill pond as part of the works to Len House.
xxii.	variation of condition 31 (boardwalk and Mill Street forecourt)	Update condition to remove reference to the boardwalk.
xxiii.	removal of condition 34 (ground floor commercial space) The approved ground floor layout shows the commercial floorspace sub-divided into 3 main areas.	As (i) above. The ground floor layout needs flexibility for further sub-division of the floorspace to ensure it can be viably let to encourage a wide range of potential end users.
xxiv.	variation of condition 35 (external plant),	Update condition wording Compliance with details approved under submission ref. 22/504442/SUB

xxv.	variation of condition 37 (travel plan)	Update condition wording Compliance with details approved under submission ref. 21/500611/SUB
xxvi.	variation of condition 40 (sustainable surface water drainage scheme)	Drainage of Mill Street Forecourt area to comply with details approved under submission ref. 21/504443/SUB

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):
Kent Waste and Minerals Plan (amended 2020):
The National Planning Policy Framework (NPPF):
National Planning Practice Guidance (NPPG):

The Regulation 22 Local Plan Review submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is therefore a material consideration and attracts moderate weight as although Stage 1 and 2 Hearings have concluded, the Plan is still in Examination.

The relevant draft policy in the Regulation 22 that need to be considered in the determination of this specific planning application is LPRSA145 which allocates the building and curtilage for approximately 159 dwelling units and approx. 3,612 sqm of retail, leisure or other appropriate town centre uses (i.e. reflecting the extant planning permission).

Statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

4. LOCAL REPRESENTATIONS

n/a

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)

Kent Police

- 5.01 Recommend the Secured By Design Commercial 2015 and Homes 2023 guides. Design and Access statements (DAS) should address crime prevention and demonstrate the seven attributes of CPTED in accordance with the NPPF. Recommend an SBD certification, which is free of cost, to show commitment to crime prevention and community safety.

UK Power Networks

- 5.02 If the proposed works are located within 6m of the substation, then they are notifiable under the Party Wall etc. Act. 1996.

KCC Archaeology

- 5.03 The proposed variations seem to refer mainly to Len House itself so no further comments

KCC Drainage

- 5.04 Need evidence to support omission of sedum roof and applicant has not taken account of wider benefits.

Southern Water

- 5.05 Siting of new buildings must avoid conflict with sewer.

Environment Agency

- 5.06 Requires a completed sequential test, to steer new development to areas with the lowest risk of flooding. The strategic flood risk assessment will provide the basis for applying this test.

- 5.07 Installation of a cantilever above the River Len or de-culverting will need a Flood Risk Activity Permit.

KCC Highways

- 5.08 The planning statement does not confirm if the quantum of parking would be identical to that previously approved, or where within Phase 2 of the development it would be provided.

Environmental Protection

- 5.09 Variation of the layout and the types of commercial use of ground floor areas as an indoor commercial street, may have effects on potential noise and odour issues. Further noise assessments are required.

Historic England

- 5.10 It is a fine example of the Art Deco style, and original interior e.g. the staircases, also contributes to its significance. The building's position beside the former Len mill pond enhanced its aesthetic appeal and local distinctiveness.
- 5.11 It is a rare example of a commercial garage and show room from an early phase of motoring. The large volume workshops and the ramp for vehicular access to a first floor workshop illustrate its historic function.
- 5.12 More sub-division of the ground and first floors, which were historically largely open spaces in the eastern wing, would cause a level of harm to the significance of the listed building.
- 5.13 The removal of car parking from the first floor, and vehicular use of the ramp would make it more difficult to appreciate its historic function. Harm to the significance of the ramp and thus to the building as a whole would be increased if ramp is obscured.
- 5.14 The removal of the boardwalk from the scheme would not harm the listed building, though the it would have connected the building to existing historic water features and would have allowed experience the river tributary in a wholly unique way. It is slightly less harmful to introduce an internal street as it is no longer necessary to alter the principal elevation.
- 5.15 The open character of the ground floor should be retained with a physical and visual link to the ramp and much better intervisibility with large, glazed partitions.
- 5.16 Clarity on the form of individual commercial units would also be helpful to prevent obscuring the structure and appreciation of its former industrial character and use.
- 5.17 The first-floor spaces at the top of the ramp (historic asset space) and the ramp itself should not have a domestic appearance as it would distil an understanding of their historic function and appearance.

- 5.18 There may also be heritage benefits that could be secured such as heritage interpretation, to explain the historic function and development of the building, its role in Maidstone and its connection to the local community.

6. APPRAISAL

- 6.01 These proposed amendments were subject to lengthy pre-application discussions and correspondence whereby, inter alia, comprehensive revised applications were sought by officers rather than incremental changes to conditions given the disparity between what was approved and what is proposed now.
- 6.02 The changes do not change the number of apartments in Len House which will remain at 80. The layout changes to the first floor means an overall loss of 1 x3 bed flat and 1 x1 bed flat replaced by 2 x 2 bed flats. The overall floor area for residential increases as more of the first floor is being used for residential in lieu of the parking with some apartments in the rest of the building increasing in dimensions accordingly.
- 6.03 The first floor internal parking is being removed to be replaced outside the building and the space is being reconfigured, partly used for 2 flats and partly for a gym (141.1 sqm) and residents lounge (107.5sqm) and a historical asset space (207sqm) at the top of the ramp to give an area where vintage vehicles can be displayed as part of the historic interpretation offer.
- 6.04 The changes are appraised below with reference to impacts on heritage, public realm and highways.

Increased Sub-division of Ground Floor Former Workshop and Loss of Functionality of Internal Ramp

- 6.05 The heritage significance of the interior mainly lies in the double height, large size, openness and industrial appearance of the former workshop which, together with the internal vehicle ramp to access the first floor, are indicative of its special character and use. The ramp is specifically mentioned in the listing description given its former use as a garage. The original planning permission aimed to minimise and control subdivision of the space to avoid obscuring the structure and appreciation of its former industrial use. A condition was imposed specifically to prevent further subdivision of the approved space without a formal approval..
- 6.06 That these are key objectives was also recognised in the Len House Planning Guidelines 2020 which state that "*there would therefore need to be a clear and convincing justification to the loss of the ramp or compromising the large open spaces*".
- 6.07 This amendment is to create more and smaller separate commercial units and an internal street (further discussed below).
- 6.08 There are also changes to the plant rooms and mechanical and engineering services to ensure Building Regulations and Fire Regulations compliance eg the plantroom needs full height partitions due to the height of the and size of sprinkler tanks.
- 6.09 It is accepted that the main retained space was very large (970 sqm) and the need for a service corridor and fire protection between it and the ramp resulted with challenging design issues with securing public visibility of the ramp. Amendments have been negotiated that significantly reduce the impact of "back of house" servicing and allow much more of the lower part of the ramp to be publicly visible by both the introduction of curtain glass and ensuring the main customer entrance will pass by the ramp and an "interpretation area" in the new foyer of the building.



View of public entrance at the base of the historic ramp



View from the street, through the commercial unit to the ramp

- 6.10 The proposals as amended do retain the internal ramp as a structure and vintage vehicles will be displayed on it to illustrate its past use. It is proposed to install a glazed screen adjacent to the entrance. The ramp would be visible to residents and visitors all times of the year.
- 6.11 The proposed omission of the first floor parking means that the ramp would no longer retain its functionality for vehicles to move between the 2 floors as would have been the case when the building was in active use as a vehicle workshop. The ramp is a key part of the historic and architectural interest of the Listed Building. This is a detrimental impact as its original use will be lost and it would be more difficult to appreciate its original function. This is a major disbenefit given the building's former use.

Replacement of Boardwalk with Internal "Street"

- 6.12 The applicant proposes to omit the external boardwalk, citing complications of structural design and viability to be replaced with an internal street with historical images displayed in the fabric of the shopfront partitions.



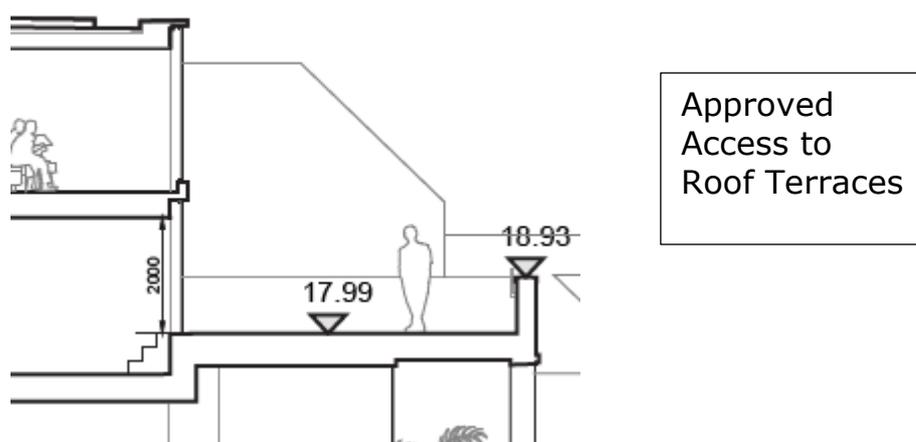
View of the internal street

- 6.13 The external boardwalk would have allowed the public to appreciate the moated area and immediate setting and connected external and internal areas. Furthermore, the approved scheme retained the ground floor openness which is a key part of the building's significance.
- 6.14 In contrast, the internal "street" will result in the more subdivision of the ground floor former workshop and contribute to a loss of openness but will give benefits in retaining existing window openings and lessen loss of historic fabric. The absence of an attachment to the main façade along the River Len will allow a better uninterrupted view of the elevation reflected in the water and will not be visually cluttered by decking, glass screen, steel handrails, balustrades, safety lighting etc.
- 6.15 The boardwalk would have interrupted the façade to Palace Avenue which has a unique aesthetic in its juxtaposition to the River Len and the need for the insertion of doors would impact on the aesthetic of the replacement steel windows because door openings as opposed to windows result in a need for greater wind loading in modern day Building Regulations- the design would have been less elegant. Furthermore the internal street proposal is an opportunity to improve the heritage interpretation for the site.
- 6.16 The original planning application 20/501029/FULL was deferred by Planning Committee of June 2020 for a number of reasons, one of which was for the then case officer to seek further information on the Boardwalk scheme in terms of ecological impacts due to shading of the river and public safety. Whilst the formal decision of the Planning Committee was to approve the boardwalk element, there are evidently both planning merits and disadvantages with it and a slight negative in terms of heritage impact on the main external façade. This is also the stance of Historic England.
- 6.17 However, the Mill Street Forecourt with the Open Air Kiosk will be retained and add some new active river edge to its new commercial use.

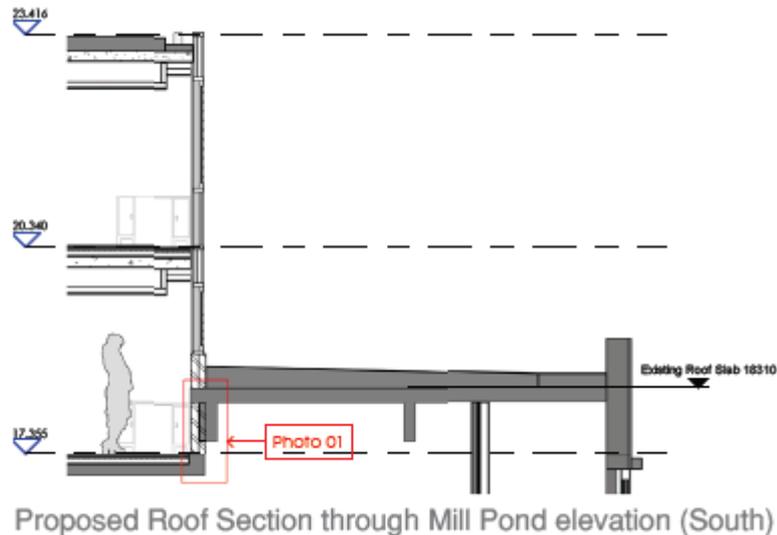
- 6.18 Overall, it is not considered that the removal of the boardwalk is unacceptable, provided that a reasonable level of public access via the “internal street” is secured by a legal undertaking.

Reduction in Number of Outdoor Terraces

- 6.19 The NPPF confirms that developments should ensure a high standard of amenity for existing and future users and Policy DM1 (iv) of the MBLP reinforces this requirement.
- 6.20 The original and revised submission both have 80 apartments overall. In the approved conversion, 15 first floor flats had internal “winter gardens” and 14 second floor flats had outside terraces. This has altered in the submission to 17 first floor flats with “winter gardens” and only 3 second floor flats with outdoor roof terraces. (NB The original submission also included a sedum roof but that was not an amenity space).
- 6.21 The justification is that the planning permission was incorrect in the floor levels, meaning that the Palace Avenue apartments are being built on new floors that are much lower than the retained roof level of the terrace and this hinders access from more of the second floor flats. They also say that an alternative of having communal or individual terraces accessed externally will impact on privacy.
- 6.22 The details submitted when planning permission was first sought indicated that all of the retained roof of Len House was level at 17.99m OD and all could be accessed from all the fourth floor penthouse apartments via 3 internal steps and 2m head height (which is the Building Regulation for this arrangement).



- 6.23 Whilst the levels of the existing roof along Mill Street can accommodate either internal or external access to terraces similar to the approval, 9 of those along Palace Avenue cannot as the level of the roof is much higher at 183.10m OD
- 6.24 Below is the applicant’s illustration of the actual levels change along Palace Avenue and it is clear there is not the requisite 2m headroom.



- 6.25 Accordingly, only 6 of the approved 15 outdoor terraces can be constructed to comply with Building Regulations. Elsewhere, at first floor level within Len House being converted, 17 of the apartments will have “winter gardens”, an increase in 1 from the 16 approved.
- 6.26 Whilst it is disappointing that there is a net loss of 8 areas of private amenity space, as detailed above, the applicant has agreed to introduce new areas of indoor communal amenity space in the form of a gym and lounge.
- 6.27 The original planning permission was presented as a comprehensive scheme with communal outdoor amenity space entirely within the new build part of the scheme i.e. podium garden above the undercroft parking. It will be the continued expectation (secured via a planning obligation) that when the new build stage of the development comes forward, that should have at least an equivalent size of outdoor amenity space that would be accessible for use by residents of the conversion of Len House as was originally envisaged.

First Floor Changes.

- 6.28 The s73 scheme involves the omission of first floor car parking for residents, said to be due to constraints posed in vehicle exhaust ventilation systems and to accommodate fire safety equipment to achieve Fire Regulation compliance.
- 6.29 To make efficient use of space that cannot accommodate internal parking and to compensate for loss of 9 terraces, it is to be amended to allow for 2 apartments to increase in size and have “winter gardens” and inclusion of a communal residents’ lounge and gym.
- 6.30 The residents’ gym and lounge will have large areas of glazing to allow the upper part of the ramp to be visible.

Proposed First Floor Plan



Image of Historical Asset Area looking down the ramp

- 6.31 The applicant has indicated he will enter into a legal agreement to secure land within phase 2 to replace the car parking. Initially, 22 spaces in the SE of the site would be dedicated to the residents of Len House. This would be enforced until the new build element of the scheme were completed.
- 6.32 The original planning permission would have provided 108 residential parking spaces for 159 units which is a ratio of 0.68. Therefore, the legal agreement will need to ensure that for the 80 units in the converted Len House, that at least 54 spaces are made available in the long term on the remainder of the wider site to residents of the conversion.

Sedum Roof

- 6.33 A sedum "green" roof was promoted in the original planning application as beneficial for drainage and biodiversity and thus its retention would be supported by policy DM3 of the MBLP.
- 6.34 Members chose to place great weight on this matter in the original permission. However, the amendments include removing the sedum on the very top floor of the new penthouse roof and adding a smaller area around the penthouse on the original roof of the building.
- 6.35 Engineering consultants have advised that the chosen structural design is to minimise the amount of new structure (ie steel columns) present on the ground floor to better retain the open plan nature of the workshop and showroom. As a result, the existing structure of Len House needs to bear a greater load configuration. The engineering consultants advise the concrete in Len House was not necessarily designed for that purpose and the building was constructed when little was understood about reinforced concrete. Also it is stated that a consistent approach to the reinforcing of the concrete was not used across the construction of the building.
- 6.36 Consequently, a light gauge steel frame has been designed and fabricated by a specialist to be used on the first floor. The remainder of the partitioning and structure have also been selected based upon low weight.
- 6.37 Hence, the engineers assert that the proposed omission of the original extent of sedum roof on the top floor of the penthouse is due to high loads over large spans which causes significant stress in elements of the original reinforced concrete structure, worsened when the load (i.e. 'sedum roof') is at a high elevation.

- 6.38 The existing concrete roof areas above the first floor level of Len House are not receiving additional construction loads and the engineering consultants consider they are robust enough to be an alternative location for the sedum roof, albeit over a reduced area.
- 6.39 However, there would be related implications for surface water drainage which was covered by a drainage strategy that referenced the sedum roof having a role in managing run-off. A condition would be needed for that strategy to be revised accordingly.

Flood Risk

- 6.40 The original FRA stated that the building of Len House lies in Flood Zone 2. Residential is a "more vulnerable" land use and these uses are on the upper floors with the commercial uses on the ground and mezzanine floor being "less vulnerable".
- 6.41 There are extant planning permissions for the redevelopment of the site and they have been reflected in the Regulation 22 LPR in draft policy LPRSA145 with one criterion being "*any development of the site shall take account of potential flood risk issues and ensure that the surface water drainage strategy does not increase the risk of surface water flooding*".
- 6.42 The Flood Risk Assessment includes an extract from the DRAFT Level 2 SFRA Detailed Site Summary Tables by JBA consulting which advises that proposals will need to demonstrate flood resilience including that:
- De-culverting could provide betterment for flood risk.
 - A commitment to contribute to continued upkeep of the defences currently offering protection
- 6.43 The FRA details that converting Len House, means it is not possible to raise the ground floor above the design flood level for this element of the proposed development. However, there is a 'less vulnerable' commercial use on the ground floor and the mezzanine level gives safe refuge above the design flood level.
- 6.44 For escape in a flood event, a dry unimpeded pedestrian access/egress route (without crossing the River Len) is available to the north-east of the site via an existing alley way leading to Gabriel's Hill.
- 6.45 Officers have considered the EA's requirement for a sequential test. The proposals involve a s73 amendment to a change of use of an existing building. The NPPF states "*Applications for minor development and changes of use should not be subject to the Sequential or Exceptions Tests but should still meet the requirements for site-specific flood risk assessments.*"
- 6.46 In this case, the conversion of Len House to 80 apartments is an extant consent for a change of use of the existing building (albeit part of the rear was shown as needing to be demolished and rebuilt). In addition, the second and third floors were also extensions which are works which clearly need to be in situ, notwithstanding the Flood Risk 2 siting. The benefits from re-using the listed building (subject to the changes being acceptable) clearly cannot be achieved on another site.
- 6.47 Therefore, the FRA's conclusion is accepted that the Sequential Test does not need to be applied to these s73 amendments to the conversion of Len House itself.

Deculverting of River Len

- 6.48 When the Planning Committee originally considered the parent planning application in 2020, Members deferred determination in order for Officers to consider a request

by the Committee for River Len Daylighting, seeking that the land, under which the culverted river runs, to be transferred to the Council in order that it can progress a scheme for the daylighting of the River.

- 6.49 This was secured by officers and formed part of the Committee resolution to approve the overall development.
- 6.50 The s106 (unilateral undertaking) that was accepted by MBC had a trigger of payment of 1 April 2021 of £80,000 to MBC as contribution to the culvert works and reasonable endeavours to transfer the land by 1 January 2022 and not to commence development until the grant of a licence to MBC to access the land for the purpose of surveys. These have not taken place.
- 6.51 The applicant has had his engineers look into the feasibility of the deculverting opportunity offered to MBC in the original planning permission and they have concluded that cost may be very significant. However, this needs further investigating by MBC itself.
- 6.52 It is considered essential for the de-culverting works that were expressly key to the original approval of the scheme and which form part and parcel of the overall planning permission to be included in the legal agreement so that they can continue to be secured. Therefore, the culvert obligations entered into for the original consent need to be updated to reflect appropriate new timescales, indexation of the culvert payment and in regard of the land to be transferred, to include access rights for MBC to implement any de-culverting works, should these go ahead.

Other Variations

- 6.53 Amendments to the proposed fenestration are the addition of external doors, removal of some windows and the addition of ventilation louvres following a detailed design stage review of the scheme. These are minor and not considered to have heritage or any other harmful impacts and thus acceptable on the basis of the continued use of the approved steel "Crittall style" replacement windows.
- 6.54 The mezzanine floor will still be for commercial office space use but with re-location of stair cores to ensure that they do not conflict with the existing structure and to comply with the fire strategy. Minor changes have been made to the location of internal walls and minor design changes to circulation areas. These are all acceptable in heritage terms.
- 6.55 The amendments to second and third floor layout include reconfiguration of residential internal layouts and amendments or additions of stair cores. All residential units will comply with National Described Space Standards. These are acceptable minor changes.
- 6.56 The use of more the first floor floorspace for 2 apartments allows changes to housing mix and more generous apartment dimensions elsewhere. There are no concerns in principle with these minor changes.
- 6.57 Most of the requested changes to conditions derive from being updated to reflect that there have been partial discharges for Len House but not for the new buildings on the rest of the overall application site.
- 6.58 However, in terms of condition on drainage, that will need to include a revised drainage strategy as discussed above due to less sedum roof.

PUBLIC SECTOR EQUALITY DUTY

- 6.59 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

- 6.60 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 This Council previously accepted zero affordable housing and a higher than normal density on the new build element to compensate for the acknowledged viability problems in this part of Maidstone so there is not significant further weight on the general viability argument. However, officers do accept that the original approval was undeliverable because of the significant lack of alignment with building regulations. It is also understood that there is a focus is on the actual delivery of apartments in the town centre.
- 7.02 Overall, the proposed changes cannot be said to enhance the listed building but it has been demonstrated that the original permission cannot now be implemented in the form that was envisioned and presented to the Planning Committee.
- 7.03 There are still clear disbenefits with these proposed incremental changes such as the loss of the functionality of the ramp but general arguments have been put forward on viability and that the scheme approved could not have been built out because of building regulations especially in regard to fire separation between ground and first floor.
- 7.04 The amendments to the ground floor sub-division are acceptable on heritage grounds taking into account the much improved scope for public visibility of and interaction with the ramp and scope for heritage interpretation.
- 7.05 Negotiations to the scheme such as the residents lounge and gym have partly reduced the harm from the loss of roof terrace amenity space and the new layout and extra internal curtain glazing of the ground floor near the ramp is improved from what was originally submitted in that much more of the ramp is visible to the general public from both the throughfare and from the nearest commercial units due to use of more glass curtain walling. The revised layout negotiated means that the service/back of house areas will be less intrusive by being located to a less sensitive part of the building.
- 7.06 The s73 process does allow a new legal agreement that can better secure the original concept of the overall scheme including much more clarity on the de-culverting obligations and ensuring that the ratio of parking for the Len House conversion remains as approved when the rest of the site is developed and communal open space on the wider site is accessible for residents of the Len House conversion.
- 7.07 Subject to appropriate updated conditions and a s106 legal agreement for, inter alia, the daylighting of the River Len culvert that Members actively sought as a positive aspect of the redevelopment originally, the amendments are considered to be acceptable overall, bearing in mind the practical and technical justification submitted by the applicant.

- 7.08 The condition on EV charging has been superseded in terms of passive charging by Building Regulations so only active charging now needs to be secured by planning condition.

8. RECOMMENDATION

GRANT Listed building consent for application (A) for revised works to the listed building subject to subject to the following conditions below with delegated authority to the Head of Development Management 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:

GRANT planning permission for application (B) subject to the following conditions and the prior completion of a legal agreement to secure the heads of terms set out below with delegated authority to the Head of Development Management 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:

s106 to require prior payment of monitoring fees of £3825 in total

HEADS OF TERMS

- Culvert – Within 1 month of consent to grant both a licence to MBC to carry out site investigation works and payment of Culvert contribution of £80,000 index linked from 30 September 2020; and within 6 months of consent to transfer defined “culvert land” at nil cost to MBC; grant access rights by MBC to implement any de-culverting works.
- Securing public use of the throughfare “internal street” during daytime hours
- Replacement temporary car parking spaces (22 no.) pending redevelopment of the remainder of the site and long term (54 no.) car parking spaces within any scheme for redevelopment of the remainder of the site
- To compensate for the net loss of roof terraces at Len House, any revised scheme for new build redevelopment will be required to include the provision of communal open space that provides a commensurate amount of space for the 2 elements with permanent rights of use by for residents of the apartments in Len House.

CONDITIONS for **(A) 23/500769/LBC**

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

Proposed Ground Floor Retention & Restoration Plan 20.061-ONA-00-00-DR-A-1400-S4 Rev P03

Proposed Mezzanine Level Retention & Restoration Plan 20.061-ONA-00-M0-DR-A-1401-S4 Rev P04

Proposed First Floor Retention & Restoration Plan 20.061-ONA-00-01-DR-A-1402 S4 Rev P03

Proposed Second Floor Retention and Restoration Plan 20.061-ONA-00-02-DR-A-1403-S1 P03

Proposed Roof Retention & Restoration Plan 19.027.500.03 P

Proposed Basement Retention & Restoration Plan 19.027.500.04 P

Proposed Retention & Restoration Elevations 20.061-ONA-00-EL-DR-A-1410-S4
Rev P03

Proposed Len House Ground Floor Plan 20.061-ONA-00-00-DR-A-1550-S1 Rev
P08

Proposed Len House Mezzanine Level Floor Plan 20.061-ONA-00-M1-DR-A-1501-
S1 Rev P04

Proposed Len House First Floor Plan 20.061-ONA-00-01-DR-A-1502-S1 Rev P08

Proposed Len House Second Floor Plan 20.061-ONA-00-02-DR-A-1503-S1 Rev06

Proposed Len House Third Floor Plan 20.061-ONA-00-03-DR-A-1504-S1 Rev P04

Proposed Len House Roof Plan 20.061-ONA-00-RF-DR-A-1505-S2 Rev P05

Proposed Len House Elevations 20.061-ONA-00-EL-DR-A-1510-S1-P06

Proposed Pump Kiosk Reinstatement 19.027.300.01 P

South Elevation - Bay Repair/Rebuild 20.061-ONA-00-EL-DR-A-1569

Residential Entrance 02 Details 20.061-ONA-00-SE-DR-A-1551 S1 P02

Proposed Second Floor Balcony to Mill Street 20.061-ONA-00-XX-DR-A-1550 S1
P01

Proposed Sections 20.061-ONA-00-SE-DR-A-1540-S1 P03

Proposed Sections 20.061-ONA-00-SE-DR-A-1541 S1 P02

Reason: To clarify which plans have been approved.

- 2) Within 3 months of this consent, constructional details at a scale of not less than 1:20 shall be submitted for the approval of the Local Planning Authority for the glazing to commercial unit 3.1, the residents' gym and residents' lounge.

Reason: To protect the historic and architectural interest of the Listed Building.

- 3) The approved works to Len House shall be constructed using the materials approved under 21/500608/SUB.

Reason: To ensure a satisfactory appearance to the development and to protect the character and appearance of the Listed Building.

- 4) The approved works to Len House shall include constructional details approved under 21/500608/SUB. The area annotated as Winter Gardens shall be retained as approved with single glazing to the façade (as approved under 22/505984/SUB) and shall not be used as habitable space.

Reason: To ensure a satisfactory appearance to the development and to protect the character and appearance of the Listed Building.

- 5) Works to Len House shall be as approved under 21/500608/SUB as amended by 22/505984/SUB in regard of

(i) windows and doors which are to be retained, restored or replaced

(ii) existing brickwork or other external finishes that are to be restored/made good or replaced, including details of any new materials that are intended to match existing

(iii) the fully detailed schedule of repairs and maintenance regime in regard of

- Alterations to staircases and stair compartments

- Internal ramps
- New internal opening or closures
- Any proposed secondary glazing

Reason: To ensure the quality of the development is maintained and to prevent harm to the special architectural and historic interest of the listed building.

- 6) All existing historic features shall be retained in situ, except where indicated otherwise on the approved drawings. Any internal and external repair works and façade repairs to the listed building shall accord with the Façade Condition Survey by PAYE approved under ref 21/500608/SUB as amended by Proposed Outline Façade Dismantle And Rebuild Methodology, Façade Repair Mark-up, Façade Repair Schedule and drawing 20.061-ONA-00-EL-DR-A-1569 (South Elevation - Bay Repair/Rebuild).

Reason: To ensure the quality of the development is maintained and to prevent harm to the listed building.

- 7) Following the initial exploratory demolition, preparatory and strip out works, a broad method statement shall be submitted to and approved by the Local Planning Authority prior to the detailed fit out scheme commencing. It shall set out the approach to the following matters and shall include mitigation measures necessary to demonstrate that the works/installations will not harm the building's special architectural and historic interest. The statement shall be supplemented with drawings/specifications of typical details as necessary.

- Plumbing including all ground and above level drainage
- Ventilation provision
- Mechanical & Electrical services for heating and lighting
- Fire strategy - measures for prevention, detection, and means of escape
- Acoustic attenuation between spaces
- Removal of any asbestos
- New interior lighting scheme
- Any special measures for kitchens and kitchen storage areas

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

Reason: To protect and preserve the appearance and character of the listed buildings

- 8) There shall be no insertion of false or suspended ceilings to ground floor units 02 to ground floor units 02, 3.1, 3.2, 3.3, 04 or the Internal Street.

Reason: To protect the historic and architectural interest of the Listed Building.

- 9) Within 3 months of consent, details of the fit out for the Internal Street, ramp, first floor Historic Asset Space, Residents' Gym and Residents' Lounge shall be submitted for the approval by the Local Planning Authority. The approved works shall be implemented prior to first use and retained thereafter. No carpets shall be installed and the fit out should aim to conserve the industrial character of the listed building.

Reason: To protect the historic and architectural interest of the Listed Building.

- 10) Within 3 months of first use, heritage interpretation area(s) shall be installed in accordance with details that have been submitted to and approved by the Local Planning Authority. The full set of record photographs of the existing building submitted under 21/500608/SUB shall be made available to Kent County Council's Historic Environment Record within 2 months of this decision.
Reason: To ensure that the heritage benefits associated with archiving the building's history are secured.

CONDITIONS for **(B) 23/500773/FULL**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
- Proposed Ground Floor Retention & Restoration Plan 20.061-ONA-00-00-DR-A-1400-S4 Rev P03
 - Proposed Mezzanine Level Retention & Restoration Plan 20.061-ONA-00-M0-DR-A-1401-S4 Rev P04
 - Proposed First Floor Retention & Restoration Plan 20.061-ONA-00-01-DR-A-1402 S4 Rev P03
 - Proposed Second Floor Retention and Restoration Plan 20.061-ONA-00-02-DR-A-1403-S1 P03
 - Proposed Roof Retention & Restoration Plan 19.027.500.03 P
 - Proposed Basement Retention & Restoration Plan 19.027.500.04 P
 - Proposed Retention & Restoration Elevations 20.061-ONA-00-EL-DR-A-1410-S4 Rev P03
 - Proposed Len House Ground Floor Plan 20.061-ONA-00-00-DR-A-1550-S1 Rev P08
 - Proposed Len House Mezzanine Level Floor Plan 20.061-ONA-00-M1-DR-A-1501-S1 Rev P04
 - Proposed Len House First Floor Plan 20.061-ONA-00-01-DR-A-1502-S1 Rev P08
 - Proposed Len House Second Floor Plan 20.061-ONA-00-02-DR-A-1503-S1 Rev06
 - Proposed Len House Third Floor Plan 20.061-ONA-00-03-DR-A-1504-S1 Rev P04
 - Proposed Len House Roof Plan 20.061-ONA-00-RF-DR-A-1505-S2 Rev P05
 - Proposed Len House Elevations 20.061-ONA-00-EL-DR-A-1510-S1-P06
 - South Elevation - Bay Repair/Rebuild 20.061-ONA-00-EL-DR-A-1569
 - Residential Entrance 02 Details 20.061-ONA-00-SE-DR-A-1551 S1 P02
 - Proposed Second Floor Balcony to Mill Street 20.061-ONA-00-XX-DR-A-1550 S1 P01
 - Proposed Sections 20.061-ONA-00-SE-DR-A-1540-S1 P03
 - Proposed Sections 20.061-ONA-00-SE-DR-A-1541 S1 P02
 - Site Phasing Plan 20.061-ONA-00-00-DR-A-1002
 - Proposed Site Plan 19.027.100.03_B

Proposed Pump Kiosk Reinstatement 19.027.300.01 P
Proposed Rear Development Ground Floor Plan 19.027.210.00 P / Rev B
Proposed Rear Development Mezzanine Level Floor Plan 19.027.210.01 P / Rev B
Proposed Rear Development First Floor Plan 19.027.210.02 P / Rev B
Proposed Rear Development Second Floor Plan 19.027.210.03 P / Rev B
Proposed Rear Development Third Floor Plan 19.027.210.04 P / Rev B
Proposed Rear Development Roof Plan 19.027.210.05 P / Rev B
Proposed Elevations F, G, H 19.027.260.00 P / Rev B
Proposed Elevations I, J, K, L, M 19.027.260.01 P / Rev B
Proposed Elevations N, O, P, Q 19.027.260.02 P / Rev B
Proposed Site Section A 19.027.610.00 P / Rev B
Proposed Site Section B & C 19.027.610.01 P / Rev B
Proposed Site Section D 19.027.610.02 / P Rev B
Landscape Masterplan (dwg 0250-1000 Rev2)

Reason: To clarify which plans have been approved.

- 2) Excavations adjacent to or beneath Len House shall accord with archaeological details approved under 21/500611/SUB.
Reason: To enable the recording of any items of historical or archaeological interest.
- 3) No development of the new build stage of the scheme shall take place until the applicant has secured and had implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority. This should include:
 - assessment of Early Medieval and earlier archaeology
 - potential for remains within the east part of the site which may have complex Post Medieval or earlier remains surviving, including Post Medieval water channels and Medieval riverside activities
 - assessment of the early 20th century industrial and commercial activity represented in the archaeological resource
 - some preliminary fieldwork to clarify potential for as yet unknown significant archaeology, including modern structural remains associated directly with Len HouseReason: To enable the recording of any items of historical or archaeological interest.
- 4) Prior to first occupation, a final report detailing all archaeological results and finds resulting from the approved scheme of archaeological work relevant to that unit being occupied shall be submitted to and approved by the Local Planning Authority.
Reason: In the interests of recording any below ground structures or finds and to inform KCC Heritage's archives.
- 5) A scheme to deal with the risks associated with contamination with the conversion of Len House shall accord with details approved under 21/502283/SUB. The new

build elements of the development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved by the Local Planning Authority:

a) A preliminary risk assessment which has identified:

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

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

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

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall thereafter be implemented as approved.

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

- 6) A Closure Report shall be submitted for approval by the Local Planning Authority upon completion of the approved remediation works. The closure report shall include full verification details and should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

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

- 7) Unless the prior written approval of the Local Planning authority has been obtained pursuant to this condition, the commercial use of the ground floor units 02, 3.1, 3.2, 3.3, 04, the Mill Street forecourt and Kiosk, as shown on drawing number 20.061-1550-S1 Rev P08 shall only used for purposes defined as; drinking establishment, food and drink consumption on the premises (with ancillary take away) and for the associated retail sales of food and drink and ancillary products only and for no other purpose (including any other purpose within classes E or F2(a) of the Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification).

Reason: Unrestricted use of the former workshop building (within the overall range of uses approved across the site) could cause harm to the character and appearance of the listed building and functioning of the surrounding area.

- 8) No more than 75% of the units in the new-build apartment blocks (excluding any new units created within or above Len House), shall be occupied until all of the Len House conversion works hereby approved have been completed.

Reason: To ensure the timely repair and conversion works to the listed building.

- 9) The approved works to Len House shall accord with 21/500611/SUB in regard of details and samples of the materials to be used in the construction of the external surfaces of the building. The development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development and to protect the character and appearance of the Listed Building.

- 10) The approved works to Len House shall accord with construction details approved under 21/500611/SUB as amended by 22/505985/SUB.

Reason: To ensure a satisfactory appearance to the development and to protect the character and appearance of the Listed Building.

- 11) The construction of the new build apartment blocks shall not commence above slab level until written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved by the Local Planning Authority. The development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

- 12) The construction of the new build apartment blocks shall not commence above slab level until the following constructional details with section drawings at a minimum scale of 1:20 have been submitted to and approved by the Local Planning Authority:

-Windows

-External doors

-Balconies

-Eaves

-Rain water goods

The development shall be constructed as approved.

Reason: To ensure a satisfactory appearance to the development

- 13) The construction of the new build apartment blocks shall be in accordance with the proposed slab levels shown on approved drawing 19.027.100.03 Rev B or in accordance with any further details approved by the Local Planning Authority.

Reason: In order to secure a satisfactory form of development having regard to the topography of the site and the relationship of the development to properties to the north.

- 14) The works to Len House hereby approved shall not commence above existing roof level until details of the scheme of treatment of the existing roof and the new penthouse roof have been submitted to and approved by the Local Planning Authority. The submitted scheme shall include details of the design, materials, specification and management plans for any roof level sedum roof..

Reason: In the interests of the character and appearance of the locality.

- 15) The works to Len House hereby approved shall not commence above existing roof level until a renewable energy strategy for the entire site has been submitted to and approved by the Local Planning Authority. The strategy shall include the physical details and energy performance of air source heat pumps and solar PV array as detailed within the approved Sustainability And Energy Statement by Sol Environment Ltd. The Renewable Energy strategy shall be implemented before first occupation of the related phase. All renewable energy systems shall thereafter be retained and maintained in a working order.
Reason: In the interests of renewable energy and the character and appearance of the locality.
- 16) Notwithstanding the approved drawings, active EV charging facilities shall be provided in accordance with the following schedule:
Residential: 6 active
Commercial: 2 active
The electric vehicle charging points as approved shall be installed prior to first occupation of the related buildings hereby permitted and shall thereafter be retained and maintained in accordance with the approved details.
Reason: To promote the reduction of CO2 emissions through the use of low emission vehicles
- 17) Hard landscape works to Len House shall accord with 21/504440/SUB.
Reason: To ensure a satisfactory appearance to the development.
- 18) The construction of the new build apartment blocks shall not commence above dpc level until details of hard landscape works have been submitted for approval by the Local Planning Authority. The hard landscape works shall be carried out in accordance with the approved details before first occupation.
Reason: To ensure a satisfactory appearance to the development.
- 19) Any works to daylight the River Len fronting Palace Avenue shall be carried out in accordance with a daylighting scheme to be submitted to and approved by the Local Planning Authority. Such a scheme shall include details of: -the water channel alignment, cross sections of the river and embankment profile, -the proposed planting mix and establishment regime (including use of organic textiles) for the aquatic environment -long-term management plan -details of an appropriately sized screen on pumps (in order to be compliant with the Eels Regulations 2009). -the construction methodology for deculverting, dewatering and potential desilting of the Mill Pond.
Reason: To ensure that any daylighting scheme is carried out to an acceptable standard and in a manner that optimises net biodiversity gain.
- 20) Should the River Len Daylighting scheme not proceed, the area shall be landscaped in general accordance with the Landscape Masterplan (dwg 0250-1000 Rev2) in accordance with details to be submitted to and approved by the Local Planning Authority and the landscaping shall be implemented in the first planting season following first use of the converted Len House.
Reason: In the interests of the visual amenity of the area.
- 21) The works to Len House hereby approved shall not commence above existing roof level until a details of a related landscape planting scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved by the Local Planning Authority that shall include all

areas of amenity land indicated in the Landscape Masterplan (dwg 0250-1000 Rev2) hereby approved. The scheme shall show all existing trees and blocks of landscaping on and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on-site replacement planting to enhance amenity and biodiversity value and include a planting specification, implementation details and a 5 year management plan.

Reason: In the interests of a satisfactory appearance to the development and biodiversity.

- 22) The construction of the new build apartment blocks shall not commence above dpc until details of a related landscape planting scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted for approval to the Local Planning Authority that shall include all areas of amenity land indicated in the Landscape Masterplan dwg 0250-1000 Rev2 hereby approved. The scheme shall show all existing trees and blocks of landscaping on and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on-site replacement planting to enhance amenity and biodiversity value and include a planting specification, implementation details and a 5 year management plan.

Reason: In the interests of a satisfactory appearance to the development and biodiversity.

- 23) All planting, seeding and turfing specified in the approved landscape details shall be completed in the first planting season (October to February) following first use or occupation of the related phase. 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

- 24) A scheme for the enhancement of biodiversity on the relevant part of the site shall be submitted for approval by the Local Planning Authority at the following stages of the development:

-Within 2 months of this decision in relation to Len House

-Within 6 months of the first commencement of the new build apartment blocks.

These schemes shall include a Phasing Plan for implementation and shall address the enhancement of biodiversity within the Mill Pond and through integrated methods into the design and appearance of the buildings by means such as swift bricks, bat bricks and habitat for solitary bees. Details shall also include measures to minimise impact on the Mill Pond and its ecology. The development shall be implemented in accordance with the approved details and all features shall be retained thereafter.

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

- 25) A landscape and ecological management plan covering each stage of the development, shall be submitted to and approved by the Local Planning Authority as follows:

- Prior to first occupation of any dwelling following the works to convert Len House;
- Prior to first occupation of any dwelling within the new build apartment blocks.

These details shall include a timetable for implementation and shall address long term design objectives, management responsibilities and maintenance schedules for all landscaped and open areas other than privately owned domestic gardens. Landscape and ecological management shall be carried out in accordance with the approved plan and timetable unless the Local Planning Authority gives written consent to any variation.

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

- 26) The development hereby approved shall not commence until a scheme has been submitted to and approved by the Local Planning Authority to demonstrate that the internal noise levels within all proposed residential units (both new build and listed building conversion) and the external noise levels in relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, Local Planning Authority. The assessment should have regard to ProPG: Planning & Noise (2017) and the Acoustics Ventilation and Heating Guide (2020) to ensure that there is a good balance between acoustics, ventilation and thermal comfort for future occupants. The ceiling and floor that separated the residential and commercial unit shall resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) shall not be less than 53 decibels. The weighted standardized difference (DnT, W) a spectrum adaption term, Ctr, is quoted according to BS EN ISO 16283-1:2014+A1:2017 Acoustics - Field measurement of sound insulation in buildings and of building elements Airborne Sound Insulation. It is expected that higher levels of noise that require windows to be closed to meet BS8233 internal level specifications will need greater ventilation than the minimum standard in the Building Regulations in trying to achieve open window equivalence which will involve user control of ventilation rates to key rooms such as living rooms and bedrooms. The scheme must include an assessment of and necessary mitigation to address potential late night noise from nearby entertainment and leisure venues and include an acoustic assessment of proposed commercial uses within the converted Len House. The scheme shall be carried out as approved prior to the first occupation of the relevant residential unit and be retained thereafter.

Reason: In the interests of aural amenity and to ensure that the development does not prejudice the ongoing viability of nearby entertainment and leisure venues.

- 27) The approved details of the cycle parking and vehicle parking/turning areas shall be completed before the commencement of the use of the related land or buildings hereby permitted 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 thereto.
Reason: In the interests of road safety.

- 28) Notwithstanding the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, no advertisements shall be placed on the site or buildings hereby approved without the express consent of the Local Planning Authority.

- Reason: To ensure adequate control of the character, appearance and setting of the listed building.
- 29) Prior to works to Len House commencing above existing roof level, a detailed scheme for the Mill Street forecourt and beverage kiosk shall be submitted for approval to the Local Planning Authority. Such a scheme shall include the design, materials, lighting strategy and hard landscaping/seating proposals for the external area and include any all weather proposals such as umbrellas or canopies. The approved scheme shall be completed prior to the first use of any part of the main A3/A4 element within Len House and the kiosk shall be used thereafter primarily for the sale of beverages unless otherwise agreed by the Local Planning Authority.
Reason: To ensure that forecourt enhancement scheme is delivered to a satisfactory standard.
- 30) Prior to works to Len House commencing above existing roof level, a detailed scheme for the proposed Mill Pond boardwalk shall be submitted for approval by the Local Planning Authority. Such a scheme shall include the form of attachment, design and materials including any handrails, a lighting strategy access and arrangements for long term management. The approved scheme shall demonstrate that the deck structure has been design to optimise natural light levels and to ensure that disturbance to the ecology in the below section of the Mill Pond is minimised and detail any integrated biodiversity enhancement works to be incorporated into the walkway design and shall be completed prior to the first use of commercial elements of the scheme.
Reason: In the interests of the Listed Building and its setting and to ensure an acceptable level of biodiversity enhancement is secured across the scheme as a whole.
- 31) The internal street on drawing 20.061-1550-S1 Rev P08 shall be retained as approved as a thoroughfare.
Reason: In the interests of pedestrian permeability.
- 32) Prior to works to Len House commencing above existing roof level, a lighting strategy of the buildings and public areas shall be submitted for approval to the Local Planning Authority. These details shall include measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors, including the Mill Pond and the proposed de-culverted River Len. The development shall thereafter be carried out in accordance with the subsequently approved details prior to first use/occupation and retained thereafter.
Reason: In the interest of visual amenity, heritage sensitivity and ecology.
- 33) Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification), no CCTV or other communications or monitoring equipment, including satellite dishes shall be erected on Len House without the prior written consent of the LPA.
Reason: To ensure that the character and appearance of the listed building is not harmed.
- 34) The ground floor commercial space shall be retained as hereby approved on drawing 20.061-1550-S1 Rev P08 and not be further subdivided by way of internal partitions or ceilings except in accordance with details that have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the character and appearance of the listed building is not harmed.

- 35) There shall be no external plant (including ventilation, refrigeration and air conditioning) or ducting system except in accordance with details approved under 21/504442/SUB.

Reason: In the interests of visual and aural amenity.

- 36) Within 6 months of this decision, details of a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, shall be submitted to for the approval by the Local Planning Authority. The scheme shall be designed in accordance with the EMAQ Publication Control of Odour and Noise from Commercial Kitchen Exhaust Systems 2018 and should typically include a grease filter, pre-filter and activated carbon treatment, together with high level fume dispersion. Any equipment, plant or process shall be installed prior to the first operation of the premises and shall thereafter be operated and retained in compliance with the approved scheme and maintained to the original specification.

Reason: To safeguard the amenities of the surrounding area.

- 37) A Travel Plan shall be implemented and monitored as approved by 21/500611/SUB. Monitoring requirements should only cease when there is sufficient evidence for all parties to be sure that the travel patterns of the development are in line with the objectives of the Travel Plan.

Reason: In the interests of environmental sustainability.

- 38) The approved details of the access points to the site shall be completed before the commencement of the use of the relevant land or 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.

- 39) No use or occupation of the development hereby permitted shall take place until related highway works, to include installation reinstatement of closed crossovers, new access points and footway crossovers have been implemented in accordance with a scheme to be approved by Kent County Council under s278 of the Highways Act 1980.

Reason: In the interests of highway safety.

- 40) (i) Drainage of Mill Street Forecourt area shall comply with details approved under submission ref. 21/504443/SUB.

(ii) Within 3 months of this decision, a Revised Surface Water Drainage Strategy for the remainder of the Len House stage of the development shall be submitted for the approval of the Local Planning Authority which shall take account of the reduction in the areas of sedum roof. The drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that (with reference to published guidance):

-silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters

-appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The Revised Drainage Strategy shall be implemented as approved before first use of the building.

(iii) The development of the new build stage of the site shall not begin until a sustainable surface water drainage scheme for the relevant part of the site has been submitted to and approved by the Local Planning Authority. The drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that (with reference to published guidance): -silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters. -appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding.

- 41) No part of the new build element of the development shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing, and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of the National Planning Policy Framework.

- 42) Prior to the first occupation of any part of the development, the development, a scheme of air quality mitigation measures shall be implemented in accordance with details that have been submitted to and approved by the Local Planning Authority. This should include at least one residential receptor modelled in Upper Stone Street. It should include a costed mitigation scheme showing how the money is to be spent. The damage cost could be spent on cycle storage and low NOx boilers.

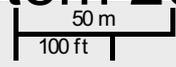
Reason: In order to ensure that an acceptable level of mitigation of potential air quality impacts is secured.

INFORMATIVES

- 1) Environmental Protection re Asbestos

- 2) Environmental Protection re Noise and Vibration transmission between properties
- 3) KCC Archaeology- condition 4 for Len House and condition 3 for rest of the site
- 4) Environment Agency-De-culverting will need a Flood Risk Activity Permit.

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

REFERENCE NO: - 23/501293/FULL		
APPLICATION PROPOSAL: Change of use of land for the siting of mobile burger van and canopy for the provision of hot food on the forecourt (retrospective).		
ADDRESS: The Coach Yard Old Ashford Road Lenham Kent ME17 2DG		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: There is no policy support in the Adopted Local Plan for uses of this kind in countryside locations such as this, however, material considerations discussed in this report justify a departure from the Local Plan. The proposal given its scale and location would not be harmful to the character and visual amenity of the site and the local area in general. No significant adverse effect is identified to the living conditions of occupiers of neighboring properties through noise, disturbance, or smells, and subject to conditions the scheme would not impose harm to the amenity of occupiers of neighbouring houses. The scheme would not result in a significant material increase in off-street parking demand in the locality or give rise to added congestion on the local road network, which would cause irritation and inconvenience to the local residents.		
REASON FOR REFERRAL TO COMMITTEE: The application has been called in by Lenham Parish council. The reasons for committee referral are available in section 4 of this report.		
WARD: Harrietsham And Lenham	PARISH/TOWN COUNCIL: Lenham	APPLICANT: Mrs Nertila Sinani AGENT: TSJ Drawings
CASE OFFICER: Francis Amekor	VALIDATION DATE: 24/05/23	DECISION DUE DATE: 27/10/23
ADVERTISED AS A DEPARTURE: Yes		

Relevant planning history

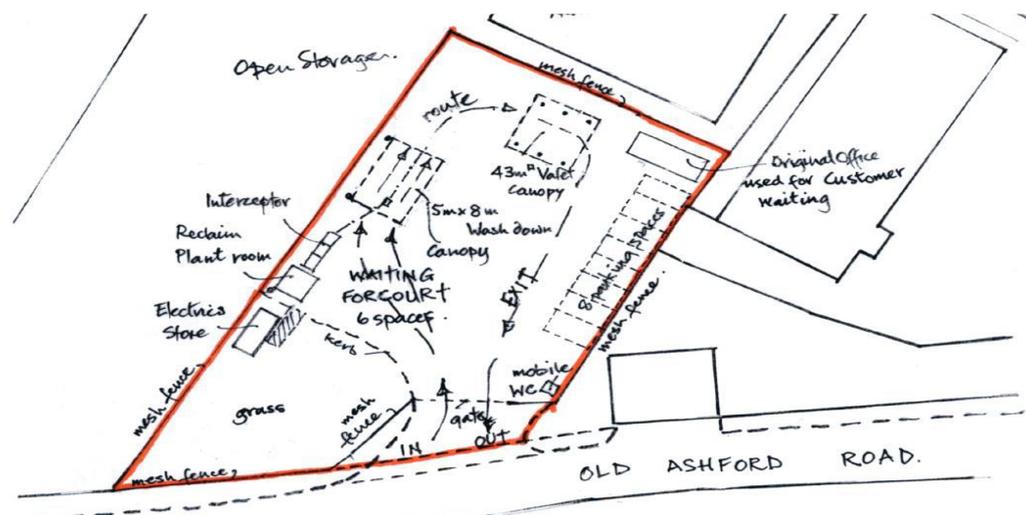
- 23/501294/FULL Retrospective application for the erection of a tyre bay building and the laying of hardstanding. Approved 29.09.2023 (resolution to approve from committee on the 21 September 2023)
- 18/501630/FULL Change of use to general commercial use and car wash/valeting, with retention and erection of wash down area and valeting canopies together with ancillary structures (part retrospective). Refused 20.06.2018
- 18/505045/FULL Change of use to general commercial use and car wash/valeting, with retention and erection of wash down area and valeting canopies together with ancillary structures and drainage, including plant room and sealed drainage system. Resubmission of 18/501630/FULL) Approved 28.11.2018
- 17/504828/FULL Retrospective application for change of use to a general commercial use and a car wash. Refused 05.01.2018
- 99/1583 Retrospective advertisement consent for a non-illuminated free-standing sign as shown on site location plan and photographs received on 30/09/99. Approved 6.12.1999

- 75/0405 Formation of hardstanding and use of land for the parking of motor coaches, Approved 17.02.1977
- 79/0040 Single storey building for garaging and servicing coaches. Approved 19.03.1981
- 83/0185 Siting of residential caravan for security reasons. Approved 13.05.1983

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application relates to the premises of a former coach travel company located on the north side of Old Ashford Road. The site is approximately 50 metres east of the built confines and settlement of Lenham, a designated as a Rural Service Centre in the Adopted Maidstone Borough Local Plan (2017). The site has permission for use as car wash and is occupied by canopies and various utility buildings associated with that use.
- 1.02 The wider area is identified in the Maidstone Landscape Character Assessment as falling within the East Lenham Vale Landscape Character Area which is described as being in 'Good' condition and of 'High' sensitivity with guidelines to 'Conserve'. The site also falls within a minerals safeguarding area.
- 1.03 The southern site boundary fronts Old Ashford Road. To the south west of the application site are two-storey semi-detached residential properties. The north east site boundary abuts warehouses that forms a part of the adjacent industrial estate.
- 1.04 The site has an established gated vehicular access from Old Ashford Road. The front boundary of the application site has a metal post fence and large areas of hardstanding associated with the former use and is very urban/commercial in appearance.
- 1.05 The site plan submitted with that previous application under reference number 18/505045/FULL (change of use to general commercial use and car wash/valeting) showing the locations of the canopies, utility buildings and car parking spaces is depicted below.



Proposed Site Plan for application ref: 18/505045/FULL

2. PROPOSAL

- 2.01 The proposal is a retrospective application to change of use of a small section of the forecourt for the stationing of mobile burger van and a canopy for preparation and retailing of hot food.

- 2.02 The burger van is positioned between the customer outdoor waiting area and car parking spaces in the north eastern part of the site. The burger van and attached canopy are 4 metres in width and 3.8 metres depth, rising approximately 3 metres above ground level.
- 2.03 The burger van and canopy would be used for preparation and retailing hot food for consumption by visiting customers, at the site or away from the site with the use of a catering trailer.



Proposed site plan showing the location of the burger van and canopy

3. POLICY AND OTHER CONSIDERATIONS

Development Plan: Maidstone Local Plan 2017:

- Policy SS1 – Maidstone Borough Spatial Strategy
- Policy SP17 – Countryside
- Policy SP21 – Economic Development
- Policy DM1 – Principle of Good Design
- Policy DM8 – External Lighting
- Policy DM23 – Parking standards

Emerging Draft Policy: Maidstone Draft Local Plan

The Regulation 22 Local Plan Review (LPR) submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is therefore a material consideration and attracts some weight. The LPR has been through Stage 1 and 2 Hearings and the main modifications the Inspector considers are required to make it sound are out to public consultation, so it is at an advanced stage. However, responses to the consultation need to be considered by the Inspector along with him producing his Final Report so the LPR is considered to attract moderate weight at the current time. The relevant policies are as follows:

- Policy LPRSP9 - Development in the Countryside
- Policy LPRSP11 - Economic Development
- Policy LPRSP15 – Principles of Good Design
- Policy LPRTRA4 – Parking
- Policy LPRQ&D 2 - External lighting

The National Planning Policy Framework (NPPF) (2023):

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision Making

Section 12 – Achieving well Designed Places

Supplementary Planning Documents

Neighbourhood Plan Lenham Policies: Policy D1 – Quality Design

Kent Waste and Minerals Plan (amended 2020):

National Planning Practice Guidance (NPPG):

Maidstone Landscape Character Assessment 2012 (Updated 2013)

SPG 4 Kent Vehicle Parking Standards July 2006

4. LOCAL REPRESENTATIONS

4.1 Local residents:

2 representations received objecting to the application for the following (summarised) reasons:

- Increase traffic queues on Old Ashford Road and associated highway safety
- Increase in noise and disturbance and general anti-social behaviour.
- The proposal would cause overdevelopment and overcrowding of the site
- Adverse effect from cooking smells.
- There is already a takeaway in Lenham.
- It would increase inappropriate parking on Old Ashford Road outside the premises
- Increase in litter and vermin.

4.2 Lenham Parish Council:

Objection to the proposals for the following reasons:

- The proposal would result in anti-social behaviour
- There is no provision for WCs which will presumably follow.
- There are no provisions for waste or litter.
- This is another example of a creeping development.
- There is no pavement access to the site for pedestrians walking from the Village.
- Noise and smells issues for the neighbours due to insufficient extraction/filtration.
- The comments of the Environmental Protection Team are inaccurate.
- The proposals would cause both overdevelopment and overcrowding of the site.
- It would result in spill over parking on Old Ashford Road
- If minded to approve, the Parish Council request committee determination.

5. CONSULTATIONS

5.01 Environmental Health

No objection. Commented that 'there are no sensitive premises directly adjacent to the site and am satisfied that the proposed use will have a negligible impact.

5.02 KCC Highways and Transport

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

6. APPRAISAL

The key issues are:

- Countryside location and policy SP17
- Character and appearance
- Economic development in rural areas.
- Residential amenity
- Parking and highway safety

Countryside location and policy SP17

6.01 The application site is in the countryside and the starting point for assessing all applications in the countryside is Local Plan Policy SP17. Policy SP17 of the Adopted

Local Plan states that development proposals in the countryside will only be permitted where:

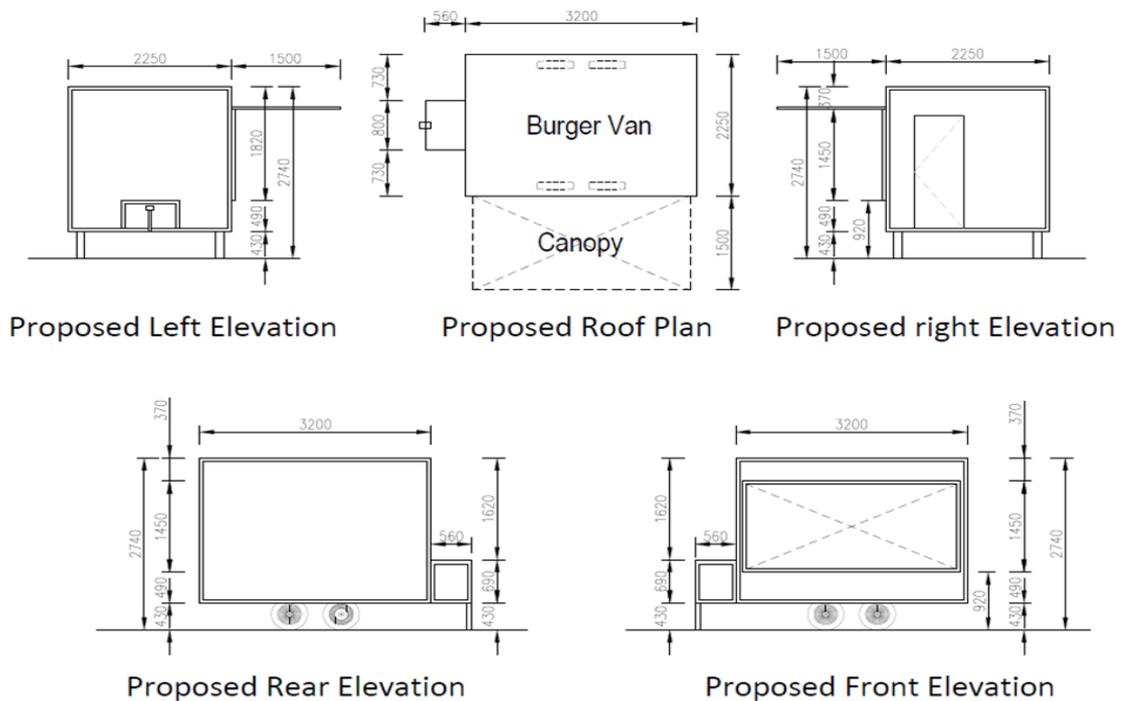
- a) there is no harm to local character and appearance, and
- b) they accord with other Local Plan policies.

- 6.02 Policy SP17 does not specify an acceptable level of harm to local character and appearance and all proposals in the countryside are likely to result in some degree of harm. In this context all development outside the designated settlements does not accord with this part of SP17.
- 6.03 In certain circumstances where there is locational need for development (equestrian, rural worker dwelling agricultural buildings etc) other Local Plan policies permit development in the countryside subject to listed criteria. If development accords with one of these other Local Plan policies, this compliance I weighed against the harm caused to character and appearance with a proposal found in accordance with policy SP17 overall.
- 6.04 The proposal will result in harm to the character and appearance of the countryside. The burger van and canopy are not connected with the established use of the site and there are no specific polices in the Local Plan relating to uses of this kind in the countryside. The recommendation to grant planning permission would therefore be a departure from the adopted Local Plan.
- 6.05 The National Planning Policy Framework (NPPF) highlights that the planning system is plan-led. The NPPF reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which require by law that planning applications "*must be determined in accordance with the development plan, unless material considerations indicate otherwise*".
- 6.06 Material considerations in this case include the degree of countryside harm including the site context and the location of the burger van and canopy on an established commercial site with permission for use as car wash and retention of the tyre bay building. Other material considerations relate to economic development in the countryside and residential amenity. These material considerations and other relevant issues are assessed below.

Character and appearance

- 6.07 Policy DM1 of the Local Plan (2017) advises that proposals should create a high-quality design which responds positively to and where possible enhance the character of the local area. Policy DM30 of the Local Plan states that new development should maintain, or where possible, enhance the local distinctiveness of an area.
- 6.08 The burger and canopy are a relatively small structure approximately 3 metres high. It is positioned within a site that is enclosed by metal fencing with an industrial appearance. The site is occupied by canopies and utility buildings associated with the existing hand car wash use, with most of the site covered in hardstanding.
- 6.09 Lenham Parish Council and residents are concerned the proposals would cause overdevelopment and overcrowding of the site. As indicated above, the site has an existing commercial character and whilst the burger van and canopy undoubtedly increase the built form at the site (and impact on appearance), due to the small scale of the burger van and canopy the proposal will not result in over development or overcrowding of the site. The burger van and canopy are viewed within the context and against the backdrop of the existing commercial site.

- 6.10 In terms of the effect of the use on the character of the site and the local area, the level of activity generated by this use (preparing and retailing of food for consumption by visiting customers, at the site or away from the site with a catering trailer) would not be so substantial as to adversely affect the character of the site or the local area.



Proposed elevations.

- 6.11 For the reasons outlined above, the proposals would comply with the requirements set out in Policy DM1, DM30 of the Maidstone Borough Local Plan, and paragraph 126 of the NPPF (2023) which jointly seeks to ensure all development are well designed to protect and enhance the special character and distinctiveness of the area in which it is situated.

Economic development in rural areas.

- 6.12 Government guidance in the National Planning Policy Framework (NPPF 2023) states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, through conversion of existing buildings and well-designed new buildings.
- 6.13 The NPPF (2023) at paragraph 81 directs that significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development. At paragraph 85, it identifies that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
- 6.14 Policy SP21 of the adopted Maidstone Borough Local Plan is supportive of proposals for the expansion of existing economic development premises in the countryside, provided the scale and impact of the development is appropriate for its countryside location.

- 6.15 The proposal although on a small scale would support the objectives of the NPPF (2023) to support economic growth and given its location within an existing commercial premises it is sensitive to its surroundings, would not have an unacceptable impact on local roads.

Residential amenity

- 6.16 Policy DM1 of the adopted Local Plan advises that proposals will be permitted where they “respect the amenities of occupiers of neighbouring properties...” and this includes considering the potential impact from “...excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties”.
- 6.17 The closest neighbouring properties are approximately 30m away to the west and south of the application site. The small-scale nature of the application, the enclosure of the site, and the fact that it would not attract significant numbers of customers would reduce the potential for noise nuisance from the burger van.
- 6.18 Given the nature of the proposal it would not generate significant levels of smells and odours, and imposition of a planning condition on odour extraction would not be effective. Moreover, the separation distance from the neighbouring houses and the scale and nature of the scheme means the impact on these houses is acceptable. The Environmental Health team found no reason to object based on amenity impact.
- 6.19 A planning condition is recommended to restrict opening hours (9am till 6pm Monday to Saturday and 10am to 4pm on Sunday). Moreover, any excessive noise that occurred from the site that could lead to a detrimental effect on health would be subject to other regulatory legislation controlled by Environmental Health. Operating within these restrictions would not lead to any significant harm to the living conditions of neighbouring residents.
- 6.20 On this basis, the proposals would not be harmful to the living conditions of occupiers of neighbouring properties through noise, disturbance, or smells. It would comply with policy DM1 of the Maidstone Borough Local Plan.

Highways Parking and highway safety

- 6.21 Policy DM23 of the Local Plan and supplementary planning guidance sets out the parking standards for the Borough. The policy adopts a flexible approach to minimum and maximum parking standards to reflect local circumstances and the availability of alternative modes of transport to the private car.
- 6.22 The application site consists of a significant amount of hardstanding and there would be adequate space to park vehicles on site. Considering the scale of the proposal and notwithstanding the comments from residents, the scheme would not result in a significant material increase in off-street parking demand in the locality or give rise to added congestion on the local road network. The proposals would comply with the requirements of policy DM23 and the SPG.

PUBLIC SECTOR EQUALITY DUTY

- 6.23 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 will result in harm to the character and appearance of the countryside and there are no Local Plan policies that directly support the application. The application is a departure from the adopted Local Plan.

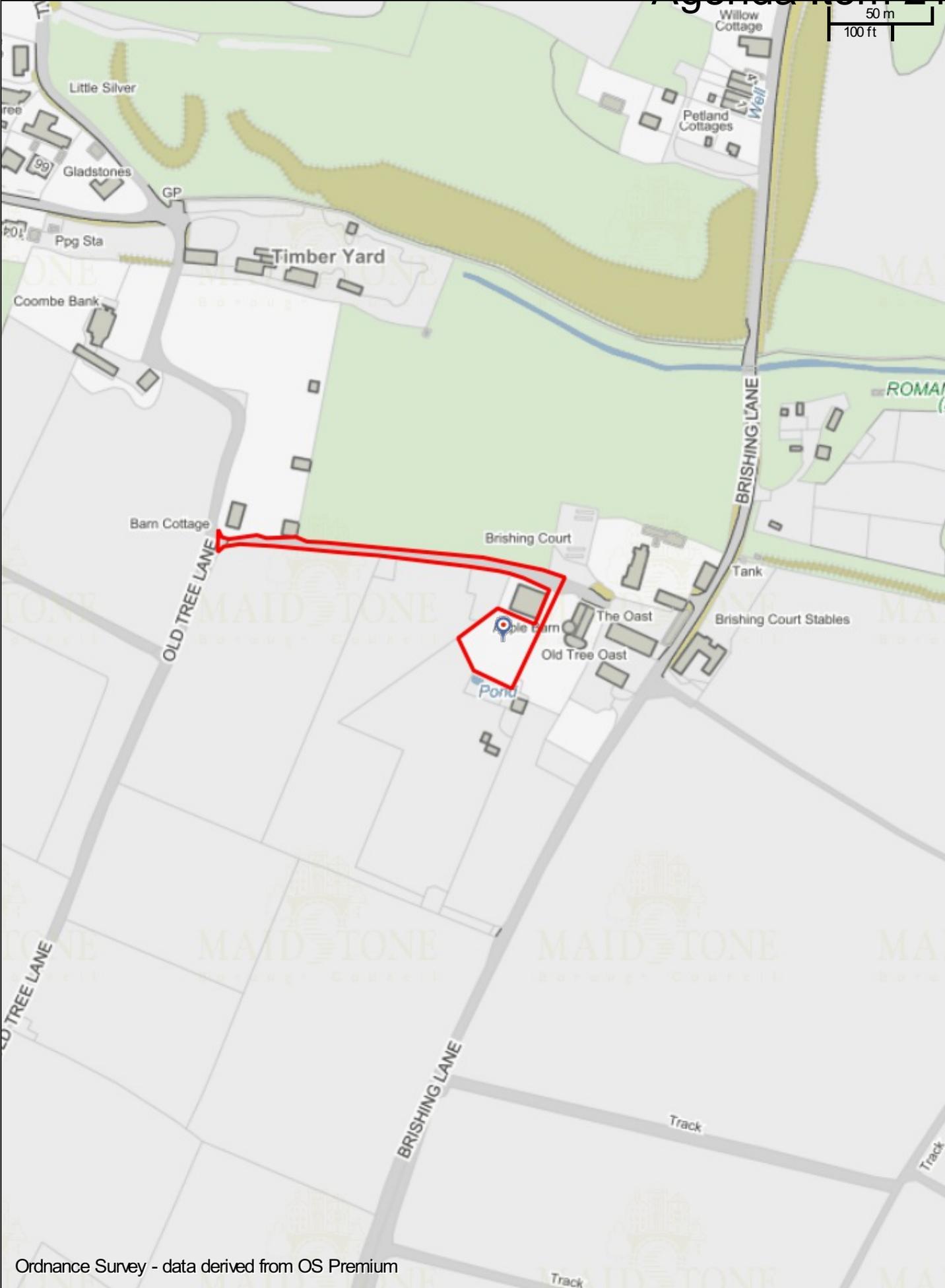
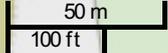
- 7.02 The National Planning Policy Framework (NPPF) reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which require by law that planning applications "*must be determined in accordance with the development plan, unless material considerations indicate otherwise*".
- 7.03 The proposal is acceptable in relation to the minimal level of harm that will be caused to the character and appearance of this rural area. Whilst not supported by adopted policies in this location, the proposal will comply with the general requirements of Local Plan policy DM30, and paragraph 126 of the NPPF (2023) which jointly seek to ensure that all development is well designed to protect local character.
- 7.04 With recommended conditions, the proposal is acceptable in relation to the impact on neighbour's amenity including through noise, disturbance, or smells. The application complies with the general requirements of policy DM1 of the Maidstone Borough Local Plan that seeks to protect residential amenity. The application would not result in transport or traffic harm that would justify the refusal of planning permission.
- 7.05 Whilst a departure from the local plan it is concluded that these material considerations indicate that planning permission should be approved.

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

- 1) The development shall be carried out in accordance with the following approved plans and documents.
Drawing Number: 23/1210/HD/01 Rev C (Existing Site Location and Block Plans)
Drawing Number: 23/1210/HD/11 Rev C (Proposed Site Location and Block Plan)
Drawing Number: 23/1210/HD/13/1 Rev B (Proposed Burger Van Plan and Elevations)
Drawing Number: 23/1210/HD/02 Rev D (Existing Ground Floor Plan)
Reason: To ensure the development is carried out to an acceptable visual standard.
- 2) The burger van hereby approved shall not be open for customer business outside the hours of 0900hs-1800hrs Monday to Saturday and 1000hrs – 1600hrs on Sundays and Bank Holidays.
Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers
- 3) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011 (and any subsequent revisions) and follow the recommendations within Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting', 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: To safeguard the character and appearance of the countryside and in the interests of residential amenity and wildlife.

- 4) The use hereby permitted shall cease and all structures, equipment, and materials brought onto the land for the purposes of such use shall be removed and the land restored to its condition before the development took place within 6 weeks of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
- i) Within 6 weeks of the date of this decision a Site Development Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority. The Scheme shall include details of:
 - a) The extent of hardstanding.
 - b) Existing external lighting on the boundary of and within the site.
 - c) Details of existing landscaping and details of soft landscape enhancements.
 - d) Details of the measures to enhance biodiversity at the site, specifically bird boxes and other habitats installed around the site boundaries; and,
 - e) A waste and refuse strategy to include measures to reduce waste from the business and measures to reduce litter generated by customers and litter collection.
 - f) A timetable for implementation of the scheme including a) to e) with all details implemented in accordance with the agreed timetable and all details and measures retained for the lifetime of the development.
 - ii) Within 11 months of the date of this decision the Scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Scheme shall have been approved by the Secretary of State.
 - iv) The approved Scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved. Reason: To ensure the visual amenity, character, and appearance of the open countryside location.
- 5) 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). Any seeding or turfing which fails to establish or any trees or plants which, within five years from first planting, are removed, 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.

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

23/501716/FULL - Cherry Barn, Old Tree Lane, Boughton Monchelsea, Kent, ME17 4NG

Scale: 1:2500

Printed on: 6/10/2023 at 12:47 PM by KirstyS



REPORT SUMMARY

REFERENCE NO: - 23/501716/FULL			
APPLICATION PROPOSAL: Change of use of agricultural land to residential land and erection of 1no. dwelling with associated parking, landscaping, and amenity area, including part demolition of existing unauthorised structure (part retrospective) (resubmission of 22/504298/FULL).			
ADDRESS: Cherry Barn Old Tree Lane Boughton Monchelsea Kent ME17 4NG			
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION: The National Planning Policy Framework (NPPF) reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which requires by law that planning applications "must be determined in accordance with the development plan, unless material considerations indicate otherwise". The proposal will result in harm to the character and appearance of the countryside contrary to policy SP17 and there are no Local Plan policies that directly support the current proposal. In this context as the application is not in accordance with the adopted Local Plan, it needs to be determined as to whether there are other material considerations that justify granting planning permission. The current unkempt and derelict appearance of the application site detracts significantly from the setting and heritage importance of nearby listed buildings. It is accepted that the current proposal is in an unsustainable location will result in a degree of harm to the character and appearance of the area through associated domestic paraphneilia (limited by the backland location). This harm is outweighed by the improvements to the visual appearance of the site and associated landscaping in this sensitive location in the setting of two listed buildings. It is concluded that whilst the application is not in accordance with the development plan (a departure) these material considerations that have been outlined and the level of harm indicate that planning permission should be approved.			
REASON FOR REFERRAL TO COMMITTEE: Departure from the Local Plan			
WARD: Boughton Monchelsea And Chart Sutton	PARISH Boughton Monchelsea	COUNCIL:	APPLICANT: Christine Gibson AGENT: DHA Planning
CASE OFFICER: Francis Amekor	VALIDATION DATE: 08/06/23	DECISION DUE DATE: 27/10/23	
ADVERTISED AS A DEPARTURE: Yes			

Relevant planning history

22/504298/FULL Erection of 1no. dwelling with associated parking and landscaping, including part demolition of existing unauthorised structure (part retrospective). Refused 02.11.2022. This application was refused for the following reasons:

"The proposal will result in harm to the character and appearance of this rural location, with the siting, mass, scale and domestic design of the proposed building failing to

maintain or enhance local distinctiveness including in relation to landscape and visual amenity. The development is contrary to policies SP17 and DM30 of the Local Plan (2017), RH8 of the Boughton Monchelsea Neighbourhood Plan (2021) and guidance in the NPPF”.

14/505197/PNBCM - Prior notification for the change of use of The Apple Barn at the Oast, Brishing Lane to form two separate dwellings. For its prior approval to: Transport and highways impacts of the development; Contamination risks on the site; Flood risks on the site; Noise impacts of the development; Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed; Design and external appearance impacts on the building – Prior Approval Not Required. (NB: As the Council’s decision on this prior approval application was made outside the 56-day time period, the proposed development benefited from deemed approval).

The approval under reference 14/505197/PNBCM was for two dwellings and the ownership of the relevant land is now in separate ownership. Works to convert the larger adjacent building from agriculture to a dwelling are now at an advanced stage. The left hand image below of the neighbouring building shows the structure on the application site on the left hand side.

Images of Apple Barn on the neighbouring site



MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is located approximately 0.6km north east of Boughton Village boundary. The site is located on the edge of a small cluster of residential development, offices, and a nursery.
- 1.02 The application site includes part of the agricultural building that was known as 'The Apple Barn'. Prior approval was in place for the conversion and separation of the building to provide two dwellings and the two buildings are now in separate ownership.
- 1.03 Following the collapse of the building the prior approval is now null and void. The prior approval proposal cannot be implemented and carries no weight in the assessment of the current application. The site currently contains an uncompleted building with work not benefiting from planning permission.
- 1.04 The Maidstone Landscape Character Assessment identifies the wider area as falling within Greensand Fruit Belt landscape character area (area 7) with a guidance to conserve and strengthen. The site is also within Farleigh Greensand Fruit Belt, on the Borough Wide Character Area, and is identified as being of high sensitivity and in good condition, with a guidance to conserve.

- 1.05 The eastern site boundary abuts the residential garden of Old Tree Oast. Brishing Barn and Brishing Court, both Grade II listed properties are located 40 to 50 metres to the east and north east of the application site. The southern and western site boundary abuts open, undeveloped agricultural field characteristic of the wider countryside beyond the application plot. A small pond lies a few metres from the southern site boundary.
- 1.06 The site access is an unmade track that leads east from Old Tree Lane passing by a former agricultural barn before arriving at the application site. This access is approximately 160 metres long and also serves other properties in the vicinity of the application site.

Floor plans and elevations for refused application Ref:22/504298/FULL



Floor plans and elevation details for current application



2. PROPOSAL

- 2.01 The application is for the change of use of the agricultural land immediately to the south of 'The Apple Barn' to residential land and erection of a one bedroom detached dwelling with associated parking, landscaping, and amenity area. The scheme is part retrospective and includes part demolition of the existing unauthorised structure.
- 2.02 The building is positioned approximately 8 metres from the southern elevation of 'The Apple Barn' and its footprint and height would be similar to the building approved under reference number 14/505197/PNBCM. This current application is significantly different from the previously refused scheme in terms of footprint, mass, appearance, and design.
- 2.03 The change in this current scheme includes an increase in the use of ragstone on the dwelling and the use of Kentish peg tiles on the roof. Additionally, the rooflights

have been removed, with the number of glazed openings restricted. The submission also indicates the extent of curtilage for the dwelling including landscaping and parking arrangements. The extent of the curtilage approved under reference number 14/505197/PNBCM is limited in size by virtue of the interpretation of "curtilage" for the purposes of Class MB. The application involves extension of the curtilage slightly to the south and west of the site.

- 2.04 The dwelling with a L shape footprint would be single storey under a simple pitched catslide roof. It would have a bedroom, open plan living, kitchen and dining area and a bathroom.
- 2.05 The Planning Statement supporting the application explains works on the development approved under ref: 14/505197/PNBCM begun within 3 years of that decision. Owing to the presence of asbestos in the building, and external factors, the applicant was unable to complete the building.
- 2.06 The walls of the building were consequently exposed to the elements and over a period the walls collapsed following bad weather and high winds. The Planning Statement indicates that the applicant was unaware at that time that the replacement of the walls meant that the building no longer had permission under 14/505197/PNBCM.

Partially reconstructed building following collapse of original building



3. POLICY AND OTHER CONSIDERATIONS

Development Plan: Maidstone Local Plan 2017:

- Policy SS1 – Maidstone Borough Spatial Strategy
- Policy SP17 – Countryside
- Policy SP18 – Historic Environment
- Policy DM1 – Principle of Good Design
- Policy DM4 - Development affecting designated and non-designated heritage assets
- Policy DM11 – Residential Garden Land
- Policy DM12 – Density of Housing Development
- Policy DM23 – Parking standards

Boughton Monchelsea Neighbourhood Development Plan (2019) policies PWP 4, RH1 & RH6 of

Emerging Draft Policy: Maidstone Draft Local Plan:

The Regulation 22 Local Plan Review (LPR) submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is therefore a material consideration and attracts some weight. The LPR has been through Stage 1 and 2 Hearings and the main modifications the Inspector considers are required to make it sound are out to public consultation, so it is at an advanced stage. However, responses to the

consultation need to be considered by the Inspector along with him producing his Final Report so the LPR is considered to attract moderate weight at the current time.

Policy LPRSS1– Maidstone Borough Spatial Strategy
Policy LPRSP2 – Maidstone Urban Area
Policy LPRSP15 – Principles of Good Design
Policy LPRTRA4 – Parking
Policy LPRQ&D6 - Technical Standards
Policy LPRQ&D7- Private Amenity Space Standards

The National Planning Policy Framework (NPPF) (2023)

Section 2 – Achieving Sustainable Development
Section 4 – Decision Making
Section 12 – Achieving well Designed Places
Section 16 - Conserving and enhancing the historic environment.

Supplementary Planning Documents:

Ministry of Housing, Communities and Local Government: National Design Guide.
Government’s Technical Housing Standards: Nationally Described Space Standards (March 2015).
National Planning Policy Guidelines (NPPG).

4. LOCAL REPRESENTATIONS

Local residents:

- 4.01 1 representation received objecting for the following (summarised) reasons.
- Conflict with Policy SP17 which seeks to protect the countryside from inappropriate development.
 - Proposals involves conversion of high-grade agricultural land to residential garden use.
 - Scale bars on the site plan and landscaping plan are wholly misleading and cannot both be correct.
 - The stated point of access would involve trespass across land not in the applicant ownership.
 - Lack of information about both foul and surface water drainage
 - The plans submitted with the application include a large tract of land whose current planning status is agricultural land.
 - Permitted development rights gained by default when Maidstone BC simply failed to process the original application.
 - The proposed development could not by any stretch of the imagination be described as of good design.
 - The access along the agricultural track is unsuitable to increased domestic traffic let alone emergency or refuse/service vehicles.
 - The development imposes an unsympathetic and badly detailed aesthetic onto an important location.
 - Approving this development would entail breach of Human Rights of occupiers of neighbouring properties.
- 4.02 The planning issues raised by neighbouring objectors are addressed in the main appraisal section of this report.
- 4.03 **Boughton Monchelsea Parish Council:**
No objection.

5. CONSULTATIONS

KCC Minerals and Waste:

5.01 No objection.

KCC Flood and Water Management:

5.02 No objection.

6. APPRAISAL

The key issues are:

- Countryside location and policy SP17
- Character and appearance
- Setting of heritage assets
- Residential amenity
- Access and parking
- Ecology

Countryside location and policy SP17

6.01 The application site is in the countryside and the starting point for assessing all applications in the countryside is Local Plan policy SP17. Policy SP17 states that development proposals in the countryside will only be permitted where:

- a) there is no harm to local character and appearance, and
- b) they accord with other Local Plan policies

6.02 Policy SP17 does not specify an acceptable level of harm to local character and appearance and all proposals in the countryside are likely to result in some degree of harm. In this context all development outside the designated settlements does not accord with this part of SP17.

6.03 In certain circumstances where there is locational need for development (equestrian, rural worker dwelling agricultural buildings etc) other Local Plan policies permit development in the countryside subject to listed criteria. If development accords with one of these other Local Plan policies, this compliance generally outweighs the harm caused to character and appearance with a proposal found in accordance with policy SP17 overall. In this case, there are no other policies in the Local Plan that would permit a new dwelling in this location and as a result a decision to grant planning permission would be a departure from the adopted Local Plan.

6.04 The National Planning Policy Framework (NPPF) highlights that the planning system is plan-led. The NPPF reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which require by law that planning applications "*must be determined in accordance with the development plan, unless material considerations indicate otherwise*".

6.05 Material considerations in this case include the degree of countryside harm including the site context and the location of the existing incomplete building in the setting of two listed buildings.

Character and appearance

6.06 Policy DM1 of the Maidstone Borough Local Plan requires proposals to create high quality design which responds positively to and where possible enhance the character of the area in which it is situated. Policy DM30 states that new development should maintain, or where possible, enhance the local distinctiveness of an area. Paragraph 124 of the NPPF (2023) state that planning policies and decisions should support development that makes efficient use of land, considering

the desirability of maintaining an area's prevailing character and setting, and securing well-designed, attractive places.

- 6.07 As noted above, the proposal approved as part of application 14/505197/PNBCM was not lawfully implemented. Whilst some building works were undertaken towards converting the building to a dwelling, these works went beyond what had been approved. The application site and building retain a lawful 'agricultural' use.
- 6.08 The current application involves partial demolition and additional building works to provide a one bedroom detached dwelling. The proposed building footprint is smaller than the earlier refused application and similar to the footprint of the building that had approval for conversion under reference 14/505197/PNBCM. The current proposal would be 5.5 metre above ground level to the highest part of the ridge, which is the same height as the prior approval development.
- 6.09 The Maidstone Landscape Character Assessment identifies the use of ragstone as a primary building material in the local area. Proposed external facing materials for the dwelling include ragstone. The building would have a simple catslide roof design using Kent peg tiles. The proposal has been designed to more closely resemble the original building footprint approved under reference number 14/505197/PNBCM.
- 6.10 The views of the proposed dwelling from public vantage points would be restricted by this backland location and existing nearby buildings. Where visible the proposed building will be seen in the context of the existing group of residential development. This enclosure and the degree of containment means that the overall effect on the landscape would be very limited.
- 6.11 The scale and design of the proposed dwelling would be subservient to the adjacent larger building, and the adjacent converted agricultural building. In the wider landscape, and due to its location behind a larger agricultural building the proposal would not have any significant adverse impact on the visual amenities of the countryside.
- 6.12 It is highlighted that a building (albeit originally of agricultural appearance) has existed on the application site for circa 30 years. With the split into two (that followed the 14/505197/PNBCM decision now known as Apple Barn and Cherry Barn) for a large part of this time the building in this location was of greater bulk and massing than what is currently proposed.
- 6.13 The resulting development in this case would assimilate well in the local environment without detriment to the visual character of the general locality. The use of ragstone as an external facing (found on neighbouring development) would also assist in successfully assimilating the development into the local landscape.
- 6.14 Policy DM1 sets out that proposed development should respond to the location of the site and sensitively incorporate natural features such as such as tree and hedges. Particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation appropriate to local landscape character. The submission indicates the planting of several cherry trees close to the proposed dwelling. These trees would enhance the setting of the site, they reference the history of the area and the activity associated with Brishing Court Farm in accordance with DM1.
- 6.15 Overall, due to its scale, location, plot coverage, and design including indicated proportions, the dwelling would appear as a thoughtfully designed addition that would resonate with the established local character. It would comply with policies DM1 and DM30 of the Maidstone Borough Local Plan, and paragraph 124 of the NPPF (2023) which jointly seeks to ensure all development are well designed to

protect and enhance the special character and distinctiveness of the area in which it is situated.

- 6.16 The proposals would result in the loss of agricultural land. Policy DM 33 of the Local Plan relates to the change of use of agricultural land to domestic garden land. Policy DM33 sets out two tests, firstly relating the level of harm the proposals would entail to the character and appearance of the countryside, and secondly, whether the scheme would result in loss of the best and most versatile agricultural land.
- 6.17 The building would be positioned generally on the footprint of the original building approved under reference number 14/505197/PNBCM. Whilst the curtilage would extend beyond that of the prior approval (and result in the loss of best and versatile land) it would not be reasonable to resist the use of an appropriately sized curtilage for domestic purposes in conjunction with a dwelling.
- 6.18 The curtilage would not extend significantly into the open countryside and the Local Plan supporting text advises that restrictions would apply where the land is 'functionally well located for agricultural purposes, such that future agricultural use is feasible...'. These tests would not apply to the current application as the land in question could not be practically used for agricultural purposes.

Setting of heritage assets

- 6.19 Policy SP18 of the Local Plan relates to the historic environment and requires that, inter-alia, the characteristics of heritage assets are protected, and design is sensitive to heritage assets and their settings. Policy DM4 of the Local Plan also relates to development affecting designated heritage assets and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.
- 6.20 The NPPF requires the impact on the significance of a designated heritage asset to be assessed as either "substantial harm" or "less than substantial harm" with NPPG guidance setting out that "substantial harm" has a high threshold. NPPF guidance states that when assessing the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm to significance amounts to substantial harm, total loss or less than substantial harm.
- 6.21 Brishing Barn and Brishing Court are both grade II listed properties and are located approximately 40 and 50 metres east and north east of the application site. The significance of these listed buildings arises from their architectural detailing, well-preserved appearance with the oldest predating much of the surrounding built environment.
- 6.22 The current appearance of the application site consisting of an unfinished building and associated temporary fencing detracts significantly from the setting and heritage importance of these listed buildings. The NPPF "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*".
- 6.23 The current proposal bringing the building back into use and providing a new dwelling will significantly improve the setting of the nearby listed buildings. The proposals would introduce a high quality building and appropriate landscaping to the site, thereby contributing significantly the enhancing the setting of these heritage assets. These benefits carry significant weight in this assessment of the proposal overall.

- 6.24 In summary, the proposal would result in significant enhancement of the setting and heritage importance of the grade II listed Brishing Barn and Brishing Court. The proposal would comply with Sections 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy DM4 and SP18 of the Maidstone Borough Local Plan and relevant provisions of Chapter 16 (Conserving and enhancing the historic environment) of NPPF (2023).

Residential amenity

- 6.25 Policy DM1 of the Local Plan requires proposals to respect the amenities of occupiers of neighbouring properties. Proposals should also provide adequate residential amenities for future occupiers by ensuring development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity, or vehicular movements, overlooking or visual intrusion. Built form should not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.26 The proposed dwelling maintains acceptable separation distances from neighbouring properties, and this will avoid any adverse effect in terms of overshadowing.
- 6.27 The main proposed doors and windows would be on the southern, eastern, and western parts of the application site and would not overlook any neighbour. The windows on the northern elevation will be obscured to avoid any issues of directly looking into the adjacent residential property. The development would not create any significant noise issues and is unlikely to be affected by traffic noise.
- 6.28 All habitable rooms would comply with space standard set out in the emerging draft Maidstone Local Plan. These standards require habitable rooms of a sufficient size for daily activities and with sufficient natural light.
- 6.29 Policy LPRQ&D7 of the Emerging Draft Local Plan sets out the amenity space standards for new houses. The policy requires outdoor amenity space for a house this size must be sufficient to provide sufficient space for day to day activities and the current proposal meets these standards.
- 6.30 In conclusion, the proposals are acceptable in terms of maintaining the living conditions of neighbouring occupiers and providing adequate amenities for future occupiers of the proposed dwelling. The current proposal is in accordance with policy DM1 of the Maidstone Borough Local Plan and LPRQ&D7 of the Emerging Draft Local Plan.

Access and parking

- 6.31 Policy DM23 of the Local Plan sets out the parking standards for the Borough. The policy adopts a flexible approach to minimum and maximum parking standards to reflect local circumstances and the availability of alternative modes of transport to the private car.
- 6.32 The submitted site layout plan indicates provision of one car parking space for future residents and one visitor parking. There is sufficient turning space within the site for vehicles to enter and leave the site in a forward gear. The proposals would comply with the standards in policy DM23. The scheme includes provision of an electric vehicle charging point for future occupiers.
- 6.33 Site access is from the existing drive that leads east from Old Tree Lane, which also serves neighbouring houses. This drive passes by the adjacent converted former agricultural barn before arriving at the current application site. The single neighbour response objects to the use of this access on the basis that it is unsuitable for increased domestic traffic, and emergency or refuse/service vehicles.

The scheme being only for one small dwelling would not create significant difficulties for nearby residents.

- 6.34 It is acknowledged the width of the entire length of the access, in particular the section that passes by the converted agricultural barn is narrow. Given the low traffic levels, the need for opposing vehicles to pass each other on the track would occur relatively infrequently. The limited width of this access would serve to restrict vehicle speeds along it to a significant degree.
- 6.35 The access to the application site has adequate visibility for drivers and there is no vehicle safety issue. Vehicles would normally approach this section of the access at slower speed, and as a result there are no issues with the safety of vehicles and pedestrian using the access. The access would not have any significant impact on the free and safe movement of vehicles and pedestrians along Genn Park and its vicinity.
- 6.36 Paragraph 111 of the NPPF (2023) states that development should only be refused on transport grounds if there would an unacceptable impact on highway safety, or the residual cumulative impact of the development would be severe. With the small scale of the development, any increase in car journeys resulting from the proposed scheme would not be significant enough to pose any additional highway safety challenges.

Ecology

- 6.37 Policy DM3 states that development proposals to take full account of biodiversity present including the retention and provision of native plant species. Paragraph 174 of the NPPF (2023) encourages net gains for biodiversity to be sought through decisions. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development.
- 6.38 There is currently an uncompleted dwelling on the application site and the proposals includes the planting of several cherry trees in the immediate area associated with the dwelling. Other measures which would support biodiversity interest on the site include the retention of existing trees, provision of bug hotels, log pile habitats and wildflower meadow.
- 6.39 The proposal would accord with policies DM1 and DM3) of the Maidstone Local Plan (2017), and paragraph 174 of the NPPF (2023). These policies jointly direct the planning system to contribute to and enhance the natural and local environment.

Other matters

- 6.40 Paragraph 80 of the NPPF (2023) makes clear that planning policies and decisions should avoid the development of isolated homes in the open countryside unless very special circumstances exist. The development forms part of a small cluster of dwellings and would not result in the creation of isolated home as far as paragraph 80 of the NPPF (2021) is concerned. The application site is not in a sustainable location, but the other factors outlined in this report including improvements to the setting of listed buildings outweigh the poor location.
- 6.41 A single neighbour response has been received following consultation on the proposal, the objections raised state that the development could not be described as good design. The proposed building does provide good design for the reasons outlined in this report and the proposed building of a scale and appearance that is in keeping with the local area and nearby converted agricultural buildings.
- 6.42 The letter received from neighbour states that the access point would involve trespass across land not in the applicant's ownership. The access to the proposed

dwelling is established and officers feel that all appropriate notices have been served.

- 6.43 This neighbour is also concerned the lack of information about both foul and surface water drainage. The neighbour states that the applicant's agent's refusal to confirm how drainage will be provided, means the development fails to respect the amenity, wellbeing and quality of life of occupiers of the neighbouring property. Information about foul and waste water drainage would be secured by a planning condition. KCC Waste and Water Management were consulted and have not raised any objection to the application. The proposals would respect the amenities of occupiers of neighbouring properties.
- 6.44 The neighbour has also suggested approving this development would entail breach of their Human Rights. Article 8 of the European Convention on Human Rights, as incorporated into UK law by the Human Rights Act 1998, protects the right of an individual to, amongst other things, a private and family life and home. The proposals would not undermine the objectives of this legislation.

PUBLIC SECTOR EQUALITY DUTY

- 6.45 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

- 6.46 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 The National Planning Policy Framework (NPPF) reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which requires by law that planning applications "must be determined in accordance with the development plan, unless material considerations indicate otherwise".
- 7.02 The proposal will result in harm to the character and appearance of the countryside contrary to policy SP17 and there are no Local Plan policies that directly support the current proposal. In this context as the application is not in accordance with the adopted Local Plan, it needs to be determined as to whether there are other material considerations that justify granting planning permission.
- 7.03 The current unkempt and derelict appearance of the application site detracts significantly from the setting and heritage importance of nearby listed buildings. It is accepted that the current proposal is in an unsustainable location will result in a degree of harm to the character and appearance of the area through associated domestic paraphneilia (limited by the backland location). This harm is outweighed by the improvements to the visual appearance of the site and associated landscaping in this sensitive location in the setting of two listed buildings.
- 7.04 It is concluded that whilst the application is not in accordance with the development plan (a departure) these material considerations that have been outlined and the level of harm indicate that planning permission should be approved.

- 8. RECOMMENDATION GRANT planning permission subject to the following conditions** with delegated powers to the Head of Planning and Development to be

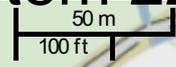
able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) No development shall take place other than in accordance with the following approved plans:
Drawing Number; M2_300_002 (Existing Elevations and Plan)
Drawing Number: M2_300_003 (Proposed Elevations and Plans)
Drawing Number; M2_300_002 (Existing Elevations and Plan)
Drawing Number; M2_300_001 Rev B (Proposed Site Plan)
Planning Statement
Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.
- 3) The development hereby approved shall not commence until, details of the method of disposal of sewage and surface water have been submitted to and approved in writing by the Local Planning Authority and these works shall be completed in accordance with the approved details before the first occupation of the dwelling hereby approved and retained as such thereafter.
Reason: To ensure adequate sewage disposal arrangements for the development.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - i. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding
 - v. wheel washing facilities
 - vi. a scheme for recycling/disposing of waste resulting from demolition and construction worksReason: In the interests of the amenities of the area and highway safety and convenience.
- 5) The development hereby approved shall not commence above slab level until until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority and works shall be implemented in accordance with the approved details and retained thereafter.
Reason: In the interest of visual amenity.
- 6) The development hereby approved shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation of the approved dwelling and maintained thereafter. Reason: To ensure an energy efficient form of development.
- 7) Notwithstanding the details shown on the plans, the development hereby approved shall not commence above slab level until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local

Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

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

- 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 first occupation of the dwelling hereby approved. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, are removed, 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.
 - 9) No demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.
Reason: In the interest of the amenities of occupiers of neighbouring properties.
 - 10) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light, GN01, dated 2011 (and any subsequent revisions) (Environmental Zone E1), and follow the recommendations within the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting'. 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 development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter. Reason: To safeguard the character and appearance of the countryside, protected species and in the interests of residential amenity.
 - 11) The development hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through methods into the building structure by means such as swift bricks, bat tube or bricks to provide wildlife niches and additionally through provision within the site curtilage of measures such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors. The development shall be implemented in accordance with the approved details prior to first occupation of the approved building and all features shall be maintained thereafter. Reason: To protect and enhance the ecology and biodiversity on the site in the future.
- 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



23/503889/FULL - Balfour Winery, Five Oak Lane, Staplehurst, Kent, TN12 0HT

Scale: 1:2500

Printed on: 6/10/2023 at 14:50 PM by KirstyS



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REPORT SUMMARY

REFERENCE NO: - 23/503889/FULL		
APPLICATION PROPOSAL: Replacement lighting scheme to winery site, resurfacing of car park and hardstanding and associated drainage.		
ADDRESS: Balfour Winery Five Oak Lane Staplehurst Kent TN12 0HT		
RECOMMENDATION: Grant Permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The replacement lighting scheme includes more lighting units but ones that are much more sensitively designed for the location in terms of visual impact and biodiversity due to minimising light spill, lower wattages and colour temperature. The replacement floodlights to the car park storage building will be movement triggered (PIR). A condition is suggested to secure removal of floodlights that face north towards Five Oak Lane and to prevent additional lights being added in the future without planning permission. Conditions limit the hours of use to when staff or visitor are on site and will be manually turned off with automated fail safe cut off at set times. The time of lighting for each part of the site are commensurate with evidenced health and safety issues for that part of the site. There are not considered to be any concerns in terms of harm to residential amenity or flood risk. On balance, the overall change is considered to be at least neutral and would comply with Policy DM8.		
REASON FOR REFERRAL TO COMMITTEE: Called in by Staplehurst PC		
WARD: Staplehurst	PARISH/TOWN COUNCIL: Staplehurst	APPLICANT: Mrs Leslie Balfour-Lynn AGENT: Greenhayes Planning
CASE OFFICER: Marion Geary	VALIDATION DATE: 30/08/23	DECISION DUE DATE: 29/11/23
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

17/502611/FULL

Proposed new processing hall, including visitor tasting room and administration offices.
Extension to existing barn for the storage of bottles.
Approved 05.09.2017

17/504986/FULL

Erection of a single storey extension to provide new equipment store for agricultural machinery
Approved 02.05.2018

19/501653/FULL

Bollard lighting scheme for decking and pathway in connection with winery.
Approved 10.01.2020

22/500158/AGRIC

Prior notification for erection of 1no. agricultural steel portal frame shed/barn. For its prior approval to: - Siting, design and external appearance.
Prior Approval Granted 16.02.2022

22/501047/FULL

Retention of marquee to be sited for a period of 3 years for continued use for ancillary purposes to the existing winery site.
Refused 11.05.2022
Appeal Allowed and Notice Quashed 20.03.2023

23/502076/FULL

Retrospective planning application for the addition of timber cladding to the agricultural winery shed/barn approved under 22/500158/AGRIC.
Approved 25.07.2023

Enforcement

23/500048/BOC

Operation of external lighting in Breach of Conditions for permission 19/501653/FULL.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site area is 1.5ha and it forms part of the open countryside to the south-west of the Staplehurst village settlement.
- 1.02 The site is predominantly a winery (was Hush Heath but is now known as Balfour Winery) which consists of processing and bottling areas, a shop and tasting area, bottle storage and other ancillary facilities, including parking. Associated with the application site are some 50 acres of vineyards and 10 acres for apple growing which are harvested to provide wines and ciders to the market including several major supermarket chains and export.
- 1.03 The nearest residential properties are to the NE of the site at Plain Cottages.
- 1.04 Widehurst Wood Local Wildlife Site is in the vicinity of the application site. There are no PROW near to the application site. It lies in Flood Zone 1.

2. PROPOSAL

- 2.01 Planning permission was granted in 2017 under ref 17/502611/FULL for the erection of a new processing hall extension to the existing winery building, including visitor tasting room and administration offices. The permission also included an extension to an existing barn for the storage of bottles. No lighting scheme was provided with that application or required by condition.
- 2.02 Bollard lighting was installed by the site owner and a retrospective application was approved under ref 19/501653/FULL. It included 2 conditions on hours of lighting as follows:

2) The 14 bollard lights to the walkway/car park (drawing no.689/SK/BOLLARD) shall only be used between 1st October and 31 March and shall not be used before sunset or after 19.15 each evening unless required for health and safety purposes for an evening event in accordance with the Premises Licence or a Temporary Events Notice in which case the lights shall be turned off by 23.00.

Reason: In the interest of rural visual amenity.

3) The 10 bollards to the terrace decking (drawing no.689/SK/BOLLARD) shall only be used for an evening event in accordance with the Premises Licence or a Temporary Events Notice and shall not be used before sunset and shall be turned off by 23.00.

Reason: In the interest of rural visual amenity.

- 2.03 The conditions were phrased based on the information given by the applicant at the time which was:

Lighting will be largely limited to the winter months. The car park lights being on a timer and in winter months are activated at dusk and then turned off at 7pm when the last member of staff leaves.

Lighting will not be employed in the summer months or after the clock changes at the end of March.

The lighting around the decked area will only be employed on very limited occasions when an event is held in connection with the site's temporary events licence and would not be used at other times and so has an even lesser use than the car park and access route lighting.

- 2.04 The floodlights on the existing storage building north of the car park were not considered to need planning permission.

- 2.05 It is now proposed to replace and expand that lighting scheme approved in 2019 as follows:

	Proposed	Approved
main winery to car park	13 x 450mm high 8W bollard lights	14 x 500mm high 14W bollard lights (timer controlled)
terrace decking	8 x 450mm 8W bollard lights	10x 500mm high 14W bollard lights (manual controlled)
new agricultural shed/barn	5 x 450mm 8W bollard lights	n/a
pergola	12 x 1W downlights	n/a
building north of car park	6 x 20W floodlights	6 x 50 W floodlights

- 2.06 Hours of lighting are sought until staff or visitors leave on a daily basis. The system will be fitted with failsafe which means lighting turns off automatically at 21:00hrs except when there are evening events or late night working due to harvesting which will have a automatic failsafe of 23:30hrs.

- 2.07 It is also proposed to resurface the tarmac/Type 1 car park with tarmac and drain via 4 drains leading to existing soakaway crates to the west of the car park.

- 2.08 The agent advises that the site owner has re- assessed existing lighting in respect of how the business operates and whether it meet the needs of visitors and staff.

- 2.09 They advise that:

- the existing hardstanding and car parking area is type 1 material with ruts and other imperfections

- Some staff work late especially during harvest so need the car park to be lit for safety.
- All new lighting will have consistent colour temperature of 3000K (warm white).
- The revised lighting design will minimise light spill and has lower Wattages and is more energy efficient
- the 12 recessed spotlights on the pergola will provide a discreet soft light
- Existing light fittings facing the road will be completely removed

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):

Neighbourhood Plan: Staplehurst

Kent Waste and Minerals Plan (amended 2020):

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

4. LOCAL REPRESENTATIONS

Staplehurst PC:

- Upgrade of lighting is against MBC Local Plan DM8
- Car park is not permeable
- Needs an Ecological Survey
- Needs a drainage design scheme
- Previous planning conditions on 19/501653/FULL should be adhered to

Local Residents: 7 objections received from local residents raising the following (summarised) issues

- Introduces unnecessary flood lighting to the car park and downlights to pergola
- Highly obtrusive to dark landscape
- Lighting will be on longer than necessary as most occasions it is closed by around 1800hrs during weekdays
- Do not accept that all the car park building floodlights are historically installed as some postdate 2018.
- Lighting Design document only contains technical information and demonstration of compliance with the ILP Guidance Note for an intrinsically dark landscape (Environmental Zone – E1).
- There is no lighting assessment to support hours of use past 23:00hrs.
- The health and safety case should distinguish between visitors and staff including where both groups would park their vehicles.
- 2017 planning permission for a substantial extension at the winery did not refer to any need for lighting.
- The Premises Licence was varied in September 2020 and the Licencing Sub-Committee was satisfied there was already adequate lighting and no public safety risk in relation to people moving round the site after dark.
- Harm to wildlife including bats, badgers, turtle doves, rare moths, amphibians and reptiles Ecological survey needed as site is close to woodland and

surrounded by farmland being cultivated under DEFRA environmental stewardship schemes designed to increase local biodiversity

- Lighting puts Turtle Dove population at greater risk of predation.
- Tarmac will increase surface water flood risk as land is on heavy Wealden clay
- Needs upgraded drainage system

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)

KCC Drainage

- 5.01 Kent County Council as Lead Local Flood Authority have reviewed the application and regard the development as low risk and are satisfied that the resurfacing plans do not change the site drainage scheme currently in place and the impermeable surface is changing in a marginal way.

KCC Biodiversity

- 5.02 Object- need clear information be provided to show whether there will be a net increase in light spill from the site affecting animals and bats. The applicant should confirm/demonstrate no light spill upon the nearby woodland and no increased lighting to the nearby ponds/hedgerows. The maintenance factor will need to be set to 1 to show the likely light spill on day 1 of operation.

Kent Wildlife Trust

- 5.03 Object: The application site is situated in close proximity to land designated as part of the Widehurst Wood, Marden Thorn Local Wildlife Site (LWS) and as ancient woodland. The LWS is known to provide habitat for priority and protected species including birds, bats, moths, and butterflies which would be impacted by inappropriate lighting schemes. The application site is also situated near to a turtle dove feeding strip which is part of a national threatened species recovery programme. Turtle dove have been recorded close to the application site and within the LWS.
- 5.04 In the absence of an ecological assessment, it is considered that the proposed development will likely have a detrimental impact on those protected and priority species.

6. APPRAISAL

The key issues are:

- Visual Impact
- Biodiversity
- Residential Amenity
- Flood Risk

Visual Impact

- 6.01 Policy DM8 of the MBLP details that proposals for external lighting should demonstrate that the minimum amount of lighting necessary to achieve its purpose is proposed and would not be visually detrimental to its immediate or wider setting,

particularly intrinsically dark landscapes. This reflects the NPPF which seeks to limit light pollution in locations which are intrinsically dark landscapes.

- 6.02 The policy recognises that external lighting can have benefits but that inappropriate and excessive external lighting can be both visually obtrusive and damage rural character. The use of PIR motion sensor lighting is encouraged as it would provide energy efficiency savings.
- 6.03 The visual impact of the bollards and lighting units themselves is not of concern as they are small scale and screened from public vantage points. The lighting itself will be low in height, lower wattages than existing and specifically designed to minimise light spillage. The colour will be 3000K which is a warm white.
- 6.04 The applicant was made aware that a health and safety justification would be needed for extending the hours of lighting into the dark hours of the evening beyond what was previously asked for and approved. To comply with policy DM8, conditions are suggested to limit the hours to those commensurate with evidenced health and safety issues for that part of the site. Essentially staff will turn off the lights when they leave the premises and failsafe automated mechanisms will be in place to turn off the lights should they staff not turn out the lights manually.
- 6.05 A condition is suggested that the new car park floodlights be PIR movement sensitive and the applicant has agreed to remove floodlights on the north facing side of the car park storage building that face Five Oak Lane.

Biodiversity

- 6.06 Policy DM8 of the MBLP states that lighting proposals that are within or are near enough to significantly affect areas of nature conservation importance will only be permitted in exceptional circumstances. Protected species, such as bats, tend to avoid well-lit areas and lighting schemes should ensure that ecological issues are fully considered in their design.
- 6.07 At its nearest, the site is SW of Widehurst Wood LWS but is separated by buildings within the winery site and intervening dwellings at Plain Cottages and it is not considered that there would be a significant effect on it from the new lighting and it should benefit from the permanent removal of existing floodlights on the front of the car park storage building that faces Five Oak Lane.
- 6.08 Compared to the lightning scheme in situ, the colour tone of the lighting is more appropriate for ecology and the application is accompanied by lighting contour plans that indicate no light spillage outside the site. The new lighting is lower wattage and specifically designed to minimise light spillage compared to the lighting bollards in situ that will be replaced. Submitted lighting contour plans demonstrate that there will be no light spill upon the nearby woodland and no increased lighting to the nearby ponds/hedgerows.
- 6.09 It is accepted that there will be more lighting units to reflect the need to light an additional walkway to the newly erected building within the winery but, on balance, the overall change is considered to be at least neutral.
- 6.10 Notwithstanding, as mentioned above, conditions are suggested to control the times of lighting to minimise unnecessary lighting late at night.

Residential Amenity

- 6.11 Policy DM1 of the MBLP refers to respecting the amenities of occupiers of neighbouring properties and uses. In this case, the dwellings in the vicinity are

screened from the lighting by existing buildings in the winery and there is not considered to be any breach of policy.

Flood Risk

- 6.12 The site is in Flood Zone 1 but there are issues of surface water flooding from the geology of the area.
- 6.13 Technically the tarmac proposed to be added to the car park is less permeable than the Type 1 aggregate existing. However, in this case, compacted Type 1 material is largely impermeable due to the underlying clay. KCC Drainage initially had concerns but are now satisfied that the additional area to be surfaced with tarmac is relatively limited and will drain within the site to adequate existing soakaway crates.

PUBLIC SECTOR EQUALITY DUTY

- 6.14 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 replacement lighting scheme includes more lighting units but ones that are much more sensitively designed for the location in terms of visual impact and biodiversity due to minimising light spill, lower wattages and colour temperature. The replacement floodlights to the car park storage building will be movement triggered (PIR).
- 7.02 A condition is suggested to secure removal of floodlights that face north towards Five Oak Lane and to prevent additional lights being added in the future without planning permission.
- 7.03 Conditions limit the hours of use to when staff or visitor are on site and will be manually turned off with automated fail safe cut off at set times.
- 7.04 The time of lighting for each part of the site are commensurate with evidenced health and safety issues for that part of the site.
- 7.05 There are not considered to be any concerns in terms of harm to residential amenity or flood risk
- 7.06 On balance, the overall change is considered to be at least neutral and would comply with Policy DM8.

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 shall be carried out in accordance with the following:
2045/L/01 Proposed Block Plan - External Works Layout received 04.10.23
2045/PL/02 Lighting Assessment by KSR P2023-0474A
Lighting Specification Floodlight FL02
Lighting Specification Recess Lights GL019
Lighting Specification Calanda Bollard 450mm
Reason: For the avoidance of doubt.
- 3) Within 1 month of first use of the lighting scheme hereby approved, the floodlights facing north towards Five Oak Lane on the building north of the car park will be permanently removed. Other than hereby approved, no further floodlights shall be installed to that building except in accordance with details hereby approved or that have been submitted to and approved by the Local Planning Authority beforehand.
Reason: In the interest of rural visual amenity and ecology.
- 4) The existing lights approved under 19/501653/FULL shall be disconnected and use ceased within 1 month of the first use of the lighting scheme hereby approved (if not disconnected beforehand).
Reason: In the interest of rural visual amenity.
- 5) The access lighting (zone 1) shall be switched off manually by the last member of staff leaving and shall be fitted with a failsafe/cut off to ensure all access lights are off by 21:00hrs (except for grape harvest periods, Friday and Saturday evenings or evening events in accordance with the Premises Licence or a Temporary Events Notice, when the failsafe/cut off will ensure lights are off by 23:30hrs instead).
Reason: In the interest of rural visual amenity.
- 6) The decking lights (zone 2) shall only be on for Friday and Saturday evenings (as permitted by the alcohol licence) or for an evening event in accordance with the Premises Licence or a Temporary Events Notice. These lights shall be manually switched off by the last staff member and shall have a 23:30 failsafe/cut off to ensure all lights are switched off by this time.
Reason: In the interest of rural visual amenity.
- 7) The lighting to the car park storage building (zone 3) will be fitted with PIR sensors during hours of operation. The lighting shall be manually turned off by the last staff to leave the site and shall be fitted with a failsafe/cutoff to ensure all lights are off by 23:30hrs.
Reason: In the interest of rural visual amenity.

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 23

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 19TH October 2023**

APPEAL DECISIONS:

1. **22/502272/LDCEX** **Lawful Development Certificate to establish the existing use of the field as garden for more than 25 years.**

APPEAL: Dismissed

Field Adjoining Foley Farmhouse
Lower Street
Leeds
Kent
ME17 1TL

Delegated

2. **22/501301/FULL** **Conversion of existing barn together with the erection of a single storey extension and changes to fenestration to create an independent residential dwelling (Retrospective).**

APPEAL: Allowed

The White House Barn
Heath Road
Boughton Monchelsea
Kent
ME17 4JE

Delegated

3. 22/501761/FULL Erection of 2no. floodlit padel tennis courts, including erection of canopy over one court.

APPEAL: Allowed

Marden Sports Club
Maidstone Road
Marden
Kent
TN12 9AG

Delegated

4. 22/500119/FULL Retrospective application for the change of use to garden land and the erection of 1no. outbuilding to house home gym with associated decking, patio and hot tub area.

APPEAL: Dismissed

Cliff House
Cliff Hill
Boughton Monchelsea
Maidstone
Kent
ME17 4NQ

Committee overturn

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5. **22/503565/FULL** **Demolition of the existing farm house and outbuilding, and erection of 4no. new residential dwellings with associated private amenity space, landscaping and parking.**

APPEAL: Dismissed

Woodford Farm
Maidstone Road
Staplehurst
Tonbridge
Kent
TN12 0RH

Delegated

6. **22/505677/FULL** **Erection of two storey rear extension, single storey rear extension, loft conversion, front porch extension and detached two bay car port with attached storage**

APPEAL: Dismissed

Horseshoe House
Dean Street
East Farleigh
Kent
ME15 0PU

Delegated

7. 23/501710/FULL **Erection of a part two storey/part single storey rear extension, two storey front extension and new front porch, installation of solar panels on the roof to the rear elevation and erection of a detached two bay car port with attached storage.**

APPEAL: Allowed

Horseshoe House
Dean Street
East Farleigh
Kent
ME15 0PU

Delegated

8. 22/504135/FULL **Erection of a new detached dwelling with associated parking, residential amenity space and landscaping.**

APPEAL: Dismissed

26 Douglas Road
Maidstone
Kent
ME16 8ER

Delegated

9. 22/505909/FULL **Erection of a detached Garage.**

APPEAL: Dismissed

12 Wents Wood
Weaving
Maidstone
Kent
ME14 5BL

Delegated

10. 22/502753/FULL **Retrospective application for temporary change of use of land to residential garden and stationing of a mobile home for ancillary use.**

APPEAL: Dismissed

1 Rose Cottages
Lenham Forstal Road
Lenham Heath
Kent
ME17 2JL

Delegated

11. 18/500353/OPDEV **Change of use of the land for storage and the siting of 2 no. storage containers, 2 no. metal containers with a lean-to timber structure attached, a partly erected building, storage of materials and laying of hardstanding.**

APPEAL: Dismissed enforcement notice upheld

Land To West Of Pear Tree Row
Sutton Road
Langley
Maidstone
Kent
ME17 3NF

12. 22/502176/FULL **Erection of three detached dwellings. Creation of a new access. (Resubmission of 21/504810/FULL)**

APPEAL: Dismissed

School House
Ashford Road
Harrietsham
Maidstone
Kent
ME17 1AJ

Committee
