

# PLANNING COMMITTEE MEETING

Date: Thursday 15 February 2024  
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.*

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## AGENDA

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1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 22 February 2024
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 18 January 2024 1 - 4
11. Presentation of Petitions (if any)
12. Deferred Items 5 - 6
13. 23/505731/FULL Mote Road Car Park, Mote Road, Maidstone, Kent 7 - 28

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**Issued on Wednesday 7 February 2024**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

14.	20/505751/EIFUL Reed Court Farm, Hunton Road, Marden, Tonbridge, Kent	29 - 60
15.	23/504779/FULL Cocketts, Bimbury Lane, Stockbury, Sittingbourne, Kent	61 - 71
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17.	23/505157/FULL Farleigh Forge Garage, Lower Road, East Farleigh, Maidstone, Kent	84 - 100
18.	24/500047/DEMREQ Former Royal Mail Sorting Office, Sandling Road, Maidstone, Kent	101 - 108
19.	23/504980/FULL Maidstone Innovation Centre, Gidds Pond Way, Weaving, Kent	109 - 114
20.	23/504118/FULL Hook Farm, Kings Lane, Marden, Kent	115 - 126
21.	23/503936/FULL The Old Stable, Dunn Street Road, Bredhurst, Gillingham, Kent	127 - 139
22.	23/501635/FULL Chickenden Barn, Chickenden Lane, Staplehurst, Tonbridge, Kent	140 - 164
23.	Appeal Decisions	165 - 170

#### **PLEASE NOTE**

**Due to the size of the agenda, the following items will be rolled over for consideration at the adjourned meeting of the Committee scheduled to be held on Thursday 22 February 2024 together with any other unfinished business:**

**23/504980/FULL - Maidstone Innovation Centre, Gidds Pond Way, Weaving, Kent**

**23/504118/FULL - Hook Farm, Kings Lane, Marden, Kent**

**23/503936/FULL - The Old Stable, Dunn Street Road, Bredhurst, Gillingham, Kent**

**23/501635/FULL - Chickenden Barn, Chickenden Lane, Staplehurst, Tonbridge, 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, please call 01622 602899 or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 4 p.m. on Wednesday 14 February 2024. You will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated for each application on a first come, first served basis.**

**If you require this information in an alternative format please contact us, call 01622 602899 or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk)**

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## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON THURSDAY 18 JANUARY 2024**

##### **Attendees:**

<b>Committee Members:</b>	<b>Councillor Spooner (Chairman) and Councillors Cox, English, Mrs Gooch, Harwood, Jeffery, Kimmance, McKenna, Perry, Riordan, Russell and D Wilkinson</b>
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206. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Holmes.

207. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members present.

208. NOTIFICATION OF VISITING MEMBERS

Councillor Munford was present as Visiting Member for Item 15 – Cliff House, Cliff Hill, Boughton Monchelsea, Maidstone, Kent and Item 16 – Land at Lewis Court, Green Lane, Boughton Monchelsea, Maidstone, Kent.

209. ITEMS WITHDRAWN FROM THE AGENDA

There were no items withdrawn from the agenda.

210. URGENT ITEMS

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

211. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

212. DISCLOSURES OF LOBBYING

All Members stated that they had been lobbied on Item 16 (23/504867) Land at Lewis Court, Green Lane, Boughton Monchelsea, Maidstone, Kent) except for Councillor Perry.

213. EXEMPT ITEMS

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

214. MINUTES OF THE MEETING HELD ON 14 DECEMBER 2023

**RESOLVED:** That the Minutes of the meeting held on 14 December 2023 be approved as a correct record and signed.

215. PRESENTATION OF PETITIONS

There were no petitions.

216. DEFERRED ITEMS

The Head of Development Management advised the Committee that negotiations were ongoing on the deferred Items.

217. 23/504516/FULL LEEDS AND BROOMFIELD CRICKET CLUB, BURBERRY LANE, LEEDS, MAIDSTONE, KENT, ME17 1RH

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

**RESOLVED:**

1. That permission be granted subject to the conditions in the report, and
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: 12 – For 0 – Against 0 – Abstentions

218. 23/502677/FULL 3 WOODLANDS, BOXLEY, KENT, ME5 9JX

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

Councillor Steve Mayes of Boxley Parish Council addressed the meeting.

Mr Ralph Cooley, for the applicant, addressed the meeting.

**RESOLVED:**

1. That permission be granted subject to the conditions set out in the report with:  
  
The strengthening of condition 2 (Landscape) to extend the planting season from October to March.
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: 12 – For 0 – Against 0 – Abstentions

219. 23/504867/FULL LAND AT LEWIS COURT, GREEN LANE, BOUGHTON MONCHELSEA, MAIDSTONE, KENT, ME17 4LF

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

Mr Dan Sumner, an objector, addressed the meeting.

Councillor Stewart Lane of Boughton Monchelsea Parish Council addressed the meeting.

Mr Matthew Blythin, for the applicant, addressed the meeting.

Councillor Munford (Visiting Member) addressed the meeting.

**RESOLVED:**

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

The strengthening of condition 10 (Energy Efficiency) to require the installation of air source heat pumps into each dwelling.

An additional condition to require the submission and approval of a construction management plan prior to the commencement of development.

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

Voting:        8 – For        4 – Against    0 – Abstentions

220. 23/504913/FULL CLIFF HOUSE, CLIFF HILL, BOUGHTON MONCHELSEA, MAIDSTONE, KENT, ME17 4NQ

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

Councillor Stewart Lane of Boughton Monchelsea Parish Council addressed the meeting.

Councillor Munford, a Visiting Member, addressed the meeting.

Contrary to the recommendation of the Head of Development Management, the Committee resolved to refuse permission. In making the decision the Committee considered that:

- Contrary to policy DM33 of the Local Plan, the proposal would disturb the open countryside from associated activity and paraphernalia.

**RESOLVED:** That permission be refused and that the Head of Development Management be given delegated powers to finalise the reasons for refusal based on the issues summarised above.

Voting: 11 – For 1 – Against 0 – Abstentions

221. APPEAL DECISIONS

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

In response to a question, the Head of Development Management stated that it would be appropriate for a supplementary planning document to be explored on landscape impact.

**RESOLVED:** That a reference be sent to the Cabinet Member for Planning, Infrastructure and Economic Development on a supplementary planning document on further landscaping conditions on planning applications where landscaping had been previously removed.

222. DURATION OF MEETING

6.00 p.m. to 7.58 p.m.

## MAIDSTONE BOROUGH COUNCIL

### PLANNING COMMITTEE

**15 FEBRUARY 2024**

### REPORT OF THE HEAD OF DEVELOPMENT MANAGEMENT

#### DEFERRED ITEMS

The following applications stand deferred from previous meetings of the Planning Committee. The Head of Development Management will report orally at the meeting on the latest situation.

<b>APPLICATION</b>	<b>DATE DEFERRED</b>
<p><u>21/503412/FULL - ERECTION OF 8 NO. FULL MASTS AND 4 NO. LOWER MASTS FLOODLIGHTING TO SERVE THE SPORTS PITCHES - MARDEN SPORTS CLUB, MAIDSTONE ROAD, MARDEN, KENT</u></p> <p>Deferred to:</p> <p>Assess the cumulative impact of the existing lighting, the lighting for the proposed padel courts and the lighting associated with this application;</p> <p>Seek night-time photographs to see what the existing lighting looks like;</p> <p>Seek details of a landscape scheme;</p> <p>Seek details of the boundary treatments, including the acoustic fencing (height etc.) and bund to assess the visual impact and also to understand the planning status of the bund and fencing;</p> <p>Seek up to date ecological information (including a bat survey) and an assessment of biodiversity net gain; and</p> <p>Seek more information about the light spectrum proposed as the red end of the spectrum is less intrusive.</p>	<p>19 October 2023 adjourned to 26 October 2023</p>
<p><u>23/503671/FULL - DEMOLITION OF EXISTING HOUSE AND OUTBUILDING. ERECTION OF 2 NO. DWELLINGS INCLUDING EXTENSION OF EXISTING CROSSOVER AND ASSOCIATED PARKING - MONTROSE, SUTTON ROAD, LANGLEY, MAIDSTONE, KENT</u></p>	<p>14 December 2023</p>

Deferred to:

Negotiate with the applicant regarding the architectural quality of the development and to retain the landscape character;

Seek a condition that retains cordwood from tree felling;

Amend condition 5 (biodiversity) to seek a biodiversity net gain of 20%; and

Amend condition 6 (ecology) to remove the word 'not' from the first sentence, to read "The development hereby approved shall only proceed (including site clearance), in accordance with the advice in the Preliminary Ecological Appraisal (Arbtech, May 2023)."



Ordnance Survey - data derived from OS Premium

**23/505731/FULL Mote Road Car Park, Mote Road, Maidstone, Kent**

Scale: 1:2500

Printed on: 5/2/2024 at 11:53 AM by JoannaW



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**REPORT SUMMARY**

<b>REFERENCE NUMBER:</b> 23/505731/FULL		
<b>APPLICATION PROPOSAL:</b> Section 73 - Application for minor material amendment to approved plans condition 2 (to allow revision to residential mix whilst retaining 172no. units; revision of location and quantum of commercial use; internal reconfiguration to cores of block A and B to account for fire safety; reduction in height of block B by 1no. Storey; removal of basement to block B; reconfiguration of refuse and cycle storage; fenestration alterations to block A and B with associated amendments to landscaping and parking) pursuant to 20/505707/FULL for - Demolition of Shandon House and redevelopment of the site and adjacent private car park with two buildings comprising of 172no. residential apartments and 1169sqm commercial space, public realm and landscaping, new access and 47no. parking spaces, drop off bays, service/delivery bay and cycle parking with associated ground works.		
<b>ADDRESS:</b> Mote Road Car Park Mote Road Maidstone Kent		
<b>RECOMMENDATION:</b> The Committee delegate approval to Officers to grant conditional planning permission subject to the conditions listed below.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b>  The Application Site is allocated for residential-led mixed-use development in the adopted Maidstone Borough Local Plan 2017 under Policy RMX1(6) and is identified as one of five key Town Centre Opportunity Sites.  The overall site has been under-utilised for a number of years and the mix of uses proposed will contribute positively towards the vitality of the town centre and make a significant contribution to housing needs on a highly sustainable brownfield site that has good access to public transport and a wide range of local services.  The proposed application has been formulated through a planning performance agreement comprising of pre-application meetings and was subject to a constructive Member briefing in January 2024.  The scale of the proposed buildings are considered to respond to the wider townscape setting. The minor material amendment reduces the height of the development, whilst also increasing the use of vernacular materials.  The changes would have a positive impact on the setting of the listed terraced buildings to the north. The detailed design and the proposed materials are considered to be of a high quality and appropriate for what will be a prominent town centre development.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Revision of a scheme previously presented to Planning Committee.		
<b>WARD:</b> High Street	<b>PARISH/TOWN COUNCIL:</b>	<b>APPLICANT:</b> Strawberry Star SL2 Ltd  <b>AGENT:</b> Robinson Escott Planning
<b>CASE OFFICER:</b> Sean Scott	<b>VALIDATION DATE:</b> 22/12/23	<b>DECISION DUE DATE:</b> 22/03/24
<b>ADVERTISED AS A DEPARTURE:</b> No		

**Relevant Planning History**

20/505707/FULL - Demolition of Shandon House and redevelopment of the site and adjacent private car park with two buildings comprising of 172no. residential apartments and 1169sqm commercial space, public realm and landscaping, new access and 47no.

parking spaces, drop off bays, service/delivery bay and cycle parking with associated ground works - Approved 22.07.2022

20/505293/ENVSCR - EIA Screening Opinion for scheme comprising the residential led development of 170 no. units, plus commercial floor space, landscaping/public realm and car parking - Environmental Impact Assessment Not Required 24.11.2020

23/504530/SUB - Submission of details pursuant to condition 26 (Demolition & Construction Environmental Management Plan) of application 20/505707/FULL - Pending Consideration

23/504907/SUB - Submission of details pursuant to condition 4 (Remediation Method Statement) in relation to planning permission 20/505707/FULL - Pending Consideration

23/504908/SUB - Submission of details pursuant to condition 3 (Written Scheme of Investigation for an Archaeological Evaluation) in relation to planning permission 20/505707/FULL - Pending Consideration

23/505531/SUB - Submission of detail to discharge condition 17 - Car Park Management Plan, Subject to 20/505707/FULL - Pending Consideration

24/500240/SUB - Submission of details to discharge condition 24 - Sustainable Surface Water Drainage Scheme, subject to 20/505707/FULL - Pending Consideration

The Council is in receipt of a Non-Material Amendment application to amend the description of development as detailed under this application and permission ref. 20/505707/FULL. The change seeks to remove the reference to quantum of floorspace for the commercial use and instead proposed reduced area as set out in the Proposal section of this report – the revised quantum would be secured by condition. Should the committee resolution be to approve, then the NMA would be decided prior to issuing a final decision for this application.

For clarity, the extant planning permission under ref. 20/505707/FULL will be referred to hereafter as the Original Permission.

## **MAIN REPORT**

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

- 1.01 The site lies on the southern fringe of the town centre. It is irregular in shape and measures a circa 0.4 hectares (ha). The principal Road frontage is to Wat Tyler Way and the junction with Mote Road. The site lies very close to the heart of the town centre which has a wide range of retail and service uses and has very good accessibility to a range of public transport options.
- 1.02 The majority of the site is laid out as a private car parking. It was previously let to occupiers of adjacent office buildings but has had limited use in recent years due to the buildings being converted into residential uses. The eastern-most part of the site is occupied by Shandon House, a small office building fronting Padsole Lane. Generally, the site in its current form is considered to detract from the character and appearance of the area.
- 1.03 The surrounding area contains a mix of uses, although with the conversion of the former office buildings through permitted development rights, the balance has recently shifted towards residential.
- 1.04 There are no heritage assets on the site, although immediately to the north lie 1-10 and 11-14 Romney Place; two terraces of offices that are Grade II listed. The site is not within a conservation area, although the Town Centre Conservation Area lies

circa 55 metres to the east. The relationship of the proposal to these and other heritage assets is assessed later in the report.

- 1.05 Further north beyond Romney Place lies the bus station with multi-storey car park above and the large surface car park for the Sainsbury store. A low-rise depot building abuts the application site to the north-east.
- 1.06 To the east and west of the site lie a cluster of tall buildings, including Miller House (12 storey), Kent and Medvale House (8) and Midhurst Court (14).
- 1.07 Moet Road marks a change in both land use and scale/grain between the former commercial areas of the town centre to the North and the residential hinterland to the South, where buildings are typically 3 storeys in height.
- 1.08 Due to the wide nature of Wat Tyler Way, where it widens to 5-6 lanes adjacent to the site, the closest buildings facing across it have separation distances of between circa 30-50 metres.
- 1.09 The existing site frontage is currently screened by a blank expanse of fencing that detracts from the character and appearance of the area and results in a poor quality environment for pedestrian movement.

## **2. BACKGROUND & PROPOSAL**

- 2.01 The Original Permission to which this application relates (ref. 20/505707/FULL, dated 22 July 2022) was for:

*"Demolition of Shandon House and redevelopment of the site and adjacent private car park with two buildings comprising of 172no. residential apartments and 1169sqm commercial space, public realm and landscaping, new access and 47no. parking spaces, drop off bays, service/delivery bay and cycle parking with associated ground works".*

- 2.02 This application seeks to make minor material amendments under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary Condition 2 (approved plans). The following amendments are proposed:
  1. Reduction to quantum of commercial space by 500SQM (1169 SQM to 669 SQM).
  2. Removed 1 storey of height from Block B (approximately a 3 metre reduction)
  3. Change to residential unit mix, noting that the number of units will remain at 172 – the following changes are proposed:
    - reduce the number of 1 bed (1 Person) units from 8 to 5;
    - increase in 1 Bed (2 Person) units from 70 to 77; and
    - reduction in 2 Bed units from 84 to 80.
  4. Removal of the basement from under block B: this means that bin stores would be sited in the Basement of Block A and cycle parking would be moved to the Ground Floor of Block A.
  5. External substation added to facilitate statutory requirements for access
  6. Various changes to the façade and internal layout to include:
    - A. Change in materials on ground floor to ragstone, with first floor being changed to brick to match the remainder of blocks A and B.
    - B. Improvements to the tops of the building to include metal balustrades on roof terraced and additional brick course features with revised coping.
    - C. Balcony mesh changed to matching colour metal rail balustrade

- D. Metal spandrel panels replaced with clear glazing
- E. Glazing added for ground floor commercial unit and louvre doors added to the northern elevation of Block B – with some louvres being omitted from Block A.
- F. Ground level access revised to Blocks A and B – more prominent entrance and located opposite each other from the landscaped gardens.
- G. Vehicle opening reduced in size and replaced with brickwork on the northern elevation.
- H. General changes to windows for the following reasons:
  - Some sizes revised due to fire regulations
  - some windows replaced with metal cladding due to overlooking issue.
  - Windows added to suit revised layout
  - Window mesh changed to matching colour glazing panel
- I. Cycle store relocated from the lower ground level of blocks A & B and relocated to the Ground Floor of Block A.
- J. Core layout revised: this includes rearranging the corridor of Block A to give residents access to two stair cores, to align with Building Regulations.

2.03 When the Original Permission was presented to Planning Committee there was an expectation that the top and the base of the buildings would be further enhanced as per the Committee resolution. However, this was not progressed prior to the decision being issued rather a condition was attached. Therefore, officers have engaged positively with the applicant through a planning performance agreement to further progress the design of the building including this issue and the changes are reflected in this amended proposal.

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

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan (2017) (MBLP): Policies SS1, SP4, SP19, SP20, SP21, RMX1(6), DM1, DM2, DM4, DM5, DM6, DM12, DM16, DM19, DM21, DM23

Kent Waste and Minerals Plan (amended 2020)

Maidstone Local Plan Review (Regulation 22): LPRSS1, LPRSP7(D), LPRSP11, LPRSP11(B), LPRSP12, LPRSP13, LPRTRA2, LPRSAEmp1

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 have been put 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.

3.01 Supplementary Planning Documents:

- Mote Road Planning Guidelines, which were approved by the SPI Committee in 2019 and published in January 2020.

- Kent and Medway Structure Plan 2006 Supplementary Planning Guidance (SPG4): Vehicle Parking Standards
- Maidstone Building for Life 12 (2018)

#### **4. LOCAL REPRESENTATIONS**

4.01 No representations have been received from local residents and the site does not sit within a Parish Council boundary.

#### **5. CONSULTATIONS**

##### Kent County Council – Flood and Water Management

5.01 No objection

##### Kent County Council – Highways and Transportation

5.03 No objection

##### Environmental Protection EP

5.04 No objections have been raised subject to inclusion of planning conditions:

- It is the case that the previously recommended conditions from the Original Permission will be carried over. In addition there is an update to a noise condition and a new condition for details of extraction. Two informatives have also been recommended.

##### KCC Ecology

5.05 No objection.

##### Kent Police – Designing Out Crime Officer (DOCO)

5.06 No objection subject to conditions for Secure by Design.

5.07 MBC Heritage Officer

5.08 No objection

#### **6. APPRAISAL**

6.01 The key issues are:

- The Principle of Development
  - Commercial
  - Residential
  - Affordable Housing
- Townscape / Landscape / Open Space
- Heritage
- Parking
- Other Matters

##### **The Principle of Development**

6.02 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. It is a core principle that the planning

system is plan-led. The Maidstone Borough Local Plan 2017 (MBLP) is the principal Development Plan Document and in the context of these proposals it is up-to-date and must be afforded significant weight.

- 6.03 The core focus of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development and for decision-taking this again means approving development that accords with the development plan.
- 6.04 The site is located within the designated Maidstone urban area. Maidstone Borough Local Plan 2017 (MBLP) Policy SS1 states “...*Maidstone urban area will be the principal focus for development in the borough. Best use will be made of available sites within the urban area*”.
- 6.05 The NPPF also places an emphasis upon the use of brownfield land, it also states that “*good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*”. It is therefore clear that good design is an essential requirement of any scheme that seeks to deliver sustainable development.
- 6.06 Policy SS1 of the Local Plan sets out the broad sustainable development strategy for the Borough and states that the Maidstone urban area will be the principle focus for development, with the best use made of available sites. It also states that the town centre will be the focus for regeneration. (The site falls within the town centre as defined under policy SP4.)
- 6.07 Policy SP1 seeks to respect and deliver the ‘Spatial Vision’ set out in the Local Plan. The Spatial Vision states that sustainable growth should be delivered alongside, where relevant:
- protection of the Borough’s built assets, including heritage assets
  - creating an enhanced and exceptional urban environment
  - securing high quality sustainable design and construction
  - ensuring that development is of a high quality design and makes a positive contribution to the area.
- 6.08 The Local Plan’s vision for the town centre, which is reinforced through Policy SP4 sets out a number of objectives to which the proposed scheme responds positively, including the provision of enhanced public realm and ensuring that development is of a high quality design and makes a positive contribution to the character and function of an area.
- 6.09 The site is located within a highly sustainable location with pedestrian and cycle access to a wide range of services and amenities. The location also offers access to a range of public transport options, with the Bus Station in particular being in very close proximity and all three rail stations within a reasonable walking distance.
- 6.10 As an under-utilised brownfield site, the Application Site is a priority for regeneration, as reflected in both the site allocation policy RMX1(6) and the Council’s ‘Opportunity’ site brief. The principle of a development that follows the site allocation policy and respects the above principles is therefore in accordance with the development plan and the NPPF.

#### *Commercial Uses*

- 6.11 The proposed use of the commercial space would be for offices falling within Use Class E(g)(i) and this is unchanged from the original permission. Compared with the original permission, the quantum of office space would be reduced from 1169 sqm to 726 sqm (a loss of 443 sqm / 47%).

- 6.12 It is acknowledged that the quality of the office stock in Maidstone town centre has been in decline for a number of years and that there is very limited availability of modern, sustainable, good quality premises; particularly those suited to smaller enterprises. As per MBLP Policy RMX1(6), both the site allocation policy and the site brief seek to target a minimum of 2,000 sqm of office space (Use Class E(g)(i)), but in doing so recognise that this may be subject to site specific and deliverability constraints.
- 6.13 The proposal incorporates commercial floorspace in blocks A and B on the ground floor. The accommodation is designed to have a strong visible presence to Mote Road / Wat Tyler Way and with associated public realm enhancements.
- 6.14 In total there are 3 units of similar sizes and they appear to have a flexible configuration that is likely to meet the requirements of small to medium sized businesses.
- 6.15 It is the case that the site would fall significantly short of the indicative figures in the site allocation. However, the viability of the proposed scheme is an issue, and the office market remains challenging. The LPR draft policy refers to the “aspiration” of the stated commercial floorspace quantum and flags up viability as an issue. This Council accepted there was a significant viability problem when it resolved to grant planning permission with the provision of zero affordable units despite this being a top priority and so, implicitly, the Council accepted a very fine profit margin and construction costs have continued to increase. Therefore, officers remain satisfied that despite the smaller commercial footprint, the reduction is acceptable. An appropriately worded condition which would secure the use and quantum of floorspace has been suggested.

*Residential*

- 6.16 The delivery of new homes to meet local needs is both an MBC and Government priority. The site allocation forms part of the adopted Local Plan’s housing delivery strategy.
- 6.17 The principle of residential development and the optimisation of the site therefore accords with policy SS1 and will make a valuable contribution to the Council’s sustainable spatial strategy. The town centre is identified as a location that is suited to smaller household sizes.
- 6.18 The proposed unit mix is (B= no of bedrooms / P= persons):

Residential Accommodation Comparison					
Approved Residential Accommodation			Proposed Residential Accommodation		
1B 1P	8	5%	1B 1P	5	3%
1B 2P	70	41%	1B2P	77	45%
2B 3/4P	84	49%	2B3/4P	80	47%
3B 5P	10	6%	3B5P	10	6%
Total	172	100%	Total	172	100%

- 6.19 It is important to note that the number of residential units remains unchanged from the Original Permission. The loss of one storey to Block B and a reduction to commercial space allows for larger units to be accommodated as well as improvements in compliance to Building Regulations. The proposal shows an increase in the number of larger 1 bed units and reduces the number of smaller 1 bed units. MBLP Policy SP19 clearly seeks to achieve sustainable mixed

communities and this change is considered to be a minor benefit to the scheme. Smaller 1 bed units do not support the long-term accommodation needs of most people and can therefore lead to more transient populations. Therefore, the proposed mix is considered to be more supportive of stable communities.

- 6.20 Maidstone's SHMA indicates that in the town centre there is more demand for one and two bedroom properties. It is noted that demand for family accommodation in the central area of the town is lower than the wider urban area and villages, it is considered that the overall mix proposed is appropriate for this location.

*Extant Planning precedent*

- 6.21 The site benefits from an extant permission, (20/505707/FULL) as approved on 24 November 2020. With the exception of the reduced height and some facade changes, the remainder of the site, is remarkably similar to the approved when viewed externally. Officers recognise that the proposed use and the parameters of the existing development give support to the proposal in regard to the principle of development. It is also considered that the premise of a minor material amendment under Section 73 is appropriate. However, a procedural point is being addressed in regards to the description of development to capture the reduction in office space. As the planning history shows this is being dealt with under a Non-Material Amendment application under Section 96A.

- 6.22 Therefore, the proposed residential mix is considered to be acceptable.

- 6.23 Overall, it is considered that the principle of development is acceptable, this is subject to a condition to secure the office use and the quantum of floorspace.

**Townscape / Landscape / Open Space**

- 6.24 Policy DM1 of the MBLP requires high quality design, responding positively to, and where possible enhancing, the local or historic character of the area with particular regard to vernacular materials.
- 6.25 NPPF paragraph 135 states that LPAs should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.

*Townscape (character and appearance)*

- 6.26 Since the approval of the Original Permission, the ownership of the site has changed. The applicant is seeking to respond to changes in building regulations as well as reducing the commercial element of the proposal. As a result, there is a reduction in the height of Block B by one storey, (approximately 3 metres).

- 6.27 Due to these changes, the opportunity has arisen to make further refinements to the design of the buildings. The most notable changes are summarised in turn below:

- The top:
  - For both buildings the top contains additional brick coursing, strengthening the appearance of the building. In addition, the lower roof terraces incorporate metal balustrading. It is understood that this can be finished in an aged copper finish. Should the proposal be minded for approval, a condition is recommended to further progress and refine the tops and material finishes to achieve a high quality finish, this will include specific reference to copper rather than a 'copper finish' which is both vague and weak. The metal copper is required here because of its high quality for what is a development of significant scale.

- The Middle:
  - Balconies:
    - the balustrades have been redesigned to include railings rather than mesh. The reasoning for this is for durability and ease of maintenance/cleaning. The applicant has indicated contrasting finishes for each building, giving more visual interest, with balustrading in an 'aged copper' or grey finish.
    - The applicant has confirmed that the undersides of the balconies would be capped off with flush panelling, this was not originally proposed and is an important feature given their projection and the height of the buildings. Overall, this gives a higher quality and seamless finish.
    - Should the application be approved, a condition is proposed to secure the appropriate finishes.
  - Window panelling: The new proposal reduces the expanse of blank panelling, with glazing which makes the appearance of the buildings less solid. It is also noted that some glazing or panelling has been omitted and has been replaced with 'tax windows', which appear as recessed bricked up windows. Officers consider the approach to glazing as acceptable and it does not detract from the originally conceived design concept for the development.
- The base:
  - The ground and first floor elevations of the Original Permission comprised mostly grey brick, with a stone plinth. The ground floor level would be clad in ragstone, with a smooth finish. The resulting effect is that there would be a higher quality treatment to the base of the building and also a contemporary nod to the vernacular materials.
  - Fenestration amended on the ground floor:
    - Window bars have been included to allow for the proportions of the windows to echo those on the floors above, which have a more vertical emphasis.
    - The entrances to the residential accommodation are larger and have greater prominence, resulting in a more legible and welcoming development. The entrances for both blocks are aligned to be opposite one another across the landscaped gardens clearly defining the residential zones.
    - The cycle store has been moved from basement locations to the ground floor. While this space is located only in Block A, this appears to be a more accessible location overall and gives cycling more prominence in this sustainable location.
    - Expanses of louvered doors have been removed from more prominent areas and shifted to the north, the least visible location. There appears to be a greater level of glazing and the overall effect is that the development would have a more active frontage, forming a better relationship with the street.

- The double height vehicular entrance on the Lower Ground level of block A has been reduced in height and width, with the void being replaced by brickwork.
- 6.28 For access requirements, the substation would be located to the north-eastern extent of the site. This is an area set back off the road and the landscaping plan shows that soft landscaping and trees in front, where the site meets the road. The substation is relatively modest in size, being just [2.55m (H) x 3m (W) x 3m (D) set in in a clear 5x4m area] and the drawings indicate that there would be a timber surround. Officers have some concerns about the execution of the substation surround and should the application be minded for approval recommend a condition for details of the design.
- 6.29 Overall, it is considered that the proposed design changes would have a positive impact when compared with the Original Permission. Officers are satisfied that the new proposal would result in a higher quality finish to the development and would better reflect the surrounding townscape, largely due to the reduction in height and more prominent inclusion of vernacular materials.
- 6.30 As is often the case with major developments, it is necessary to apply conditions to allow for the evolution of the design and to ensure a quality finish is secured and maintained. Should permission be granted, the following conditions are suggested:
- Material Details
  - Detailed design (including details of balconies)
  - Bay Studies
  - No rainwater pipes, vents, flues or grills other than those shown on the approved plans
  - Details of substation enclosure

*Landscape/Open Space*

- 6.31 It is the case that the same area of open space would be available, as per the Original Permission.
- 6.32 The proposal shows that there are some changes to the location of trees within the ground floor landscaping and it is noted that the number of trees would remain the same. This is understood to be a consequence of the new architect undertaking a technical review of the scheme, so the trees are now proposed in locations that work for planting and where they can grow properly.
- 6.33 KCC Ecology provided representations for the proposal which suggested that the area of landscaping has been reduced. On review of the plans this does not appear to be the case. However, this proposal does differ slightly from the approved Landscape Masterplan in the Original Permission. The overall concept is still in general alignment with that document. Given the discrepancies, it would be prudent to impose a condition for details of hard and soft landscaping, should the application be minded for approval.

6.34 **Heritage Considerations**

*Built Heritage*

- 6.35 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon decision makers to have special regard to the desirability of preserving the setting of a listed building. Section 72 of the Act also places a duty on

- decision makers, to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area.
- 6.36 The NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal including their setting and take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.37 The NPPF also requires that when considering the impact of a proposal on a heritage asset, the Council should first consider whether the development has sought to minimise any impacts through its design, before considering what the residual level of harm may be.
- 6.38 As established in the assessment of the Original Permission the proposed development would affect the setting of a number of grade II listed buildings, most directly affected is the listed Georgian and Victorian terraces of 1-10 Romney Place and 11-14 Romney Place. In addition it was considered that the setting of Hunter's Almshouses on Mote Road and 64-70 Mote Road would also be affected. The development would also be seen from various points within Maidstone Centre Conservation Area and Maidstone Ashford Road Conservation Area.
- 6.39 While the Original Permission has assessed the impact on heritage, the proposed changes are a material consideration when considering the impact of heritage.
- 6.40 Of note is the reduction to the height of Block B which would reduce the visibility of the proposal slightly in wider views. There are further changes to the facades to embrace the notion of classical order within the architecture. Therefore, work has been undertaken pay attention to strengthen the top and base of the buildings and this is described in more detail at the Character and Appearance section of this report. The use of vernacular stone at the base of the building also helps to forge a more cohesive relationship with the traditional and historic buildings within the townscape.
- 6.41 While improvements have been made to the appearance of the building, it is concluded that there would still be a low level of 'less than substantial harm' to the setting and significance of 1-10 and 1-14 Romney Place due to the scale and proximity of the proposed development.
- 6.42 However, as assessed in the Original Permission the benefits associated with the development and landscaping which would improve their setting and are likely to mitigate this harm. While the development would be seen in the context of numerous other heritage assets across the town centre, it is not considered there would be any additional harmful impacts.
- 6.43 MBC's Conservation Officer has responded to confirm that there are no objections to this proposal.
- 6.44 The NPPF advises that "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 ..." This requirement is echoed by policy DM4 of the MBLP. The NPPG sets out that public benefits should be of a scale and nature that benefit the public at large. They may involve direct heritage benefits or wider considerations such as the delivery of housing to meet local needs or other economic or social benefits.
- 6.45 Public benefits from the proposal include the creation of new employment opportunities, a material contribution to housing delivery, the regeneration of a key town centre site, public realm enhancements and a highly sustainable form of development. When considered together they are considered to form significant

public benefits that would outweigh the relatively low level of heritage harm identified.

### **Parking**

- 6.46 In total 47 car parking spaces are proposed, and this is unchanged from the original permission.
- 6.47 The proposal maintains the same level of vehicular parking (including blue badge bays) and cycle parking. However, the proposal now adopts the more generous car parking spaces as set out in the Kent Vehicle Parking Standards SPG.
- 6.48 The cycle store for all residential units would be moved to the ground floor of Block A. Whilst cycle parking is no longer contained within Block B, it is considered that the siting of this facility at ground floor level would be more prominent and welcoming for users and the location would benefit from a greater level of passive surveillance.
- 6.49 A reduction in the quantum of cycle parking spaces has been proposed as follows:
- Approved: 200 secure internal residential storage, 10 commercial, 6 external.
  - Proposed: 184 secure internal residential storage.
- 6.50 Officers are not accepting of the reduction in cycle parking provision. Therefore, a condition for cycle parking details has been suggested, to include provision for commercial and external visitor cycle bays to support sustainable transport options across the development.

### **PUBLIC SECTOR EQUALITY DUTY**

- 6.51 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.

### **COMMUNITY INFRASTRUCTURE LEVY**

- 6.52 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 proposed changes to the design of the development and notably the reduced scale and improvements to the façade are considered to have a positive impact on the character and appearance of the area. There are some areas where further work will be required (façade design, substation enclosure design, cycle parking provision) and therefore further conditions have been suggested to secure further details to ensure that the development achieves a high-quality design.
- 7.02 The change to the unit mix is considered to be acceptable and officers are supportive of the internal changes which improve compliance with Building Regulations.
- 7.03 Improvements to the design of residential entrances and relocation of cycle parking to the ground floor would create a more welcoming and functional development.

- 7.04 While the loss of office space is disappointing, it is considered that there is still a suitable presence and mix of office provision to integrate with the function of the town centre whilst also meeting the aspirations of the site allocation in the round.
- 7.05 The s73 application is therefore recommended for approval. The parent planning permission was subject to a s106 legal agreement, the terms of which continue to apply to any s73 variation thereof. Conditions need to be re-imposed, updated where applicable.

## **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 and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee:

### **CONDITIONS:**

#### **1) Time**

The development hereby permitted shall be begun before 22 July 2025.

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) Approved Drawings**

The development shall be carried out in accordance with the following drawings and documents:

- 6755\_D1000 Site Location Plan
- 6755\_D1100 Existing Site Plan
- 6755\_D1101 Shandon House, Existing Plans and Elevations
- 6755\_D2500 Section AA Rev 01
- 6755\_D2501 Section BB
- 6755\_D2502 Section CC Rev 01
- 6262-5PA-PL-ZZ-DR-A-050 - Block A & B - North & South Proposed Elevation
- 6262-5PA-PL-ZZ-DR-A-051 - BLOCK A & B - EAST & WEST PROPOSED ELEVATION
- 6262-5PA-PL-ZZ-DR-A-052 - Block A & B - Proposed Elevation
- 6262-5PA-PL-ZLG-DR-A-001 – Proposed Level LG Plan
- 6262-5PA-PL-Z00-DR-A-002 – Proposed Level 00 Plan
- 6262-5PA-PL-Z01-DR-A-003 – Proposed Level 01 Plan
- 6262-5PA-PL-Z02-DR-A-004 – Proposed Level 02 Plan
- 6262-5PA-PL-Z06-DR-A-008 – Proposed Level 06 Plan
- 6262-5PA-PL-Z07-DR-A-009 – Proposed Level 07 Plan

- 6262-5PA-PL-Z09-DR-A-011 – Proposed Level 09 - 11 Plan
- 6262-5PA-PL-Z12-DR-A-014 – Proposed Level 12/Roof Plan
- Topo Survey Drg 01 June 2019
- HW&Co Landscape Masterplan Issue 9 Nov' 2020
- 0276-20-B-1B LPP Ground Floor Landscaping
- 0276-20-B-2D LPP Roof Landscaping
- Redmore Environmental Air Quality Assessment Reference: 3144r2 23/11/20
- Sharps Redmore Acoustic Planning Report Rev D 25/11/20
- GEA Desk Study & Ground Investigation Report J19176 Issue 2 November 2020
- GTA Civils Flood Risk Assessment & Drainage Strategy v3 06/

Reason: For the avoidance of doubt

### **3) Archaeology**

Prior to the commencement of development the applicant shall secure and implement:

- i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- ii. further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

### **4) Contamination – Investigation and Remediation Method Statement**

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 site investigation, based on the submitted ground investigations report to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

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

#### **5) Contamination – Closure Report**

A Closure Report shall be submitted for approval by the Local Planning Authority upon completion of the approved remediation works. This shall include but not be limited to:

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

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

#### **6) Commercial Use and Floorspace**

Unless the prior written approval of the Local Planning Authority has been obtained pursuant to this condition, the commercial uses at ground floor of the buildings hereby approved shall cover an area of 726 sqm and shall only be used for purposes defined as offices and for no other purpose (including any other purpose in Class E of 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 or any statutory instrument revoking and reenacting those Orders with or without modification).

Reason: To ensure that the commercial element delivers the specific requirements of the site allocation policy.

#### **7) Elevation Details**

Notwithstanding the drawings hereby approved, the construction of the development hereby permitted shall not commence above slab/podium level until further details of the ground floor façade treatment to be finished in smooth coursed ragstone and upper floor levels (the tops) of the buildings to include a metal banding feature finished in copper have been submitted to and approved by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development.

#### **8) Materials**

The construction of the new build apartment blocks shall not commence above slab/podium level until written details and virtual 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

**9) Energy**

Prior to the first occupation of the scheme, a verification report shall be submitted to and approved by the LPA confirming the installation of the energy performance measures set out in the Sustainability and Energy Statement, prepared by Bluesky Unlimited, dated 24 November 2020. The report shall confirm the physical details and energy performance of air source heat pumps and building fabric specification and any other measures that minimise energy use. All renewable energy systems shall thereafter be retained and maintained in a working order.

Reason: In the interests of ensuring that the building contributes positively to climate change.

**10) EV Charging**

EV charging facilities shall be provided in accordance with the following schedule:

- 10 active
- 37 passive

All Electric Vehicle chargers provided for homeowners shall be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wi-Fi connection). 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 emissions vehicles

**11) Hard Landscaping**

The works shall not commence above slab/podium level until details of hard landscape works (where possible virtual samples) have been submitted for approval by the Local Planning Authority which shall include the use of stone paviors. 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.

**12) Soft Landscape Scheme**

The development hereby approved shall not commence above slab level until a landscape scheme designed with predominantly native species or species suitable for pollinators has been submitted to and approved by the local planning authority. Newly planted trees shall include mechanically watered tree pits and fastigiate species. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of onsite replacement planting to mitigate any loss of amenity and biodiversity value and include a planting specification, a programme of implementation and a management plan.

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

**13) Biodiversity**

The development hereby approved shall not commence above slab level until further details of the biodiversity enhancement measures outlined in the approved landscaping scheme have been submitted to and approved in writing by the Local

Planning Authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: To ensure that the ecology and biodiversity details shown in the landscaping scheme are implemented to an acceptable standard.

**14) Internal/External Sound Levels – Residential**

Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in gardens and other relevant amenity areas will conform to the standard identified by the current version of BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - shall be submitted to and approved in writing by the 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. 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 work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises 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.

**15) Extraction/Treatment of Fumes/Odours**

Prior to the first operation of the premises, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with the EMAQ Publication Control of Odour and Noise from Commercial Kitchen Exhaust Systems 2018. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and these shall thereafter be operated and retained in compliance with the approved scheme.

Reason: In the interests of amenity.

**16) Parking/Turning Implementation**

The approved details of the cycle parking and vehicle parking/turning areas shall be completed before the first occupation of the 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.

**17) External Lighting Strategy**

Any external lighting installed on the site shall be in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the

light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interest of amenity

### **18) Plant and Ducting Systems**

There shall be no external plant (including ventilation, refrigeration and air conditioning) or ducting system except in accordance with details that have been submitted to and approved by the Local Planning Authority. The details must include an acoustic assessment which demonstrates that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233: 2014 Guidance on Sound Insulation and Noise Reduction For Buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever operating. The development shall be carried out in accordance with the approved details and no further plant or ducting system shall be installed without the prior written consent of the Local Planning Authority.

Reason: In the interests of aural amenity.

### **19) Air Quality**

Prior to the first occupation, a verification report shall be submitted including a calculation of pollutant emissions costs from the vehicular traffic generated by the development should be carried out, utilising the most recent DEFRA Emissions Factor Toolkit and the latest DEFRA IGCB Air Quality Damage Costs for the pollutants considered, to calculate the resultant damage cost. The calculation should include:

- Identifying the additional vehicular trip rates generated by the proposal (from the Transport Assessment);
- The emissions calculated for the pollutants of concern (NO<sub>x</sub> and PM<sub>10</sub>) [from the Emissions Factor Toolkit];
- The air quality damage costs calculation for the specific pollutant emissions (from DEFRA IGCB);
- The result should be totalled for a five year period to enable mitigation implementation.

The pollution damage costs will determine the level of mitigation/compensation required to negate the impacts of the development on local air quality. Details shall be submitted to show the mitigation measures funded by the DCC, including renewable energy saving, travel plan, non car travel opportunities, EV charging.

Reason: In the interests of ensuring that the development mitigates its impact on local air quality.

### **20) Travel Plan**

Prior to occupation, a Travel Plan and a timetable for its implementation shall be submitted to and approved by the Local Planning Authority. The approved Travel Plan shall be registered with KCC Jambusters website ([www.jambusterstpms.co.uk](http://www.jambusterstpms.co.uk)). The applicant shall implement and monitor the

Travel Plan as approved, 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. Completed post occupation survey forms from all new dwellings/occupants on the site will be required to be submitted on the final monitoring period.

Reason: In the interests of environmental sustainability.

## **21) Car Club**

Prior to the first occupation of the development, the proposed car club shall be brought into operation in accordance with details that have been submitted to and approved by the local planning authority. Such details to include, but not limited to:

- location of car club bay
- details of operator (including fallback)
- vehicle/s type
- contract length,
- membership scheme,
- charging structure /discounts, etc

Reason: In the interests of environmental sustainability.

## **22) Access**

No works of construction of the buildings shall take place until the access point has been installed with appropriate visibility splays and the visibility splays shall be retained free of all obstruction to visibility above 1.0 metres thereafter.

Reason: An access with adequate tracking, radii and visibility splays is required before commencement of development of the building to ensure highway safety during the construction period.

## **23) SUDS**

Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Flood Risk Assessment and Drainage Strategy report by GTA Civils (November 2020). The submission will also 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 (with reference to published guidance):

- that 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. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

#### **24) SUDS Verification**

No building on any phase (or within an agreed implementation schedule) of the development hereby permitted 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 paragraph 165 of the National Planning Policy Framework.

#### **25) Construction Management**

Prior to the commencement of development, including site clearance and excavation, a Construction and Pollution Management Plan shall be submitted to and approved by the Local Planning Authority and shall include the following:

- Routing of construction and delivery vehicles to / from site.
- Measures for managing vehicle arrival and avoidance of queuing.
- Parking and turning areas for construction and delivery vehicles and site personnel.
- Provision of wheel washing facilities.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Dust suppression measures
- Noise management measures, including location of construction plant.

Reason: In order to ensure that an acceptable level of mitigation of construction impacts, including potential air quality impacts is secured and to avoid disruption to the local highway network.

#### **26) Detailed Design**

Prior to the commencement of facade works, detailed drawings plan/section/elevation at 1:20 of the following shall be submitted to the Local Planning Authority for approval in writing:

- i. Typical window (reveal, header, sill);
- ii. Communal entrances;

- iii. Louvre door detailing;
- iv. Typical Balcony/balustrade; and
- v. Parapets.

The development shall be implemented in accordance with the approved details

Reason: To ensure a satisfactory standard of external appearance.

- 27)** The development hereby permitted shall incorporate measures to minimise the risk of crime. No development above slab level shall take place until details of such measures in line with the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason: To secure crime prevention and safety of the area

**28) Substation Enclosure Design**

Prior to the occupation of any part of the development full details of the design of the substation enclosure shall be submitted to and approved in writing by the local planning authority and it shall be installed as approved and retained in perpetuity thereafter.

Reason: to ensure a suitable standard of design for the development is achieved.

**29) Cycle Parking**

Prior to the occupation of the development hereby approved, details of cycle parking to serve residents, commercial occupiers, and visitors of the development shall be submitted to and approved in writing by the local planning authority. The details shall demonstrate safe and secure and accessible storage.

Reason: to support sustainable travel options.

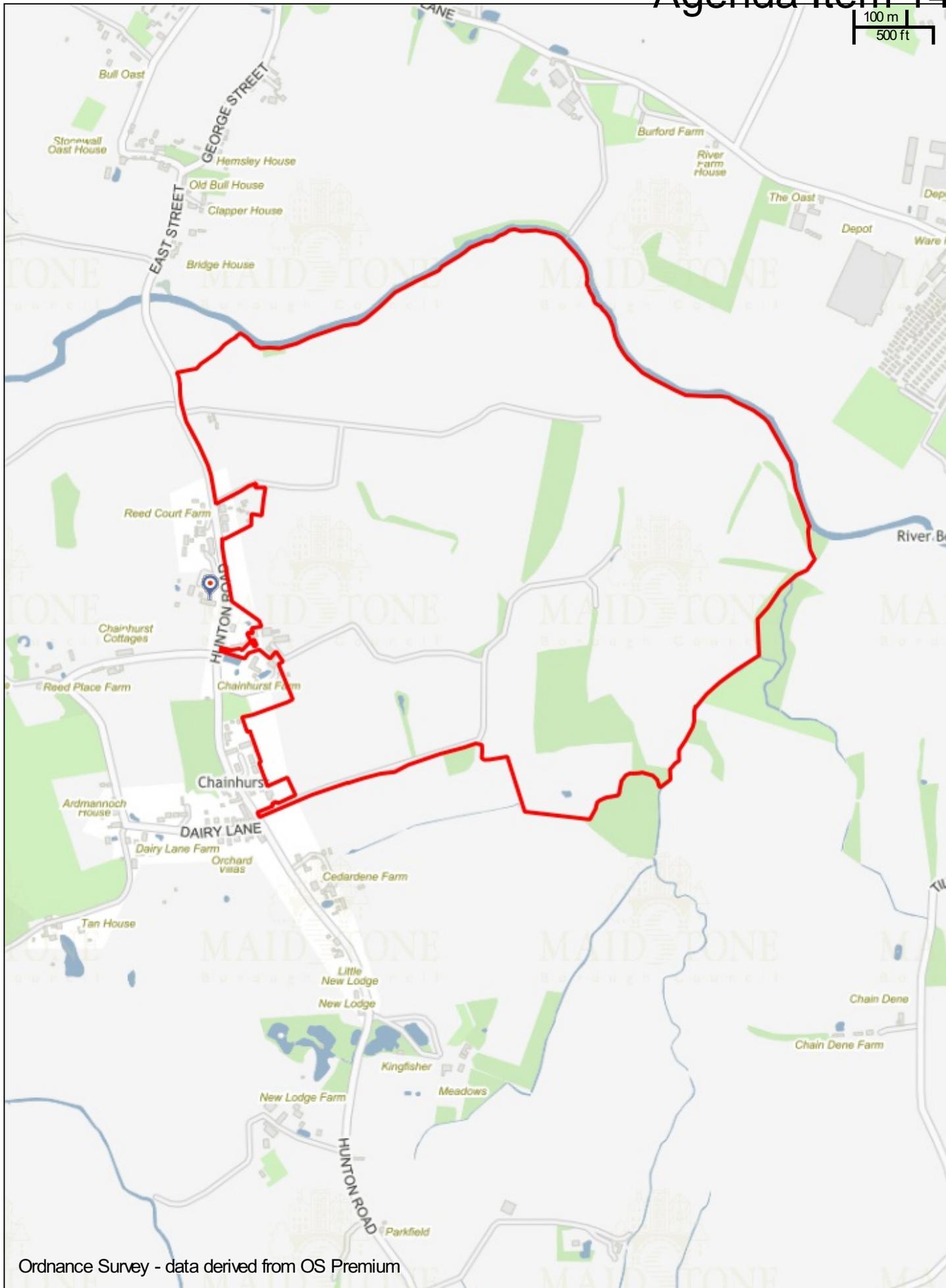
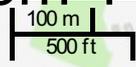
**30) Rainwater Pipes, vents, flues and grills**

No rainwater pipes, vents, flues or grills other than those shown on the approved plans shall be installed without the consent of the Local Planning Authority and any further details shall be approved in writing by the local planning authority and installed as approved and retained in perpetuity thereafter.

Reason: To ensure a satisfactory standard of external appearance of the development.

**INFORMATIVES**

- 1) Highway Works Permissions
- 2) Mid Kent Environmental Code of Development Practice
- 3) Noise and Vibration transmission between properties



Ordnance Survey - data derived from OS Premium

20/505751/EIFUL Reed Court Farm, Hunton Road, Marden, Tonbridge, Kent, TN12 9SX

Scale: 1:10000

Printed on: 5/2/2024 at 13:21 PM by JoannaW



<b>REFERENCE NUMBER:</b> 20/505751/EIFUL		
<b>APPLICATION PROPOSAL:</b> Erection of a new free range egg farm consisting of 2 no. hen houses with extensive outdoor ranges and fencing, formal vehicle access from Hunton Road and associated parking, landscaping, woodland and tree planting, drainage and other associated works.		
<b>ADDRESS:</b> Reed Court Farm Hunton Road Marden Tonbridge Kent TN12 9SX		
<b>RECOMMENDATION:</b> Subject to Further Revisions/Information, Application Permitted subject to conditions/planning obligation.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b>		
<ul style="list-style-type: none"> <li>• The proposal has been considered in accordance with the Environmental Impact Assessment Regulations 2017</li> <li>• Public benefits are the level of rural economic development</li> <li>• The proposal is an agricultural activity which is typically located in the countryside</li> <li>• The scale, layout, design of the proposals respect the context of the site and preserves local landscape character and appearance and visual amenities of the locality subject to mitigation landscaping</li> <li>• The proposal would not have a significant on ecology subject to implementation of proposed mitigation and enhancement measures and meets current policy on Biodiversity Net Gain</li> <li>• The proposal would not have a significant impact on nearby Ancient Woodland</li> <li>• The proposal would not have a detrimental impact upon highway safety</li> <li>• Heritage impacts are at the lower end of "less than substantial" harm and outweighed by public benefits</li> <li>• There are no reasonable alternatives to the proposed development without environmental or operational constraints and the Sequential Test in terms of flood risk is passed</li> <li>• The development would not be significantly harmful to the residential amenities</li> <li>• Further information is to be sought in terms of the ecological impact of the proposal on the water quality of the River Beult Site of Special Scientific Interest</li> <li>• Further information is to be sought in terms of the impact of the proposal on the functional flood plain of the River Beult</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE:</b>		
<p>The recommendation is contrary to the views of Marden Parish Council, Hunton Parish Council, Linton Parish Council, Collier Street Parish Council, Staplehurst Parish Council, Cllr Blackmore and Cllr Parfitt-Reid</p> <p>Cllr Burton has requested that the application be referred to Planning Committee due to impact upon the river; Siting of buildings and internal access roads; Impact upon Public Footpaths; Impact upon SSSI; Flood risk</p>		
<b>WARD:</b> Marden And Yalding	<b>PARISH/TOWN COUNCIL:</b> Marden	<b>APPLICANT:</b> Fridays Ltd <b>AGENT:</b> DHA Planning
<b>CASE OFFICER:</b> Marion Geary	<b>VALIDATION DATE:</b> 04/12/20	<b>DECISION DUE DATE:</b> 01/04/24
<b>ADVERTISED AS A DEPARTURE:</b> No		

## **REPORT SUMMARY**

### **Relevant Planning History**

No relevant planning history for the main application site.

## **MAIN REPORT**

### **BACKGROUND**

The timeline of the application is as follows:

Dec 2020- Planning Application received and consultations/notification carried out

March 2021- consultations/notification carried out

Oct 2021- Sequential Test information; description of alternative sites and Biodiversity Net Gain information requested of applicant.

Feb 2022- Above information submitted and consultations/notification carried out

June 2022- MBC commissioned independent reviews of Landscape and Visual Impact Assessment (by Stephenson Halliday) and Water Quality/Flood Risk (by Considine)

October 2022- Above independent reviews received

June 2023- MBC commissioned a follow up report from Considine on Water Quality/Flood Risk

July 2023- MBC officers negotiated removal of Hen House 1

August 2023- Applicant agreed amendment but advised submission would be delayed to allow for updated ecological walkover

September 2023- Considine follow up report received.

November 2023- Amended application/Environmental Statement addendum received.

Dec 2023- consultations/notification carried out (EIA Press Notice expires 8.03.24)

## **1. DESCRIPTION OF SITE**

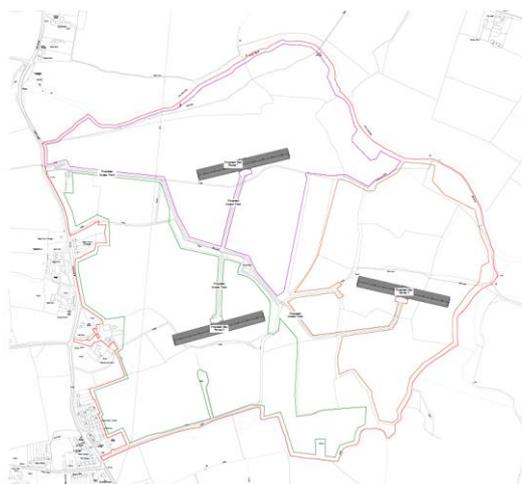
- 1.01 The site comprises approximately 98 hectares (242 acres) of land, mainly (54ha) in arable use. The site and the surrounding area are rural, located outside of the hamlet of Chainhurst, 2km north of Marden, 1.3km southeast of the village of Hunton and 2.2km southwest of Linton.
- 1.02 The northern and north eastern boundaries are formed by the River Beult, the western boundary by Hunton Road and the residential dwellings that border it. Beyond the southern and eastern boundaries extends agricultural land.
- 1.03 The central and western parts of the site are currently in arable use with individual fields divided by hedgerows and tree belts. There are two arable fields on the eastern half of the site, with the remainder in pasture, in addition to two grass fields in the northernmost part of the site adjacent to the River Beult which is a Site of Special Scientific Interest (SSSI).
- 1.04 There are two blocks of woodland within the application site. One strip of woodland is located centrally bisecting the site, with a small block of Ancient Woodland (AW) located in the southern part of the site.

- 1.05 The land falls from a high point of 23.5m AOD in the centre of the site to a low point of between 13.5m and 15.5m AOD around the perimeter of the site. The northern, some of the eastern and the southern parts of the site lies within a combination of Flood Zones 2 and 3 due to the River Beult. The central higher part of the site is within Flood Zone (FZ) 1.
- 1.06 There are four Grade II listed buildings and one Grade II\* listed building to the western boundary of the site.
- 1.07 Public Rights of Way (PROW): KM144/1 runs through the centre of the site in a west to east direction, and KM229/1 runs within the site along the northern boundary with KM229/2 extending along the eastern boundary. Outside of the site lie KM129/3 and KM129/4 which run on the northern and north-eastern boundaries on the River Beult and KM230 footpath runs west from Hunton Road near the southern boundary of the site.

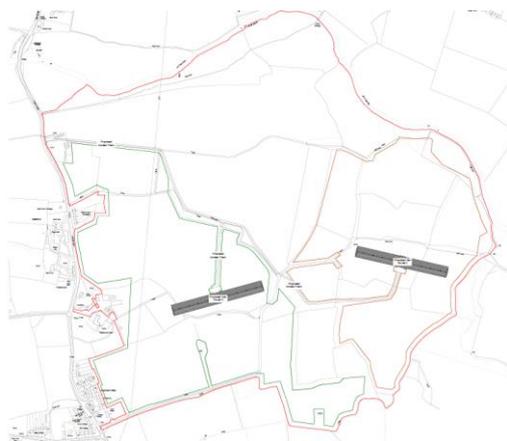
## **2. PROPOSAL**

- 2.01 Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the application is EIA development, being a Schedule 1 project under development type 17 as an installation for the intensive rearing of poultry with more than 60,000 places for hens. No scoping opinion was requested by the applicant.
- 2.02 Consequently, the application is subject to Environmental Impact Assessment (EIA) and an Environmental Statement (ES) has been submitted. Addendums to the ES have been submitted to reflect amendments to the scheme since originally submitted. The main change is the removal of the Hen House 1 which was indicated to be sited close to the R Beult in the north of the site and which lay over the line of a PROW.

### *Original Site Layout*



*Revised Site Layout*



- 2.03 The application as amended is for a new free range egg farm with the construction of two hen houses, with extensive outdoor ranges fenced with 2m high fencing, vehicle access from Hunton Road and associated parking, landscaping, woodland and tree planting, drainage and other associated works.
- 2.04 The two proposed hen houses each measure 262m by 30.4m wide and 7.1m to the ridge and 8m to the top of the ventilation fans. There will be four 8m high feed silos located adjacent to each hen house. Both buildings would be clad in treated timber with box profile polyester coated steel sheeting roofs indicated to be a dark green finish. They would be solar PV panel arrays on the south facing aspects of the roofs.
- 2.05 Each of the hen houses would be positioned within their own ranging area for the hens. Each house would in total contain up to 64,000 laying hens. The size of the houses and the supporting range areas are dictated by the RSPCA and DEFRA animal welfare standards. The farm in total is intended to support up to 128,000 hens.
- 2.06 In terms of landscaping, both the existing woodlands are to be retained and excluded from the hen ranges (the AW with a 15m buffer from its boundary). Significant new woodland and woodland pasture, tree belts and hedgerows are proposed.
- 2.07 The application's landscape masterplan includes creation of a "pool" and 7 sections of bank of the River Beult are to be re-graded with berms created.
- 2.08 Vehicular access to the site would be from an improved junction from Hunton Road which current accesses "Hopper Huts". A 5.5m wide road is to provide access to the two hen houses.
- 2.09 PROW KM229 and KM144 currently lie in the site. KM144 is shown to be gated and KM229 to be realigned.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough Local Plan 2017 Development Plan:

SP17 – Countryside

SP18 – Historic environment

SP21 – Economic Development

DM1 – Principles of good design

DM2 – Sustainable Design

DM3 – Natural Environment  
DM4 – Development affected designated and non-designated heritage assets  
DM8 – External Lighting  
DM21 – Assessing the transport impacts of development  
DM30 – Design principles in the countryside  
DM36 – New agricultural buildings and structures.

Marden Neighbourhood Plan:

NE1 – Surface Water Management,  
NE2 – Water Quality,  
NE3 – Landscape Integration,  
NE4 – Biodiversity and Habitats,  
NE5 – Landscape Planting,  
BE1 – Local Character, BE2 – Residential Amenity,  
BE3 – Sustainable Construction,  
BE5 – New Farm Buildings,  
IN3 – Traffic Generation,  
E1 – Business and Employment.

Kent Waste and Minerals Plan (amended 2020):

The National Planning Policy Framework (NPPF) (Dec 2023)

National Planning Practice Guidance (NPPG):

Maidstone Landscape Character Assessment 2012 (Updated 2013)

Regulation 22 Local Plan Review

LPRSS1: Maidstone borough spatial strategy

LPRSP9: Development in the countryside

LPRSP11: Economic Development

LPRSP11(B): Creating New Employment Opportunities

LPRSP12: Sustainable transport

LPRSP14: The environment

LPRSP14A: Natural environment

LPRSP14(B): Historic environment

LPRSP14(C): Climate change

LPRSP15: Design

LPRCD5: New Agricultural Buildings And Structures.

LPRCD6: Expansion of Existing Businesses in Rural Areas

LPRTA1: Air Quality

LPRTA2: Assessing the transport impacts of development

LPRENV1: Historic Environment

LPRQ&D1 Sustainable design

LPRQ&D2: External lighting

LPRQ&D4: Design principles in the countryside

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 a material consideration and moderate weight must be attached because of the stage it has reached. Most of the draft policies in the Regulation 22 do need to be specifically considered in the determination of this planning application as they do not materially change the policy context from that of the adopted Local Plan. The draft policy LPRSP14A on Biodiversity Net Gain

relates to residential uses only and does not relate to this type of land use. The latest main modification to draft Policy LPRSP9 (due to replace SP17) does add in the word "significant" when referring to the level of harm that would weigh against a development proposal.

### **3. LOCAL REPRESENTATIONS**

3.01 Over 360 responses and a petition from "PETA" of 16,000 signatures objecting to the proposal on the following summarised grounds:

- Loss of amenity from the hen houses, chickens roaming and vehicle movements
- Site is not allocated in the Local Plan
- Pollution to the SSSI including excreted veterinary pharmaceuticals
- Question the nitrate, phosphate and ammonia methodology within the ES
- Ecology impact
- Grasslands are of County importance
- Flooding-
- Overgrazing
- Traffic
- Ancient Woodland
- Animal Welfare
- Footpaths including informal paths used by locals
- Industrialisation of area
- The third Hen House will be resubmitted eventually
- BNG metric not suited to this type of development
- Employment benefits limited
- Walkover ecological update inadequate
- Otter may be present in River
- PROW diversion too near river is unwalkable
- GCN predation by chickens
- Buffer should be wider if PROW included
- Ponds need wider buffers

#### Marden Wildlife

3.02 Objection due to

- Inadequate buffers
- Ammonia
- Veterinary pharmaceuticals
- Highly Pathogenic Avia Influenza risk

#### RSPB

3.03 Need further information on management of proposed turtle dove territories

#### Weald of Kent Protection Society

3.04 Objection due to

- Landscape harm
- Overdevelopment
- Odours
- Contamination of R Beult
- PROW diversions
- Flood Risk

NFU (Poultry)

3.05 Support:

- environmental benefits
- high animal welfare standards.
- rural jobs
- national food security.

Marden Parish Council

3.06 Objection due to harm from:

- Visual Impact
- Highway safety
- Pollution
- Flood Risk
- Impact on Ecology/Biodiversity
- PROW diversions
- Close to listed buildings
- Lighting

Linton Parish Council

3.07 Objection due to harm from:

- Visual impact
- landscape of Low Weald
- Animal welfare
- Overstocking
- Flood Risk
- Highway safety
- Pollution to R Beult (SSSI)
- Ammonia
- Light pollution
- Public Health
- Noise from fans

- PROW re-routing
- Ancient Woodland
- Ecology

Hunton Parish Council

3.08 Objection due to harm from:

- Flood Risk
- Visual impact especially of fencing on footpaths
- Pollution of R Beult, a SSSI
- Harm to wildlife
- Overstocking on clay soils
- Highway safety
- Footpath diversion

Collier Street Parish Council

3.09 Objection due to harm from

- HGV traffic
- Flood Risk
- closure of footpaths
- impact on biodiversity
- scale of the development in a rural area/countryside
- contamination to the River Beult
- impact on health

Staplehurst Parish Council

3.10 Objection due to harm from

- HGV traffic
- Impact on Ecology
- Pollution of R Beult
- Support comment of other PCs

Cllr Blackmore

3.11 Objection due to:

- Overdevelopment
- Flood Risk
- Increase in HGVs
- Health hazard - avian flu
- Impact on breeding birds
- effluent run off

- noise from fans and conveyor belts
- Waste cannot be disposed of during power outage
- Contrary to adopted Local Plan.

Cllr Parfitt-Reid

3.12 Objection due to harm to:

- Ecology of the River Beult
- Countryside
- Amenity due to noise, smells and fumes
- Road safety by HGVs

**4. CONSULTATIONS**

4.01 The application has been the subject of several consultations since submission. The last consultation was carried out in December 2023 on the current amended proposal for a 2 Hen House scheme.

Natural England

4.02 First Response: Requires further information on how nitrogen and phosphorus pollution into the River Beult SSSI will be minimised.

4.03 Second Response: No objection, subject to appropriate mitigation to River Beult Site of Special Scientific Interest (SSSI).

- Confirmation that livestock will be appropriately managed in the flood risk zone;
- A Buffer Strip Management plan
- A monitoring strategy for water quality.

4.04 Final Response (to Amended Scheme) Holding Objection:

- Need clarification on how future nutrient loads from land use change have been estimated.
- Need consideration of water quality impacts to the River Beult SSSI, and consideration of measures to avoid/mitigate against increased levels of nutrients from the proposed land use change, that would result in exceeding water quality targets for the SSSI

Environment Agency

4.05 First Response: Objection

- risks to features of nature conservation value need to be assessed and addressed satisfactorily
- significant impact on the river floodplain habitat corridor and the ability to deliver elements of the SSSI restoration plan.
- insufficient information to assess the risks, with little detail of mitigation or compensation measures

4.06 Second Response: The chemical status of the River Beult in 2016 was "Good" but in 2019 was updated to "Fail" due to 3 industrial compounds

4.07 Third Response: No objection subject to conditions to for a LEMP and protection of watercourses. No objections in terms of Flood Risk.

4.08 Final Response (to Amended Scheme) No objections subject to conditions (advisory note that river habitat should be included within the Biodiversity Net Gain Metric).

Historic England

4.09 No comment

Southern Water

4.10 No objection

Upper Medway Internal Drainage Board

4.11 No objection

Forestry Commission

4.12 No objection: refer to Natural England and Forestry Commissions Standing Advice on Ancient Woodland which include maintaining and enhancing existing ancient woodland and conserving and enhancing the existing ancient and veteran trees.

Health and Safety Executive

4.13 No objection

KCC Minerals and Waste

4.14 No objection

KCC Archaeology

4.15 No objection, subject to condition

KCC Ecology

4.16 No objection subject to conditions:

- surveys provide a good understanding of the ecological interest of the site
- proposed management plan is likely to largely retain the species/habitat interest of the site
- BNG report has taken a realistic view of the condition of the habitats, that the grassland/habitats nearest to the chicken sheds are unlikely to improve in condition due to the anticipated damage caused by the chickens.
- Annual monitoring of the habitats on site and mitigation to enable the vegetation to establish

KCC PROW

4.17 No objections (advise gates/diversions need to be approved by KCC under Highways Act 1980)

Kent Police

4.18 No objections (advise appropriate security measures are installed)

KCC Highways

4.19 No objection, subject to conditions

KCC Drainage

4.20 No objection, subject to conditions

MBC Environmental Protection

4.21 No objection, subject to conditions

MBC Rural Planning Consultant

- 4.22 The overall agricultural need and rationale for the scale of the development and the type of design, as explained in detail in the Planning Statement, is considered sound.

**5. APPRAISAL**

- 5.01 The proposal must be assessed in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 which includes the need to consider the submitted Environmental Statement in terms of the direct and indirect effects including cumulative effects with other existing development and/or approved development.
- 5.02 Applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements. The primary determining matters are around balancing the need for this form of rural economic development with impact on the countryside and the potential for pollution of habitats. Other considerations include:
- Spatial Strategy
  - Rural economic benefits
  - Character and Appearance
  - Biodiversity Net Gain
  - Trees and Ancient Woodland
  - Ecology
  - Sites of Special Scientific Interest
  - Flood Risk
  - Drainage
  - Heritage
  - Highways
  - Public Rights of Way
  - Residential Amenity

**Spatial Strategy**

- 5.03 Both the adopted local plan and the emerging LPR, recognise the importance of the agricultural sector to the economy of the Borough. However, neither document allocates sites nor broad areas of search for these types of planning application.
- 5.04 The starting point for assessment of all applications in the countryside is Local Plan Policy SP17 which 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
- 5.05 As mentioned above, draft policy LPRSP9 reflects SP17 but refers to no significant harm to the local character and appearance of the area.

- 5.06 The site is located in the open countryside, having historically been used for mixed (arable and pastoral) farming land. The proposed development is an agricultural activity and acceptable in principle in a rural location subject to detailed environmental considerations, specifically that adverse impacts on the appearance and character of the landscape and on ecology can be appropriately mitigated.

#### **Rural Economic Benefits**

- 5.07 The NPPF encourages a prosperous rural economy. In a generalised statement, it advises that significant weight should be placed on the need to support economic growth and productivity and it recognises the benefits of increased domestic food production.
- 5.08 Explanatory text to SP17 says that agricultural businesses contribute to the rural economy but recognises that can lead to intensive levels of development which could have an adverse impact on the wider landscape and natural assets, such as wildlife, soil and water resources. Again, this is a generalised point.
- 5.09 The NPPF says planning decisions should enable the development and diversification of agricultural and other land-based rural businesses. Policy SP17 promotes employment uses in rural areas and outlines that agriculture remains an important in contributing to the local economy. The policy further outlines that agriculture needs to be able to react to new and changing markets and developments in technology.
- 5.10 Policy DM36 of the Local Plan relates specifically to new agricultural buildings and structures and generally seeks a positive approach towards agricultural development but new development should be justified and appropriately sited. This criteria-based policy is carried forward in Policy LPRCD5 of the LPR.
- 5.11 Neither the adopted Local Plan nor draft policy Local Plan Review identify any locations where large scale agricultural development would be acceptable (subject to certain policy criteria).
- 5.12 The rural economic benefit of agricultural development comes through direct and indirect employment opportunities, enhancement to the existing business and associated rural economic benefits to sellers and suppliers.
- 5.13 The applicant has a number of sites in the southeast and has been making the transition to barn, free range and organic production to meet the requirements of major supermarket chains which have committed to move to entirely cage free eggs from 2025. Legislation enacted within the UK will prevent entirely the use of caged eggs in the UK from 2027. The applicant is a Kent based food producer and this application site reflects the aspirations of the applicant to increase its free-range egg production. There will be the following benefits:
- Construction investment of circa £6m;
  - Average of 12 construction jobs;
  - 5 FTE operational jobs;
  - Production of over 40m UK free range eggs a year
  - Contribution to Kent rural economy supply chain during operation
  - Contribution to the wider UK economy with the egg industry worth more than £1.5billion to the UK economy in 2023;
  - Manure collected within the houses to be used to feed Fridays' anaerobic digester at Knoxbridge with renewable energy for at least 200 homes.

- 5.14 The proposed development will assist the growth and expansion of an existing Kent based food production business and is an important local employer and contributor to the local rural economy supply chain., working with grain suppliers and other suppliers of the materials and services needed for the continued operation of their farms.
- 5.15 There is strong national and local policy general support for development of agricultural business which can provide employment to support the rural economy and improve the viability of existing farming businesses. The Council's Rural Advisor responding in 2020 and again in 2022 considered that the overall agricultural need and rationale for the scale of the development and the type of design is sound.
- 5.16 It is concluded that there are rural economic benefits that amount to public benefits that need to be considered in the planning balance for this scheme.

### **Character and Appearance**

- 5.17 The site is in the open countryside on arable farmland. The test of SP17 is 'harm' to the character and appearance of the countryside. The adopted MBLP carries most weight at the time of writing although the Council's decision to consult on Main Modifications lowering the bar to 'significant' harm has above moderate weight as it represents a recent decision of the Council. Therefore, this is a primary determining matter.
- 5.18 This application has been with the Council for over 3 years. Within this time, one of the very large hen houses was deleted due strong concerns about the visual impact of such a large structure when viewed from Hunton Road in particular. However, as stated above and below, the Council had already engaged landscape consultants to assess landscape impact.
- 5.19 The NPPF provides that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 5.20 Local Plan policies DM1 and DM30 seek to ensure that development is appropriate in scale and design in the countryside, taking account of local context and character, having regard to landscape character assessments where appropriate. Policy DM3 also seeks to retain a high quality of living and requires development to protect and enhance the natural environment by protecting positive landscape character.
- 5.21 The site is not located within a national landscape (formerly known as an Area of Outstanding Natural Beauty) nor within an area designated under a local landscape designation (Landscape of Local Value). Most of the site is located within the "Staplehurst Low Weald" landscape character area with the flood plain area near the River being in the "Beult Valley".
- 5.22 The Maidstone Landscape Character Assessment 2012 (Updated 2013) describes the Staplehurst Low Weald as being of good condition and high landscape sensitivity. The Council's Landscape Capacity Study indicates that existing rural enterprises should be supported, although extensive, large scale or visually intrusive development could be inappropriate. The relevant guidelines and mitigation are:
- New development to respect the local vernacular in scale, density and materials
  - Conserve: oak, hedgerows, pastoral land and orchards and resist conversion to arable land

- Conserve and enhance the small-scale field pattern and sense of enclosure and the landscape setting of historic settlements
  - Conserve the largely undeveloped rural landscape and the remote quality of isolated farmsteads and hamlets
  - Soften visual prominence of large agricultural barns through native planting and native hedgerows
  - Enhance habitat opportunities around water bodies and ditches
- 5.23 The northern part of the site in the Beult Valley is also assessed by the Maidstone Landscape Character Assessment as being of moderate condition and high landscape sensitivity. Guidelines are to resist development on the valley to maintain the open character of the floodplain:
- New development to respect the local vernacular in scale, density and materials
  - Conserve the river and its corridor by promoting improved water quality and reducing nitrogen-rich runoff from nearby arable fields and discharges
  - Conserve oak, hedgerows, pastoral land and occasional orchards and resist conversion to arable land
  - Encourage the restoration of lost hedgerow boundaries in arable areas
  - Conserve and restore habitat features around water bodies
- 5.24 Therefore, the guidance is more descriptive rather than evaluating the quality of the landscape and what mitigation is recommended can be accommodated by way of mitigation secured by planning conditions or obligations.
- 5.25 The application site covers a large area and has a variation in character. It has undulating topography within a general overall plateau with slopes down east and north to the perimeter flood plain.
- 5.26 There are some large fields in arable use but there remain some small scale field pattern to the east of the site. Overall there are numerous mature field boundaries including hedgerows and tree lines. Where the site and the edge of a range for Hen House 3 abuts Hunton Road itself, there is a hawthorn hedge approx. 2m high which screens the site for road users.
- 5.27 There are 2 areas of woodland, one being Ancient Woodland. There is public use of several recreational footpaths within and close to the application site.
- 5.28 During the consideration of the application, a decision was taken to engage consultants on certain matters. Therefore the Landscape and Visual Impact Assessment of the applicant was independently reviewed by landscape consultants commissioned by the Council (Stephenson Halliday). Whilst there is some difference in approach between the 2 consultants, the LVIA was judged by Stephenson Halliday to be broadly in compliance with the appropriate principles (GLVIA 3):
- A thorough assessment with appropriate construction, year 1 and year 15 scenarios
  - Broadly agree with the findings of magnitude of change and level of effect
  - Agree in regard of viewpoints along the Greensand Ridge
  - At year 15, the fencing would be largely screened
  - Landscape masterplan is broadly appropriate

- Proposed tree planting sensitive to landscape pattern

- 5.29 The Stephenson Halliday review did mention one missed key view along PRow 0168/KM144/3 but the deletion of Hen House 1 significantly reduces the importance of that. It encouraged lost historic boundary hedges to be restored and noted that Hen House 2 positioning would affect the perception of scale, and therefore affect the legibility/readability of the smaller scale field pattern. It also pointed out that planting hedgerows on the fenceline would give a long term enclosure in the character of some open views.
- 5.30 Proposals such as this application scheme are commonly located in rural locations primarily due to the size of the development but also due to the nature of the activities on the site. The availability and cost of sites within commercial industrial estates is often problematic as is 'adjacency' with other uses. The scale, design and construction of the new poultry units is largely dictated by the functional requirements of the free-range egg farming industry in accordance with standards. In addition to the structures, the impact on the pasture by presence of the chickens concentrated around the Hen Houses is also a visual impact.
- 5.31 To take account of deleting Hen House 1, an LVIA addendum has been submitted updating likely landscape and visual effects.
- 5.32 In terms of likely landscape effects, there are no significant landscape effects save for the impact on the site itself. Views of the site from the Greensand Ridge are said to be either hidden by intervening vegetation or are within a context of agricultural land uses and large scale buildings across along the valley floor. The effects are assessed as "Neutral (not significant)".
- 5.33 There are impacts on localised viewpoints but these are generally limited in number and short term.

*Construction Likely Visual Effects - Winter*

- 5.34 During the construction phase, the site and construction activity would be visible both when in proximity to the site, or from elevated positions across the Greensand Ridge.
- 5.35 The original scheme would have resulted in significant adverse visual effects to:
- (VR1) Residents of Reed Court Cottages to the west of the site
  - (VR2) Motorists on Hunton Road to the west of the site.
  - (VR3-5) Users of PRow KM229/1, KM144/1; KM229/2
- 5.36 For the amended scheme, there will be less construction activity in proximity to the River Beult but views of construction machinery associated with hen houses nos.2 and 3, construction machinery and new planting adjacent to the River Beult would be visible. Adverse effects will remain significant for Reed Court Cottages and users of PRow KM229/2.

*Completed Development Likely Visual Effects – Year 1 - Winter*

- 5.37 The proposed development would introduce very long new additional buildings and a change in the use from predominately arable farming to poultry farming with the hen houses and range areas.
- 5.38 The original scheme would have resulted in significant adverse visual effects to

- (VR1) Residents of Reed Court Cottages to the west of the site
  - (VR3-5) Users of PRoW KM229/1, KM144/1; KM229/2
- 5.39 For the amended scheme, for road users on Hunton Road to the west of the Site, the removal of hen house no.1 would remove any visibility of the roof line of hen house no.1 above the tree line.
- 5.40 Overall, the adverse effects referred to above will remain significant in the amended scheme for Reed Court Cottages and users of PRoW KM229/2.

*Completed Development Likely Visual Effects – Year 15 – Summer*

- 5.41 By year 15 of operation, the proposed woodland pasture across the range areas would have established and would be in leaf, along with existing vegetation across the locality.
- 5.42 The establishment of new planting along the western edge of the site would screen views of the hen houses from Hunton Road.
- 5.43 Views of the hen houses would be screened for recreational users on the PRoW across the northern and eastern parts of the Site and residents adjacent to Redwall Lane.
- 5.44 In longer distance and elevated views from the Greensand Ridge, the roof line and ventilation fans would be more screened by the establishment of the planting, along with the dark tonal colours of the buildings.
- 5.45 At year 15 there would be no significant visual effects at year 15 other than the change in outlook for PROW KM229/2 due to the proximity of new 3m high boundary hedging. This hedging will extend for a distance of approx. 500m which, in the context of the footpath as a whole, is not considered to be significant to the overall amenity of users of the PROW.
- 5.46 The landscape mitigation benefits that would need to be conditioned:
- Barns will be finished in natural timber;
  - Roofs of the barns will be toned in dark colours to integrate them with the colour tones of the landscape;
  - New woodland pasture to help to screen close and longer distance views
  - Woodland pasture to include blocks of woodland and groups of mature trees;
  - Access tracks located adjacent to retained vegetation to reduce the visibility of vehicles in views
  - No external lighting
- 5.47 In conclusion, it is considered that the removal of Hen House 1 has resulted in reduced landscape impact, especially for motorists on Hunton Road and recreational users of most of the PROW networks in the vicinity of the site. The Council took the decision to appoint landscape consultants and these did not request the deletion of this hen house rather they were satisfied by planting which is a matter for a planning condition. The character area guidelines are not evaluative. Therefore, in the longer term whilst there will be clear harm to the openness of the countryside when viewed from local footpaths, I consider that this will be limited especially with mature tree planting. I will return to the overall balance in my conclusion.

**Biodiversity Net Gain**

- 5.48 Biodiversity Net Gain (BNG) has been assessed using the Biodiversity Metric 4.0 calculation tool and concludes 18.5% gain on habitat units and 14.8% gain on hedgerow units. KCC Ecology reviewed the BNG matrix and did not dispute its conclusions. The EA has recently also given an advisory note that it could include a calculation on watercourse units because of the river habitat at the edges of the application site.
- 5.49 The emerging policy LPR14A on Natural Environment will require 20% BNG only on residential development. Hence the draft LPR does not locally impose increased BNG on commercial uses and above moderate weight needs to be given to this approach as this is set out in the Council's recent Main Modifications.
- 5.50 The new BNG legislation does not make a distinction between residential and commercial uses so would be 10% for this type of use. However, this planning application is not caught by the new BNG legislation. Hence the current policy context for this application is minimal because the current version of the NPPF simply requires "net gains" to biodiversity and the application meets that test in terms of the habitat and hedgerow units test.
- 5.51 Some objectors have commented that the BNG metric does not take account of how the habitat and hedgerows have to be specifically managed within hen ranges, (for example that the lower parts of hedges have to be removed to deter roosting within them). The BNG metric by its nature is standardised and generalised for a very wide range of development proposals and it is the measure by which the Government requires BNG to be assessed. This is consistent with the advice of the EA and Natural England who do not object, subject to planning conditions.
- 5.52 In conclusion, the BNG of the application at 18.5% gain on habitat units and 14.8% hedgerow units gain is acceptable and compliant with the current policy context provided by the NPPF which currently simply requires a gain. KCC Ecology support this view. The advisory note from the EA to include the riverside habitat in the matrix can be the subject of a condition.

#### **Trees and Ancient Woodland (direct impact and pollution impact)**

- 5.53 The NPPF states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists. Exceptional reasons would be where the public benefit would clearly outweigh the loss or deterioration of habitat.
- 5.54 Policy DM2 (Natural Environment) of the Local Plan requires new development to protect and enhance the natural environment, including areas of Ancient Woodland.
- 5.55 The application is supported by a Tree Protection Plan and an Arboricultural Impact Assessment (AIA). Trees within the area vary considerably in terms of condition and contribution to the amenity of the wider landscape. A total of six individual trees and part of four hedges will be removed to enable the proposed development which will have minimal impact on amenity based on the low number and location and being Category 'C'. Specified tree protection measures and construction methodology will safeguard retained trees.
- 5.56 The proposal also includes the planting of approx. 36,000 trees across the site which would improve the age range and species diversity of trees in the local area, and enhance the tree cover on the site. The scheme shows a 15m buffer from the boundary of the area of ancient woodland, which accords with the Standing Advice of Natural England.

#### *Pollution*

- 5.57 The AW could potentially be affected by ammonia/nitrogen pollution from the emissions via the rooftop ventilation fans. The applicant undertook pre application advice with the Environment Agency regarding the permit required (under the Environmental Permitting (England and Wales) Regulations 2016) to operate the farm to determine if further nitrogen/ammonia modelling would be required for the proposal. The EA (after consultation with NE) identified Chainhurst Wood-North (Ancient Woodland) as requiring detailed modelling.
- 5.58 The potential impact of ammonia (and its nitrogen) from the development was assessed on the three Ancient Woodland sites within 2km of the site. One area of Ancient Woodland, known as Chainhurst Wood, is located in the south-central section of the site. There are two further unnamed areas of Ancient Woodland outside the site but adjacent to the western boundary.
- 5.59 The Environment Agency provides guidance on the impact of ammonia on nature conservation sites as part of its 2018 guidance on environmental permits for large scale livestock units called '*Intensive farming risk assessment for your environmental permit*'. The applicant's modelling of gaseous ammonia predicts no significant ammonia effects on the Ancient Woodland sites. The applicant's modelling of nitrogen deposition predicts no significant nitrogen effects on the Ancient Woodland sites.
- 5.60 The Environment Agency is the organisation responsible for granting an Environmental Permit for the egg farm, management and operation of the farm and emissions including ammonia. A permit for intensive livestock farming requires best available techniques: ventilation control, regular cleaning out of buildings to avoid build-up of waste and avoiding cleaning if the wind direction is towards nearby properties.
- 5.61 The EA as competent authority and, in consultation with others, such as Natural England, set the allowable process contributions for farms requiring an environmental permit which have been used by the applicant's consultants.
- 5.62 The Woodland Trust has objected on the basis of ammonia causing nitrogen deposition resulting in deterioration of local Ancient Woodland habitat/ecological integrity. They refer to the Institute of Air Quality Management 's '*A guide to the assessment of air quality impacts on designated nature conservation sites*' (2020). The 1% threshold quoted is not a threshold of harm and exceeding this threshold does not, in itself, imply damage to a habitat.
- 5.63 The Woodland Trust differ significantly in their view of appropriate ammonia process contribution thresholds compared to that of the Environment Agency and Natural England. Neither of those statutory consultees object to the proposal in terms of ammonia.
- 5.64 It is concluded that the ammonia emitted from the development would not result in the loss or deterioration of Ancient Woodland. This revised scheme adheres to the tree protection measures and recommendations within the Arboricultural Method Statement and is acceptable on arboricultural grounds. This accords with the advice of Natural England and the Environmental Agency who do not object on this issue, subject to planning conditions.

## **Ecology**

- 5.65 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty to have regard to the purpose of conserving biodiversity. A key purpose being to embed consideration of biodiversity as an integral part of policy and decision making. This is reiterated in paragraph 180 of the NPPF in that planning decisions should contribute to and enhance the natural and local environment by protecting

and enhancing sites of biodiversity value. This can include establishing coherent ecological networks. Paragraph 186 says if significant harm to biodiversity resulting from a development cannot be adequately mitigated then planning permission should be refused.

- 5.66 The proposed development could have an impact on ecology by:
- new buildings/structures by removing habitat
  - impacting on species that might use the site temporarily or within the local area
  - Pollution by nitrogen and phosphorus from the chicken manure that does not get taken off site.
  - The impact of ammonia on sites of ecological interest including further afield
- 5.67 In terms of the first 2, an initial Preliminary Ecological Assessment has been undertaken, with more detailed specific surveys subsequently undertaken and submitted. These indicate:
- Breeding birds – breeding birds, including skylark, turtle doves
  - Dormice
  - Bats – roosting and foraging
  - Badger setts and foraging/commuting
  - Weasel and harvest mice
  - Hedgehogs
  - Invertebrates including dragonflies
  - 3 species of reptiles within unmanaged field margins/hedgerows.
  - Great Crested Newts (GCN)
  - Smooth newts and common frog
- 5.68 Direct habitat loss would include neutral grassland, ponds, scarce arable weeds, woodland and hedgerows.
- 5.69 The site provides suitable habitat for dormice. None have been recorded during the survey but the LEMP considers the potential presence of this species.
- 5.70 Replacement offsite skylark plots have been offered and would be secured by condition/planning obligation. Broad strips of infrequently managed fallow ground to be created on site outside the ranges to suit invertebrates and breeding birds such as nightingales, turtle doves and linnets.
- 5.71 The scheme overall does not impact detrimentally on bats and is considered to be neutral for breeding birds and amphibians. All ponds supporting Great Crested Newts are being retained.
- 5.72 The proposed management plan is likely to largely retain the species/habitat interest of the site subject to the management proposed for the woodlands/rotational grassland areas within the free range areas being effectively implemented. This would require subsequent annual monitoring and if necessary, further mitigation to secure the species/habitat interest by methods such as rotational fencing of sub-sections of the outer parts of the ranges.
- 5.73 The proposals would result in the net loss of habitat such as neutral grassland and species connectivity across the site, in particular but not limited to, badgers. The proposals would retain some connectivity through the site, including via the River

Beult buffer and the landscaped buffers which are designed to be fully permeable to terrestrial animals. The removal of Hen House 1 reduces the loss of connectivity compared to the original scheme. The LEMP that would be secured by condition needs to specifically secure to neutral grassland creation.

- 5.74 The species/habitat interest of the site can be secured by a detailed mitigation strategy, management plan and a habitat and species monitoring strategy.
- 5.75 The NPPF encourages opportunities to incorporate biodiversity in and around developments. The applicant is proposing to increase grassland and woodland park type habitats with ponds, semi-improved grassland, new hedgerows and trees throughout. These measures should provide enhancement for invertebrates and additional foraging habitat for species such as barn owl. Overall therefore, following the implementation of proposed mitigation and enhancement measures, the effects on ecology will be neutral to minor adverse at the site level. Again, no consultees have objected on this point and so I am following their advice.

### **Sites of Special Scientific Interest**

- 5.76 A SSSI is a nationally important site for biodiversity, designated by Natural England. Paragraph 186 of the NPPF states that development on land outside a Site of Special Scientific Interest which is likely to have an adverse effect on it (either individually or in combination with other developments) should not normally be permitted.
- 5.77 There are two SSSI's within a 5km radius of the site. The River Beult SSSI forms the northern boundary of the site. The other is Marden Meadows which is located 4.47km from the site to the south east.
- 5.78 The latest status of the River Beult as per Environment Agency data (2022) is moderate ecologically but biological quality has fallen from good to moderate (specially fish). The "fail" is in regard of 3 hazardous substances- Mercury and Its Compounds; Perfluorooctane sulphonate; Polybrominated diphenyl ethers.
- 5.79 The key impacts from the application proposal that could cause significant harm to biodiversity of the SSSI is from nitrogen and phosphorus leaching into the R Beult from the chicken manure and from ammonia both gaseous and potentially within the surface water runoff from the roofs of the buildings.

#### *Nitrogen and Phosphorus*

- 5.80 The Environment Agency, KCC Ecology and Natural England all initially expressed concerns in their representations over Nitrogen and Phosphorus pollution reaching the R. Beult.
- 5.81 An amended scheme was submitted in response with the following measures:
- R. Beult buffer zone increased to 25m to be planted accordance with the Environment Agency's 3D buffer strips guidance to mitigate any surface run off
  - A 10m buffer added along a drain/ditch small stream which discharges into the River Beult
  - All surface water to pass via the proposed buffer strips before entering the river;
  - Grassland is less attractive to hens and will predominate where the range is within the functional flood plain
  - A commitment to implement the River Beult Improvement Plan (2018) as relevant

- 5.82 The EA withdrew their objection and they continue to have no objections in principle to the amended scheme for 2 Hen Houses. KCC Ecology are supportive of the scheme subject to conditions.
- 5.83 Natural England's final comments on the 3 Hen House scheme was no objection subject to conditions being secured, including a flood strategy, a buffer strip management plan and a monitoring strategy for water quality. However, NE have responded to the recent re-consultation and query the methodology of the applicant's calculation of reduced Nitrogen and Phosphorus from the change in agricultural use of the land and concerns over exceeding water quality targets for the R Beult. Natural England has no concerns over Marden Meadows SSSI from this application.
- 5.84 The nitrogen and phosphorus assessment submitted by consultants for the applicant on the original 3 Hen House scheme concluded a net reduction in leaching of nitrogen and phosphorus to ground when compared to the existing predominantly arable use of the site. This was based on an assumption of 10% of excreta outside the hen houses and assumptions on other key variables such as average rainfall and soil drainage type. For the existing pollution rates, it also used site specific artificial fertiliser rates used at the farm over a recent 3 year period rather than typical standardised values. The calculated change was relatively small in the case of nitrogen, being cited as a 2% reduction. No new calculations were submitted to accompany the revision of the scheme to 2 Hen Houses. This would be expected to improve the situation with regard to nitrogen and phosphorus pollution due to fewer hens and more of the site being grassland rather than arable crops. However, it would depend on whether the methodology of the applicant's approach is sufficiently precautionary and the variables used can be evidenced.
- 5.85 It is incumbent on the Council to be satisfied on the environmental information relating to an EIA application and to protect the SSSI from adverse effects and conserve biodiversity. Officers recommend that the applicant needs to comply with NE's requirements and providing a bespoke Nitrogen and Phosphorus Assessment with clarity over the variables used. This matter would need to be brought back to Planning Committee. There would need to be relevant conditions and a s106 to cover, inter alia, management of the farm.

#### *Ammonia*

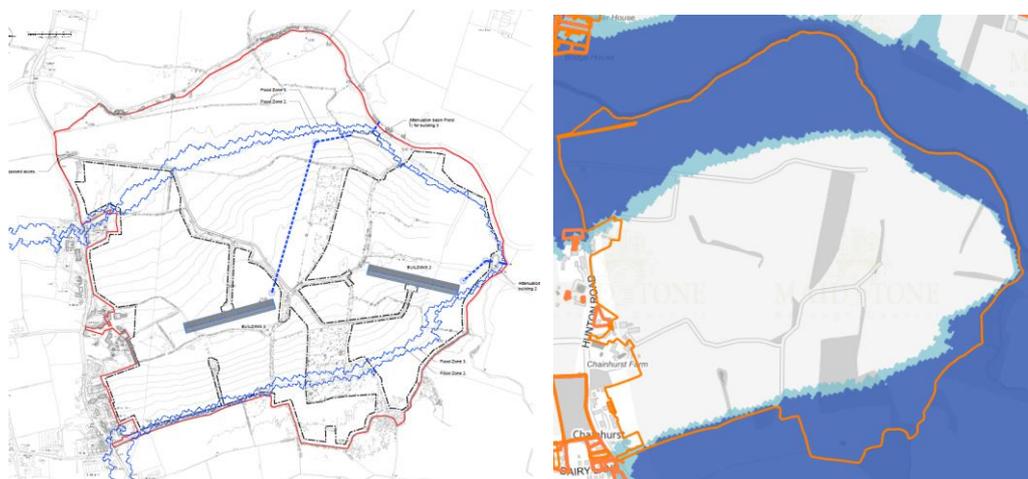
- 5.86 The submitted Ammonia report referred to above for Ancient Woodland also considered the effect on the 2 SSSIs (Marden Meadows and the River Beult) that lie within 5km of the application site. Based on the same EA Guidance "*Intensive farming risk assessment for your environmental permit*", no significant effects from ammonia or nitrogen derived from ammonia were predicted on the SSSIs.
- 5.87 No objection was received from NE or the EA regarding ammonia emissions on either of the two SSSI sites within 5km of the site. However, should ammonia in the roof run off be identified as a problem by monitoring of attenuation ponds, mitigation measures will need to be submitted for approval.
- 5.88 It is concluded that ammonia pollution to SSSIs can be avoided by the imposition of appropriate conditions including monitoring.
- 5.89 A local resident group suggest that an Appropriate Assessment be submitted due to the chemical status of the river and the Dutch Nitrogen Court Judgment. That Judgement relates to "European Sites" covered by the Conservation of Habitats and Species Regulations 2017 and not to an SSSI which is a UK national designation. Therefore, an Appropriate Assessment is not required.

#### **Surface Water Drainage**

- 5.90 The drainage strategy should ensure the proposal would be safe for the lifetime of the development and that it would not increase flood risk elsewhere.
- 5.91 The drainage strategy includes attenuation basins before ultimately discharging in the River Beult. Operational wastewater would not discharge into the surface water drainage network but would be collected and transported off site for appropriate disposal.
- 5.92 To avoid pollution into surrounding watercourses, there would be a Construction Environmental Management Plan (CEMP) with appropriate temporary measures.
- 5.93 The Environment Agency and KCC Drainage have no objections to the proposal on drainage grounds subject to conditions. The proposal with appropriate conditions is therefore considered to comply with Local Plan Policy DM1, Section 14 of the NPPF and policies NE1 and NE2 of the Marden Neighbourhood Plan

### Flood Risk

- 5.94 The NPPF sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, a sequential approach. Where development is necessary in higher risk area, the development should be made safe for its lifetime without increasing flood risk elsewhere. The NPPF includes Flood Risk Vulnerability Classification and the national Planning Practice Guidance provides detailed advice on Flood Risk. Policy DM1 of the MBLP contains similar criteria.
- 5.95 The site has a plateau in the centre of the site at 23.5m AOD to a low point around the perimeter of the site of 13.5m AOD, contiguous with the banks of the River Beult. The Environmental Agency Flood Maps show the site is located within Flood Zones (FZ) 1, 2 and 3, with the buildings to be located within low risk FZ1 although the access from Hunton Road is in high risk FZ3.



- 5.96 The Flood Risk Vulnerability Classification set out in national planning guidance defines land and buildings used for agriculture and forestry as a "less vulnerable land use" and thus appropriate in zones 1, 2 and 3a but should not be permitted in Flood Zone 3b (the functional flood plain).
- 5.97 The hen houses and impermeable development are indicated to be located in low risk Flood Zone 1. However, the proposal includes engineering operations in higher risk areas, being a permeable access road and field drains being amended as part

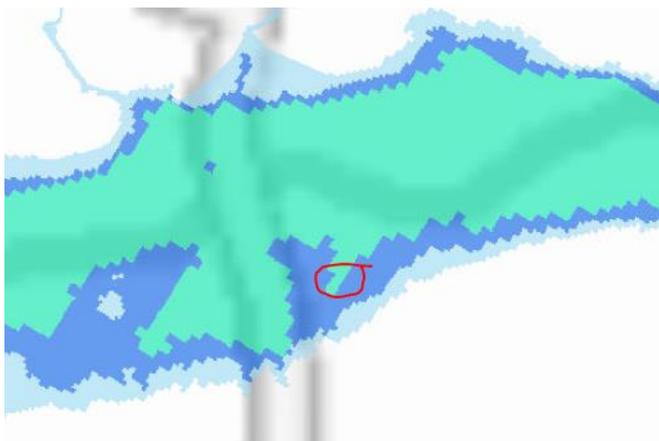
of the surface water drainage strategy. Whilst these elements cover a relatively small proportion of the site, they are operational development.

*Sequential Test and Exceptions Test*

- 5.98 A sequential test must be applied by the LPA to major development proposed in areas at risk of flooding (FZ 2 or 3) with the objective of steering new development to areas with the lowest risk of flooding. The NPPF states that if it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied.
- 5.99 Originally, applicant did not provide information to allow the carrying out of a sequential test but did say that before purchasing the site, they reviewed a number of farms for sale to assess whether they could meet the operational requirements of a free-range egg farm or whether they posed planning constraints prohibitive to obtaining planning consent.
- 5.100 The Environment Agency concurred with the applicant's opinion that a sequential test is not required as there will be no change of use. However, it is for the local authority to make the final decision if a sequential test is needed so the applicant was requested to submit information to allow a sequential test to be undertaken.
- 5.101 In the Sequential Test, the Council has to consider 'reasonably available sites' which are:
- 1) those in a suitable location for the type of development
  - 2) a reasonable prospect that the site is available to be developed at the point in time envisaged for the development
- 5.102 In terms of criterion 1), the information from the applicant demonstrated the following:
- no feasible expansion of existing farms to provide additional free range egg production
  - a search area of 16km radius from the headquarters at Chequer Tree Farm near Cranbrook, reflecting current operational area or catchment
  - search was for a similar sized site as the application site
  - search avoided environmental constraints such as AONB (now "National Landscape") or Special Landscape Areas, Sites of Special Scientific Interest, Local Wildlife Sites, Scheduled Monuments and Registered Parks and Gardens.
  - avoided areas where Hen Houses would lie within Flood Zones 2 and 3
  - avoided physically unavailable land within defined villages or settlements, solar farms, fishing lakes and golf courses, significant blocks of existing woodland
  - avoided unsuitable topographically or in terms of access
- 5.103 Physical and environmental constraints were mapped. These are:
- Areas of Outstanding Natural Beauty (now National Landscapes)
  - Nitrate Vulnerable Zones (NVZ)
  - Flood Risk 3

- Ramsar or Special Protection Area (European Sites)
  - SSSI
- 5.104 The above criteria reasonably demonstrate if there are suitable locations for the type of development and these constraints do narrow the extent of suitable locations within the 16km radius search area.
- 5.105 In terms of criterion 2), site availability, Land Agents BTF identified 8 parcels of land of the required size that had come to market in the 4 years or so prior to the planning application being submitted.
- 5.106 Of these, 2 were in the 16 km "search" area but constrained by the AONB. Six were beyond the search area, the furthest being in Ashford district, 32km away from the HQ at Cranbrook. These 6 more distant sites were constrained variously by the AONB, NVZ or near a European Site of Habitat importance.
- 5.107 Whilst this proposal is a form of rural economic development, it is an agricultural use with very high open land to building footprint ratio to meet "free range" objective. I accept that that they are reasonably sited on agricultural land rather than for example, a commercial industrial area as it would be unviable form of development to outbid commercial development such as storage and distribution or other typical business park uses where the proportion of land that can be built on is significantly greater.
- 5.108 It is accepted that there have been no reasonable alternative sites identified which are available and appropriate for the proposed development. It is not possible to locate this form of development in low-risk or medium flood risk areas when alternative environmental constraints are factored in such as national landscape status, ecological sensitivity or relationship to sites of European and National biodiversity value. The final stage of the Sequential Test is to compare reasonably available sites within high-risk areas. On the basis of no other reasonably available sites without environmental constraints, the Sequential Test is considered to be passed.
- 5.109 Objectors have queried the size of the search area and the size of the site now that it is for 2 Hen houses not 3. For individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. Officers remain of the view that there are no other reasonably available sites.
- 5.110 The national PPG has a comparison table of "Flood risk vulnerability and flood zone 'incompatibility'. In the case of "less vulnerable" development such as agricultural land and buildings, there is no requirement for an exceptions test for any of the flood zones.
- Flood Zone 3b*
- 5.111 The Sequential Test is considered passed and there is no requirement for an Exceptions Test for agricultural land uses/development. There remains a need to assess the development overall as to flood risk. The scheme does include engineering development use that crosses FZ3. The applicant has submitted a Flood Risk Assessment (FRA) that concludes there is no flood risk due to the permeable nature of the access road and that it will be in Flood Zone 3a.
- 5.112 Whether the access and drainage work is in 3a or 3b is fundamental because whilst less vulnerable development can be located in 3a, only very limited types of development (that do not include agriculture) can be located in 3b because that is the functional flood plain.

- 5.113 The EA Flood maps only show FZ3 and do not indicate how that is split into 3a or 3b. The Council's Strategic Flood Risk Assessment (SFRA) does show Zones 3a and 3b. Consultants (Considine) were commissioned by the Council to review the Flood Risk Assessments in the light of the SFRA. The applicant's FRAs do not include any delineation the extent of FZ 3b. The SFRA map is limited as it is to a very large scale and not onto an OS map base. Also, 3a is plotted on 10m grids and 3b is less granular, being on 20m grids.
- 5.114 However, the Council's consultants conclude that a very small part of FZ3b may be cut across by the access track in the NW of the application site near Hunton Road (see map below), but that a slight variation to the access track geometry could result in avoidance. Considine caveat that their conclusion is based on coarsely grained mapping in the SFRA and they suggest site specific modelling may be required.
- 5.115 It is concluded that the applicant needs to carry out this further analysis (site specific modelling) to confirm whether their engineering development would lie within the functional flood plain. If so, in order for the access to accord with Government guidance, it would need to be re-aligned to avoid the functional flood plain and revised drawings submitted. The estimated area of concern is circled in red on the drawing below.



*SFRA- FZ 3a in dark blue; FZ 3b in green, (area circled in red is crossed by access track)*

- 5.116 Consequently, the recommendation is for exercise to be carried out, with the details being reported back to Planning Committee.

### **Reasonable alternatives to the proposed development**

- 5.117 EIA Regulation 18(3)(d) outlines that the Environmental Statement is required to include a description of the reasonable alternatives studied by the developer, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment. These are matters that are also pertinent to the Sequential Test described in detail above.
- 5.118 My conclusion is the same: that there are no reasonable alternatives to the proposed development and this part of the Regulations is complied with.

### **Heritage**

- 5.119 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting.
- 5.120 The NPPF states great weight should be given to the conservation of a designated heritage asset: significance can be harmed or lost through development within its setting. The NPPF sets out tests which apply when considering a proposed development that may result in harm to a designated heritage asset. Local Plan policy DM4 reiterates the above considerations.
- 5.121 There are no designated or non-designated built heritage assets located within the application site. There are no nearby Conservation Areas and the nearest Historic Park and Garden at Linton is some 1.8km to the northeast and is not affected by this proposal.
- 5.122 The closest listed buildings to the site lie off Hunton Road to the immediate west. They have a legible historical and functional relationship with each other, which contributes to their significance, so they are assessed as a group. There are also 3 other listed buildings in the wider vicinity which do not have a relationship with the site and thus no harm is caused.
- 5.123 The Chainhurst Farm "group" is:
- Chainhurst Farmhouse – Grade II\*
  - Former Barn about 30m northwest of Chainhurst Farmhouse – Grade II
  - Barn about 40m northwest of Chainhurst Farmhouse – Grade II
- 5.124 The application site forms part of their rural setting and changes may alter their significance or the appreciation of that significance.
- 5.125 Potential harm is due to the due to the topography of the land which allows for long views, the very long form of the proposed buildings, intensification of the use, changes to the character of the historic landscape, introduction of access roads and associated paraphernalia and the boundary fence.
- 5.126 In the amended scheme, the boundary of the proposed fence to the nearest range has been pulled away from Chainhurst Farm complex and additional landscaping in the form of a tree belt and woodland pasture incorporated at this area. These have reduced the impact on the setting of the heritage assets by further reducing intervisibility. There are a number of modern barns (including large metal clad grain stores) that lie between the Chainhurst group and Hen House 3 (and its range) that hinder intervisibility of the application scheme with the listed buildings and their setting.
- 5.127 The overall impact is considered to be at the lower end of less than substantial. Great weight should be given to the conservation of designated heritage assets even if the harm to them is less than substantial. The NPPF requires this harm to be weighed against the public benefits of the proposed development.
- 5.128 In terms of the public benefits of the proposal, these relate to economic development benefits set out above. It is concluded that these balance against the less than substantial harm.
- 5.129 Historic England has been consulted due to the Grade II\* building and has made no comments on the application.
- 5.130 The NPPF requires that where development has the potential to affect archaeological interest, developers should submit an appropriate desk-based

assessment, and where necessary, a field evaluation. This is generally reiterated by Policy DM4 of the MBLP.

5.131 KCC's archaeological officer has no objections subject to a condition for further archaeological field evaluation prior to development.

5.132 It is therefore concluded that the proposal is acceptable on heritage grounds.

### **Highways**

5.133 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. Local Plan and Neighbourhood Plan policies require a satisfactory Transport Assessment, mitigation of impacts, safe access arrangements and compliance with policy DM6 on air quality.

5.134 Estimated traffic usage is low and all vehicle movements will route along Hunton Road to and from the south. The main transport impact would be regular removal of the manure and every 15 months for the removal of hens and repopulation of each barn.

5.135 KCC Highways have not objected to traffic flows subject to conditions (including a Traffic Management Plan) nor to the use of the new junction by HGVs.

5.136 It is concluded that the proposal is considered to comply with the NPPF, Local Plan policy DM21 and policy TN3 of the Marden Neighbourhood Plan.

### **Public Rights of Way**

5.137 A diversion of KM144 is not needed now that Hen House 1 has been deleted from the application. However, it runs from Hunton Lane through the northern part of the roaming area of Hen House 2 so would need to be gated either side. The gates need approval from KCC under the Highways Act 1980. If KCC were to refuse the gates to KM144, the applicant would need to reduce the NW extent of the chicken range serving Hen House 3 by some 3.4 ha.

5.138 Public Footpath KM229 is proposed to be diverted by being realigned slightly closer to the edge of the River. Part of the realignment takes a section of KM229 out of the roaming range of Hen House 2. This needs approval from KCC under the Highways Act 1980. If KCC were to refuse the realignment of KM229, the applicant would need to reduce the eastern extent of the chicken range serving Hen House 2 by some 0.6ha.

5.139 The effect of development on a public right of way is a material consideration and the Council should ensure that the potential consequences are taken into account whenever such applications are considered. No public footpaths are to be extinguished as part of this proposal and the proposed diversion route of KM229 is not significantly different to the official definitive route.

5.140 KCC's PROW team do not object in principle but clearly the PROWs must be kept open and unobstructed until after the statutory procedures authorising their diversion has been completed. This can take several years due to a waiting list and the gates and diversion would need to be justified to KCC.

5.141 It is concluded that the realignment of the PROW are acceptable in principle. However, if planning permission were to be granted, a condition would need to be imposed to secure amendments to the extent of the range areas and fence lines that ensure both PROWs remain open and unobstructed until such time as the diversion requests are formally approved.

## **Residential Amenity**

- 5.142 The NPPF states that developments should create places that promote health and well-being, with a high standard of amenity for existing users. New development should be appropriate for its location taking into account the likely (including cumulative) effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 5.143 Local Plan, emerging LPR and Marden NP policies require that development should respect the amenities of occupiers of neighbouring properties from excessive noise, odour, air pollution and activity. They should also ensure light spillage is minimised and avoided near areas of nature conservation importance.
- 5.144 The predominant source of odours could be from the ventilation systems, manure handlings if these operations are not conducted in accordance with good practice. The conclusion of the submitted odour report is that no local residences will be exposed to an odour level greater than 1 on the Environment Agency's guidance criteria.
- 5.145 The manure is collected via automated conveyors which allows air drying and for it to be removed for disposal off site. This eliminates the occurrence of odour and the regular manure removal does not provide sufficient time for flies to complete their breeding cycle.
- 5.146 All manure from the hen houses will be transported in covered vehicles to the applicant's Anaerobic Digester at Knoxbridge Farm near Staplehurst which produces an odourless compost. No land spreading of manure will take place at Reed Court Farm, and this could be secured by planning condition.
- 5.147 The main sources of noises would be:
- Mechanical services plant items on both sheds which can operate 24/7;
  - Chickens being removed from the sheds and taken off-site, which occurs at the end of every 15 month cycle with each shed being staggered;
  - Food lorries delivering feed which is blown into the silos, which occurs weekly to each silo.
- 5.148 The conclusion of the noise report is that the impacts are acceptable with mitigation including acoustic barriers. The noise levels generated would meet BS 4142:20.
- 5.149 A number of local residents have commented on the potential loss of amenity though odour and noise from the hens whilst roaming. However, noise and odour from that is low and would not cause loss of amenity.
- 5.150 As EIA development, the applicant has considered various construction impacts including those on nearby residents and commits to submitting a Construction and Traffic Management Plan (CTMP).
- 5.151 A CTMP would normally include proposed mitigation measures to take account of neighbouring impacts including dust and noise during the construction phase. Any impacts on neighbours during the construction period will be relatively temporary and by the nature of the proposed siting, at some distance from neighbouring residences.
- 5.152 Due to the separation distances and the nature of the proposed agriculture use, the proposal would not impact on privacy or harmfully impact nearby residents.

- 5.153 For those residents that currently have a private view of arable fields, that would be fundamentally changed. However, the loss or change to a private view is not a land use planning consideration. The range areas would not be lit with the only lighting proposed being very limited, to emergency lighting and lighting of entrances and exits for personnel. A condition could be imposed to require full details of external lighting.
- 5.154 Taking into account the nature and location of the proposal relative to residential dwellings, I am following the advice, in detail, of the Council's Environmental Protection team which considers there to be no unacceptable adverse impact from noise and odours on any residential amenity, subject to the mitigation measures and conditions. The proposal is considered to comply with Policies DM1, DM8, DM36 of the Local Plan and policy BE5 of the Marden Neighbourhood Plan.

### **Other Matters**

- 5.155 The application site is in an area of a safeguarded mineral deposit that being the Alluvial River Terrace but KCC Minerals and Waste team have no safeguarding objections or comments to make regarding this application. It is thus concluded that the development is acceptable in this regard.
- 5.156 A number of objectors have raised issues regarding animal welfare and avian influenza. However, these are not planning considerations and are covered by other legislation.

### **PUBLIC SECTOR EQUALITY DUTY**

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

## **6. CONCLUSION**

- 6.01 Regulation 26 of the Environmental Impact Assessment Regulations 2017 requires the environmental information submitted to be examined to allow a reasoned conclusion on the significant effects of the proposed development on the environment. The conclusion needs to be based on both the applicant's environmental information and officers' own supplementary examination and integrated into a recommendation. Regulation 26 also requires that if planning permission or subsequent consent is to be granted, there needs to be a consideration of imposing monitoring measures. The reasoned conclusion needs to be up to date and address the significant effects of the proposed development on the environment that are likely to arise.
- 6.02 In policy terms, there is strong support for economic development as set out in the NPPF but, by its very nature, it is generalised. The draft LPR is the most recent document where there is the opportunity for local choices to be made in response to the NPPF, however, there are no allocated sites nor broad areas of search. There are often criticisms of the 'industrialisation' of farming with large lorries accessing agricultural units via rural roads etc and so there are clearly issues but the agricultural sector remains important to the local economy and the Council prioritises commercial development. Therefore, in making the planning balance, given the need, the question is whether there is locational policy guidance and reasonably expect clear policy criteria would be expected and I recap on these.
- 6.03 A primary determining issue is harm to the character and appearance of the open countryside and clearly these large buildings will be visible in the general landscape. However, the most visible unit has been deleted and the Council's

experts on landscape impact are satisfied that suitable tree hedge planting will constitute effective and proportionate mitigation.

- 6.04 It is still not certain whether there would be significant pollution. Natural England had not raised major concerns until recently and so the recommendation would be subject to these being overcome bearing in mind the length of time this application has been with the Council. There is a reasonable likelihood that an agreement can be made on the appropriate methodology for the assessment of nitrate and phosphorous discharges and the recommendation accords with this. The Council's consultant on this matter did not raise overriding concerns subject to the imposition of conditions.
- 6.05 Similarly, it has not yet been satisfactorily demonstrated that all parts of the development are confined to the appropriate flood zones of 1, 2 and 3a. A small section of the track (likely to be under 100m or so) appears to cut across zone 3b.
- 6.06 The Council's consultant on this matter has advised that site specific modelling would confirm if engineering development is proposed within the functional flood plain (Flood Zone 3b). They further advise that a minor re-alignment of part of the track would avoid the functional flood plain.
- 6.07 Having taken account of relevant information in the Environmental Statement and any addendums, no significant environmental effects are predicted for impact on landscape, residential amenity, Ancient Woodlands, highways, heritage and archaeology, drainage and minerals and waste. In terms of those matters, the proposal has been assessed in terms of environmental impact and is considered to be acceptable in principle in accordance with the relevant policies in the Development Plan and the NPPF subject to conditions or planning obligations for management of the farm as necessary.
- 6.08 In terms of the specific requirement of Regulation 26 for appropriate monitoring measures, these would need to cover roof surface water runoff, water quality of the R Beult and habitats and species.
- 6.09 To comply with Regulation 26, there are 2 issues where further information is needed and this would be reported back to Members to allow a full consideration by officers of the environmental impacts of the application.
- The impact on the ecology and biodiversity of the River Beult SSSI from potential Nitrogen and Phosphorus pollution
  - Flood risk from engineering works proposed within Flood Zone 3b (the functional flood plain).

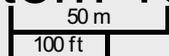
## 7. RECOMMENDATION

**SUBJECT to a revised methodology for phosphate and nitrogen discharge and clarity over water quality impacts both to be agreed by Natural England, and further clarification over engineering development in the functional floodplain, PLANNING PERMISSION BE GRANTED subject to conditions and the prior completion of a legal agreement**

The information responding to the points below to be reported back to a future Planning Committee:

1. Clarification on how future nutrient loads from land use change have been estimated and a revised Nitrogen and Phosphorus Assessment in regard of the proposed scheme.
2. Consideration of water quality impacts to the River Beult SSSI, and consideration of measures to avoid/mitigate against increased levels of nutrients from the proposed land use change, that would result in exceeding water quality targets for the SSSI
3. Further analysis (such as site-specific modelling) to confirm if engineering development is proposed within the functional flood plain (Flood Zone 3b). If so, in order for the access to accord with Government guidance, revised drawings to be submitted to show re-alignment of any engineering to avoid the functional flood plain.

NB Conditions/Heads of Terms of s106 Planning Obligation to be included when the application is reported back to Planning Committee.



Ordnance Survey - data derived from OS Premium

23/504779/FULL Cocketts, Bimbury Lane, Stockbury, Kent, ME9 7QX  
Scale: 1:2500  
Printed on: 5/2/2024 at 11:57 AM by JoannaW

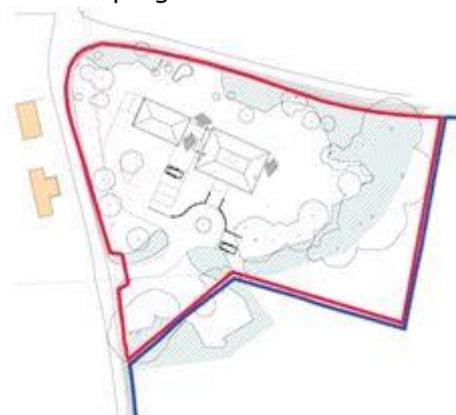
**REPORT SUMMARY**

<b>REFERENCE NUMBER:</b> 23/504779/FULL		
<b>APPLICATION PROPOSAL:</b> Demolition of existing dwelling and outbuildings and erection of 1no detached dwelling (Resubmission of refused application 23/500613/FULL).		
<b>ADDRESS:</b> Cocketts Bimbury Lane Stockbury Sittingbourne Kent ME9 7QX		
<b>RECOMMENDATION: REFUSE PLANNING PERMISSION</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The proposal, by reason of the height, bulk, massing, and siting, of the large proposed two storey pitched roof house and garage (replacing a modest single storey bungalow and outbuildings) and introduction of excessive hard landscaping would: <ul style="list-style-type: none"> <li>• erode the largely undeveloped rural nature of the site with a substantial increase in the bulk and massing of development that would be harmful to and fail to maintain or enhance the local character and appearance of this rural location.</li> <li>• result in a building that fails to preserve the rural character and openness of the nationally significant Kent Downs National Landscape (formally known as AONB).</li> <li>• fail to preserve the intrinsic character of the countryside with the proposed dwelling more visually harmful than the existing dwelling.</li> <li>• be contrary to policies SP17, DM1, DM30 and DM32 of the Maidstone Local Plan, the Maidstone Landscape Character Assessment (2013) the Kent Downs AONB (National Landscape) Management Plan (2021 - 2026) and guidance in the NPPF (2023).</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Call in by Stockbury Parish Council if officer recommendation is to refuse permission with further comments below in the consultee section.		
<b>WARD:</b> North Downs	<b>PARISH</b> Stockbury	<b>COUNCIL:</b> <b>APPLICANT:</b> Mrs Lesley Hazell <b>AGENT:</b> Refine Architecture Ltd
<b>CASE OFFICER:</b> William Fletcher	<b>VALIDATION DATE:</b> 31/10/23	<b>DECISION DUE DATE:</b> 12/01/24
<b>ADVERTISED AS A DEPARTURE:</b> No		

**Relevant Planning History**

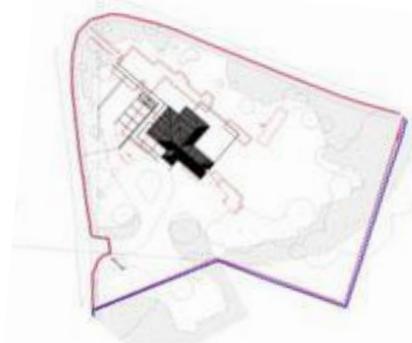
- a) 20/504352/FULL Demolition of existing house and associated outbuildings and erection of 1no. new detached five bedroom house with detached double garage with gym, extended driveway and enhanced landscaping. Refused 23.11.2020.

Layout of 20/504352/FULL



- b) 21/503774/FULL Demolition of existing dwelling and outbuildings and erection of 1no detached dwelling. Refused 22.09.2021.

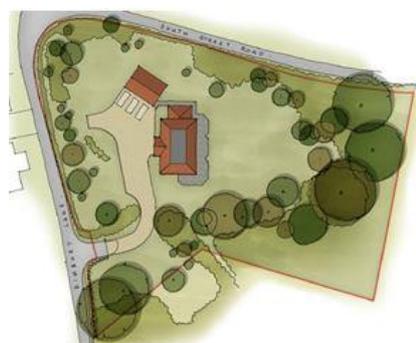
Layout of 21/503774/FULL



- c) 23/500613/FULL Demolition of existing dwelling and outbuildings and erection of 1no. detached dwelling and detached triple garage. Refused 06.04.2023 for the following reasons:

*"The proposal, involving the demolition of a modest single storey bungalow and outbuildings, by reason of the height, bulk, massing, and siting, of the large proposed two storey pitched roof replacement house and garage and introduction of excessive hard landscaping would erode the largely undeveloped rural nature of the site with a substantial increase in the bulk and massing of development that would be harmful to and fail to maintain or enhance local character and appearance of this rural location. The proposal would result in a building that fails to preserve the rural character and openness of the nationally significant Kent Downs AONB and fails to preserve the intrinsic character of the countryside with the proposed dwelling more visually harmful than the existing dwelling. As such the development is contrary to policies SP17, DM1, DM30 and DM32 of the Maidstone Local Plan, the Maidstone Landscape Character Assessment (2013) the Kent Downs AONB Management Plan (2021 - 2026) and guidance in the NPPF (2021)".*

Layout of 23/500613/FULL



- d) Appeal against the decision to refuse planning permission for application 23/500613/FULL was dismissed. The main points made by the Inspector are summarised as follows:

- In the absence of sufficient evidence to the contrary, the proposals would potentially cause unacceptable harm to protected species. This would be contrary to policies DM1 and DM3 of the Maidstone Borough Local Plan 2017 (LP).
- Proposed development would not harm the character and appearance of the area or the landscape quality and setting of the Kent Downs National Landscape. It would not conflict with policies SS1, SP17, DM1, DM5 and DM30 of the LP.
- Development would not result in harm to the setting of the listed building Beaux Aires Farmhouse

## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE**

- 1.01 The site is in open countryside and in the Kent Downs National Landscape (previously known as the Kent Downs Area of Outstanding Natural Beauty). The Grade II listed Beaux Aires Farmhouse lies to northwest of the site, along with several other buildings on the west side of Bimbury Lane. The site is within a Groundwater Source Protection Zone. A public right of way (KH60) ends on the opposite (west) side of Bimbury Lane immediately to the south of the application site.
- 1.02 The triangular shaped site is at the junction of Bimbury Lane and South Street Road with both north and west boundaries visible from the highway. Trees and hedges are in the site and around the perimeter (No Tree Preservation Orders present).
- 1.03 The site is currently occupied by a detached bungalow with a pitched roof, hipped on all sides, and several modest, low-lying outbuildings, mostly in timber and in a dilapidated state of repair. Site access is off Bimbury Lane to the south of the main property, with the main property to the northwest corner of the plot. Wooded areas are to the south and east of the site, with agricultural land to the north opposite South Street Road.

### **2.0 PROPOSAL**

- 2.01 Proposal is for the demolition of the existing modest single storey bungalow and outbuildings and construction of a larger two storey pitched roof house (detached garage is no longer proposed).

#### Comparison between existing and proposed buildings

	Eaves height	Ridge height	Frontage length	Footprint*	Volume*
Existing	2m	4.5m	8.8m	150m <sup>2</sup>	120m <sup>3</sup>
Proposed	5m	7.8m	20m	180m <sup>2</sup>	1000m <sup>3</sup>

\*Volume will be more critical than footprint – supporting text to LP: para 8.7

### **3.0 POLICY AND OTHER CONSIDERATIONS**

#### Maidstone Borough Local Plan (2011-2031):

- SS1 Maidstone borough spatial strategy
- SP17 Countryside
- SP18 Historic environment
- DM1 Principles of good design
- DM3 Natural environment
- DM4 Development affecting designated and non-designated heritage assets.
- DM8 External lighting
- DM21 Assessing the transport impacts of development.
- DM23 Parking standards
- DM30 Design principles in the countryside
- DM32 - Rebuilding and extending dwellings in the countryside.

#### 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 2023, 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 in the Maidstone Draft Local Plan are as follows:

SS1 – Maidstone borough spatial strategy

SP9 – Development in the countryside

SP10(a) – Housing mix

SP15 – Principles of good design

Q & D4 – Design principles in the Countryside

HOU5 – Density of residential development

TRA4 – Parking standards (Appendix B)

Q&D6 – Technical Standards

Q&D7 – Private open space standards

The National Planning Policy Framework -NPPF (2023)

Section 12 – Achieving well-designed places.

Section 15 - Conserving and enhancing the natural environment.

National Planning Policy Guidelines (NPPG).

Supplementary Planning Documents

- Ministry of Housing, Communities and Local Government: National Design Guide.
- Government's Technical Housing Standards: Nationally Described Space Standards (March 2015).
- Kent Downs AONB (National Landscape) Management Plan (2021 – 2026)
- Maidstone Landscape Character Assessment (2013)

In relation to the existing landscape character of the application site, the site is within the Bredhurst and Stockbury Downs landscape character area in the Maidstone Landscape Character Assessment (2013). The site is found to be in 'Poor' condition and of 'Moderate' sensitivity with guidelines to restore and improve. The recommendations for the application site land include:

- Bredhurst and Stockbury Downs is situated within the Kent Downs National Landscape. The Kent Downs National Landscape is a nationally important designation which offers a high level of development constraint.
- Avoid further built development which is out of context in terms of materials and design.

#### **4.0 LOCAL REPRESENTATIONS**

##### **Stockbury Parish Council**

###### 4.01 Support

- Wishes to see application approved with a condition which requires removal of any mobile homes or static.
- If officers are minded to approve, request committee determination.

##### **Local residents**

###### 4.02 One letter in support on the grounds that the existing building is derelict and the "...monstrosity of the building approved along south street road last year..."

## **5.0 CONSULTATIONS**

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

### **Maidstone Conservation Officer**

- 5.01 No objection on heritage grounds for the following reason:
- No harm to the setting of the Grade II listed Beaux Aires Farmhouse due to the separation distance.

### **KCC Ecology**

- 5.02 No objection subject to conditions on the following:
- Reptile mitigation strategy
  - Construction and environment management plan.
  - Tree protection and management plan
  - Landscape and ecological management plan
  - External lighting
  - Biodiversity enhancements

### **KCC Archaeology**

- 5.03 No objection subject to condition requiring an archaeological watching brief.

### **KCC Highways**

- 5.04 No objection subject to condition requiring a construction management plan.

### **Natural England**

- 5.05 No objection

### **Environmental Health**

- 5.06 No objection subject to condition requiring details of foul drainage.

## **6.0 APPRAISAL**

- 6.01 The key issues are:
- Countryside location and policy SP17.
  - Policy DM32 - Rebuilding dwellings in the countryside
  - Heritage
  - Residential amenity
  - Highways
  - Appeal decision.
  - Other matters

### **Countryside location (policy SP17)**

- 6.02 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
- 6.03 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.

6.04 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.

6.05 In this case, local plan policy DM32 permits the demolition and rebuilding of existing dwellings in the countryside subject to several listed criteria. The submitted proposal is assessed against DM32 below.

**Policy DM32 - Rebuilding dwellings in the countryside**

6.06 Local Plan policies DM1 and DM30 promote high quality design. Development is encouraged which accords with the countryside in terms of bulk, scale, massing, visual amenity, and landscape character. Policy DM32 states that outside the settlement boundaries (as defined on the policies map), proposals for the replacement of a dwelling in the countryside would be acceptable providing the proposal complies with the following criteria.

(i) The present dwelling has a lawful residential use.

6.07 The existing bungalow has a lawful residential use.

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

6.08 The existing bungalow has a permanent residential use.

(iii) The present building is not listed.

6.09 The existing bungalow is not listed.

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

6.10 On the basis of its lower height, a single storey building will be less visually harmful than a two storey building. The supporting text to DM32 (para 8.7) acknowledges this advising that in assessing impact, volume will be more critical than footprint.

6.11 The current proposal will result in an increase in both the volume of the house and the building footprint. The volume would increase by 880m<sup>3</sup> (from approximately 120m<sup>3</sup> to 1000m<sup>3</sup>) and the footprint would increase from 150m<sup>2</sup> to 180m<sup>2</sup>.

6.12 Whilst the presence of existing outbuildings on the application are noted, these are single storey. Policy DM32 and its supporting text are worded to prevent single storey outbuildings or other extensions being used as justification for significantly larger dwellings.

6.13 The mass and volume of the replacement building would be significantly more visually harmful than the present building and the proposal fails to meet the above criteria.

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

6.14 The application site has protection on two levels. Firstly, by reason of the countryside location and secondly due to the location in a designated nationally important landscape.

- 6.15 The Local Plan sets out “The countryside has an intrinsic character and beauty that should be conserved and protected for its own sake” (para 4.95) and “The intrinsic character and beauty of the countryside is an important asset... which is highly sensitive to development” (para 8.6).
- 6.16 With reference to appeal Inspector’s comments on landscape screening, Local Plan policy DM32 does not advise that boundary screening makes inappropriate development in the countryside acceptable. Landscape screening can die or be removed and with leaf fall screening is not a constant feature. Adopted policy does highlight the importance of protecting the ‘intrinsic’ character of the countryside, and whether the building can be viewed from the roadside or public views is irrelevant to this assessment.
- 6.17 Following the earlier appeal decision, on the 22 November 2023 the Kent Downs Area of Outstanding Natural Beauty designation was relaunched and renamed. The new designation the Kent Downs ‘National Landscape’ brings the designation in line with National Parks.
- 6.18 As part of the relaunch, Parliament passed the Government amendment to the Levelling Up and Regeneration Bill to enhance AONB and National Park Management Plans and the Bill is now an Act. The Kent Downs Management plan states that a threat is “*Loss of and damage to the quality and character... through the cumulative effect of inappropriate, poorly designed general development ....*” (paragraph 4.4)
- 6.19 The changes strengthen the Duty of Regard under section 85 of the Countryside and Rights of Way Act for relevant authorities such as Maidstone Council. The change was from:
- “... a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty” to
  - “a relevant authority ... must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty”.
- 6.20 Paragraph 182 of the NPPF (19 December 2023) states “*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and ... [National Landscapes] ...which have the highest status of protection in relation to these issues*”.

Comparison between existing and proposed front elevations.



- 6.21 As set out earlier in this assessment, the current proposal will result in an increase in both the volume of the house and the building footprint. The volume would increase by 880m<sup>3</sup> (from approximately 120m<sup>3</sup> to 1000m<sup>3</sup>) and the footprint would increase from 150m<sup>2</sup> to 180m<sup>2</sup>.
- 6.22 The proposed replacement dwelling would be substantially larger than the existing “original” dwelling. The application includes an increase in roof eaves height of 3 metres (from approximately 2 metres to 5 metres) and increase in roof ridge height of 3.3 metres (from approximately 4.5 metres to 7.8 metres).

- 6.23 The existing dwelling is a modest bungalow that has a natural affinity in the landscape setting. By contrast, the appeal proposal would have a greater depth, width, volume, and height than the bungalow. The result would be a building that would be significantly larger in volume, bulk, and mass than that which presently exists on site. The mass and volume of the replacement dwelling is more visually harmful than the original dwelling and the replacement dwelling would not result in a development which is visually acceptable in the countryside.
- 6.24 The proposal fails to meet criteria DM32 (v).
- (vi) The replacement dwelling is sited to preclude retention of the dwelling it is intended to replace, or there is a condition or a planning obligation to ensure the demolition of the latter on completion of the new dwelling.
- 6.25 The new house is on the site of the existing bungalow and the proposal complies with criteria.
- 6.26 In summary for the reasons detailed above the development is contrary to local plan policy DM32. The development causes visual harm to the countryside and is not in compliance with policies DM1 and DM30.

### **Heritage**

- 6.27 The local planning authority has a statutory duty to have special regard to the desirability of preserving listed buildings and their settings under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.28 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.
- 6.29 The NPPF states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. When considering the impact 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); and that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 6.30 The site is in the wider setting of Beaux Aires Farmhouse, which is a Grade II farmhouse and associated historic farmstead. Its listing is as follows:
- (i) House, Early C17. Flint ground floor, timber-framed first floor, plain tile roof. Ground floor rendered, first-floor tile-hung in C20. 2 storeys, roof hipped to left and originally also to right.
  - (ii) Large projecting stack at left end. Irregular fenestration of 2 two-light casements. Door originally central. Early C20 2-storey extension at 45° to right end with short cross-wing on right end. C20 panelled door in the extension. Interior: Ground floor has inglenook fireplace and exposed beams. Clasped purlin roof.
  - (iii) The farmhouse faces south towards the site and has a predominantly rural outlook that contributes to its significance. The existing buildings on site have a modest vernacular scale and character which does not detract from the listed building setting.

- 6.31 With the separation distance, it is concluded that the proposal will not have any negative impact on the setting of the Beaux Aires Farmhouse. The conservation officer has assessed the proposal and has also concluded that there will be no adverse impact on the setting of the Beaux Aires Farmhouse

### **Residential amenity**

- 6.32 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.
- 6.33 With the separation distance from the nearest residential property, the new house will not result in a loss of amenity to neighbouring occupiers. The proposed dwelling is located on a plot approximately 4600m<sup>2</sup> in size, and features spacious living areas, all rooms would be adequately lit. The dwelling will provide an adequate standard of accommodation.
- 6.34 In summary, the proposal is acceptable in terms of potential harm to neighbouring amenity through loss of daylight, sunlight, or privacy and the standard of the accommodation.

### **Highways**

- 6.35 Local Plan policy DM 1 states that proposals should 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.
- 6.36 The NPPF is clear 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'. The impact is not sufficient to conclude that there would be a severe highways impact or an unacceptable impact on highway safety, or to justify refusal on this ground.
- 6.37 In terms of parking provision, Local Plan policy DM23 advises that a minimum of two independently accessible parking spaces should be provided. This is provided for the dwelling.
- 6.38 In summary, the proposal is acceptable in terms of traffic generation, access and parking.

### **Appeal decision**

- 6.39 An appeal Inspector did not uphold the council's reason for refusing the earlier planning application in terms of the visual harm caused by a replacement dwelling of significantly greater height and bulk. The single reason for dismissing the appeal was in relation to ecology. The current application has addressed the ecology issues that were raised by the appeal Inspector.
- 6.40 Whilst the appeal decision is a material consideration in assessing the current planning applications, officers do not agree with the conclusions of the appeal Inspector.
- 6.41 In addition to the appeal decision the assessment of the current application also needs to consider changes in the planning policy background since the appeal decision.

- 6.42 The relaunch and name change to the Kent Down National Landscape designation strengthened the Duty of Regard under section 85 of the Countryside and Rights of Way Act. The Duty of Regard states that the council ... must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty". It is concluded that this change is sufficient justification for reassessing the visual impact of the proposal.

### **PUBLIC SECTOR EQUALITY DUTY**

- 6.43 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. The application proposal does not undermine the objectives of the Duty.

### **CIL**

- 6.44 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 that planning permission is approved or shortly afterwards.

## **7. CONCLUSION**

- 7.01 It is concluded that the application does not address the previous reasons for the refusal of planning permission.
- 7.02 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
- 7.03 The proposal will have a significant impact on local character and appearance introducing a large house in place of the existing modest bungalow. The proposal does not accord with policies DM1, DM30 and DM32 and as a result the proposal is also contrary to policy SP17.

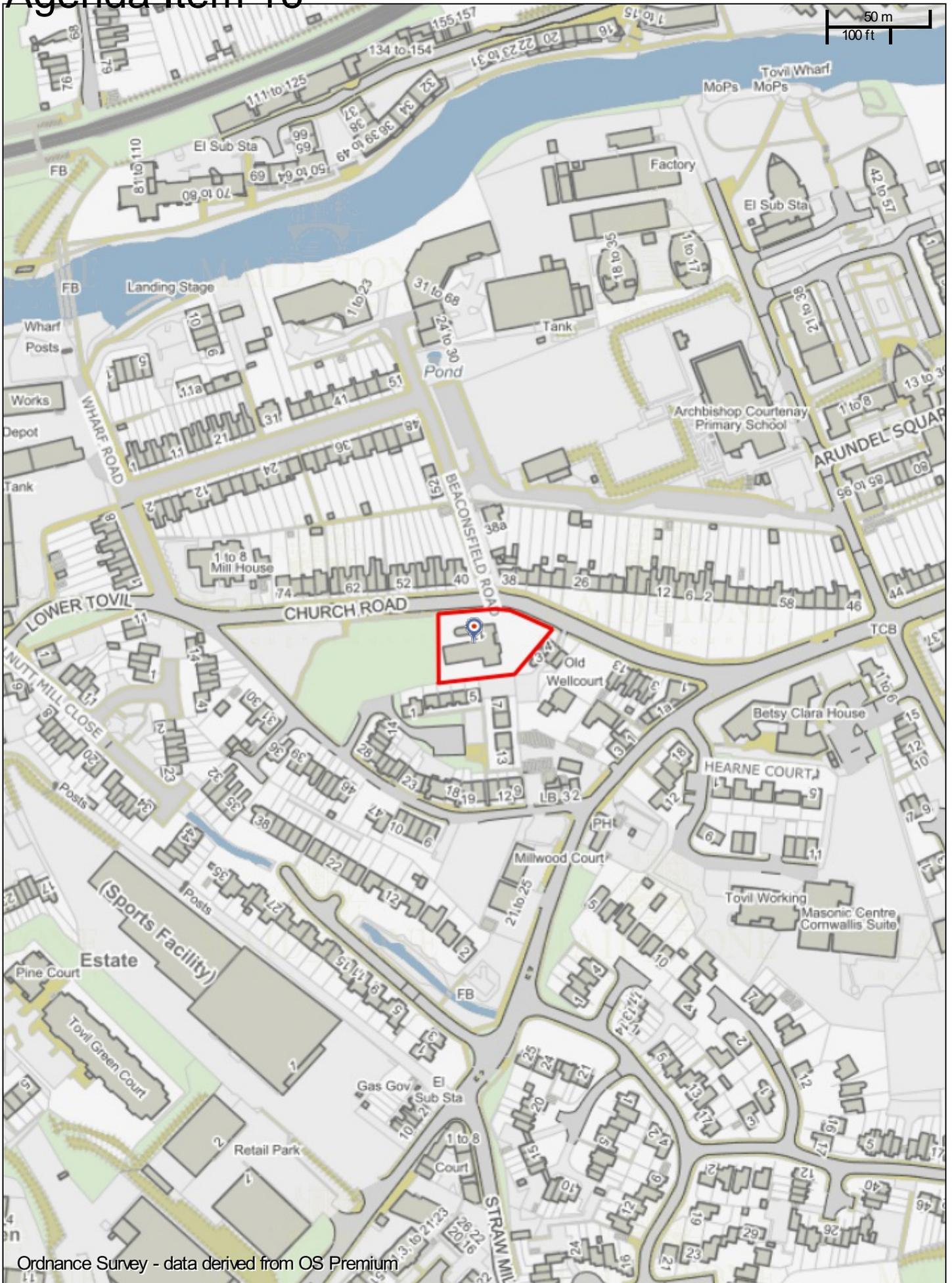
## **8. REFUSE PLANNING PERMISSION for the following reasons:**

The proposal, by reason of the height, bulk, massing, and siting, of the large proposed two storey pitched roof house (replacing a modest single storey bungalow and outbuildings) and introduction of excessive hard landscaping would:

- erode the largely undeveloped rural nature of the site with a substantial increase in the bulk and massing of development that would be harmful to, and fail to maintain or enhance the local character and appearance of this rural location.
- result in a building that fails to preserve the rural character and openness of the nationally significant Kent Downs National Landscape (formally known as AONB).
- fail to preserve the intrinsic character of the countryside with the proposed dwelling more visually harmful than the existing dwelling.
- be contrary to policies SP17, DM1, DM30 and DM32 of the Maidstone Local Plan, the Maidstone Landscape Character Assessment (2013) the Kent Downs AONB (National Landscape) Management Plan (2021 - 2026) and guidance in the NPPF (2023).

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

**23/503311/FULL The Haven Care Home, 17 Church Road, Tovil, Maidstone, Kent, ME15 6QX**

Scale: 1:2500  
N

Printed on: 5/2/2024 at 12:00 PM by JoannaW

**REPORT SUMMARY**

<b>REFERENCE NUMBER:</b> 23/503311/FULL		
<b>APPLICATION PROPOSAL:</b> Change of use from residential care home (Use class C2) to a 29 bedroom HMO including changes to fenestration, creation of new parking spaces and cycle store.		
<b>ADDRESS:</b> The Haven Care Home 17 Church Road Tovil Maidstone Kent ME15 6QX		
<b>RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> Design, appearance, residential amenity, neighbour impact and impact on parking are acceptable and would accord with policies DM1 and DM9 of the Local Plan (2017) and the guidance in the NPPF.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Call in from Tovil Parish Council and Councillor Mortimer. Their comments are detailed in the below consultee section.		
<b>WARD:</b> South	<b>PARISH COUNCIL:</b> Tovil	<b>APPLICANT:</b> Mr & Mrs K & R Bhansi T/A The Haven <b>AGENT:</b> D.C.Hudson and Partner LLP
<b>CASE OFFICER:</b> William Fletcher	<b>VALIDATION DATE:</b> 02/08/23	<b>DECISION DUE DATE:</b> 23/02/24
<b>ADVERTISED AS A DEPARTURE:</b> No		

**Relevant Planning History**

84/1470 Change of use to residential rest home for the elderly. (The application building was a single dwelling prior to conversion). Approved 18.12.1984

**MAIN REPORT**

**1. DESCRIPTION OF SITE**

- 1.01 In policy terms the application site is within Maidstone Urban area which the local plan designates as the most sustainable location for new residential development.
- 1.02 The application site is located on the south side of Church Road. The existing attractive two-storey building was constructed as a Vicarage for St Stephen’s Church, which prior to demolition was to the west of the site. The church and the vicarage can be seen on the historic OS maps between 1908 – 1946.
- 1.03 The site is a non-designated heritage asset due to the design of the building, its association with the church (now lost) and the history and development of Tovil.
- 1.04 It is acknowledged that the building has been extended and some alterations to the internal layout have been undertaken, however, the main dwelling and its form can still clearly be seen and understood.

## **2. PROPOSAL**

- 2.01 The proposed scheme looks to convert the existing residential care home into a 29-bedroom House in Multiple Occupation (HMO). The proposal includes changes to fenestration, creation of new parking spaces and cycle store.
- 2.02 Internally it is proposed to remove part of the original gable wall and some walls of the later extension to create a large double kitchen and blocking up of the door within the later extension (the existing rear access to the kitchen).

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

Maidstone Borough Local Plan 2017:

SP1 – Maidstone urban area  
SS1 - Maidstone borough spatial strategy  
SP18 – Historic environment  
SP19 – Housing mix  
DM1 – Principles of good design  
DM4 – Development affecting designated and non-designated heritage assets  
DM9 – Residential extensions, conversions...within the built-up area.  
DM12 – Density of housing development  
DM23 - Parking standards

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

The Regulation 22 Local Plan Review:

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.

SP10:Housing  
SP10:(A):Housing mix  
SP12:Sustainable transport  
SP14: (b) Historic Environment  
SS1:Maidstone borough spatial strategy  
SP2: Maidstone urban area SP10(a)  
SP14A:Natural environment  
SP14:(C):Climate change  
SP15:Principles of good design  
HOU2: Residential extensions, conversions...in the built-up area  
TRA2:Assessing the transport impacts of development  
TRA4:Parking  
Q&D 1:Sustainable design  
Q&D 2:External lighting  
Q&D 6:Technical standards

#### **4. LOCAL REPRESENTATIONS**

##### **Local residents**

- 4.01 18 representations received objecting to the application for the following (summarised) reasons:
- Parking issues
  - Overshadowing and light intrusion
  - Aural impacts
  - Principle of development
  - Anti-social behaviour
  - Impacts on nearby listed buildings.
- 4.02 In terms of anti social behaviour whilst this is a material issue, the planning system cannot control who occupies a dwelling, any dwelling can be occupied in an unsocial manner. Other issues are assessed in the following report.
- 4.03 In terms of impacts on listed buildings 'Old Wellcourt' is situated approximately 30m to the southeast of the application site. When considering the layout of the road it is not assessed that this building is seen in context of the application site. Conservation officers have not assessed the application would cause harm to this listed building.

##### **Tovil Parish Council**

- 4.04 Objection and recommends that application is refused for the following reasons:
- 29 bedrooms is excessive and inappropriate.
  - Poor amenity space (indoors and outdoors)
  - Poor accommodation - most rooms without an integrated shower
  - Inadequate on-site parking with lack of capacity on the street.
  - Inadequate bin storage with tree removal.
  - Proposal would not make a positive contribution to the local community.
- 4.05 Request that the application is referred to the Planning Committee should officers be minded to grant.

##### **Councillor Mortimer**

- 4.06 Concerns relating to parking and the density of the proposed development.
- 4.07 Request that the application is referred to the Planning Committee should officers be minded to grant.

#### **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)

##### **Environment Agency**

- 5.01 No objection - application outside this consultees remit.

##### **KCC Minerals and Waste**

- 5.02 No objection

##### **Environmental Health**

- 5.03 No objection

**Kent Police**

5.04 No objection. Recommendations of security measures for applicant.

**KCC Highways**

5.05 No objection. Outside consultation protocol arrangements.

**MBC Conservation Officer**

5.06 No objection on heritage grounds with less than substantial impact

**6. APPRAISAL**

- 6.01 The key issues are:
- Spatial strategy
  - Local Plan policy DM9
  - Heritage
  - Residential amenity
  - Standard of accommodation
  - Highways and servicing

**Spatial Strategy**

6.02 The site is located within the designated Maidstone urban area. Adopted Local Plan policy SS1 states "...Maidstone urban area will be the principal focus for development in the borough. Best use will be made of available sites within the urban area". In this location the application site is generally suitable for residential development subject to the consideration of other adopted planning policies and assessing its detailed impact. This detailed impact is considered below.

**Local Plan Policy DM9**

6.03 Local Plan policy DM9 states that within the urban area a proposal for a house in multiple occupation will be permitted subject to a list of criteria. These criteria are considered below:

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

6.04 In addition to policy DM9, policy DM1 states development must "Respond positively to, and where possible enhance, the local, natural or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage - incorporating a high quality, modern design approach and making use of vernacular materials where appropriate".

6.05 The current proposal to convert the building involves little internal and external alterations. As such it is concluded that the proposal would not result in any visual harm to the building.

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

6.06 The submitted drawings do not show any changes to the existing site boundaries. The boundary is currently mainly open with a close boarded fence around the space to the rear of the building.

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

- 6.07 Policy DM1 of the Local Plan also sets out the need for development to respect the amenity of neighbouring occupiers. The current proposal to convert the building involves little internal and external alterations. As such it is concluded that the proposal would not result in any visual harm to the building.

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

- 6.08 The application site currently provides 5 off street car parking spaces and the proposal will increase the total to 9 off street car parking spaces. As set out later in this report 9 car parking spaces are sufficient for the proposed use and these spaces can be provided without diminishing the character of the street scene.

The intensified use of the building and its curtilage would not significantly harm the appearance of the building or the character and amenity of the surrounding area.

- 6.09 The current proposal to convert the building involves little internal and external alterations. The applicant has provided details of storage areas for cycles and bins and these are in line with the appearance of the site.

### **Heritage**

- 6.10 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.

- 6.11 A decision maker is required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest.

- 6.12 The NPPF advises *"In determining applications, local planning authorities should take account of...the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation".* *"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".*

- 6.13 The application building is a non-designated heritage asset (NDHA). This conclusion is reached due to the association with the demolished St Stephen's Church, the architect John Whichcord Snr and the connection to Tovil becoming a separate parish.

- 6.14 The change of use will not cause harm to the significance of the NDHA. The use of the building as a care home, involved sub-division to allow for WC's etc to be installed to the bedrooms.

- 6.15 The proposed internal and external changes as part of the current application will result in less than substantial harm to the layout and fabric of the existing building. This impact is acknowledged, and it is considered that these impacts are necessary to secure the reuse of this building and its future retention and maintenance.

### **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...by ensuring that development is not exposed to, excessive noise...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 current proposal to convert the building involves little internal and external alterations. No external alterations are proposed that would result in a loss of privacy.
- 6.18 The existing large building was used as a residential care home specialising in caring for adults over 65 years and those with dementia. A Care Quality Commission (QCC) inspection took place on the 7th and 13th December 2022. QCC Inspectors spoke with 7 members of staff (including care workers, senior care workers and the registered manager) and 5 relatives and 2 people about service delivered.
- 6.19 The QCC report dated 17 March 2023 stated “*The Haven care home is a large detached residential care home providing care and support for up to 30 older people, most of who are living with dementia. At the time of our inspection there were 26 people using the service*”. The QCC report advised that the overall rating of the service was 'Inadequate' and the service was therefore in 'special measures'. The maximum time for being in special measures will usually be no more than 12 months.
- 6.20 Court of Appeal decisions have found that development that does not materially change the exterior appearance of a building can in certain circumstances be said to harm the “character and appearance” of an area. These appeal rulings relate to the potential impact of a proposed use and to single dwelling houses being converted to alternate uses.
- 6.21 The application site is in the Maidstone urban area. The lawful use of the application building provides 30 spaces for patients either over 65 years old or with dementia. The occupiers of the care home are high dependency and would require necessary staffing who would generally arrive and depart from the site providing 24-hour care in a shift pattern. In addition to staff there would also be visitors from family and friends.
- 6.22 It is accepted that the pattern of comings and goings from the application building will change as a result of the conversion from a care home to a HMO. It is concluded that this change will not be so significant so as to cause a loss of amenity to neighbours or the area.
- 6.23 The concerns expressed by neighbours in relation to anti-social behaviour are acknowledged. Whilst a material planning consideration, there is no evidence that anti-social behaviour would be generated by future occupants of the property. Anti-social behaviour is not an inevitable consequence of a HMO as opposed to the single occupation of dwellings and if it does occur this issue can be dealt with under legislation outside the planning system.

### **Standard of Accommodation**

- 6.24 Local Plan policy DM1 advises that proposals will be permitted where they “...provide adequate residential amenities for future occupiers of the development...”. The policy seeks to ensure that occupiers are not “...exposed to, excessive noise..., overlooking or visual intrusion...”. The NPPF advises of the importance of good design, creating well designed accommodation with a high standard of amenity for future residents.

- 6.25 Houses in Multiple Occupation (HMO's) aid the provision of accommodation for smaller households and contribute towards achieving a mix and choice of homes, HMO developments need also to provide attractive, high quality places to live that respond positively to the local area.
- 6.26 The council do not currently have any adopted minimum internal space standards. The national space standards included as part of the Local Plan Review (policy LPRQ&D 6) also do not include standards specifically for HMO accommodation. Published national minimum standards for a flat, state that a single room should be a minimum of 7.5 square metres.
- 6.27 If planning permission is granted, the applicant will need to apply for a separate HMO licence. As part of this licence application, the applicant will need to demonstrate that the proposed accommodation meets the size standards in the 'The Licensing of Houses in Multiple Occupation Mandatory Conditions of Licences) (England) Regulations 2018'. The HMO licence standards require a bedroom to be a minimum of 9 square metres, if a lounge is also provided, a bedroom may be allowed which is less than 9 square metres.
- 6.28 All of the HMO rooms are above the minimum national planning space standard (7.5 m<sup>2</sup>) and the standard required for an HMO Licence (9m<sup>2</sup>). In addition, the building provides generous communal spaces for occupants including a large kitchen area and multiple lounges. All rooms have adequate natural light and outlook, and each have an en-suite bathroom.
- 6.29 The council do not currently have any adopted policy on private residential amenity space. Policy Q&D 7 of the Local Plan Review states that external amenity space should be located adjacent to the dwelling and external access should be provided. Future occupiers will have access to a shared garden area. Whilst there is no standard, the proposed garden area is a usable size and shape and suitable for the proposed accommodation.
- 6.30 The accommodation will provide an adequate standard of amenity including in terms of room size, communal space, natural light, privacy, outlook, access arrangements and external space. The accommodation is in accordance with adopted Local Plan policy DM1.

### **Trip Generation and Servicing**

- 6.31 Policy DM1 states that applications must ensure that development does not result in, amongst other things excessive activity or vehicle movements.
- 6.32 The applicant has provided details of bin storage and a condition is recommended to ensure that the bin storage is provided.
- 6.33 Policy DM23 states "Cycle parking facilities on new developments will be of an appropriate design and sited in a convenient, safe, secure and sheltered location." Cycle storage is indicated on the submitted drawings and a condition is recommended to ensure that the cycle storage is provided. 7
- 6.34 The access to the site and the additional vehicle trips associated with the proposal can be adequately accommodated on the local road network without harm to highway safety.

### **Parking**

- 6.35 The adopted Local Plan considers Maidstone urban area the most 'sustainable' location for housing. Residents do not necessarily need to own a private vehicle to carry out normal day to day activities in the urban area. Paragraph 6.99 of the

supporting text to policy DM23 states "The council 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".

- 6.36 Off street parking standards for new dwellings are provided in the adopted Maidstone Local Plan (Appendix B). The standards are based on the number of proposed bedrooms and the nature of the location (town centre, edge of centre, suburban or village/rural).
- 6.37 The application site is in an 'edge of centre' location. In 'edge of centre' locations, adopted local plan off street parking standards are set as a 'maximum' (i.e not 'minimum' standards as in other areas). Appendix B to policy DM23 notes "Reduced, or even nil provision acceptable for rented properties, subject to effective tenancy controls".
- 6.38 Maximum off street parking standards:
- optimise the density of development in existing sustainable locations well served by public transport (as advised at NPPF paragraph 109 and Chapter 11).
  - reduce the negative visual impact of off street parking on the street scene and building setting caused by large areas of hardstanding.
  - reduce the negative impact on residential amenity with front gardens separating car parking from ground floor living rooms and bedrooms.
  - Retain the on street car parking space lost in providing access to off street car parking space.
- 6.39 The baseline for all highway impact assessment is the existing lawful use operating at full capacity. Any additional highway impact above that baseline is then relevant. The proposal seeks to convert an existing 30 bedroom care home (with activity from staff, deliveries, visitors etc) to a 29 bedroom HMO.
- 6.40 There is no car parking standard for HMO uses in the Local Plan and other standards are set at a maximum level. As an example, one and two bedroom flats require a 'maximum' of one space per flat so development of 10, one bedroom flats would be acceptable with nil provision and up to 10 spaces.
- 6.41 The application site currently provides 5 off street car parking spaces and the proposal will increase provision to 9 off street car parking spaces. The current application complies with adopted off street car parking standards set at maximum levels. Car ownership for occupiers of HMO's is generally lower than flats or houses. In addition, in the 2021 Census 19.3% of households in local area did not own a car, compared to 18.5% in the Tovil area and 14.6% in Maidstone Borough as a whole.
- 6.42 There is unrestricted on street parking available to the east of the application site along Church Road and to the north along Beaconsfield Road. On street parking to the west along Church Road is restricted to residential permit holders 8am to 6.30pm or for 2 hours with no return for 2 hours.
- 6.43 In the planning balance, additional on street parking demand is substantially less than the benefit of the retention and reuse of this NDHA and the proposed new accommodation of a good standard. This additional on street demand will not meet the NPPF threshold necessary to refuse permission as the impact will not be 'severe' harm.

### **Biodiversity, Landscaping and Trees**

- 6.44 One of the principles of the NPPF is that: Opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially

where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

- 6.45 A planning condition is recommended to ensure that biodiversity enhancement includes bird boxes, bat boxes/tubes and bee bricks are provided within the site and retained. Planning conditions are recommended seeking tree protection measures for the retained trees on the site and for new on-site landscaping (especially on the northern boundary).

#### **Public Sector Equality Duty**

- 6.46 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.

#### **Community Infrastructure Levy**

- 6.47 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 proposed development would accord with the policies of the Local Plan (2017) and, as such the recommendation is to grant planning permission subject to conditions.

### **8. RECOMMENDATION**

#### **GRANT PLANNING PERMISSION subject to the following conditions**

with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions and/or informatives 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 the permission.  
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:  
Application for planning permission  
2404/01 Rev C Existing and Proposed Site Location and Block Plans  
2404/02 Rev B Existing Floor and Roof Plans  
2404/03 Rev A Existing Elevations  
2404/04 Rev A Proposed Floor and Roof Plans  
2404/05 Proposed Elevations  
2404/06 Proposed Refuse Store  
Design and Access Statement  
Flood Risk Assessment  
Reason: To ensure that the development is undertaken in accordance with the approved drawings and documents
- 3) The accommodation hereby approved shall only be occupied by a maximum of 29 residents.

Reason: To ensure a satisfactory appearance to the development.

- 4) The development hereby approved shall not commence until details (manufacturer name, product name, and photographs) of the external facing materials to be used for the building hereby permitted and works of making good have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials and maintained as such thereafter. Reason: To ensure a satisfactory appearance to the development.
- 5) The development hereby approved shall not be occupied until the biodiversity enhancements indicated on drawing 2404/01 Rev C (Existing and Proposed Site Location and Block Plans) have been installed. All features shall be maintained and retained thereafter. Reason: To protect and enhance the ecology and biodiversity on the site in the future.
- 6) Prior to first occupation of the accommodation hereby permitted, a plan detailing the positions, height, design, materials, and type of all existing and proposed boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the accommodation and shall thereafter be retained at all times. Reason: In order to ensure a satisfactorily visual appearance of the site.
- 7) Prior to first occupation of the approved accommodation landscaping shall be in place that is in accordance with a landscape scheme that has previously been submitted to and approved in writing by the Local Planning Authority. The scheme shall
  - (a) be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012) <https://tinyurl.com/4a7uhhz5>
  - (b) 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,
  - (c) provide details of new on-site planting in a planting specification (location, species, spacing, quantity, maturity).
  - (d) provide landscape implementation details and timetable
  - (e) 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.
- 8) All landscaping specified in the approved details shall be completed by the end of the first planting season (October to February) following first occupation of the accommodation hereby approved. Any of the approved landscaping which fails to establish or any trees or plants which, within five years from the first occupation of the 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) The development hereby approved shall not commence until tree protection is in place in accordance with the current edition of BS 5837. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of

the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.  
Reason: In the interests of landscape, visual impact

- 10) No development including site clearance and demolition shall take place until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees (including the hedgerow immediately to the south of the proposed dwelling), including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan. The development shall only proceed in accordance with the agreed details including the installation of tree protection measures prior to any on site works and the retention of these measures for the duration of the construction works. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 11) Prior to the first occupation of the accommodation hereby approved the parking and turning areas shown on the submitted plans shall be completed and thereafter shall 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.
- 12) 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:
  - a) 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
  - b) follow the recommendations within the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting'.
  - c) 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 area, protected species and in the interests of residential amenity.
- 13) The development hereby approved shall not be occupied until the cycle and refuse storage indicated on drawing 2404/01 Rev C (Existing and Proposed Site Location and Block Plans) has been provided. Cycle and refuse storage shall be maintained and retained thereafter.  
Reason: In the interests of the amenity of future occupants and the area in general.

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 17



Ordnance Survey - data derived from OS Premium

## REPORT SUMMARY

<b>REFERENCE NUMBER:</b> 23/505157/FULL		
<b>APPLICATION PROPOSAL:</b> Demolition of workshop to west and erection of detached 4 bedroom dwelling. Conversion of workshop to east to detached 2 bedroom bungalow with use of existing vehicular access on to Lower Road, provision of footway and associated parking and landscaping.		
<b>ADDRESS:</b> Farleigh Forge Garage Lower Road East Farleigh Maidstone Kent ME15 0JS		
<b>RECOMMENDATION:</b> GRANT PLANNING PERMISSION subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> East Farleigh Parish Council have requested for application to be considered by Planning Committee if officers are minded to recommend approval. This request is made for the reasons outlined in the consultation section below.		
<b>WARD:</b> Coxheath & Hunton	<b>PARISH:</b> East Farleigh	<b>APPLICANT:</b> Mr D. McAfee <b>AGENT:</b> Graham Simpkin Ltd
<b>CASE OFFICER:</b> Kate Altieri	<b>VALID DATE:</b> 16/11/23	<b>DECISION DUE:</b> 19/02/24
<b>ADVERTISED AS A DEPARTURE:</b> NO		

## RELEVANT PLANNING HISTORY

- 22/503292 – Pre-app (Planning & Conservation; July 2022): Demolition of western building and erection of dwelling; and conversion of building to bungalow - Officer advice: Subject to any future application demonstrating development accords with policy DM31, proposal could be supported.
- 21/502450 – Pre-app (June 2021): Demolition of western-most building and erection of 2 dwellings and conversion of remaining building to office – Officer advice: LPA is unlikely to support proposal as submitted layout would adversely harm character and appearance of area.

## MAIN REPORT

### 1.0 SITE DESCRIPTION

- 1.01 The application site, that falls within East Farleigh Conservation Area, relates to a previously developed parcel of land that is currently occupied by Farleigh Forge Garage, a vehicle repair business. There are two main workshop buildings on the site, with the larger building having a small office extension. The smaller building is built of Kentish ragstone with brick quoins, it has timber casement windows with brick surrounds and also a plain tiled roof. Although this building is not listed, it does make a positive contribution to the character of the conservation area and is of some historic and architectural interest. On this basis it can be considered as a non-designated heritage asset (NDHA).
- 1.02 The application site fronts onto Lower Road, with an access road running along the site’s eastern boundary that leads up to Hartridge Farm (mobile home) Park. The property to the west of the site, known as The Limes, is Grade II listed; to the immediate north of the site is a property known as Langdale, with a property beyond known as Thatchers which is also Grade II listed. There are other listed buildings to the east of the site; there are a number of trees in proximity of the site’s western boundary; and the site is dominated by buildings and hardstanding.
- 1.03 For the purposes of the adopted Local Plan the site is located in the countryside that falls within the Medway Valley Landscape of Local Value. The site is also within an area of archaeological potential, Flood Zone 1 and a KCC Minerals Safeguarding Area.

### 2.0 PROPOSAL

- 2.01 This proposal is described as: *Demolition of existing workshop to west and erection of 1(no) detached 4 bedroom dwelling. Conversion of existing workshop to east to 1(no) detached 2 bedroom bungalow with use of existing vehicular access on to Lower Road, provision of footway and associated parking and landscaping.*

2.02 The existing site is dominated by buildings, hardsurfacing and parked cars, as can be seen below:



2.03 For ease of reference, the submitted CGI below gives an impression of the proposal:



2.04 Other key points to highlight are:

- For new dwelling, London stock brick and plain clay tiles would be used; and there would be soldier coursing above windows and timber bargeboards.
- Both dwellings would have dark grey timber sash windows.
- There would be minimal alterations to the building to be converted, with Heritage sash windows and doors inserted in the existing window/door openings; and the Garage door will be replaced with full height window.

2.05 The table below compares some key details for the existing building to be demolished, compared to the new build dwelling:

	<b>BUILDING TO BE DEMOLISHED (APPROX.)</b>	<b>NEW BUILD DWELLING (APPROX.)</b>
<b>RIDGE HEIGHT</b>	7.1m	7.5m
<b>MAIN EAVES HEIGHT</b>	3.2m	5m
<b>FOOTPRINT</b>	111m <sup>2</sup>	111m <sup>2</sup>
<b>VOLUME</b>	543m <sup>3</sup>	723m <sup>3</sup>

2.06 The proposal largely reflects the scheme submitted under pre-app submission 22/503292.

### **POLICY & GUIDANCE**

- Local Plan (2017): SS1, SP17, SP18, SP19, DM1, DM2, DM3, DM4, DM5, DM6, DM8, DM12, DM21, DM23, DM30, DM31
- Landscape Character Assessment (2012 amended July 2013) & Capacity Study (2015)
- National Planning Policy Framework (2023) & National Planning Practice Guidance
- Paragraph 99 of Government Circular (ODPM 06/2005)
- Natural England Standing Advice
- Regulation 22 Local Plan
- The Planning (Listed Buildings and Conservations Areas) Act 1990
- There is no Appraisal nor Management Plan for East Farleigh Conservation Area.

### **Local Plan**

2.07 The application site is within the designated countryside and policy SP17 states that new development will not be permitted unless it accords with other policies in this Plan and it will not result in harm to the character and appearance of the area. Exceptionally, proposals for residential development on brownfield sites in rural areas will be considered where policy DM5 states:

*1. Proposals on PDL in Maidstone urban area, RSCs and larger villages that make effective and efficient use of land and which meet following criteria will be permitted:*

- i. Site is not of high environmental value; and*
- ii. Density of housing proposals reflects character and appearance of individual localities, and is consistent with policy DM12 unless there are justifiable planning reasons for change in density.*

*2. Exceptionally, residential redevelopment of brownfield sites in countryside...and which meet above criteria will be permitted provided redevelopment will also result in a significant environmental improvement and site is, or can reasonably be made, accessible by sustainable modes to urban area, a RSC or larger village.*

2.08 Policy DM31 also relates to the conversion of existing rural buildings. Both of these policies have their own criteria for a development to adhere to, and these policies will be discussed in more detail further on in the report.

2.09 Furthermore, policies seek for new development in the countryside to (inter alia): Respect the amenity local residents; to be acceptable in highway safety, heritage and arboricultural terms; to protect and enhance any on-site biodiversity features where appropriate, or provide sufficient mitigation measures; and to be acceptable in flood risk terms. The distinctive landscape character of Landscapes of Local Value should also be conserved and enhanced.

### **Landscape Character Assessment**

2.10 The Maidstone Landscape Character Assessment identifies the site as falling within Farleigh Greensand Fruitbelt (Area 27-2: East Farleigh Slopes). The landscape guidelines for this area are to 'CONSERVE AND IMPROVE' and a summary of actions are as follows:

- *Consider generic guidelines for Greensand Orchards and Mixed Farmlands*
- *Retain views across River Medway Valley to north*
- *Conserve rural setting of East Farleigh Conservation Area*
- *Encourage building styles/materials sensitive to, and do not detract from, historic core of East Farleigh*
- *Improve boundary methods through promoting shelterbelts and ragstone walling*

2.11 Within the Council's Landscape Capacity Study: Sensitivity Assessment (Jan 2015), the overall landscape sensitivity of Farleigh Greensand Fruitbelt Landscape Character Area is *HIGH*.

### **NPPF**

2.12 The NPPF is clear that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve; and that planning decisions should ensure that developments in summary (para 135):

- a) will function well and add to overall quality of area, not just for short term but over lifetime of development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including surrounding built environment and landscape setting;*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise potential of site to accommodate & sustain appropriate amount and mix of development (inc. green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with high standard of amenity for existing/future users.*

2.13 Paragraph 180 of the NPPF also states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. Section 16 sets out what should be considered in terms of conserving and enhancing the historic environment.

### **Regulation 22 Local Plan**

- 2.14 The Council's Regulation 22 Local Plan, whilst a material planning consideration, at this time apportioned moderate weight. Here is a list of some of the emerging policies that are considered relevant to this proposal: LPRSS1 (Spatial strategy); LPRSP7 (Larger villages); LPRSP7(A) East Farleigh); LPRS9 (Development in countryside); LPRSP10(A) (Housing mix); LPRSP12 (Sustainable transport); LPRSP14 (Environment); LPRSP14(A) (Natural environment); LPRSP14(B) (Historic environment); LPRSP15 (Design); LPRHOU1 (Development on Brownfield Land); LPRHOU1 (Development on Brownfield Land); LPRHOU5 (Density); LPRTRA4 (Parking); LPRENV1 (Historic environment); LPRQ&D1 (Sustainable design); LPRQ&D2 (External lighting); LPRQ&D4 (Design principles in countryside); LPRQ&D5 (Conversion of rural buildings); LPRQ&D6 (Technical standards); LPRQ&D7 (Private amenity space standards).
- 2.15 It is noted within the emerging Local Plan that the proposal site is within the defined village boundary of East Farleigh and policy LPRSP7 accepts the principle of such development being proposed, subject to certain criteria.

### **Five year housing land supply**

- 2.16 The Council's position is that it can demonstrate more than a 5yr housing land supply.

## **3.0 LOCAL REPRESENTATIONS**

- 3.01 **Local residents:** 7 representations received raising concerns over: Residential amenity, including loss of light and privacy; highway safety/parking provision; unsure what will happen to post box on site; impact upon character and appearance of area; heritage impact; development is cramped and not suitable in design terms; and potential property damage risk.

## **4.0 CONSULTATION RESPONSES**

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

- 4.01 **East Farleigh Parish Council:** Wish to see application refused and reported to Planning Committee if officers are minded to recommend approval. Their comments are summarised below:

*Object on grounds of loss of privacy and light to neighbouring properties; over shadowing of neighbouring properties; impact on access to side road for 60/70 properties including Hartridge Farm Residential Park; and design is not in keeping with conservation area and new building will be out of character. Parish seek assurances that any building design approved will use local brick and tiles that will complement the conservation area.*

- 4.02 **MBC Tree Officer:** Raises no objection (see main report).
- 4.03 **MBC Conservation Officer:** Raises no objection in heritage terms (see main report).
- 4.04 **MBC Environmental Protection Team:** Raises no objection (see main report).
- 4.05 **KCC Highways:** Raises no objection (see main report).
- 4.06 **KCC Archaeological Officer:** Raises no objection (see main report).
- 4.07 **KCC Minerals Safeguarding Officer:** Raise no objection.

## **5.0 MAIN ISSUES**

- 5.01 The loss of this small employment use, that is not within an Economic Development Area (as defined within the Local Plan), is not objectionable. There are effectively two main policy considerations related to this proposal. Firstly, the conversion of the existing building to a dwelling shall be largely assessed against Local Plan policy DM31; and the demolition of the larger building, with it to be replaced by a new dwelling, shall largely be considered under Local Plan policy DM5. The report will then go on to assess all other planning considerations.

5.02 On this basis, the key issues for consideration relate to:

- Assessment of building conversion against Local Plan policy DM31;
- Assessment of new dwelling against Local Plan policy DM5;
- Highway safety;
- Residential amenity;
- Arboricultural implications; and
- Other planning matters.

5.03 The details of the submission will now be considered.

### **Assessment against policy DM31**

5.04 It is not necessary to consider the location of the site, in sustainability terms, as Local Plan policy DM31 is an exception policy that allows for the re-use and adaptation of existing rural buildings subject to certain criteria. Please note that Part 2 of policy DM31 is not relevant to this assessment. So, within the designated countryside, proposals for the re-use and adaptation of existing rural buildings which meet the following criteria will be permitted:

**PART 1(i):** *Building is of form, bulk, scale, design which takes account of & reinforces landscape character*

5.05 The building to be converted is built of Kentish ragstone with brick quoins, it has timber casement windows with brick surrounds and also has a plain tiled roof. Although this building is not listed, it does make a positive contribution to the character of the conservation area and is of some historic and architectural interest. On this basis it can be considered as a non-designated heritage asset (NDHA), as agreed by the Council's Conservation Officer. On this basis, it is considered that the building is of form, bulk, scale, design which takes account of and reinforces landscape character. There is a significant set back from the public highway which reduces its apparent scale further.

**PART 1(ii):** *Building is of permanent, substantial & sound construction & capable of conversion without major or complete reconstruction*

5.06 The main external changes to the building relate to fenestration alterations and these works are not considered to represent major or complete reconstruction. With this considered and after a site visit and reviewing the submission details, there is also no reason to believe that the building is not of permanent, substantial and sound construction.

**PART 1(iii):** *Alterations in keeping with landscape & building character in terms of materials, design & form*

5.07 As established above (PART 1[i]), it is considered that the building is of a form, bulk, scale, and design which takes account of and reinforces landscape character.

5.08 The Council's Conservation Officer has also made the following comments in terms of the proposed conversion's impact upon the building's character and upon the character and setting of surrounding heritage assets:

*Reuse of workshop is welcomed given it is a NDHA. Alterations include replacement of existing doors with casement windows and infilling with ragstone. Existing door openings are of no architectural interest and providing new windows are timber framed with either single or slimline double glazing I do not object to this. It will be necessary to add conditions to cover joinery details and materials. Proposed reuse of NDHA would result in some alterations but these are sympathetic and would not result in significant harm to its character.*

5.09 Furthermore, the boundary treatment for the private garden will be a ragstone wall, in keeping with the converted building and the wall on the opposite side of the access road. So whilst the loss of some public views of the building would be unfortunate, this would only be for a short distance and the high quality finish to the garden boundary wall would ensure the scheme would still positively integrate with the historic character of the area. With everything considered, the view is taken that the proposed alterations would be in keeping with landscape and building character in terms of materials, design and form.

**PART 1(iv):** *Sufficient room in curtilage to park vehicles without detriment to visual amenity of countryside*

- 5.10 The submission provides sufficient room within the curtilage of the site to park cars; and as set out above, the proposal would see a significant reduction in the amount of hardstanding on the site, with the tarmac also being replaced with a more appropriate surfacing. On this basis, it is considered that there is sufficient room within the curtilage of the building to park vehicles without detriment to the visual amenity of the countryside.

**PART 1(v):** *No associated hard boundary treatments would harm landscape character & visual amenity*

- 5.11 As set out above, the proposed walling for the converted building would positively integrate with the historic character of the area; and a condition will be imposed to remove permitted development rights for any new hard boundary treatments. On this basis, there is no objection to the proposal in this respect.

**Subsequent to this, proposals for re-use and adaptation of rural buildings for residential purposes will not be permitted unless following additional criteria is met:**

**PART 3(i):** *Every reasonable attempt has been made to secure suitable business re-use for building*

- 5.12 The submission is accompanied by a letter from Sibley Pares (Chartered surveyors and estate agents), giving their opinion into potential alternative uses of the proposal site. In summary, the following views have been given:

*Existing Use/Alternative Uses*

*Property has been used for many years as vehicle workshop servicing local area for servicing, MOTs and tyres. In terms of alternative use options, property could potentially be an office but significant external/internal alterations would be required to add more windows, remove shutter doors, complete internal reconfiguration and fit-out to bring up to modern office standard. There is also limited demand for office space in current market with many businesses opting to close/reduce traditional offices with more flexible home working arrangements.*

*In terms of other options, it would require significant expenditure which would not necessarily be reflected in its end use value (GDV). There is also likely to be inadequate car parking provision for any leisure type operations especially as there is no additional car parking provisions in the area to supplement this. I am not aware of any other alternative uses outside of existing industrial/workshop type operations that would be viable largely due to high conversion costs which after you have added building/site value to refurbishment costs would make redevelopment/repurposing of buildings unviable. To my mind only cost viable alternative option would be either conversion/redevelopment of site to residential, as that will provide a higher gross development value once the property is completed, which justifies high cost of conversion to that type of use.*

- 5.13 The submission also sets out the following (in summary):

*Current owners are retiring but new rules in car industry mean that when a new director or change of ownership occurs, workshops must be upgraded to current requirements, which will cost tens of thousands of pounds making continuation of garage use an unviable business proposition due to its relatively small size.*

- 5.14 Whilst there are no marketing details to support the application, it would appear unlikely that a future suitable business re-use for the site could be secured, given the likely financial costs to upgrade the site along with the site's location and constraints, in terms of size and parking provision and site. On this basis, it is considered that every reasonable attempt has been made to secure a suitable business re-use for building.

**PART 3(ii):** *Residential only means of providing suitable re-use for listed building, unlisted building of quality and traditional construction which is grouped with one or more listed buildings in such a way as to contribute towards setting of listed building(s), or other buildings which contribute to landscape character or which exemplify historical development of Kentish landscape*

- 5.15 Whilst the building is not listed, as set out above, it is considered to be a NDHA that positively contributes to the character of the area that falls within a conservation area. The proposal is therefore seen to accord with this criteria.

**PART 3(iii):** *There is sufficient land to provide reasonable level of outdoor space for occupants, and outdoor space provided is in harmony with character of its setting*

- 5.16 As can be seen on the approved plans, the submission would provide a reasonable level of outdoor amenity space; the proposal, as set out above, would be acceptable in heritage terms; it would provide an overall environmental improvement (including new appropriate hard boundary treatment); and the new garden area would be seen in the context of existing surrounding gardens. On this basis, it is considered that the proposal would be in harmony with the character of the land's setting in this respect.

### **Assessment against policy DM5**

- 5.17 The application site is within countryside and in accordance with Local Plan policy DM5, it needs to be assessed whether or not the density of the proposal would reflect the character and appearance of the locality, and whether or not it would result in a significant environmental improvement. The site's location will also be addressed.
- 5.18 The application site is found within a prominent location within East Farleigh Conservation Area, albeit that public views would be very much at short range; the smaller (ragstone) workshop building is considered to be a NDHA; and there are listed properties in the locality of the site.
- 5.19 In terms of the pattern and grain of development in the locality, the proposal would create two residential plots that would not appear so out of keeping with the area, given that the plot sizes of surrounding neighbours noticeably varies; and the proposed domestic arrangement, with the welcomed replacement of the largest workshop building that makes a neutral contribution to the character of conservation area, and the retention of the NDHA, would not appear incongruous when the immediate surrounding area is predominantly characterised by residential properties of differing scale, design and age. Furthermore, whilst the proposal would retain a building presence onto Lower Road, it would also retain a set-back of built form from the road; and the new build plot would retain a sense of space around the dwelling, where it would sit comfortably within the middle of the plot. Each dwelling would have reasonably sized private garden and front garden areas, helping to further achieve a sense of space on the site; and the proposal would significantly reduce the level of hardstanding on the site and in part improve the quality of the hardsurfacing, through the removal of tarmac. On this basis, it is considered that the general scale of the proposal would not appear unacceptably out of keeping with that of existing surrounding development; and the view is taken that the proposed layout would not be cramped and nor would it represent overdevelopment of the site.
- 5.20 It is acknowledged that the new dwelling would be larger than the workshop building it would replace. However, the proposed ridge height is not significantly different to the existing workshop; the footprint of the two buildings is largely the same; the increase in the volume of building would be a modest 33% (approximately); the dwelling would be of a traditional design, with architectural details such as catslide roof elements, sash timber windows, brick soldier coursing above windows, brick plinth, chimney, and timber bargeboards; and high quality external materials would be used. In terms of appearance, the conversion of the NDHA is acceptable (with minor external works necessary); and the new dwelling would positively reflect the high quality local vernacular of materials. It is noted here that existing properties in the locality of the site do vary in terms of scale, design and age; and there is a mixture of external finishes such as yellow and red brick; ragstone; white weatherboarding, render; tile hanging, concrete and clay roof tiles, and thatched roofing. Furthermore, although the new dwelling would be set closer to the road than the existing building (by some 4m), the proposed layout would still allow for an open frontage with the dwelling being set back more than 5m from the road. It is also noted that existing properties in the locality are sited close to the road. For example, the properties immediately opposite the site (Hopelands Cottage and Coalbrookdale) immediately abut onto Lower Road; and the main building for The Limes to the west of the site, is only set back from Lower Road by some 4m. With this all considered, the view is taken that the increase in built form and the design approach would not be out of keeping within its countryside and conservation area setting.

5.21 To further ensure the quality of the development, conditions will be imposed to secure the proposed external materials and hard boundary treatments; and conditions will be imposed to seek hardsurfacing details, to control external lighting, and to remove permitted development rights for property extensions and future hard boundary treatments. The submission does include a landscaping scheme, however, it is thought that this could be improved further by including mixed native hedging to the front of the site and so a condition is recommended to seek more details in this respect. This would be seen as an environmental improvement when compared to the existing situation of tarmac and parked cars all along the front of the site.

5.22 In heritage terms, the Council's Conservation Officer has also taken the view that the proposed development would not cause any harm to the significance or setting of the conservation area; the onsite NDHA to be converted; and any listed building, subject to securing external joinery details. In summary, they have commented:

*Reuse of workshop: This is welcomed given it is a NDHA. Alterations include replacement of existing doors with casement windows and infilling with ragstone. Existing door openings are of no architectural interest and providing new windows are timber framed with either single or slimline double glazing I do not object to this. It will be necessary to add conditions to cover joinery details and materials. Proposed reuse of NDHA would result in some alterations but these are sympathetic and would not result in significant harm to its character.*

*Erection of detached dwelling: Although neighbouring workshop contributes to special character of conservation area, rest of site makes a neutral contribution. Nevertheless, increase in size over existing building will have some impact. Overall scale in terms of height and bulk has been reduced from original proposal and architectural details such as sash windows would add to its traditional appearance. Dwelling appears to be of traditional materials and design and would not look out of place in conservation area nor detract from character of conservation area. Due to substantial distance between new building and Thatcher's and The Limes, it's unlikely to harm setting of these listed buildings.*

5.23 On this basis, it is accepted that the proposal would cause no harm to any heritage asset within the vicinity of the site and as such, no objections are raised on heritage grounds.

5.24 The last part of policy DM5 states: ....and site is, or can reasonably be made, accessible by sustainable modes to urban area, a RSC or larger village. The proposal site is in the proximity of bus stops on Lower Road (accessible by pavement), and East Farleigh train station is less than 1km from the site. It is also possible to make provision for other sustainable travel modes, such as imposing a suitable condition to secure the provision of secure bicycle storage; electric vehicles charging points for each dwelling are likely to be required under Building Regulations; and it is also noted that working from home is becoming more practical and there is scope within each property to provide a work station.

5.25 In applying DM5, the supporting text also refers to a comparison between existing and proposed uses in terms of traffic movements. The submitted Transport Technical Note sets out (inter alia):

*- For TRICS database, derived trip rate data suggests traffic flows would be circa 5-10 vehicle movements during network peak hours (with up to 18 vehicles during inter-peak periods) and circa 96 movements over a typical weekday. For proposed dwellings, they would likely generate a total of just 12 vehicular movements over a typical weekday, with 1-2 vehicle movements taking place during both morning and evening peak hours.*

5.26 It is clear that even with some leeway either side, the proposal would result in noticeably less vehicle movements to and from the site when compared to the existing use as a vehicle repair garage; and this should be seen as more environmental uplift. On this basis, the view is taken that the site is not in a wholly unsustainable location, in terms of reliance on the use of the private car for their day to day living, and the proposal would accord with this part of the policy.

5.27 In conclusion, it is considered that the proposal would result in a significant environmental improvement when compared to the current situation given: The retention of a NDHA and the design approach taken to its conversion (as discussed in detail under policy DM31 assessment); the significant reduction in tarmac and the introduction of new planting and biodiversity enhancements; the acceptable scale, design and appearance of the new dwelling that would replace an unremarkable building; the use of high quality materials; the reduction in the number of vehicle movements to and from the site; and the removal of a use that is more likely to harm the living conditions of local residents in terms of general noise and disturbance.

- 5.28 Overall, the development would not therefore harmfully impact the important qualities of the Medway Valley Landscape of Local Value but instead conserve and enhance its distinctive landscape character; and nor would it harm the key characteristics of the Farleigh Greensand Fruitbelt, defined within the Council's Landscape Character Assessment, whilst according with this area's 'summary of actions' (as set out above). On this basis, the proposal would be seen to positively integrate with the surrounding area and would not cause unacceptable harm to the character and appearance of the countryside hereabouts, in accordance with Local Plan policies SP17, SP18, DM1, DM4, DM5 and DM30; and the aims of the NPPF.

### **CONTINUED APPRAISAL**

- 5.29 Other relevant planning matters not specifically addressed in the assessment above will now be considered.

#### **Highway safety**

- 5.30 Paragraph 115 of the revised NPPF states: *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*
- 5.31 The submission is accompanied by a Transport Technical Note. The Highways Authority have reviewed the submission and have commented as follows (in summary):

*Each dwelling will have its own vehicle access from Lower Rd. Lower Rd has posted speeds of 30mph. Proposal offers access to public transport, as bus stops are in walking distance from site. Each dwelling offers 2 parking bays in accordance with Kent Design Guide Interim Guidance Note 3. Site will not generate significant levels of traffic onto highway network. Refuse will be collected at roadside, and swept path diagrams demonstrates sufficient space for vehicles to enter, turn, and egress onto highway in forward gear from each dwelling. Consequently no objection is raised provided following requirements are secured by condition:*

- *Provision and permanent retention of vehicle parking spaces and garages prior to use of site commencing.*
- *Provision of measures to prevent the discharge of surface water onto the highway.*
- *Provision and permanent retention of cycle parking facilities prior to use of site commencing.*
- *Provision and permanent retention of the electric vehicle charging points.*

- 5.32 KCC have also made no specific objection in terms of visibility splays; the onsite parking provision is not objectionable; and the refuse storage and collection approach is also not objectionable and likely to be a similar arrangement as other existing properties in the locality. A condition requiring the permanent retention of the shown parking/turning areas and bicycle storage would be secured by way of appropriate conditions, but the issues of surface water discharge onto the highway and electric vehicle charging points are not considered necessary to make the application acceptable in planning terms. It should also be noted that whilst vehicles coming and going from the residential park and the dwellings behind the site have benefited from driving over part of the site, this land is privately owned, and there is no obligation for the site owners to retain this arrangement. With everything considered, the development would not therefore have a severe impact on the road network and would not have an unacceptable impact in highway safety terms.

#### **Residential amenity**

##### **Future occupants**

- 5.33 Given the site's location, the main concern would be in terms of noise from the road. The submission is accompanied by a Noise Assessment and the Council's Environmental Protection Team have commented as follows (in summary):

*Site is in semi-rural area, but traffic noise from fairly busy adjacent road is potentially significant. A Noise Assessment concludes mitigation measures should be included in order to protect future residents of proposal from dominant noise sources (traffic). Mitigation measures should include use of appropriate windows/glazed coupled with trickle ventilation.*

- 5.34 On the basis of this specialist advice, it is accepted that it is possible to suitably mitigate against traffic noise and a condition will be imposed to seek further details of this mitigation, in the interests of residential amenity. The Noise Assessment also concludes that the proposal is acceptable in terms of noise levels to outdoor amenity areas.
- 5.35 Further to this, it is considered that both plots would provide acceptable living conditions for future occupants in terms of privacy, outlook and light (internally and externally); and there is also an element of buyer beware here, as the properties are yet to be built. The dwellings would also adhere to the Government's national space standards; and it appears that the new gardens would generally adhere to the private open space standards set out within emerging policy LPRQ&D7.

#### Langdale

- 5.36 Given the set back of the proposed dwelling from the shared boundary with Langdale (by some 5m or more), it is considered that the proposal would not have an unacceptable impact upon this neighbour when they are trying to enjoy their own property in terms of outlook, light and being overbearing. It is also noted that the proposal would move built form further away from the southern boundary of this neighbour. In terms of privacy, the only first floor opening directly facing this property's private garden would serve a bathroom and can be conditioned to be obscure glazed and fixed shut (except of a high fan light). No other first floor openings would directly overlook this building or its private outdoor space. Appropriate boundary treatments can safeguard privacy at ground floor level; and the existing building to be converted will not be altered in any way to cause unacceptable harm to the living conditions of this neighbour.

#### The Limes

- 5.37 This neighbouring property is more than 21m from the shared boundary with the application site. Given this separation distance, the proposal would not have an unacceptable impact upon this neighbour when they are trying to enjoy their own property in terms of privacy, outlook, light and being overbearing. The proposal would also not harmfully overlook the immediate private outdoor amenity space of this property. The existing boundary fencing and planting also provides further screening of the development.

#### General noise and disturbance

- 5.38 Relevant to all neighbouring properties, the replacement of a vehicle repair garage with a residential use should improve the living environment in terms of general noise and disturbance (including vehicle movements to and from the site).

#### Other residents

- 5.39 Given the scale and nature of the proposal, together with the separation distances involved, no other neighbour (when trying to enjoy their own property both internally and externally), would be adversely impacted upon as a result of this proposal.
- 5.40 With everything considered, the proposal would therefore be acceptable in residential amenity terms, in accordance with Local Plan policy DM1 and the aims of the NPPF.

### **Arboricultural implications**

- 5.41 The submission is accompanied by an amended Arboricultural Report. The Council's Landscape Officer has reviewed the submission and has raised no objection provided that the development is carried out in accordance with this Arboricultural Report. It is considered reasonable to secure this by way of condition to safeguard the longevity of existing trees to be retained and subsequently to ensure a high quality appearance to the development that is within East Farleigh Conservation Area and within the proximity of listed buildings. On the basis of this specialist advice, there are considered to be no reasonable grounds to refuse the application from an arboricultural perspective.

### **Other planning matters**

- 5.42 Given the current use/condition of the site and buildings, it is accepted that there is unlikely to be sufficient ecological interest on the site to warrant further information at this stage. Notwithstanding this, one of the principles of the NPPF is that (para 186): *Opportunities to improve biodiversity in and around developments should be integrated as part of their design.* With this considered, and if the application were to be approved, a suitable condition would be imposed requesting details of

biodiversity enhancements on the site, including details of enhancements through integrated methods into the design and fabric of the building and landscaping. It is noted that the submitted plans show the installation of bat tubes; swift bricks and bee bricks. There is no biodiversity habitat on the site and so it is not possible to provide a biodiversity net gain.

- 5.43 The KCC Archaeological Officer confirms that the site is located on the site of a former 19<sup>th</sup> century or earlier smithy with an associated residential building; and that there are indications of post medieval community, with a number of post medieval designated buildings nearby and to the north Thatchers (probably 2 early 16<sup>th</sup> century cottages). In view of this archaeological potential, KCC have recommended a pre-commencement condition for archaeological field evaluation works; further archaeological investigation, recording and reporting; and a programme of post excavation assessment and publication. To ensure features of archaeological interest are properly examined, recorded, reported and disseminated, this condition is considered reasonable. The agent has agreed to this condition.
- 5.44 The Council's Environmental Protection Team has raised no objection to the proposal in terms of: Amenity; air quality; land contamination; asbestos; radon; lighting; odour; accumulations; sewage; and private water supplies. This is subject to a pre-commencement land contamination condition, given the historical use of the site as a commercial garage and given the information from the contaminated land and historic maps databases where there is an indication of land contamination. It is also noted that a Meadow Environmental Consulting Phase 1 report has been submitted in support of the current application and this concludes that from the investigations carried out for this desk study it is possible/likely that the site has been impacted to unacceptable levels for residential uses from its former uses and to a lesser extent, its current uses. It will therefore be necessary to carry out a phase II intrusive investigation of the site and a contaminated land condition should be attached to any permission granted. The agent has agreed to this condition.
- 5.45 The submission states that surface water will be disposed of via soakaway, and this is considered acceptable and no further details are required on this matter. The method of disposing foul sewage is unknown and such details could be secured by way of condition if the application were to be approved.
- 5.46 If the application were to be approved and in accordance with Local Plan policy and in the interests of sustainability, a suitable condition would be imposed for the use of renewable energies, and it is noted that the submission states that each dwelling would have air source heat pumps installed; external lighting can be controlled by way of condition; and the requirement for electric vehicle charging points is dealt with under building regulations. The KCC Minerals Safeguarding Officer confirms they have no minerals or waste management capacity safeguarding objections or comments to make regarding this proposal.
- 5.47 The issues raised by East Farleigh Parish Council and local residents have been considered in the assessment of this application. Please note here that property damage risk at the construction phase and the potential loss of a post box are not planning considerations. This said, the agent has confirmed that the post box is to be retained (albeit likely to be relocated on the site). Due regard has also been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010; and it is considered that the development would not undermine the objectives of the Duty. The development is CIL liable. The Council adopted a Community Infrastructure Levy in October 2017 and began charging on all CIL liable applications approved on and from 1<sup>st</sup> 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 if planning permission is granted or shortly after.

## **6.0 CONCLUSION**

- 6.01 For the reasons set out above, the proposal would accord with Local Plan policies DM5 and DM31, and all other relevant Local Plan policies and the aims of the NPPF; and it would be acceptable in all other planning respects. On this basis, a recommendation of approval is made.

**7.0 RECOMMENDATION - GRANT PLANNING PERMISSION subject to following conditions** with delegated powers to the Head of Planning and Development 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:

**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/documents:

- BDS-FF-P01; BDS-FF-P02; BDS-FF-P03; BDS-FF-P04 Rev A (black and white proposed site plan); BDS-FF-P04 Rev A (colour proposed site plan); BDS-FF-P05 Rev A (black and white plan); BDS-FF-P05 Rev A (colour plan); BDS-FF-P06; BDS-FF-P07; and BDS-FF-P08.
- Planning Statement (dated Nov 2023);
- Design and Access Statement (dated Sept 2023);
- Transport Technical Note (By Crosby Transport Planning, dated: Sept 2023), including plan references: P22131 TRK01(1) and P22131 TRK01(2);
- Arboricultural Report (by GRS Ltd, dated: Jan 2024, Ref: GRS.132.22 Rev A), including plan reference: 'Arboricultural Integration Report Rev A: Proposed Site Plan';
- Heritage Statement (dated: Nov 2023);
- Archaeological Desk-Based Assessment (by Swale & Thames Survey Company, Aug 2023); and
- Phase I Environmental Assessment – Desk Study and Walkover Survey (LCRM Stage 1 Tier 1 Risk Assessment) (by Meadow Environmental Consulting, dated: June 2022).

Reason: To clarify which plans have been approved and in the interests of proper planning.

3. Prior to the commencement of development the applicant, or their agents or successors in title, will secure:

- (i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- (ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority; and
- (iii) programme of post excavation assessment and publication.

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

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

- (i) 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.
- (ii) A site investigation, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (iii) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (ii). 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.

The scheme shall thereafter be implemented as approved.

Reason: In the interests of public health.

5. Prior to the first use of the development hereby permitted, a Land Contamination Closure Report shall be submitted to and approved in writing by the local planning authority that shall include full verification details as set out in the approved Remediation Method Statement. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean and the scheme shall thereafter be implemented as approved.

Reason: In the interests of public health.

6. Prior to the commencement of the development above damp-proof course level, details of a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and longterm management, which shall be for a minimum of 10 years, shall be submitted to and approved in writing by the local planning authority. The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment (2012) and shall include:

- (i) A planting schedule for application site (including location, planting species, amounts and sizes);
- (ii) 100% mixed native hedgerow planting along front (roadside) boundaries of both dwellings; and
- (iii) Details of porous hard surfacing for parking and turning areas.

Only non-plastic plant guards shall be used and the implementation and longterm management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details.

Reason: To ensure a high quality appearance to the development that is within East Farleigh Conservation Area and within the proximity of listed buildings.

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

Reason: To ensure a high quality appearance to the development that is within East Farleigh Conservation Area and within the proximity of listed buildings.

8. In accordance with the submitted details hereby approved and prior to the commencement of the new dwelling above damp-proof course level, written details of the materials to be used in the construction of the external finishes of this building shall be submitted to and approved in writing by the local planning authority. These details shall be:

- (i) London stock brick, with soldier coursing above windows;
- (ii) Plain clay roof tiling;
- (iii) Ragstone plinths; and
- (iv) Timber bargeboards.

The approved dwelling shall be constructed using the approved materials and shall be maintained as such thereafter.

Reason: To ensure a high quality appearance to the development that is within East Farleigh Conservation Area and within the proximity of listed buildings.

9. The external finishes to the workshop building to be converted into a dwelling are of ragstone; brick quoining/window detailing; and clay roof tiles (as shown in submitted plans/documents and site photographs), and the building shall only be finished in these materials hereafter.

Reason: To ensure a high quality appearance to the development that is within East Farleigh Conservation Area and within the proximity of listed buildings.

10. The development hereby approved shall be carried out in accordance with the submitted hard boundary treatment details as shown on submitted drawing references: BDS-FF-P04 A (both colour and black and white proposed site plans), with the proposed ragstone walling and the separate brick walling to be a minimum of 1.5m in height from ground level. The approved brick walling shall be in place prior to the first occupation of the new dwelling and maintained as such thereafter; and prior to the erection of the ragstone walling, written details and photographs of a sample panel of this walling (including mortar details), shall be submitted to and approved in writing by the local planning authority. The approved details of the ragstone walling shall be in place prior to the first occupation of the converted dwelling and shall be maintained as such thereafter.

Reason: To ensure a high quality appearance to the development that is within East Farleigh Conservation Area and within the proximity of listed buildings.

11. Prior to the commencement of the new dwelling above damp-proof course level and prior to the first occupation of the converted building hereby approved, written details of the materials to be used in the construction of the hardsurfacing on the site shall be submitted to and approved in writing by the local planning authority. The development shall be constructed using the approved materials and shall be maintained as such thereafter.

Reason: To ensure a high quality appearance to the development that is within East Farleigh Conservation Area and within the proximity of listed buildings.

12. Prior to any external alterations being carried out on the building hereby approved to be converted, details of the following matters shall be submitted to and approved in writing by the local planning authority:

(i) New external joinery details for the building to be converted, in the form of large-scale drawings.

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

Reason: To ensure a high quality finish to a non-designated heritage asset, and to subsequently ensure a high quality appearance to the development that is within East Farleigh Conservation Area and within the proximity of listed buildings.

13. The new build dwelling hereby approved shall be constructed in full accordance with the external joinery, window finishing, eaves and plinth details, as shown on submitted plan ref: BDS-FF-P08, and shall be maintained as such thereafter.

Reason: To ensure a high quality appearance to the development that is within East Farleigh Conservation Area and within the proximity of listed buildings.

14. In accordance with submitted drawing reference: BDS-FF-P04 and prior to the commencement of the new dwelling above damp-proof course level and prior to the first occupation of the converted building hereby approved, details of ecological enhancements integrated into the design and fabric of each of the dwellings hereby approved, to include swift bricks, bat tubes and bee bricks, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of the relevant dwelling and all features shall be maintained as such thereafter.

Reason: In the interests of biodiversity enhancement.

15. Prior to the commencement of the new dwelling above damp-proof course level and prior to the first occupation of the converted building hereby approved, details of how decentralised and renewable or low-carbon sources of energy (to include air source heat pumps for each dwelling) will be incorporated into the approved development shall be submitted to and approved in writing by the local planning authority. The approved details shall be installed and operational prior to the first occupation of the relevant dwelling and shall be maintained as such thereafter.

Reason: To ensure an energy efficient form of development.

16. The development hereby approved shall not commence until, details of the method of disposal of sewage 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 building(s) or land.

Reason: To ensure adequate sewage disposal arrangements.

17. Prior to the first occupation of the new build dwelling hereby approved, the first floor ensuite and bathroom windows shall be obscure glazed and be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level. The obscure glazed windows shall be to not less than the equivalent of Pilkington Glass Privacy Level 3 and this shall be maintained as such thereafter.

Reason: In the interests of residential amenity.

18. Prior to the first occupation of the relevant dwelling hereby approved and in accordance with the submitted Noise Assessment (by PaceConsult, ref: PC-23-0137-RP1, dated: July 2023), details of the noise mitigation measures to be implemented into the dwelling (that accord with BS8233:2014 Guidance on sound insulation and noise reduction for buildings), shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be maintained as such thereafter.

Reason: In the interests of residential amenity.

19. The development hereby approved shall at no time interfere with the visibility splay shown on the submitted plans for the adjacent access road (leading to Hartridge Farm Park), with no obstructions (including planting), to exceed 600mm in height within this visibility splay.

Reason: In the interests of highway safety.

20. The development hereby approved (including demolition and ground works) shall be carried out in strict accordance with the submitted Arboricultural Report and plan reference: 'Arboricultural Integration Report Rev A: Proposed Site Plan' (by GRS Ltd, dated: Jan 2024, Ref: GRS.132.22 Rev A); and the shown tree protection details shall be in place before any machinery is brought onto the site to commence demolition, and shall remain in place until the development is complete (with the exception of Arboricultural Supervision when necessary).

Reason: To safeguard the longevity of existing trees to be retained and subsequently to ensure a high quality appearance to the development that is within East Farleigh Conservation Area and within the proximity of listed buildings.

21. No external lighting, whether temporary or permanent, shall be placed or erected within the site unless details are submitted to and approved in writing by the local planning authority. Any details to be submitted shall be in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions), and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interest of visual and residential amenity.

22. The approved details of the parking and 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.

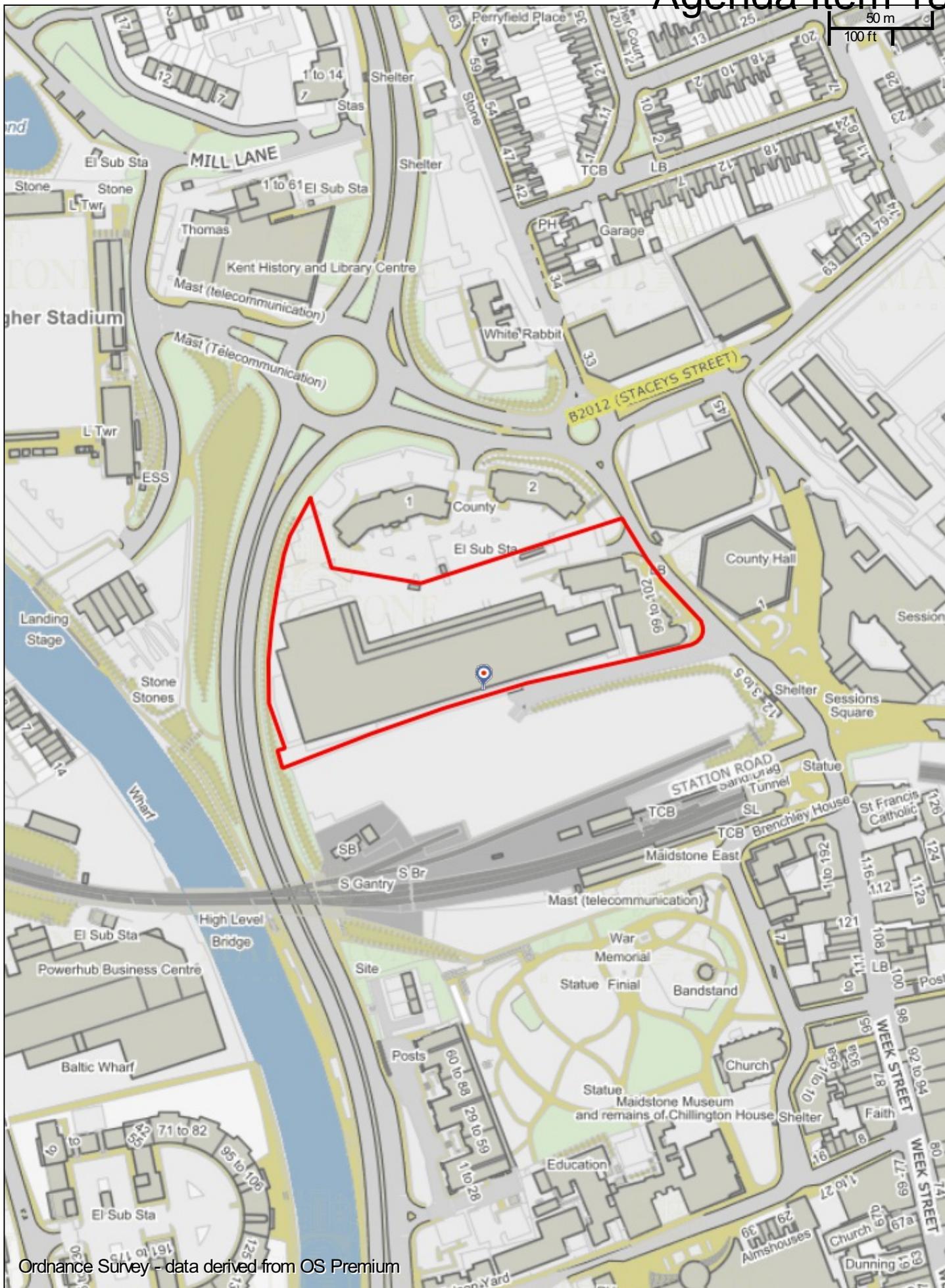
23. No dwelling hereby approved shall be occupied until secure and useable bicycle storage has been provided on the site, and this bicycle storage shall be maintained as such thereafter.

Reason: In the interests of sustainable development.

24. Notwithstanding the provisions of the Town and Country Planning General Permitted Development (Amendment) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) and except for what has been hereby approved on the submitted plans, no development within Schedule 2, Part 1 Classes A, B, C and D; and Schedule 2, Part 2, Class A, shall be carried out on the site.

Reason: To ensure a high quality appearance to the development that is within East Farleigh Conservation Area and within the proximity of listed buildings.

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

**24/500047/DEMREQ Former Royal Mail Sorting Office, Sandling Road, Maidstone, Kent, ME14 1AA**

Scale: 1:2500  
N

Printed on: 5/2/2024 at 12:09 PM by JoannaW



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## REPORT SUMMARY

<b>REFERENCE NO:</b> 24/500047/DEMREQ		
<b>APPLICATION PROPOSAL:</b> Prior notification for the proposed demolition of all existing buildings on site.		
<b>ADDRESS:</b> Former Royal Mail Sorting Office, Sandling Road, Maidstone, ME14 1AA		
<b>RECOMMENDATION: GRANT PRIOR APPROVAL</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b>  The proposed demolition has been assessed against the relevant criteria within the legislation. It meets all the criteria and is therefore permitted development subject to the 'prior approval' process.  The Local Planning Authority has 28 days to advise whether 'prior approval' is required for the "method of demolition and any proposed restoration of the site" and this was carried out by officers within this short timeframe.  The formal decision on 'prior approval' is therefore now for the Planning Committee to make as the applicant is Maidstone Borough Council.  The relevant criteria for prior approval are limited to 'method of demolition' and 'restoration of the site'. The proposed demolition is considered to be appropriate to minimise any impact upon local amenity in terms of noise, dust, and disturbance and the restoration of the site is acceptable.  Prior approval should therefore be given subject to informatives.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Maidstone Borough Council is the applicant.		
<b>WARD:</b> North	<b>PARISH COUNCIL:</b> N/A	<b>APPLICANT:</b> Maidstone Borough Council <b>AGENT:</b> Stantec
<b>CASE OFFICER:</b> Richard Timms	<b>VALIDATION DATE:</b> 08/01/24	<b>DECISION DUE DATE:</b> N/A
<b>ADVERTISED AS A DEPARTURE:</b> No		

### Relevant Planning History

23/504552 Demolition of existing buildings and structures and erection of a mixed-use development comprising 217no. residential dwellings and 1,863.5sqm of commercial floorspace (comprising flexible E Use Classes) comprising Block A (6-7 storeys), Block B (8-9 storeys), Block C & D (7-8 storeys), Block E (3 storeys), public realm works (Sandling Road frontage and public piazza), car and cycle parking, landscaping, infrastructure (internal roads), earthworks, and ancillary works (sub-stations and generator) - PENDING

- 23/510020 Screening Opinion Request regarding construction of up to 220 dwellings and 1,400 square metres of non-residential floorspace – EIA NOT REQUIRED
- 22/501983 Extension to the time for a temporary use by a further 3 years. Use comprises offices, storage and retail warehouse, and car parking – APPROVED
- 16/507358 Change of use of Royal Mail Depot and ancillary offices to a mix use comprising B1a (Offices), use of main warehouse for public car parking, use of warehouse 2 for a mixed B8 and A1 retail warehouse, use of undercroft parking as a carpark; for a temporary period of 5 years – APPROVED
- 14/500483 Outline planning application for the redevelopment of land at Maidstone East to provide a new railway station and station building (330 sqm gfa), new large foodstore (8,296 sqm gfa), customer cafe, non-food retail units (4,364 sqm gfa), flexible units within class A1 (retail), A2 (financial and professional services), A3 (restaurant and cafe) use class A4 (drinking establishment) or A5 (hot food takeaways), petrol filling station, associated commuter parking (560 spaces), retail parking (580 spaces), and off site highways works with all matters reserved for future consideration - WITHDRAWN

## **MAIN REPORT**

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

- 1.01 This prior approval request relates to the former Royal Mail Sorting Office site which is towards the northern end of the town centre and is accessed from Sandling Road. It contains a 3 storey office building at the east end fronting Sandling Road known as 'Cantium House' and 98 Sandling Road, and a 1 to 2 storey warehouse, with service yards and parking areas in the centre and west part that were the former sorting office buildings. There is some undercroft parking below the western part of the warehouse building and the remainder of the site is mainly hard surfaced.
- 1.02 The site has been used since 2017 for car parking, a mixed B8 storage and A1 retail warehouse unit and offices/community meeting rooms under temporary planning permissions, the latest of which expires in 2025.
- 1.03 The site falls within the northern part of allocation RMX1(2) which is a mixed-use allocation for retail, offices, and housing in the Local Plan. Under the draft Local Plan Review the allocation remains (LPRSA146) with a similar mix of uses but in different amounts.

### **2 PROPOSAL**

- 2.01 This is a 'prior notification' application for the proposed demolition of all the buildings at the site. Under Schedule 2, Part 11, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) certain demolition is 'permitted development' subject to criteria (i.e. does not require a full planning application) but applicants must apply to the local planning authority (LPA) for a determination as to

whether the 'prior approval' of the authority will be required as to the "method of demolition and any proposed restoration of the site".

- 2.02 Within 28 days the LPA must then advise whether such 'prior approval' is required or not. If they advise not, or do not respond, the applicant can go ahead with the demolition.
- 2.03 The applicant is the Council and so a delegated decision on the application is not possible under the Council's constitution. Officers informed the applicant on 19<sup>th</sup> January of their view that prior approval is required in part because a final delegated decision cannot be made but also as the site is in a prominent location in a built up area. The applicant is now waiting for a decision on this to be given.
- 2.04 Therefore a formal decision is now needed firstly on whether the proposals comply with the permitted development criteria, and secondly if the "method of demolition and any proposed restoration of the site" is acceptable based on the information submitted.
- 2.05 The reasons for submitting the application are not relevant to the decision but are set out below for information only. Neither is the pending planning application to develop the site relevant and likewise any decision made now has no bearing on the considerations or decisions for the pending planning application.
- 2.06 The agent has stated the proposal has been submitted for the following reasons:

*"Ultimately, the decision to submit the Demolition Notice was a commercial decision for the Council.*

*MBC have recently completed on Cantium House which is now currently empty, with no demand for a short term let. Therefore, there is currently another empty building on MBC's books which is currently not providing any income.*

*In addition, there have also been a number of ASB issues on the site which have resulted in additional expenditure required by the Council to secure the site.*

*Therefore, we are exploring the idea of demolishing the site whilst we await the outcome of the Full Planning Application, and also benefit from the site becoming secured from ASB issues. Ultimately, this reduces the cost to the Council."*

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

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

### **4 LOCAL REPRESENTATIONS**

- 4.01 Local Residents: No representations received.

### **5 CONSULTATIONS**

- 5.01 Environmental Health: No objections.

## 6 APPRAISAL

6.01 The appraisal is in two parts. Firstly, to confirm whether the proposals comply with the permitted development criteria and do not require a planning application, and if this is the case, secondly, consideration of the "method of demolition and any proposed restoration of the site". These are the only matters that can be considered under the terms of the legislation.

### Permitted Development Criteria

6.02 The permitted development criteria are quoted in italics below with the assessment in bold.

6.03 *Development is not permitted by Class B if—*

*(a) the building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support;*

**This is not the case.**

6.04 *(b) the demolition is "relevant demolition" for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area)*

**No it is not.**

6.05 *(c) the building is used, or was last used, for a purpose falling within —*

*(i) article 3(6)(p) (drinking establishments etc.) of the Use Classes Order; or  
(ii) article 3(6)(q) (drinking establishments with expanded food provision) of that Order;*

**No it is/was not.**

6.06 *(d) the building is used, or was last used, for the purpose of —*

*(i) a concert hall;  
(ii) a venue for live music performance; or  
(iii) a theatre; or*

**No it is/was not.**

6.07 *(e) the demolition relates to a statue, memorial or monument ("a commemorative structure") in place for a period of at least 10 years on the date of any proposed demolition, other than a commemorative structure —*

*(i) that is a listed building;  
(ii) that is a scheduled monument;  
(iii) within a cemetery, on consecrated land, or within the curtilage of a place of public worship;  
(iv) within the grounds of a museum or art gallery; or  
(v) within the curtilage of a dwellinghouse.*

**N/A**

- 6.08 The proposed demolition therefore qualifies as permitted development and does not require a full planning application to be submitted. The prior approval process is now considered.

#### Prior Approval Considerations

##### *Method of Demolition*

- 6.09 There is nothing within the permitted development order or any guidance advising what the context is for assessing the 'method of demolition' and Development Plan policies are not relevant. Previously revoked guidance in Circular 10/95: *Planning Controls Over Demolition* referred to Local Planning Authorities regulating details of demolition in order to minimise its impact upon 'amenity'. Whilst this is not within any current guidance it is considered to be a reasonable approach and so assessing whether the proposed method of demolition would be suitable to minimise any impact upon local amenity in the normal planning sense of noise, dust, and disturbance.
- 6.10 In summary, the proposed demolition would be carried out as follows as set out in the 'Demolition and Construction Environment Management Plan' submitted by the applicant:

#### Office Building

- 6.11 A high reach demolition excavator will be used from the top floor working from side to side. Sections of the roof structure will be removed to expose the structure with the corresponding walls then removed from one side to the other. The machine will demolish a section at a time way to ensure that structural stability is not compromised. The machine will stop at designated points to allow the debris to be cleared and processed. The debris will be transferred into the adjacent processing area where materials will be sorted into type and then stockpiled for crushing/transferred into skips.
- 6.12 On completion of the demolition, the building slab and hard standings will be broken up and all arising's moved to the material recycling area.

#### Former Sorting Office Buildings

- 6.13 The front canopy will be removed with 360° demolition excavators and then demolition of the roof will take place by ripping off / cutting the roof sheets. After the roof beams have been removed the corresponding supporting walls will be taken down to a structurally stable point to avoid any wind loading to the exposed wall. The machines will proceed using the existing car park floor as their base as they remove the roof, frame, walls, the sorting office floor using multi processors /shears /munchers and then finally any of the car park supports and walls.
- 6.14 For both elements, the 'Demolition and Construction Environment Management Plan' sets out measures to minimise impacts including limiting and controlling noise, dust and vibration, and complying with relevant legislation in relation to these matters.
- 6.15 The Environmental Health Protection team have raised no objections and state,

*"I have reviewed the construction management plan which is comprehensive. It details acceptable hours of work and measures to mitigate noise and dust during the demolition."*

- 6.16 The proposed method of demolition is a standard approach and with the nearest residential properties 105m to the south and west, and 120m to the north and no objections being raised by Environmental Protection, it is considered the method of demolition is acceptable to minimise the impact upon local amenity.

#### *Proposed Restoration of the Site*

- 6.17 The demolition is proposed to allow for redevelopment but the consideration under this section is how the site will be restored or appear in the short term following demolition.
- 6.18 The applicant has confirmed that other than the existing road by the access off Sandling Road all building slabs and hardstandings will be removed to expose soil ready for ground investigation/remediation and potential archaeological investigation (if required under the pending planning application 23/504552). The east part of the site where levels are stepped in places will be re-graded to a downwards slope with the central part of the site retained level as existing. At the west end where the undercroft parking exists, the site will drop down to this level with retaining walls kept.
- 6.19 Upon completion of the demolition, the entire site will be enclosed and secured by a combination of existing boundary walls and fences and new plywood hoardings and gates.
- 6.20 It is considered the restoration of the site is appropriate and acceptable and it will be secured for obvious safety reasons.

#### Other Matters/Legislation

- 6.21 The Building Act 1984 (as amended) covers demolition works of this scale and notice must be given to the Local Authority (Building Control Section of the Council) by the developer. Under this process the Building Control Section sets out certain requirements including relating to waste disposal; disconnection and sealing of sewers and drains; disconnection of gas, electricity, and water; demolition being carried out in accordance with the relevant 'British Standards'; securing sites; asbestos; hazardous materials; no burning; hours of operation; and general safety. Separate legislation relates to matters including wildlife, pollution, watercourses, and health and safety.

## **7 CONCLUSION**

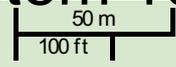
- 7.01 For the above reasons, the proposed demolition is permitted development and the 'method of demolition' and 'restoration of the site' is acceptable. On this basis, prior approval is recommended to be given.
- 7.02 It is not possible to attach planning conditions to permitted development but informatives are recommended as set out below.

## 8 RECOMMENDATION

**GRANT PRIOR APPROVAL subject to the following informatives** with delegated authority to the Head of Development Management to be able to settle or amend any necessary informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee:

### **INFORMATIVES:**

1. The demolition shall be carried out in accordance with the following documents:
  - a) Demolition and Construction Environment Management Plan Version 1 (Goody Demolition) including the measures relating to traffic management, noise and dust mitigation, and odour control.
  - b) Site Waste Management Plan (SJN SPS Rev1)
2. The applicant is reminded of the need to comply with any relevant wildlife protection legislation and obtain any licences as necessary from Natural England.
3. The applicant must have regard to the 'Mid Kent Environmental Code of Development Practice' and compliance with this document is expected. This can be found at:  
<https://tunbridgewells.gov.uk/environmental-code-of-development-practice>
4. In line with the above referenced guidance hours of work should be restricted to the following times:  
  
Monday to Friday: 8am to 6pm  
Saturday: 8am to 1pm  
Sundays/Bank Holidays: No work where noise is audible at the site boundary.
5. If during demolition works evidence of potential contamination is encountered, it is advised that works cease and the site fully assessed to enable an appropriate remediation plan to be developed in liaison with the Mid Kent Environmental Health Team and/or the Environment Agency.
6. Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition in order to prevent airborne fibres from affecting nearby properties and workers on site. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
7. The applicant is reminded of the need to comply with other legislation where relevant.



Ordnance Survey - data derived from OS Premium

23/504980/FULL Maidstone Innovation Centre, Gidds Pond Way, Weaving, Kent, ME14 5FY

Scale: 1:2500

Printed on: 5/2/2024 at 12:14 PM by JoannaW



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**REPORT SUMMARY**

<b>REFERENCE NUMBER:</b> 23/504980/FULL		
<b>APPLICATION PROPOSAL:</b> Change of use of the existing building from use as offices and research and development (Use Class E(g) (i) and (ii)) to use as offices, research and development, and medical services (Use Class E(g) (i) and (ii), and Use Class E(e)).		
<b>ADDRESS:</b> Maidstone Innovation Centre Gidds Pond Way Weaving Kent ME14 5FY		
<b>RECOMMENDATION:</b> GRANT- subject to planning Conditions set out in Section 8.0 of Report		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> For the reasons set out below it is considered that the proposed change of use of the Innovation Centre building- to include 'medical or health services' would be acceptable as it is consistent with the site allocation set out in Policy RMX1(1).  The proposals would not cause any harm to residential amenity or highway safety.  The proposal is therefore considered to be in accordance with the Development Plan.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> This application was submitted by Maidstone Borough Council.		
<b>WARD:</b> Boxley	<b>PARISH/TOWN COUNCIL:</b> Boxley	<b>APPLICANT:</b> Maidstone Borough Council <b>AGENT:</b> WSP UK Ltd
<b>CASE OFFICER:</b> Sam Cowdry	<b>VALIDATION DATE:</b> 23/11/23	<b>DECISION DUE DATE:</b> 22/02/24
<b>ADVERTISED AS A DEPARTURE:</b> No		

**Relevant Planning History**

16/507292/OUT

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

Approved 16.06.2017

18/506658/REM

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

Approved 17.04.2019

23/503883/PAMEET

Pre-Application Phone or Office Meeting - Planning Officer + Senior Planning Officer + Head of Service - The proposals seek to expand the approved uses within the existing building to facilitate to occupation of part of the first floor of the building as a visitor health service, specifically providing consultation space.

## **MAIN REPORT**

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

- 1.01 Maidstone Innovation Centre is located on the corner plot abutting both Newnham Court Way and Gidds Pond Way, within Maidstone's urban boundary.
- 1.02 The application site is located within Newnham Park, a larger site allocation designated to medical and associated uses. An outline permission for such uses exists and under which the Innovation Centre was built. Within the wider site is the KIMs Hospital, Cygnet Hospital, and a care home. The application site forms part of a growth area, which aims to create a specialist knowledge cluster to attract skilled workers.
- 1.03 The building itself is 4 storeys', which provide 3561 sqm floorspace and possesses a use as offices and research and development space (Use Class E(g) (i) and (ii)).

### **2. PROPOSAL**

- 2.01 The proposal is for a change of use of the existing building from use as offices and research and development to also include 'medical services' Use Class E(e). Currently, if a chiropodist or physiotherapist, as examples, wish to rent space, they cannot unless these are used as offices or research and development as opposed to health/medical support. However, all uses on the entire campus have to be 'medically related' but for the Innovation Centre the uses have to be both i.e medically related AND office/R & D. This was the applicant's chosen approach with regard to the original application.
- 2.02 Planning permission is required, as whilst uses now falling under Class E (such as offices and research and development) can switch between a variety of uses including 'medical or health services', condition 37 (associated with wider outline permission 16/507292/OUT) restricts the use of the building to offices and research and development only. The medical uses would likely involve serving of patients and would cover a variety of functions such as preventative, rehabilitative, long-term and diagnostic care. This care would be delivered by healthcare professionals.
- 2.03 The building is currently 54% occupied, although could rise to potentially 65% with demand from the health services businesses wishing to take up occupancy.

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

Maidstone Borough Local Plan 2017

- SS1- Maidstone Borough Spatial Strategy
- SP1- Maidstone Urban Area
- RMX1
- RMX1(1) – Newnham Park, Bearsted Road, Maidstone
- DM1 – Principles of Good Design

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Supplementary Planning Documents: N/A

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 have been 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 as a whole is considered to attract moderate weight at the current time

#### **4. LOCAL REPRESENTATIONS**

##### Local Residents:

- 4.01 No comments received

#### **5. CONSULTATIONS**

##### Boxley Parish Council

- 5.01 Boxley Parish Council have no material planning reasons to object to this application.

#### **6. APPRAISAL**

- 6.01 The key issues are:

- Site Allocation
- Residential amenity
- Parking/ Highway Safety
- Other Matters

##### **Principle of Development/ Policy Context/ Background**

- 6.02 Maidstone Innovation Centre is located within Newnham Park, which is allocated for a medical campus of up to 100,000m<sup>2</sup>, as per Policy RMX1 (1). Part 1 of the policy states the following:

*"Phased provision of a maximum of 100,000m<sup>2</sup> of specialist medical facilities set within an enhanced landscape structure of which 25,000m<sup>2</sup> will provide for associated offices and research and development."*

- 6.03 *This extent of floorspace allocated to medical use is also supported by Policy SP1 and SS1.*
- 6.04 Paragraph 4.206 of the Local Plan states that the appropriate uses on the site will include hospital and healthcare facilities, specialist rehabilitation services, medical related research and development, central laboratory facilities and medical training.
- 6.05 Within the preamble for policy SP21, paragraph 4.141 highlights that this site is a particular opportunity to create a hub for medical related businesses, to attract high level, knowledge intensive employment and business to contribute to the local economy.
- 6.06 Under the draft Local Plan Review the allocation is in effect rolled forward and remains in place with no changes.

- 6.07 It is considered that incorporation of medical or health services would be in accordance with the site allocation set forth within RMX1(1) of the Local Plan as the allocation permits hospital or healthcare facilities. This use is therefore consistent with the wider use and objectives of the Newnham Park site, and so does not deviate from the uses deemed acceptable by the site allocation.
- 6.08 Moreover, the Innovation Centre is not functionally related to the KIMS Hospital but functions independently and this has always been the case. Therefore, there is no planning reason to prevent healthcare services operating from the Innovation Centre. This complies with the general policy for this 'campus'.
- 6.09 There remains a need for a condition to restrict the office and research and development uses to those directly associated with the life science, health care and medical service sectors as per the existing permission. This ensures that these uses of the building would not be for general business use and remains consistent with Policy RMX1(1).

### **Highways**

- 6.10 Policy DM1 outlines that planning proposals should "*Safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access*"
- 6.11 The applicant considers that the inclusion of medical uses within this building would not generate further traffic movements beyond the permitted use. Whilst the frequency of trips may increase due to increased visitation associated with the medical and health services, it is considered on balance that this would not be of such a level or have any significant impact in the context of the scale of the development permitted under the wider outline consent.

### **Other Matters**

- 6.12 It is not considered that there will be any significant impact upon residential amenity which would be extensively dissimilar in terms of the use of the existing building or the overall site.

### **PUBLIC SECTOR EQUALITY DUTY**

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 In conclusion, it is considered that the proposal to include 'medical or health uses' conforms with the allocation associated with the wider site in that it would align with uses expected within a medical campus. The proposal would not harm amenity on site, nor would it significantly alter the existing transport situation. The proposal would not be unacceptable in terms of any other material planning considerations. As such, the proposed change of use is considered to be in accordance with the Development Plan.

## **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 and/or informative in line with the matters set out in the recommendation and as resolved by the Planning Committee:

CONDITIONS:

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

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

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

Site Location

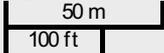
Drawing No. KMCIC-BBA-00-01-DR-A-2001 (Existing First Floor GA Plan)  
Drawing No. KMCIC-BBA-00-02-DR-A-2001 (Existing Second Floor GA Plan)  
Drawing No. KMCIC-BBA-00-03-DR-A-2001 (Existing Third Floor GA Plan)  
Drawing No. KMCIC-BBA-00-GF-DR-A-2001 (Existing Ground Floor GA Plan)  
Drawing No. KMCIC-BBA-00-RF-DR-A-2001 (Existing Roof GA Plan)

all received 16.11.2023

Reason: To clarify which plans have been approved.

3. The building shall only be used for Use Classes E(g)(i), E(g)(ii) and E(e) 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) Order 2015 (as amended) or any statutory instrument revoking and re-enacting those Orders with or without modification. The occupation of the building for Use Classes E(g)(i), E(g)(ii) shall be limited only to those occupiers directly associated with the life science, health care and medical service sectors.

Reason: To ensure the development remains a medical based development in accordance with draft policy RMX1(1) of the Maidstone Borough Local Plan 2017.



Ordnance Survey - data derived from OS Premium

23/504118/FULL Hook Farm, Kings Lane, Marden, Kent, TN12 9PP  
Scale: 1:2500  
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**REPORT SUMMARY**

<b>REFERENCE NUMBER:</b> 23/504118/FULL		
<b>APPLICATION PROPOSAL:</b> Change of use of 1 hectare (2.5 acres) of agricultural land to use as a dog walking paddock with associated 1.8metre height fencing, gates, and parking.		
<b>ADDRESS:</b> Hook Farm Kings Lane Marden Kent TN12 9PP		
<b>RECOMMENDATION:</b> <b>GRANT PLANNING PERMISSION</b> subject to planning conditions in Section 8 of this report.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> <ul style="list-style-type: none"> <li>• Minimal level of harm to the character and appearance of this rural area.</li> <li>• Acceptable in relation to neighbour amenity and access and parking arrangements.</li> <li>• Whilst a departure from the Local Plan, material considerations indicate that planning permission should be approved.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The application is a departure from the development plan.		
<b>WARD:</b> Marden And Yalding	<b>PARISH COUNCIL:</b> Collier Street	<b>APPLICANT:</b> Wood & Wedgwood <b>AGENT:</b> BTF Partnership
<b>CASE OFFICER:</b> Chloe Berkhauer-Smith	<b>VALIDATION DATE:</b> 02/10/23	<b>DECISION DUE DATE:</b> 23/02/24
<b>ADVERTISED AS A DEPARTURE:</b> Yes		

**Relevant planning history**

No relevant planning history.

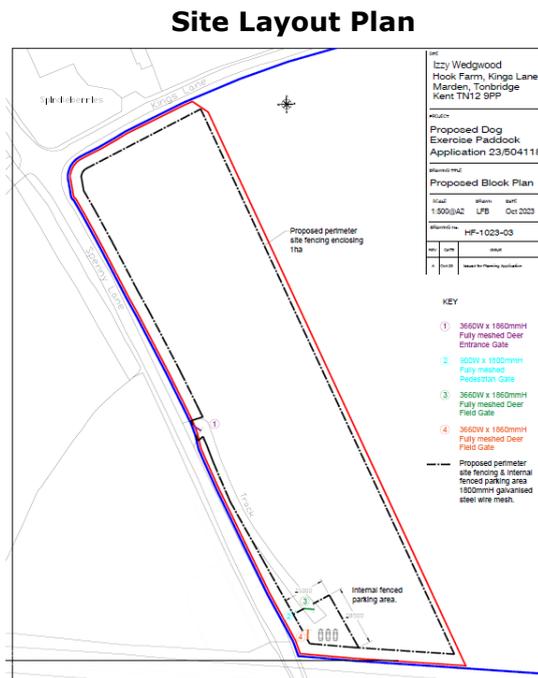
**MAIN REPORT**

**1. DESCRIPTION OF SITE**

- 1.01 The application site is rectangular covering approximately 1.1 hectares of agricultural land located within the countryside as defined by the Local Plan. The site lies approximately 2.7km west of the Marden settlement boundary. The site has no special landscape designation.
- 1.02 The site has an existing vehicular access to Spenny Lane in the centre of the western boundary. There is an existing internal track leading to the south-west corner of the site that is proposed to be a parking area. The rest of the site is open land.
- 1.03 Kings Lane is to the north and Spenny Lane to the west with boundary treatments consisting of hedgerows. A short boundary hedgerow separates the site from the railway track to the south.
- 1.04 The wider area is characterised by open countryside with varying field patterns and sporadic built development. To the north there is an existing large polytunnel development.

## 2. PROPOSAL

2.01 This application seeks the change of use of 1 hectare (2.5 acres) of agricultural land to use as a dog walking paddock with associated 1.8metre high fencing, gate, and parking.



2.02 The proposed 1.8 metre high fencing would be situated around the perimeter of the site and constructed of galvanised steel wire mesh. The posts would be round timber stakes, 2.5m in height and 0.75m in diameter, placed approximately 10m apart. There would be straining posts every 400m and on every corner which are proposed to be 2.8m in height and 1.25m in diameter.

2.03 There would be 3 fully mesh deer gates, one located at the entrance along Spenny Lane, and two field gates adjacent to the proposed parking area.

2.04 The applicant states:

- *The field will be available for pre-booked sessions (typically 1 hour long) during daylight hours 8am – 6pm with variation to these hours during winter months.*
- *The facility will generally be single occupancy for up to 4 dogs (more than 4 dogs would require prior permission).*
- *As an upper limit 10 dogs may use the site to enable group training and lessons, however this would be infrequent.*
- *The proposed Acuity Scheduling booking system would 55-minute sessions to start on the hour. The final 5 minutes of the booking slot is to provide enough time for you to retrieve your dog, to put them on lead and to return to your vehicle and vacate the car park prior to the next appointment. Dogs must be back in the car to allow for the next dog to enter at their allotted time.*

## 3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017  
 SS1: Maidstone Borough spatial strategy  
 SP17: Countryside  
 SP21: Economic development  
 DM1: Principles of good design  
 DM3: Natural environment  
 DM23: Parking standards  
 DM30: Design principles in the countryside

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 2023, 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 in the Maidstone Draft Local Plan are as follows:

LPRSP9 Development in the Countryside  
LPRSP11 - Economic development  
LPRSP12 - Sustainable transport  
LPRSP14 - Environment  
LPRSP14(A) - Natural environment  
LPRSP15 - Principles of good design  
LPRTRA2 - Assessing transport impacts  
LPRTRA4 - Parking  
LPRQ&D 4 Design principles in the countryside

The National Planning Policy Framework (NPPF):

Maidstone Landscape Character Assessment 2012 (Updated 2013)

#### **4. LOCAL REPRESENTATIONS**

**Local residents:**

- 4.01 8 representations received objecting to the application for the following (summarised) reasons:
- Visual impact of the proposed fence
  - Location
  - Noise
  - Increase in traffic.
  - Parking concerns
  - No local need for the facility
  - Wildlife impact
- 4.02 9 representations received in support of the application for the following (summarised) reasons:
- Ideal location
  - Improving local amenities by providing a safe and secure environment
  - Local need

**Collier Street Parish Council**

- 4.03 Wish to see the application refused but do not request the application is reported to the Planning Committee (NB: reported as a departure from the plan)
- Highways
  - Location or entrance and exit
  - Visual impact of the proposed fencing

#### **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)

**Environment Agency**

5.01 No objection

**Environmental Health**

5.02 No objection subject to a condition requiring noise management of plant.

**Kent Police**

5.03 No objection

**KCC Highways**

5.04 Does not meet the criteria to warrant involvement from the highway authority.

**KCC Flood and Water Management**

5.05 No objection

**Southern Water**

5.06 No objection

**Upper Medway Internal Drainage Board**

5.07 No objection

**6. APPRAISAL**

6.01 The relevant material considerations in this case include assessing the impact of the proposal in the following areas:

- Countryside location and policy SP17.
- Character and appearance
- Residential amenity
- Site location, access, parking and highways
- Rural economy
- Other matters

**Countryside location and policy SP17.**

6.02 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

6.03 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.

6.04 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 assessed against policy SP17 overall.

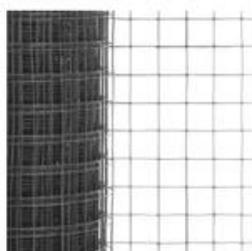
- 6.05 The application does not involve the conversion of agricultural land to domestic garden so DM33 is not relevant. The application does not involve the expansion of an existing business on the application site so policy DM37 is not relevant.
- 6.06 The proposal will result in harm to the character and appearance of the countryside and there are no Local Plan policies that support the application. The recommendation to grant planning permission would as a result be a departure from the adopted Local Plan.
- 6.07 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".
- 6.08 The following assessment considers the material considerations that are present that justify permission being granted contrary to the Local Plan.

### **Character and appearance**

- 6.09 Policies SP17 and SP21 state that development in the countryside should not result in harm to the character and appearance of the area. DM30 requires new development to be located adjacent to existing buildings or unobtrusively located and well screened with appropriate vegetation. It also states that account should be taken of the Maidstone Borough Landscape Character Guidelines SPD.
- 6.10 In the council's published Landscape Character Assessment, the application site is just within the boundary of the Laddingford Low Weald which is part of the wider Lower Weald Landscape. The key characteristics of this area are:
- Low lying landform
  - Intricate network of ditches, ponds and reservoirs
  - Small and mostly broadleaf woodland blocks
  - Orchards, hops and pasture surround settlements
  - More expansive arable land within surrounding landscape
  - Much linear settlement with clusters of development at road junctions
- 6.11 The summary of actions within this area are as follows:
- Consider the generic guidelines for the Low Weald which include conserving the intimate small scale Medieval field pattern, and species rich hedgerow boundaries.
  - Conserve the network of ponds and improve habitat connectivity with native vegetation corridors
  - Reinstate traditional hedgerow boundaries and gap up existing hedgerows where they are in poor condition
  - Conserve and where possible extend native woodland blocks
  - Soften the visual impact of large agricultural barns and silos with native planting
- 6.12 The application seeks to largely maintain the open character of the site, although a new boundary will be created to the east through the proposed division of the existing large open field. Whilst the proposal seeks to divide the field, the proposed dog walking area would be contained to one end of the field (closest to Spenny Lane), and this would minimise visual impact.
- 6.13 Galvanised steel wire mesh fencing (with timber posts) is proposed around the perimeter of the site which would be 1.8m tall. The open, mesh design ensures that the proposed fencing would not be visually intrusive or visually prominent.

6.14 A hedgerow is to the north (Kings Lane) and west (Spenny Lane) boundaries as shown in the site photos below. The existing hedgerow would therefore partially screen the proposed fencing from Spenny Lane (to the west) and Kings Lane (to the north). The south-west corner of the site is further screened from the road due to the ground level difference, with the Spenny Lane carriageway increasing in height to pass over the railway track.

6.15 The site has an existing access from Spenny Lane located in the centre of the western boundary. This access would be retained, and an existing track would be used which leads to an existing area of hardstanding located in the south-west corner of the site that would be used for parking provision. There would be no visual impact in this regard and the parking area would be further screened due to the ground level difference between the site and Spenny Lane. A planning condition is recommended seeking details of landscaping to gap up and strengthen existing hedgerow boundaries.



AT A GLANCE

Technical Specification	
Material & Finish	Galvanised Steel
Construction	Square Apertures
Colour	Silver/Grey
Height	90cm (3ft) - 1.8m (6ft)
Length	6m (20ft) - 30m (98ft)
Wire Diameter	23g (0.6mm) - 14g (2mm)
Manufactured In	Far East



**Proposed fence material specification and indicative fence image**

6.16 The change of use of the land to allow for dog walking would not significantly alter the appearance of the existing agricultural field, which is already grassland. Subject to the retention of the existing hedgerows, the proposal would sit acceptably within the rural landscape and therefore accord with Local Plan Policies SP17 and DM30.



**West boundary (Spenny Lane)**



**North boundary (Kings Lane)**

### **Residential amenity**

- 6.17 The site is an existing agricultural field, the closest neighbour to the application site is Spindleberries, Kings Lane. Spindleberries is approximately 37m away from the edge of the proposed site. Given this distance, I am satisfied that there would be no resulting loss of privacy or overlooking.
- 6.18 The parking area would be set away from the closest residential dwelling by approximately 83m. This is sufficient distance to ensure that the movements to and from the site would not have a detrimental impact. This is considered against the existing agricultural use of the site and the potential movements that this could generate.
- 6.19 The application has also proposed the following:
- Hours of use – the proposal would only be used during daylight hours and between the hours of 8am and 6pm at a maximum.
  - The proposal does not include any lighting which prevents light spill and disturbance to the neighbouring residential properties.
  - The proposed use would be low intensity with a maximum of 10 dogs at any one time which would be controlled by an online booking system.
- 6.20 To ensure that the field is not used to an excessive degree, it would be appropriate to require further detail of its operation so that the number of dogs using it at any one time can be controlled and to control the booking mechanism / crossover of customers, and the number / length of session that would take place each day. Provided these measures are understood and managed, the site could be used acceptably without detriment to neighbouring amenity.
- 6.21 Neighbouring concerns regarding the impact of the use have been considered, however the impact of 10 dogs must be considered against the impact of the activities that could lawfully be undertaken on the site, including as agricultural land. Based on the details listed above, which can be controlled by condition, the proposal would not cause an unacceptable impact on local residential amenity.

### **Site location, access, parking and highways**

- 6.22 The NPPF states that 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..."
- 6.23 Whilst outside the settlement, the site is a 9 minute drive from Marden. In addition, due to the nature of the use it would be difficult to find a site in a settlement with the benefit of the large area of open space for dog exercising that this site offers.
- 6.24 There is an existing access located in the centre of the western boundary that would be retained. The proposed 1.8m mesh deer entrance gate would replace an existing 5-bar gate which is set back from the road and allows a car to pull off the road to open the gate. Furthermore, the access has good visibility onto Spenny Lane. It is therefore concluded that the proposed access would be of an adequate design to accommodate the proposed use.
- 6.25 The application includes a parking area (3 cars) and turning area in the south-west corner of the site. The applicant has stated that the parking area would make use of an existing area of hardstanding and the parking area will use the existing site entrance from Spenny Lane and the existing internal access track that runs alongside the western boundary. The proposed parking area would allow users of

the facility to park off the road and would enable vehicles to leave the site in a forward gear.

- 6.26 As discussed above, the use of the site would be low intensity and controlled via a booking system which would limit the number of visitors to the site at any given point. Sufficient parking is provided for the limited number of visitors. Further details of the booking system and the turnover of customers will be required by condition to ensure there is sufficient time between one group leaving and another arriving and to ensure there is no overspill onto the highway.
- 6.27 The existing site access can accommodate the traffic generated by the proposed use and with adequate sightlines the use of the access will not harm highway safety. The parking area and access to it are adequate for the nature of the proposed use.
- 6.28 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 115 NPPF 2023)". 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.

### **Rural economy**

- 6.29 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".
- 6.30 Although not directly relevant, Local Plan policies SP21 and DM37 (no existing business) 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.

## **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 dog exercise uses. 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 proposal is found to be 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 neighbour amenity and the access and parking arrangements are all acceptable. A planning condition will require a further application for the display of any advertisements or signs.
- 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 minimal level of harm indicate that planning permission should be approved.

### **PUBLIC SECTOR EQUALITY DUTY**

- 7.05 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. The application proposal does not undermine the objectives of the Duty.

### **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 and/or informatives 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:  
Application Form – Received 08/09/2023  
Planning Statement – Received 08/09/2023  
Fence Specifications - Proposed Dimensions Highlighted – Received 26/08/2023  
Site Location Plan – Drawing No. HF-1023-01 – Received 02/10/2023  
Proposed Block Plan – Drawing No. HF-1023-03 – Received 02/10/2023  
Proposed Fence and Gate Elevations – Drawing No. HF-1023-04 – Received 02/10/2023  
Reason: To clarify which plans have been approved
- 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:
  - a) 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
  - b) follow the recommendations within the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting'.
  - c) 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.
- 4) No activity in connection with the use hereby permitted shall take place outside the hours of 8am and 6pm and within these 10 hours, no activity in connection with the use hereby permitted shall take place outside of daylight hours.  
Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers and to protect the rural character of the locality.
- 5) Prior to commencement of the approved use, a maintenance and management plan shall be submitted to and approved in writing by the local planning authority. It shall include details of the following:
  - The booking system for use of the dog walking area
  - How access will be restricted to only those with a booking.
  - The booking time intervals / slots including the length of time between them for each session throughout the year.
  - Details of procedures for the disposal of waste

- Policies on the supervision of dogs on site
- Site notices to be secured on site advising of steps to be taken in case of the escape of a dog.
- Schedule of maintenance

The site shall only operate in accordance with the approved plan thereafter.

Reason: To protect neighbouring amenity and highway safety.

- 6) Notwithstanding the provision of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 no advertisements or signage shall be displayed at the site without the consent of the local planning authority.  
Reason: To safeguard the character and appearance of the surrounding area.
- 7) Prior to commencement of the approved use, the approved parking areas shall be provided, kept available for such use, and permanently retained.  
Reason: To ensure that adequate off street car parking space is provided.
- 8) The use shall only accommodate a maximum of 10 dogs at any one time and the land shall be used for as a dog care facility only and for no other purpose (including any other purpose in Classes E 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 land could potentially cause harm to the character, appearance and functioning of the surrounding area and/or the enjoyment of their properties by adjoining residential occupiers.
- 9) Prior to the commencement of the approved use, a noise management plan covering the operation shall be submitted to and approved in writing by the local planning authority. The plan shall include but not be limited to the hours of operation and measures to minimise potential noise nuisance. The plan should include procedures for responding to complaints from residents or the local authority. The noise management plan should include a review mechanism in response to justified complaints. The use shall only be carried out in accordance with the approved details.  
Reason: To protect residential amenity.
- 10) The fencing hereby approved shall be as shown in the approved Proposed Fence and Gate Elevations – Drawing No. HF-1023-04, and retained as such.  
Reason: To ensure a satisfactory appearance to the development.
- 11) At the end of the first planting season (October to February) following the commencement of the approved use, landscaping shall be in place that is in accordance with landscape details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The landscape details shall
- (a) be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012) <https://tinyurl.com/4a7uhhz5>
  - (b) show all existing trees, hedges, and blocks of landscaping on, and immediately adjacent to, the site.
  - (c) provide details of new on-site planting in a planting specification (location, species, spacing, quantity, maturity) and including the gapping up and strengthening of the existing hedgerow consisting of *double staggered hedgerow with approximately 45cm spacing with 30cm between rows and consisting of 70% Hawthorn or Blackthorn, 5% Dogwood, 10% Field Maple, 10% Hazel, 2.5% Holly and 2.5% Wayfaring Tree.*
  - (d) provide landscape implementation details and timetable.
  - (e) provide a [5] year landscape management plan.

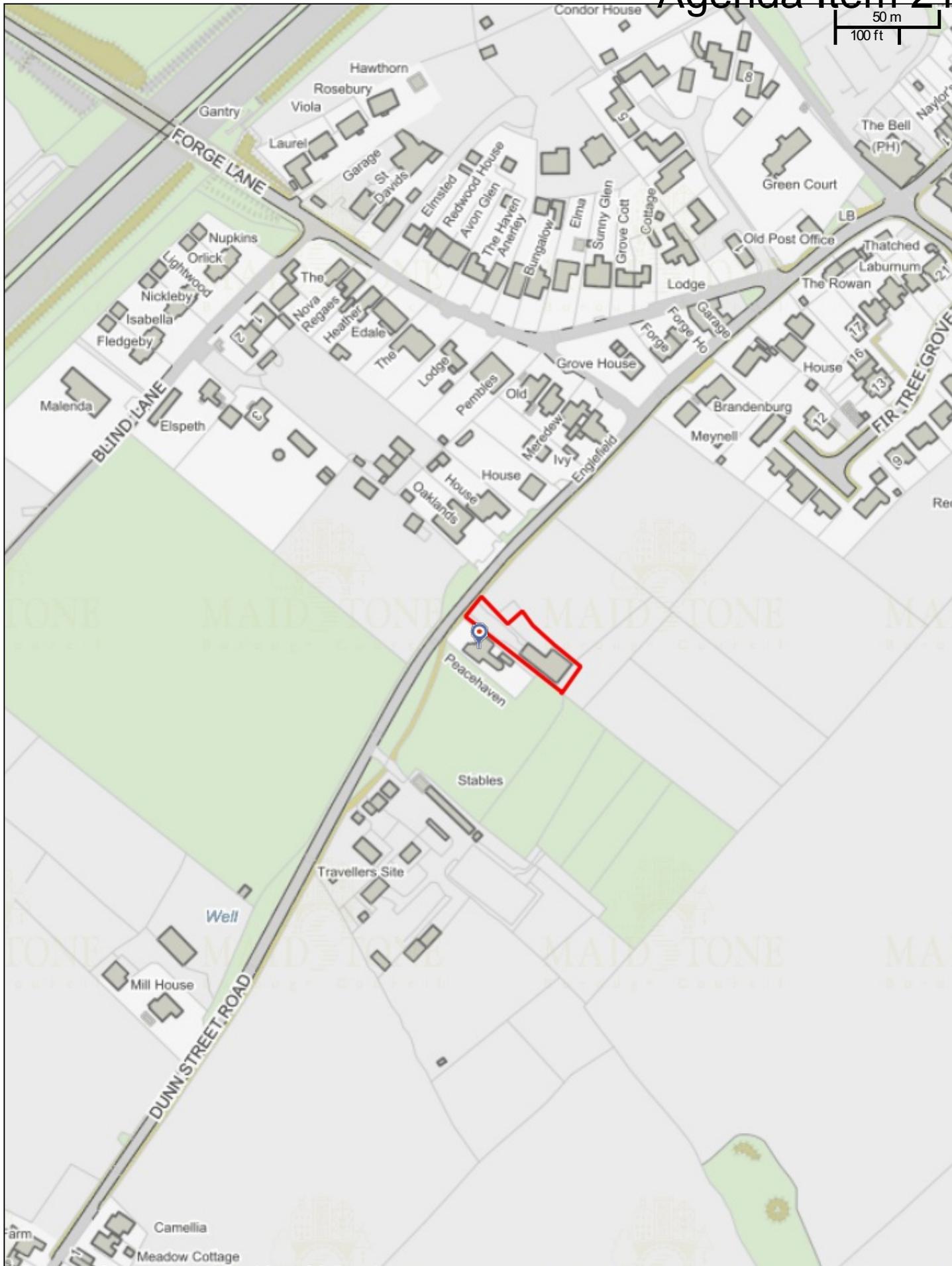
Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.

- 12) Any of the approved landscaping which fails to establish or any trees or plants which, within five years from the commencement of the approved use 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.

**INFORMATIVES**

- 1) The applicant is advised to contact the Upper Medway Internal Drainage Board ([planning@medwayidb.co.uk](mailto:planning@medwayidb.co.uk), 01622 934500) to find out if separate consent is required under separate legislation.
- 2) The applicant is advised to consult Designing out Crime Officers to address Crime Prevention Through Environmental Design and incorporate Secured by Design as appropriate.

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

23/503936/FULL The Old Stable, Dunn Street Road, Bredhurst, Kent, ME7 3LY

Scale: 1:2500

Printed on: 5/2/2024 at 12:27 PM by JoannaW



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**REPORT SUMMARY**

<b>REFERENCE NUMBER:</b> 23/503936/FULL		
<b>APPLICATION PROPOSAL:</b> Partial demolition and conversion of existing redundant stable building to a single dwellinghouse with associated parking, ecological enhancements, and landscaping (resubmission of 22/505429/FULL).		
<b>ADDRESS:</b> The Old Stable Dunn Street Road Bredhurst Gillingham Kent ME7 3LY		
<b>RECOMMENDATION: REFUSE PLANNING PERMISSION</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> <ul style="list-style-type: none"> <li>• Domestication of the building with insertion of fenestration and domestic paraphernalia would have an adverse impact on the design and appearance of the building and local character of this open rural landscape causing unacceptable harm to the character and appearance of the countryside and the Kent Downs National Landscape.</li> <li>• Development would neither maintain or enhance the distinctiveness of the countryside and Kent Downs National Landscape, contrary to policies SS1, SP17, DM1, DM30 and DM31 of the Maidstone Borough Local Plan (2017), the National Planning Policy Framework (2023) and the Kent Downs AONB Management Plan 2014 to 2019 (Second Revision) (2014) Policies SD1, SD2, SD7 and SD9.</li> <li>• Fails to demonstrate that an alternative commercial use would not be feasible contrary to policy DM31 of the Maidstone Borough Local Plan (2017), and the National Planning Policy Framework (2023).</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Call in by Bredhurst Parish Council if officer recommendation is to refuse permission. The Parish Council did not give any planning reasons for the committee referral.		
<b>WARD:</b> Boxley	<b>PARISH</b> Bredhurst	<b>COUNCIL:</b> <b>APPLICANT:</b> Ms Deana Foulds <b>AGENT:</b> Bloomfields
<b>CASE OFFICER:</b> Francis Amekor	<b>VALIDATION DATE:</b> 14/09/23	<b>DECISION DUE DATE:</b> 29/02/24
<b>ADVERTISED AS A DEPARTURE:</b> No		

**Relevant planning history**

- a) 22/505429/FULL Partial demolition and conversion of existing stable building to a dwellinghouse with associated parking, ecological enhancements and landscaping including changes to fenestration. Refused 13.01.2023 for the following reasons:
  - 1) *The proposal, by reason of the building location in open countryside, the domestication of the building appearance with the insertion of fenestration and hardstanding areas would have an adverse impact on the design and appearance of the building and the site generally, and this impact together with the introduction of domestic paraphernalia into the open landscape would result in urbanising development in this rural landscape, causing unacceptable harm to the character and appearance of the countryside and the Kent Downs Area of Outstanding Natural Beauty. The development would therefore neither maintain or enhance the distinctiveness of the countryside and Kent Downs Area of Outstanding Natural Beauty. This is contrary to policies SS1, SP17, DM1, DM30 and DM31 of the Maidstone Borough Local Plan (2017), the National Planning*

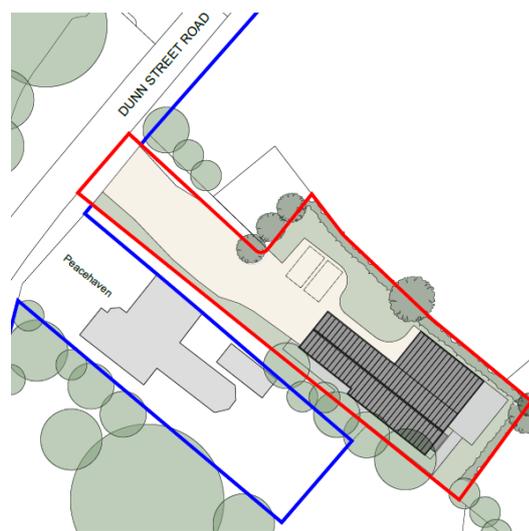
*Policy Framework (2021) and the Kent Downs AONB Management Plan 2014 to 2019 (Second Revision) (2014) Policies SD1, SD2, SD7 and SD9.*

- 2) *The application fails to demonstrate that any attempt has been made at securing an alternative commercial re use of the building, contrary to policy DM31 of the Maidstone Borough Local Plan (2017), and the National Planning Policy Framework (2021).*
- 3) *The proposed development is in an unsustainable location with the proposed dwelling remote from local services and facilities which would result in future occupiers being reliant on the private motor vehicle to travel for their day to day needs and access to facilities. This would be contrary to the aims of sustainable development as set out in Policies SS1, SP17, DM1 and DM5 of the Maidstone Borough Local Plan (2017) and the National Planning Policy Framework (2021).*

## **MAIN REPORT**

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

- 1.01 The site is in the countryside and in the Kent Downs National Landscape (previously known as the Kent Downs Area of Outstanding Natural Beauty). The site is occupied by a single storey disused stable building set back from and accessed from Dunn Street Road. The building has a rectangular shape with blockwork external elevations. The shallow pitched roof is covered in fibre cement roof. There is a hardstanding area in front of the building used for parking.
- 1.02 To the south of the site is the residential dwelling known as 'Peacehaven'. To the north and east there are paddocks that form part of the open countryside character. The Maidstone Landscape Character Assessment identifies the wider area as falling within the Bredhurst to Bicknor North Downs Landscape Character Area. The advice is to improve and conserve character where condition is poor.
- 1.03 A public footpath (KH55) runs north south across the open countryside to the east of the application site.



**Proposed Block Plan**

### **2. PROPOSAL**

- 2.01 This application proposes demolition of the south-eastern part of the existing stable building (40m<sup>2</sup> of floorspace equating to 20 percent of the total footprint). It is proposed that the retained part of the building (floor area of 166m<sup>2</sup>) is converted into a four- bedroom dwelling. The building will have a zinc roof and timber cladding to the external elevations of the lean to.

- 2.02 The existing area of hardstanding (circa 234m<sup>2</sup>) will be retained as the setting to the converted building, with an additional car parking area provided (45m<sup>2</sup>). The land to the side of the building provides an amenity area.
- 2.03 Internally, it is proposed to introduce new internal walls to provide an open plan living room, dining area, 4 bedrooms which will include storage space, one ensuite bathroom, and a family bathroom.
- 2.04 The current application is a resubmission of the previously refused planning application under reference number 22/505429/FULL. The changes include the following:
- Introduction of timber cladding, recladding of the roof with zinc.
  - Reduction in the amount of fenestration openings to follow existing stable openings where possible.
  - Structural details of the existing building
  - Financial viability report
  - Reduction in hardstanding with surface material changed from tarmac to grid meshed parking system.

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

#### Maidstone Borough Local Plan (2011-2031):

SS1 Maidstone borough spatial strategy.

SP17 Countryside.

DM1 Principles of good design.

DM3 Natural environment.

DM5 Development on brownfield land.

DM8 External lighting.

DM12 Density of housing development.

DM21 Assessing the transport impacts of development.

DM23 Parking standards.

DM30 Design principles in the countryside.

DM31 Conversion of rural buildings.

#### 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 2023, 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 in the Maidstone Draft Local Plan are as follows:

SS1 – Maidstone borough spatial strategy

SP9 – Development in the countryside

SP15 – Principles of good design

Q & D4 – Design principles in the Countryside

HOU5 – Density of residential development

TRA4 – Parking standards (Appendix B)

Q&D6 – Technical Standards

Q&D7 – Private open 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 15 - Conserving and enhancing the natural environment.

National Planning Policy Guidelines (NPPG).

Supplementary Planning Documents

- Ministry of Housing, Communities and Local Government: National Design Guide.
- Government's Technical Housing Standards: Nationally Described Space Standards (March 2015).
- Kent Downs AONB (National Landscape) Management Plan (2021 – 2026)
- Maidstone Landscape Character Assessment (2013)

**4. LOCAL REPRESENTATIONS**

**Local residents**

- 4.01 1 representation received in support of the application for the following (summarised) reason:
- The proposal would enhance the visual appearance of the site.

**Bredhurst Parish Council**

- 4.02 Support.
- Wish to see the application approved and if officers are minded to refuse permission request that the application is reported to the planning committee. No reasons provided.

**5. CONSULTATIONS**

**KCC Highways**

- 5.01 No objection subject to conditions on:
- provision and permanent retention of secure, covered cycle parking facilities
  - Provision and permanent retention of the vehicle parking spaces and/or garages.
  - Use of a bound surface for the first 5 metres of the access
  - Provision and permanent retention of the vehicle turning facilities.

**6. APPRAISAL**

- 6.01 The key issues are:
- Countryside location and policy SP17.
  - Policy DM31 - Conversion of rural buildings.
  - Policy DM5 and PDL
  - Standard of accommodation
  - Neighbour amenity
  - Highways, access and parking

**Countryside, Kent Downs National Landscape and policy SP17**

- 6.02 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.
- 6.03 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.

- 6.04 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.
- 6.05 On the 22 November 2023 the Kent Downs Area of Outstanding Natural Beauty designation was relaunched and renamed. The new designation the Kent Downs 'National Landscape' brings the designation in line with National Parks. The application site is in the Kent Downs 'National Landscape'.
- 6.06 As part of the relaunch, Parliament passed the Government amendment to the Levelling Up and Regeneration Bill to enhance AONB and National Park Management Plans and the Bill is now an Act. The Kent Downs Management plan states that a threat is "*Loss of and damage to the quality and character... through the cumulative effect of inappropriate, poorly designed general development ....*" (paragraph 4.4).
- 6.07 The changes strengthen the Duty of Regard under section 85 of the Countryside and Rights of Way Act for relevant authorities such as Maidstone Council. The change was from:
- "... a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty" to
  - "a relevant authority ... must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty".
- 6.08 Paragraph 182 of the NPPF (19 December 2023) states "*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and ... [National Landscapes] ...which have the highest status of protection in relation to these issues*".
- 6.09 Local Plan policies DM1 and DM30 promote high quality design. Development is encouraged which accords with the countryside in terms of bulk, scale, massing, visual amenity, and landscape character. Criteria include responding positively to, and where possible enhancing the local character of the area.
- 6.10 In this case, local plan policy DM31 permits the conversion of buildings in the countryside subject to several listed criteria. The submitted proposal is assessed against DM31 below.

#### **Policy DM31 – Conversion of rural buildings**

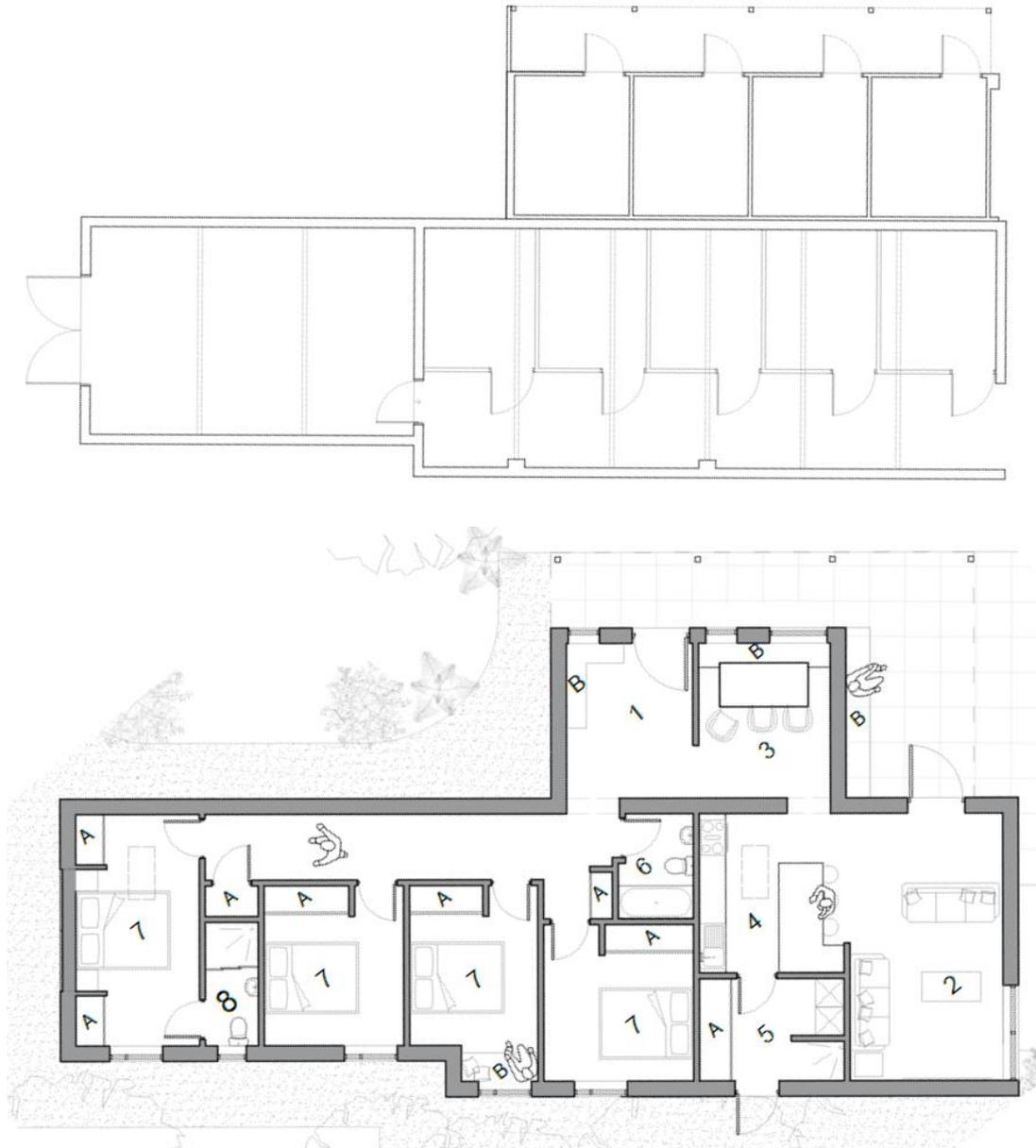
- 6.11 The supporting text to policy DM31 advises that an overarching objective is to only allow conversion of rural buildings where the buildings have sufficient value (such as Oast houses). In pursuant of this objective, the policy sets out several criteria that proposals for the conversion of existing rural buildings must meet and these are assessed below:

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

- 6.12 With reference to buildings with the quality of Oast Houses, policy DM31 permits the retention and conversion of rural buildings that 'reinforce landscape character'.
- 6.13 The existing building has a utilitarian design and a functional appearance, and the external elevations comprise blockwork, with timber truss and a fibre cement roof.

- 6.14 The building is not of a form, bulk, scale, and design which takes account of and reinforces landscape character and therefore the conversion to residential use would be contrary to policy DM31, 1i).

**Existing and proposed floorplans**



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

- 6.15 The submission is supported by a structural assessment prepared by the applicant. The assessment states:
- No indication of any structural movement, distress, or structural failure.
  - Building for its age is sound throughout and maintained reasonably well.
  - Fibre cement roof sheeting has undergone some repair, and if tested in extreme conditions would not be weathertight.
  - Substantial masonry envelope will be capable of carrying the additional loading of proposed internal lining and any changes to the external cladding of the envelope of the structure.

- 6.16 It is concluded from this assessment and the submitted drawings that the existing building is of permanent, substantial, and sound construction and is capable of conversion without major or complete reconstruction. The submitted proposal would not meet the requirement of policy DM31 1 ii).

**Existing and proposed southwest elevations.**



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)

- 6.17 The proposed changes made as part of the conversion are not in keeping with the existing character of the site, including the number and style of new window and door openings (changes to the southwest elevation highlighted above).
- 6.18 The submitted proposal includes the retention of the significant existing area of hardstanding that provides a poor building setting to Dunn Street Road. The proposal also includes loss of adjacent unmade ground with provision of car parking spaces additional to and adjacent to the existing hardstanding.
- 6.19 The domestication of the building appearance with the new fenestration retention of hardstanding areas and new parking area would have an adverse impact on the design and appearance of the building and the site generally, and this impact together with the introduction of domestic paraphernalia into the open landscape would result in urbanising development in this rural landscape.
- 6.20 In this context the proposal fails to meet the requirement of DM31. 1 iii).

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 site layout includes the retention of a large area of hardstanding that provides the building setting. A proposed additional area adjacent to the hardstanding provides two car parking spaces. The existing area of hardstanding has a negative visual appearance on the character and appearance of the area. The submitted application fails to provide any improvement to the existing situation with the harm increased by the additional parking area. The application fails to provide any justification for this large area of hardstanding and why existing hardstanding is not sufficient for car parking.
- 6.22 This layout has a suburban appearance and will be detrimental to the visual amenity of the countryside. The proposal fails to meet the requirements of DM31 1 iv).

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. DM 1 v).

- 6.23 Although not shown on the submitted drawings, the submitted Planning Statement outlines that the curtilage will have a post and rail fence. This post and rail fencing would in acceptable in landscape terms, but it is questioned whether this style of fencing would provide the necessary security and privacy to future occupants and as a result there is likely to be pressure for more substantial boundary treatments. The proposal would meet the requirements of DM31 1 v).

DM31 3 i). Every reasonable attempt has been made to secure a suitable business reuse for the building.

- 6.24 A viability assessment has been submitted with the current application. The assessment concludes that the use of the building as office accommodation or a holiday let is not financially viable, with conversion to residential use reported to be the only viable option.

- 6.25 The main reasons behind adopted Local Plan policy DM31 include:
- Ensuring that only rural buildings that are of sufficient quality and appearance (DM31-1(i) and DM31 3 (ii)) are retained and reused for other uses.
  - Ensuring that "*Every reasonable attempt has been made to secure a suitable business reuse for the building*". This is due to residential use generally being considered the most valuable and sought after land use in rural areas and to ensure that other uses are considered prior to acceptance of residential.

- 6.26 The financial viability of conversion to non-residential uses is not a policy test in policy DM31. The previous reason for refusal did not refer to viability stating, "*The application fails to demonstrate that any attempt has been made at securing an alternative commercial re use of the building...*".

- 6.27 In situations where financial viability is a policy test (affordable housing or loss of a public house) financial information is subject to independent third-party review. With no viability test here, the submitted information has not been subject to third party review and therefore minimal weight is placed on the conclusions reached. Various points made in the viability assessment are also questioned, including the reported inadequacy of the 10 metre wide existing access from Dunn Street Road and the difference of £415,000 in gross return between a holiday let and residential use.

- 6.28 Policy DM31 (3)i requires that 'every reasonable attempt has been made to secure a suitable business re-use for the building'. No evidence has been submitted to demonstrate any marketing has been carried out as required in policy DM31, and the information provided in the financial viability assessment is insufficient in demonstrating the proposal meets the requirement of policy DM31 (3)i.

DM31 3 ii). Residential conversion is the only means of providing a suitable re-use for a listed building, an unlisted building of quality and traditional construction which is grouped with one or more listed buildings in such a way as to contribute towards the setting of the listed building(s), or other buildings which contribute to landscape character, or which exemplify the historical development of the Kentish landscape.

- 6.29 The application building is a single storey breeze block and brick stable building with a fibre cement roof, as are found on agricultural sites throughout the Kent countryside. It is not listed and does not contribute towards the setting of a listed

building. The building does not contribute to landscape character or exemplify the historical development of the Kentish landscape.

- 6.30 The existing building does not meet the building quality threshold where policy DM31 would support retention and conversion to alternative uses. The proposal does not meet the requirement of DM31 3ii).

DM31 3 iii). There is sufficient land around the building to provide a reasonable level of outdoor space for the occupants, and the outdoor space provided is in harmony with the character of its setting.

- 6.31 The submitted proposal includes a large area of hardstanding that will provide circulation space and two car parking spaces. This layout has a suburban appearance. Land to the side of and around the car parking spaces and to the rear of the building provide external amenity space. The quality of some of the external space is questionable due to its size and location to the north of the building.
- 6.32 In summary on this basis, the proposals would fail to meet all the relevant requirements and would be contrary to policy DM31 of the Maidstone Borough Local Plan (2017). The proposal would also conflict with the objectives of Policy SP17 of the Local Plan in so far as it seeks to resist development that is harmful to the landscape character and visual amenity of the countryside.

#### **Policy DM5 Development on brownfield land**

- 6.33 Policy DM 5 of the local plan states "Exceptionally, the residential redevelopment of brownfield sites in the countryside...." will be permitted where they meet the following criteria:
- a) The site is not of high environmental value.
  - b) The 'redevelopment' will result in a significant environmental improvement.
  - c) The density reflects the character and appearance of the area (DM12).
  - d) the site is, or can reasonably be made, accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village.

#### Consideration of DM5 a) and b) above

- 6.34 The questions here are whether the stable building and the site are currently of high environmental value, and whether the 'redevelopment' will result in a significant environmental improvement to this building.
- 6.35 The application site is in the Kent Downs National Landscape (formally AONB) which falls into the definition of high environmental value. The stable building itself is not listed and has no particular merit as a rural building. The submitted proposal with the changes to the appearance of this building, retention of existing hardstanding and new car parking area are of suburban domestic appearance in this rural location, and they are not considered to represent an improvement to the site. The proposal is contrary to DM5 a) and b).

#### Consideration of DM5 c) above

- 6.36 Policy DM12 advises "All new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Development proposals that fail to make efficient use of land for housing, having regard to the character and location of the area, will be refused permission". The density of the proposal is acceptable in this location and the development is in line with DM5c).

#### Consideration of DM5 d) above.

- 6.37 The previous refusal assessed that the application site is in an 'unsustainable location'. Bredhurst is approximately 0.4 miles and Lordswood is 2 miles from the application site, Bredhurst and Lordswood do not have the services or facilities such

as larger supermarkets, public transport and employment opportunities that are needed to avoid the need to travel by private vehicle. The boundary of Maidstone urban area is approximately 4 miles away to the south of the application site.

- 6.38 It was assessed, that to access Maidstone urban area on foot would require walking a long distance alongside either unlit, single lane roads or roads with high-speed limits. Additionally, the distance itself makes it unreasonable to assume occupants would walk.
- 6.39 Policy DM31 of the Maidstone Local Plan makes provision for the conversion of rural buildings, including to residential use (to which locational sustainability is not a criteria consideration), providing a clear acknowledgement that the principle of residential conversions in rural areas, where there will inevitably be a greater reliance on the private car can be acceptable in the context of the sustainable benefits resulting from re-use development."
- 6.40 Appeals on local sites such as 'Land at Forge Lane' (APP/U2235/W/16/3164561 relating to 16/504798/FULL) and other applications in the vicinity (18/505079/FULL and 18/506630/FULL) have concluded that this is broadly a sustainable location for development, essentially on the basis that Bredhurst has a primary school, village hall, church, public house, recreation facilities and regular bus services.
- 6.41 On this basis it is assessed that this application should benefit from the same considerations and that a refusal based on sustainability would not be appropriate.

#### **Standard of accommodation**

- 6.42 Local Plan policy DM1 advises that proposals will be permitted where they *"...provide adequate residential amenities for future occupiers of the development..."*. The policy seeks to ensure that occupiers are not *"...exposed to, excessive noise..., overlooking or visual intrusion..."*. The NPPF advises of the importance of good design, creating well designed accommodation with a high standard of amenity for future residents.
- 6.43 The proposed dwelling will provide good levels of daylight and sunlight for a future occupant. 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.
- 6.44 Policy LPRQ&D7 of the Emerging Draft Local Plan sets out the amenity space standards for new houses. Land to the side of and around the car parking spaces and to the rear of the building provide external amenity space. The quality of some of the external space is questionable due to its size and location to the north of the building.

#### **Neighbouring amenity**

- 6.45 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.
- 6.46 The main proposed doors and windows would not overlook any neighbour. The proposed dwelling maintains acceptable separation distances from neighbouring properties, and this will not impose any adverse effect in terms of overshadowing. The development would not create any significant noise issues and is unlikely to be affected by traffic noise.

- 6.47 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.

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

- 6.48 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.
- 6.49 The submitted site layout plan indicates provision of 2 car parking spaces for future occupiers of the proposed dwelling. 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.
- 6.50 Access to the site is gained via the existing entrance from Dunn Street Road. The access has adequate visibility for drivers and there is no vehicle safety issue. The access would not have any significant impact on the free and safe movement of vehicles and pedestrians along Dunn Street Road and its vicinity.
- 6.51 Paragraph 111 of the NPPF (2023) states that development should only be refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact of the development would be severe. With the existing use and 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.
- 6.52 The Maidstone Landscape Character Assessment identifies the wider area as falling within the Bredhurst to Bicknor North Downs Landscape Character Area (area 2) and the relevant advice for this area is to improve and conserve character where condition is poor.

### **PUBLIC SECTOR EQUALITY DUTY**

- 6.53 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.

### **Community Infrastructure Levy**

- 6.54 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, by reason of the building location in open countryside, the domestication of the building appearance with the insertion of fenestration and hardstanding areas would have an adverse impact on the design and appearance

of the building and the site generally, and this impact together with the introduction of domestic paraphernalia into the open landscape would result in urbanising development in this rural landscape, causing unacceptable harm to the character and appearance of the countryside and the Kent Downs National Landscape. The development would therefore neither maintain or enhance the distinctiveness of the countryside and Kent Downs National Landscape. . This is contrary to policies SS1, SP17, DM1, DM30 and DM31 of the Maidstone Borough Local Plan (2017), the National Planning Policy Framework (2023) and the Kent Downs AONB Management Plan 2014 to 2019 (Second Revision) (2014) Policies SD1, SD2, SD7 and SD9.

- 7.03 The application fails to demonstrate that a real attempt has been made at securing an alternative commercial re use of the building such as an alternative stables use or a holiday let, contrary to policy DM31 of the Maidstone Borough Local Plan (2017), and the National Planning Policy Framework (2023).

**8. RECOMMENDATION**

**REFUSE PLANNING PERMISSION for the following reasons:**

- 1) Notwithstanding the changes in this current scheme, the proposal, by reason of the building location in open countryside, the domestication of the building appearance with the insertion of fenestration and hardstanding areas would have an adverse impact on the design and appearance of the building and the site generally, and this impact together with the introduction of domestic paraphernalia into the open landscape would result in urbanising development in this rural landscape, causing unacceptable harm to the character and appearance of the countryside and the Kent Downs National Landscape. . The development would therefore neither maintain or enhance the distinctiveness of the countryside and Kent Downs National Landscape. . This is contrary to policies SS1, SP17, DM1, DM30 and DM31 of the Maidstone Borough Local Plan (2017), the National Planning Policy Framework (2023) and the Kent Downs AONB Management Plan 2014 to 2019 (Second Revision) (2014) Policies SD1, SD2, SD7 and SD9.
- 2) The application fails to demonstrate that a real attempt has been made at securing an alternative commercial re use of the building such as an alternative stables use or a holiday let, contrary to policy DM31 of the Maidstone Borough Local Plan (2017), and the National Planning Policy Framework (2023).

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 22



Ordnance Survey - data derived from OS Premium



23/501635/FULL Chickenden Barn, Chickenden Lane, Staplehurst, Tonbridge, Kent, TN12 0DP

Scale: 1:2500

Printed on: 2/8/2023 at 10:56 AM by JoannaW



**REPORT SUMMARY**

<b>REFERENCE NO:</b> 23/501635/FULL			
<b>APPLICATION PROPOSAL:</b> Conversion of existing barn to residential dwelling, including new entrance and access drive with associated parking (resubmission of 22/501591/FULL).			
<b>ADDRESS:</b> Chickenden Barn Chickenden Lane Staplehurst Tonbridge Kent TN12 0DP			
<b>RECOMMENDATION:</b> GRANT PLANNING PERMISSION subject to planning conditions			
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Report following deferral from Planning Committee of 24 August 2023.			
<b>WARD:</b> Staplehurst	<b>PARISH:</b> Staplehurst	<b>COUNCIL:</b>	<b>APPLICANT:</b> Mr Jarvis <b>AGENT:</b> Jenner Jones LLP
<b>CASE OFFICER:</b> Joanna Russell	<b>VALIDATION DATE:</b> 17/04/23	<b>DECISION DUE DATE:</b> 25/08/23	
<b>ADVERTISED AS A DEPARTURE:</b> No			

**Relevant Planning History**

22/501591/FULL - Conversion of existing barn to residential dwelling, including new entrance and access drive with associated parking. Withdrawn 01.07.2022

**MAIN REPORT**

**1. BACKGROUND**

1.01 The application was reported to Planning Committee of 24 August 2023 with a recommendation for approval. The application was deferred for consideration of the following:

- Seek further arboricultural information on tree removal and the impact of the 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.

1.02 The original report is appended.

**2. PROPOSAL**

2.01 As per appended August 2023 report.

**3. POLICY AND OTHER CONSIDERATIONS**

3.01 As per appended August 2023 report.

**4. LOCAL REPRESENTATIONS**

4.01 As per appended August 2023 report.

**5. CONSULTATIONS**

5.01 As per appended August 2023 report.

## 6. APPRAISAL

6.01 The key issues are:

- Arboricultural Impact
- Dredging of ditch and pond

### Arboricultural Impact

6.02 Members asked for further arboricultural information on tree removal and the impact of the development on retained trees (if any).

6.03 Arboricultural information is submitted with the application consisting of an initial tree report and an addendum relating to the impact of the proposed driveway. These are appended to this report. They show 20 trees across the site. No trees will be removed to the north of the barn on the line of the ditch. To west side of the pond there are 2 oak trees and a line of willows. None of these are shown for removal. This is shown on plan Plan 110H below:



6.04 The tree report recommends the removal of the two oaks growing in the pond as they are unstable and will otherwise rot and die.

6.05 The report advises that a degree of impact will occur to the trees to the east side of the pond during construction of the access drive. Excavation will disturb surface roots that are growing away from the waterlogged conditions of the pond and as such it is recommended that consideration should be given to the use of a permeable geotextile membrane over the roots underneath a suitable aggregate and a permeable surface finish.

6.06 In addition specific construction precautions should be observed throughout works. A requirement for these has been made through condition 6 which prevents any site clearance until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 is submitted and approved, and that work will be carried out in accordance with the approved details.

- 6.07 Additionally, condition 5 requires tree protection measures in accordance with the current edition of BS 5837 to be installed on site.
- 6.08 Maidstone Arboricultural officer has assessed the submission and advised that they raise no objections to this approach subject to the imposition of conditions as detailed above.
- 6.09 Concern has been raised about the impact of future water run-off from the development on the roots of the trees and therefore their long-term health. The proposal does not result in any additional non permeable surfaces, and it is not a matter that has been raised of concern by the Arboricultural Officer.
- 6.10 The arboricultural consultant for the applicant has advised the following:

*'The tree roots will not be adversely impacted by the proposed development. You state that the roof catchment will no alter in terms of M 2 and as such the run-off will remain the same.*

*The willow and alder trees, to the east and west of the pond benefit from being in close proximity to a water source. The hedgerow species are far enough away on the northern boundary not to be impacted upon.*

*The three oak trees on the southern boundary are in elevated positions and are mature. This indicates that the current growing conditions suit the trees and that as there will be no increase in water run-off to the pond, the trees will continue to survive as indicated in my original Tree Report of September 2022.*

*You have confirmed that there will be additional car parking / drive way constructed during development and this will be constructed oof a porous, natural materials. This should facilitate the gradual percolation of excess water into the ground water system, that will soak into the pond.*

*I note that there is intention to manage the vegetation, surrounding the pond, by cutting back on a three year cycle at 1/3 per cut, invasive species and encouraging natural , riparian zone species to develop. This again will assist with water uptake and gradual filtration into the pond.*

*I further note that there are plans to gradually clear the pond over time to avoid further siltation. This will maintain pond depths and prevent water stagnation. I would suggest that adding marginal plants such as rushes and water iris will improve water quality with the addition of oxygenating plants.*

*It is evident that the pond is well established and that the intended work to the pond will maintain, if not reduce, the possibility of flooding in the future. When water levels increase, I noted that there are ditches to the western and northern boundary of the pond that provides drainage away from the road and into the local network of water catchment.*

*Providing that the water runoff from the development does not increase manageable water levels in the pond, and that the management of the pond siltation and surrounding vegetation is undertaken, I consider that there is no risk to tree longevity on this development.'*

- 6.11 In response, the Council's Arboricultural Officer has advised that the square meterage of the property has not been increased. The applicant is proposing a strategy by excavating the ditches to help alleviate excess water and the materials used in the driveway construction are to be off a porous nature. Viewing the neighbours' comments and attached pictures of the site in times of flood, the native species found on or near the development site are tolerant to excessive water.

- 6.12 They have further advised that excessive water around tree roots can cause damage to root hairs, reduce oxygen uptake, and reduce the root structure's capability of water absorption. If the site had no history of excessive water holding on the land or if there was a substantial increase of water due to the development, then they would be more concerned.
- 6.13 On this basis, subject to the recommended conditions, it is considered that the proposal will not cause harm to existing trees on site.

#### **Dredging of Ditch and Pond**

- 6.14 Ecological survey information by Bakerwell has been submitted with the application. Section 10 of the report assesses 'Pond Enhancement' as follows:

*'The pond will be enhanced to support the species present or potentially present on site. Ponds are visited by grass snakes, amphibians including GCN, invertebrates, birds, and mammals.'*

*Bankside vegetation should be managed through cutting back 1/3 of vegetation on a three year rotation to control vigorous plants. Cutting should be undertaken at a time to avoid disturbance to wildlife especially breeding amphibians, with an optimal time period between November – February.*

*Waterbodies can become clogged with plants or sediment over time, this will reduce their effectiveness as SUDs and as wildlife ponds. Where sediment and aquatic vegetation is removed, no more than a 1/4 of the pond area/ ditch/swale length should be cleared in any one year. Material should be left on the bank for at least 48 hours to allow wildlife time to re-enter the water, before being removed and composted or disposed of properly.*

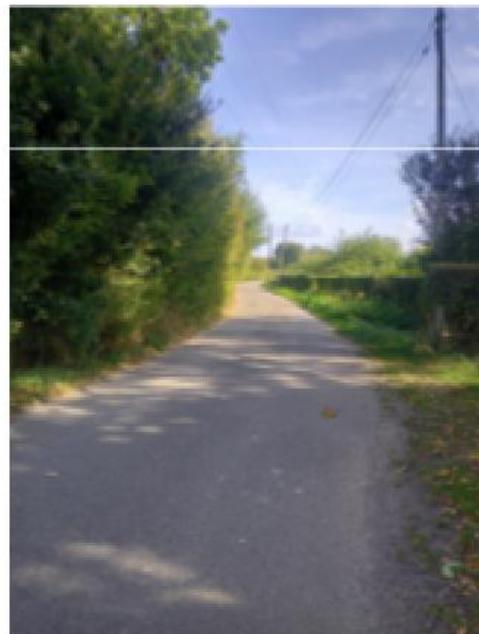
*The presence of invasive alien species should also be monitored and managed if found to be present, with fish being removed humanely. No fertilisers or herbicides should be used within the waterbodies or immediate vicinity.'*

- 6.15 Kent Ecology supported this approach as one of the enhancements on site and this has been conditioned.
- 6.16 With regard to the ditch, it has been observed to be a dry ditch (as detailed in 4.4 and 7.16 of the Bakerwell report). Typical of farm ditches they take flood water away from the area and in this instance run to the north and river. To alleviate concern about the dredging of the ditch and the pond, the enhancement measures as supported by Kent Ecology consultee have been secured by an added condition (No.9).
- 6.17 The additional condition would ensure that the dredging of the ditch and pond would not have an unacceptable impact on protected species and would therefore allay the concerns raised by Members previously.

#### **Other Matters**

- 6.18 While it did not form part of the resolution, an additional representation had been received prior to the committee, raising concerns about the safety of the access.
- 6.19 Plan 211 shows a point 2.5m drawn at the centre of the drive and sightlines marked both ways over land within the control of the owners of the barn to the east and west - 105 and 110m respectively. These lines do not require the removal of any trees. For a country lane, this far exceeds what is required. The applicant has advised that they are happy to agree a condition requiring maintenance of these sightlines and this has been added accordingly (no.16).

- 6.20 Land registry map search documents have been provided which demonstrate that the tarmac road is under private ownership. The verge in front of the paddock and including the new access is in the ownership of the applicant. The small area between the pond and the road is untitled, ie no one owns the verge and like the rest of Chickenden Lane, adjacent owners maintain it as they want or as instructed under a condition.
- 6.21 Two photos are displayed below which look west and east as if one was standing in the middle of the lane at the point of the new access. The hedge will be cut back to provide the site lines. It can be seen that there is a electricity pole but this like all highway furniture this is discounted when calculating sightlines as vehicles can be seen from either side.



### **PUBLIC SECTOR EQUALITY DUTY**

- 6.22 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.

### **Community Infrastructure Levy**

- 6.23 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 Subject to satisfactory detail being submitted to demonstrate that future water run-off will not threaten the long-term health of the trees on site and to the imposition of conditions, there would be no unacceptable impact on the existing trees on site, or on protected species through the dredging of the pond or ditch. Additionally, sufficient sightlines from the access have been demonstrated and their maintenance can be secured by condition.

7.02 All other matters remain as per the committee report dated 24 August 2023.

**EIA Screening**

EIA Development	No
Comments	Development does not meet criteria or thresholds for EIA development

**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 and/or informatives 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: 10D, 11B, 110H, 111B, 12B, 14C, 15E, 18A, 211, Financial Viability Assessment, Structural and Building Survey, Tree Survey Schedule, Tree Condition Report, Ecological Assessment, Heritage Statement, Flood Risk Assessment.  
Reason: To clarify the approved plans and to ensure the development is carried out to an acceptable visual standard.
  
- 3) The development hereby approved shall not commence until a photographic and descriptive record in accordance with level 2 of Historic England's document entitled "Understanding Historic Buildings A Guide to Good Recording Practice" has been submitted to and approved in writing by, the local planning authority. The approved descriptive record shall also be submitted to the relevant Historic Environment Record.  
Reason: To ensure that any evidence of historic significance is appropriately recorded.
  
- 4) Notwithstanding details on submitted drawings the development hereby approved shall not commence until large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority
  1. Reused and new internal joinery
  2. Reused and new external joinery.
 The development shall be carried out in accordance with the approved details  
Reason: To ensure the appearance and the character of the building are maintained.
  
- 5) Prior to the commencement of development, tree protection in accordance with the current edition of BS 5837 shall have been installed on site. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

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

- 6) No development including site clearance shall take place until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan.  
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 7) Prior to the commencement of development, the ecological mitigation for reptiles, dormouse, hedgehogs, breeding birds and badgers shall have been implemented as detailed within the Ecological Assessment (Bakerwell; April 2023). On completion of the mitigation works a letter must be submitted to the LPA demonstrating it has been completed. The mitigation shall be retained permanently thereafter.  
Reason: To protect the ecological value of the site.
- 8) Prior to the commencement of development, the ecological mitigation for bats shall have been implemented as detailed within Ecological Assessment (Bakerwell; April 2023) with a letter submitted to the LPA demonstrating it has been completed or evidence submitted to demonstrate that mitigation has been subsequently amended by a Natural England EPS licence. The mitigation shall be retained permanently thereafter.  
Reason: To protect the ecological value of the site.
- 9) As detailed in Section 10 of the Ecological Assessment by Bakerwell, bankside vegetation for the pond and the ditch shall be cut back by 1/3 of on a three year rotation to control vigorous plants. Cutting should only be undertaken between November – February.

Where sediment and aquatic vegetation is remove from the pond and the ditch, no more than a 1/4 of the pond area/ ditch/swale length shall be cleared in any one year. After clearance, material shall be left on the bank for at least 48 hours to allow wildlife time to re-enter the water, before being removed and composted or disposed of properly.

The presence of invasive alien species should also be monitored and managed if found to be present, with fish being removed humanely. No fertilisers or herbicides shall be used within the waterbodies or within the application site.

Reason: To protect the ecological value of the site.

- 10) Prior to the commencement of development, the applicant, or their agents or successors in title, shall have secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. Works shall only proceed in accordance with the approved details.  
Reason: To ensure that features of archaeological interest are properly examined and recorded.
- 11) Prior to first occupation of the approved dwelling living accommodation must be raised a minimum of 300mm above the design flood level of 18.64m AODN (i.e.

- above 18.94 AODN). Sleeping accommodation must be raised 600mm above the flood level (i.e. above 19.24m AODN).  
Reason: To mitigate against flooding impact.
- 12) Prior to first occupation of the approved dwelling flood resistance and resilience measures to the existing ground floor shall be in place that are in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The measures shall follow the advice of DEFRA's document Improving the Flood Performance of New Buildings Flood Resilient Construction. These measures shall be retained permanently thereafter.  
Reason: To mitigate against flooding impacts.
- 13) Within the first 3 months following first occupation of the approved dwelling evidence shall be submitted to show that residents of the dwelling have signed up to the EA's Flood Warning Service.  
Reason: To mitigate against flood impact
- 14) Prior to first occupation of the approved dwelling measures taken for the on site enhancement of biodiversity shall be in place that are in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the enhancement of biodiversity including measures integrated into the building structure and on the wider site such as bird boxes, swift bricks bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors. 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
- 15) Prior to first occupation of the approved dwelling the approved details of the parking/turning areas shall be completed 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.
- 16) The development shall not be occupied nor the use commenced until pedestrian visibility splays with no obstruction over 1.0m above the access footway level are provided in accordance with approved drawing number 211. They shall be maintained as such thereafter.  
Reason: In the interests of highway safety.
- 17) Prior to first occupation of the approved dwelling hard landscape works shall be in place that are in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. Plans shall show the finished level of the drive as the same or lower than the existing ground level and show that all hard surfaces are porous or drain onto a porous surface within the site boundaries. All features shall be maintained permanently thereafter  
Reason: To ensure a satisfactory appearance to the development and ensure the protection of existing trees and mitigate against flood impact.
- 18) At the end of the first planting season (October to February) following first occupation of the approved dwelling landscaping shall be in place that is in accordance with a hard and soft landscape scheme that shall have previously been submitted to and approved in writing by the Local Planning Authority. The hard and soft landscape scheme shall be designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012). The scheme shall show all existing trees, hedges and blocks of

landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of new on-site planting and include a planting specification (species, spacing, siting, quantities and maturity) implementation details and a [5] year management plan.

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

- 19) If any of the existing trees or hedges retained on site or trees, hedges or other landscaping in the approved landscape plan within a period of five years from the first occupation of the dwelling are removed, die or become, in the opinion of the local planning authority, so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the same location during the next planting season (October to February), with plants of an appropriate species and size to mitigate the impact of the loss as agreed in writing by the local planning authority.

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

- 20) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, AA, B, C, D, E and F to that Order shall be carried out to the new dwelling hereby approved without first obtaining the permission of the Local Planning Authority.

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by prospective occupiers.

- 21) 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', and shall include a layout plan (demonstrating they will not impact the bat roost) with beam orientation (All lights downward facing and on motion sensors or timers) 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, wildlife and in the interests of residential amenity.

- 22) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the LPA. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with the National Planning Policy Framework (NPPF).

- 23) Prior to the first occupation of the approved dwelling decentralised and renewable or low-carbon sources of energy shall be incorporated into the development to provide at least 10% of total annual energy requirements of the development. The decentralised and renewable or low-carbon sources of energy shall be in accordance with details that have previously been submitted to and approved in writing by the

local planning authority and once installed the decentralised and renewable or low carbon sources of energy shall be retained thereafter.

Reason: To ensure an energy efficient form of development.

- 24) 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.

### **INFORMATIVES**

- (1) The proposed development is CIL liable.
- (2) Code of practice for construction sites.
- (3) Need for Listed Building Consent

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

<b>REFERENCE NO - 23/501635/FULL</b>			
<b>APPLICATION PROPOSAL</b> Conversion of existing barn to residential dwelling, including new entrance and access drive with associated parking (resubmission of 22/501591/FULL).			
<b>ADDRESS</b> Chickenden Barn, Chickenden Lane, Staplehurst, Tonbridge, Kent TN12 0DP			
<b>RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Councillor Perry has called the application to committee for the following reasons: <ul style="list-style-type: none"> <li>• Chickenden Lane has a relatively small number of properties and many neighbours have raised concerns, such as: vehicle access, design of the development, the effect on heritage assets and flooding.</li> <li>• Planning Committee should have the opportunity to consider these issues before a final decision is made.</li> </ul>			
<b>WARD</b> Staplehurst	<b>PARISH</b> Staplehurst	<b>COUNCIL</b>	<b>APPLICANT</b> Mr Jarvis <b>AGENT</b> Jenner Jones
<b>CASE OFFICER:</b> Joanna Russell	<b>VALIDATION DATE:</b> 17.4.23	<b>DECISION DUE DATE:</b> 25.8.23	
<b>ADVERTISED AS A DEPARTURE:</b> No			

**Relevant planning history**

- 21/503567/PAPL - Pre-Application Letter - Planning Officer + Specialist Officer Advice - Convert barn into a dwelling.
- 22/501591/FULL - Conversion of existing barn to residential dwelling, including new entrance and access drive with associated parking. Withdrawn.
- 22/505823/PAPL - Pre-Application Letter - Conversion of existing historic barn into a single dwelling following withdrawal of 22/501591/FULL

**1.0 SITE DESCRIPTION**

- 1.01 The application site is occupied by a large five-bay oak framed barn with later single-storey outshots wrapping around its eastern and southern sides. The site is located on a private lane in a rural setting within the countryside just over a mile to the east of the centre of Staplehurst (Headcorn Road, Station Road junction).
- 1.02 The application site is adjacent and to the west side of an existing dwelling – Old Willow House. There is a pond to the south of the site and a stream running across its middle. The application building is located on the eastern side of the plot and is shielded from public view by mature planting.
- 1.02 ‘Cottons Farmhouse’ to the east of Old Willow House is Grade II listed. The historic ancillary function linking it to Cottons Farmhouse renders the application building curtilage listed. A grade II listed ‘former cart shed’ also sits to the southwest of the application building.

## 2.0 PROPOSAL

- 2.01 Permission is sought for the conversion of the existing barn to a residential dwelling including new entrance and access drive to the southwest of the site with associated parking.

### Site location



## 3.0 POLICY AND OTHER CONSIDERATIONS

- 3.01 Local Plan (2017):

- Policy SS1 – Maidstone borough spatial strategy
- Policy SP17 – Countryside
- Policy SP18 – Historic environment
- Policy DM1 – Principles of good design
- Policy DM3 – Natural environment
- Policy DM4 – Designated and non-designated heritage assets
- Policy DM2 – Sustainable design
- Policy DM8 – External lighting
- Policy DM23 – Parking standards
- Policy DM21 – Highway impact
- Policy DM30 – Design principles in the countryside
- Policy DM31 – Conversion of rural buildings

- 3.02 Supplementary Planning Advice - Maidstone Landscape character assessment

- 3.03 Staplehurst Neighbourhood Plan – policies PW2 and PW4

- 3.04 National Planning Policy Framework (2021) & National Planning Practice Guidance

- 3.05 Maidstone Borough Council – Local Plan Review

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).

- LPRSP14 - Environment
- LPRSP14(A) - Natural environment
- LPRSS1 - Spatial strategy
- LPRTRA2 - Assessing transport impacts
- LPRQ&D2 - External lighting

## 4.0 LOCAL REPRESENTATIONS

4.01 8 objections received raising the following points:

- Proposed access is dangerous due to location on a blind bend, increasing the likelihood of an accident. *(NB: Officer comment: No issue found with visibility for drivers using the new access or highway safety generally).*
- There is a second building on Chickenden Lane with the same name as the application site. *(NB: Officer comment: In the event that planning permission is granted, the Council's street naming and numbering officer will consider the postal address for a new dwelling in discussion with the post office and emergency services)*
- Detrimental impact on Cottons Farm by increasing the footprint, size and height of the application building. *(NB: Officer comment: there is no increase in the building height or footprint)*
- Negative impact on local ecology. *(NB: Officer comment: ecology survey results have been considered together with specialist advice from KCC Ecology team as set out in the assessment later in this report)*
- Risk of flooding to the new development is ignored and development will increase risk of flooding to neighbouring occupiers. *(NB: Officer comment: A submitted flood risk assessment is considered in the assessment later in this report)*
- Raising of floor levels for flood resilience will result in a significant increase in the height of the building and negative visual impact on Cottons Farm. *(NB: Officer comment: there is no increase in the building height)*
- The sections which show raised ground levels are unclear. *(NB: Officer comment: The application does not include any increase in external ground levels [section 7 of the flood risk assessment]).*
- The addition of a new drive and curtilage to provide parking for 3 cars will create a substantial displacement of floodwater onto adjoining properties. *(NB: Officer comment: There is no proposed increase in impermeable area. Drives and parking surface will be self-binding Gravel 10mm down to dust, golden brown, porous surface)*
- There is no assessment of how the air source heat pump, solar panels or electric charging points will work in 'water swamped and flood conditions'. *(NB: Officer comment: Flood resilience is discussed later in this report)*
- There is not a mains water supply to the building. *(NB: Officer comment: Design and access statement confirms that "...there is a mains water supply in Chickenden Lane with sufficient capacity and pressure to provide an appropriate mains water supply".)*
- Query why the adjacent paddock is not included in the application red line plan. *(NB: Officer comment: No requirement to include the paddock [east of the application building]. The paddock is not required as amenity space for the new dwelling).*

### **Staplehurst Parish Council**

4.02 No objections. Recommend that the application be approved, providing the Conservation and Environmental Officers are satisfied with the proposed mitigation measures.

## 5.0 CONSULTATIONS

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

### **Maidstone Conservation Officer**

5.01 No objection subject to conditions

### **Kent Ecology**

5.02 No objection subject to conditions

Existing building



## 6.0 APPRAISAL

- 6.01 The key issues for consideration are:
- Countryside location
  - Acceptability of rural building conversion
  - Visual and heritage impact
  - Amenity impact
  - Highways and parking
  - Biodiversity
  - Flooding

**Countryside location**

- 6.02 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
- 6.03 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 harm. In this context all development outside the designated settlements does not accord with this part of SP17.
- 6.04 Other Local Plan policies permit development in the countryside in certain circumstances (equestrian, rural worker dwelling etc) and 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.
- 6.05 The current proposal will result in harm to the character and appearance of the countryside, however Local Plan policy DM31 permits the conversion of countryside buildings subject to a list of defined criteria. This list of criteria are considered below (DM31 paragraphs 1 and 3 are relevant).

**Acceptability of rural building conversion**

- 6.06 Maidstone Conservation Officer has confirmed that the building is of a form, bulk, scale and design which takes account of and reinforces landscape character (in accordance with DM31 1(i)).
- 6.07 A structural survey has been provided which demonstrates that the building is capable of conversion without major or complete reconstruction (in accordance with DM31 1(ii)). The conversion has been proposed in an appropriate manner which would protect the historic significance of the building and reflect its landscape setting (in accordance with DM31 1(iii)).
- 6.08 There is sufficient room in the curtilage of the building to park the vehicles of those who will live there without detriment to the visual amenity of the countryside, and this has been demonstrated on the submitted plans as an unobtrusive arrangement at the front of the barn (in accordance with DM31 1(iv)).
- 6.09 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 shown which would harm landscape character and visual amenity (in accordance with DM31 1(v)).
- 6.10 The conversion, by its nature has an impact on the significance of the barn, but it is accepted that the original use (as an agricultural building) is no longer viable, and an alternative use should be found to ensure that the building is kept in good condition.
- 6.11 With the siting of the building, its relationship to residential occupiers and the specific limitations of its listed status, a business use is unlikely to be appropriate in terms of impact, appearance or the degree of interventions that would be required to bring it up to acceptable commercial standards (complies with DM31 3(i)).
- 6.12 The conversion is considered to cause less than substantial harm (at the low end of the scale) to the curtilage listed building. The domestication of the site would also cause some harm to the character and appearance of the site within a rural

location. However, Maidstone Conservation officer has concluded that the harm is mitigated by a sustainable long-term use of the building. (complies with DM31 3(ii)).

- 6.13 There is sufficient land around the building to provide a reasonable level of outdoor space for the occupants, and the outdoor space provided is in harmony with the character of its setting. This has been satisfactorily demonstrated on the submitted plans. (complies with DM31 3(iii)).
- 6.14 On balance therefore, the principle of the change of use and conversion of the building to a dwelling is considered acceptable and in accordance with the requirements of local plan policy DM31.

### **Character, appearance and heritage impact**

- 6.15 The local planning authority has a statutory duty to have special regard to the desirability of preserving listed buildings and their settings under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.16 Local Plan Policy SP17, which deals with development in the countryside, states that 'Development proposals in the countryside will not be permitted unless they accord with other policies in this plan, and they will not result in harm to the character and appearance of the area.'
- 6.17 Policy DM1 of the Local Plan states that proposals which would create high quality design and meet a set of criteria will be permitted. Policy DM30 encourages development proposals which accord with the surrounding countryside in terms of bulk, scale, massing, visual amenity and landscape character.
- 6.18 Policy DM 4 of the local plan requires that the significance of designated heritage assets and their settings are conserved, and, where possible, enhanced and policy SP 18 similarly seeks to protect and enhance the quality of heritage assets.
- 6.19 The NPPF sets out government planning policy. Chapter 16 sets out policies for conserving and enhancing the historic environment. Paragraph 194 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.
- 6.20 Paragraph 197 states that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraph 199 requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
- 6.21 Paragraph 200 continues that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 6.22 Staplehurst Neighbourhood Plan policy PW2 states that proposals for new development in the countryside beyond the extended village envelope will be assessed in terms of the potential impact of the development upon the visual setting and landscape features of the site and its surroundings, the potential impact upon the biodiversity of the area and other relevant planning considerations, such as the impact of traffic and noise. proposals which fail to demonstrate these impacts can be satisfactorily addressed will not be supported. Staplehurst

Neighbourhood Plan policy PW4 states that new developments within Staplehurst must have regard to the historic environment and the heritage.

- 6.23 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 202 requires that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.24 The application building is curtilage listed. The barn forms part of the wider farmstead of the adjoining Grade II Listed Cottons Farmhouse and the C18 Cart Shed, both of which lie to the east of the main barn.
- 6.25 The farmhouse dates from the C15, with later alterations, including the C16 or early C17 rear wing. Formed of timber framing, with rendered infilling and a plain tile roof. As the submitted Heritage Statement identifies, the building is considered as curtilage listed due to the forming part of the same use/ ownership (at the time of listing) as the farmhouse and cart shed.
- 6.26 The site is a large, 5-bay timber frame barn which has lost much of its external envelope, but the photographs submitted show sections of lath & plaster and some older brick work, as well as much more modern interventions. The proposed scheme creates a new access with a 5-bar gate.
- 6.27 The Heritage Statement provides sufficient details of the existing barn and its setting. The conservation officer has assessed the proposal in detail and advised that they have no objection.
- 6.28 The conservation officer is satisfied that the proposed development is acceptable and would cause no harm to the group setting or the setting of the listed buildings. In addition to this, the information submitted with the application, as accepted by the conservation officer concludes that residential re-use is the only realistic means of providing a suitable re-use for the listed building. In principle, the conversion is considered to cause less than substantial harm to the curtilage listed building, and this harm is mitigated by a sustainable long-term use of the building.
- 6.29 While no objection is raised to the principle of the conversion or the appearance of the converted building, further details of how the conversion will be undertaken would need to be confirmed via a separate future Listed Building Consent application. This application would include (or be conditioned to include) all details of methods of construction and materials and as such, these need not be replicated under this planning application submission. Works cannot be implemented without a listed building consent.
- 6.30 The harm to the character and appearance of the site would be limited owing to the siting of the barn, and the minor alterations proposed. This limited harm to the character of the locality would be balanced by the fact that the building itself is of a form, bulk, scale and design which takes account of and reinforces landscape character and because the alterations proposed as part of the conversion are in keeping with the landscape and building character in terms of materials used, design and form.
- 6.31 The new access will introduce a hard surface in close proximity to the trees to the west of the pond, although all works will be outside of their root protection areas. A tree survey has been submitted which makes recommendations to avoid impact on the trees including the use of appropriate porous surfacing material. Construction methods, protection and surfacing can be controlled through condition to minimise impact on the existing trees. It is noted that there are no protected trees on site.

- 6.32 The scheme will provide additional planting with indigenous trees. In addition, it is proposed that new indigenous hedging be provided around the site, separating existing soft boundaries between the adjacent properties. The existing roadside hedging will be retained and where necessary, a new native mature mixed hedgerow will be planted along the boundary between the residential curtilage and field. On the boundaries to the road and field, post and rail fencing will be provided to provide views of the restored barn from the roadside. The car parking area will be screened with a 1.5m high trellis with evergreen planting.
- 6.33 The application advises that different surfacing materials will be utilised to emphasise a change in use and status and porous surfaces will be used where appropriate, and native species will be used in landscaping. Surface materials and landscaping details can be secured by conditions.
- 6.34 Although the proposal does bring the risk of domestication of the plot within a rural location, it is recognised that the private road is characterised by loose residential development in large plots. While this would not in any way justify the addition of new dwelling, it does provide a backdrop for a policy DM31 compliant scheme that would provide a sympathetic conversation and long term reuse of the curtilage listed building.
- 6.35 In addition to this, the context of the site is a significant consideration. The barn is well set back from the road with extensive screening. With control through conditions on landscaping and boundaries, there would be only a limited impact on wider views of the site within the landscape. Aside from the proposed driveway, no development could be built forward of the front building line without further consent.
- 6.36 Subject to conditions requiring further detail about the hard and soft landscaping, and tree protection, the visual, heritage and landscape impact of the proposal would accord with local plan policy and the NPPF.

#### **Amenity impact**

- 6.37 Local Plan policy DM 1 states that proposals will be permitted where they respect the amenities of occupiers of neighbouring properties. Local Plan policy DM1 and paragraph 130 of the NPPF emphasise that proposals should provide adequate residential amenities for future occupiers of new development. 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.
- 6.38 The proposed floorplans submitted accord with the nationally described space standards and as per criteria 3iii of DM31, the plans demonstrate that there is sufficient land around the buildings to provide a reasonable level of outdoor space for occupants. The outdoor space provided is in harmony with the character of its setting.
- 6.39 The building is located a sufficient distance from adjoining occupiers that there would be no loss of privacy, or impact on overlooking, daylight or sunlight.

#### **Highway and parking**

- 6.40 Local Plan policy DM1 states that proposals which create high quality design 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.

- 6.41 Chickenden Lane is a private lane. Given the small scale of the proposal, traffic will be accommodated on the local highway network without significant adverse impact. The access point is appropriate to both the character of the site, and to provide sufficient access to the dwelling.
- 6.42 In terms of parking provision, Local Plan policy DM23 advises that a minimum of two independently accessible parking spaces should be provided for 3 or 4-bedroom houses. This has been sensitively incorporated with parking shown within the curtilage of the barn, on hard surfacing. The site has sufficient space to accommodate policy compliant parking.
- 6.43 Electric vehicle charging points have been shown as located adjacent to the parking area but not attached to the barn. This is appropriate and supported.

### **Biodiversity**

- 6.44 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"*.
- 6.45 Given the condition of buildings and land, the number of trees in and around the site and its connectivity with the surrounding countryside, the proposal has the potential to affect protected species. Ecological survey information has been submitted and the Ecology consultee have advised that they are satisfied that this is sufficient to assess the impact of the proposal.
- 6.46 The submitted ecology report has detailed the following:
- Day roost for common pipistrelle and soprano pipistrelle.
  - Day and feeding roost for brown long-eared bat and Natterers bat.
  - 3 species of reptiles.
  - Suitable habitat for breeding birds, dormouse, badgers and hedgehogs.
  - GCN expect to be present in the ponds on site/surrounding the site.
- 6.47 In addition to the survey information, a detailed mitigation strategy and proposed enhancements have been submitted. The ecology consultee is satisfied that these measures are acceptable and that subject to the imposition of conditions, the ecological impact of the proposal can be sufficiently mitigated against. In this regard therefore, the proposal would accord with local plan policy DM3.

### **Flooding**

- 6.48 Policy DM1 of the local plan states that proposals should avoid inappropriate new development within areas at risk from flooding or mitigate any potential impacts of new development within such areas whereby mitigation measures are integral to the design of buildings.
- 6.49 Paragraph 168 of the NPPF states *"Applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 55"*. NPPF Footnote 55 advises *"A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3"*.
- 6.50 The application involves a change of use of a barn within Flood Zone 2 and a site-specific floor risk assessment has been submitted. Paragraph 167 of the NPPF sets out that development *"...should only be allowed in areas at risk of flooding where..."*

a flood risk assessment demonstrates that several criteria have been met. These criteria are assessed below.

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location.

- 6.51 Living accommodation is raised 300mm above the design flood level of 18.64m AODN (i.e. above 18.94 AODN) on the upper floors of the building. Sleeping accommodation 600mm above the flood level (i.e. above 19.24m AODN).

b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment.

- 6.52 Flood resistance and resilience measures will be retrofitted to the existing ground floor following the advice of DEFRA's document Improving the Flood Performance of New Buildings Flood Resilient Construction. These flood resilience measures will include measures to ensure that the infrastructure highlighted by neighbours (air source heat pump, solar panels and electric charging points) have sufficient resistance to floodwater in terms of their design and siting.

- 6.53 The services to the building will be a mains electric cable and insulated mains water pipe which will rise externally and into the building above the resilient construction. No gas is proposed.

c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate.

- 6.54 All drainage systems will be designed with non-return valves before they enter the onsite foul drain storage vessel. The storage vessel will be emptied from the roadside with a connection pipe running from the tank.

d) any residual risk can be safely managed.

- 6.55 The residents of the dwelling would sign up to the EA's Flood Warning Service and monitor Met Office Weather Warnings.

e) safe access and escape routes are included where appropriate as part of an agreed emergency plan

- 6.56 A new drive of permeable gravel. The finished level of the drive will be the same or lower than the existing ground level with surplus material removed from site and therefore will have no impact on the flood levels which will protect the cart lodge. Furthermore, the pond will be dredged to give the locality more capacity to accept rainwater.

- 6.57 These measures can be integrated into the design of the conversion and as such would mitigate against the risk of flooding. These can be managed through the imposition of conditions on any permission. With regard to flooding impact, the proposal would therefore accord with local plan and NPPF guidance.

### **Other considerations**

- 6.58 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

**PUBLIC SECTOR EQUALITY DUTY**

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.

**7.0 CONCLUSION**

7.01 Whilst the proposal would result in harm to the character and appearance of the countryside, the proposal is found to be in accordance with policy DM31 which permits the conversion of countryside buildings to other uses and as a result in accordance with policy SP17.

7.02 The proposal would result in less than substantial harm to the curtilage listed building, and this harm is mitigated by allowing a sustainable long-term use of the building. The residential re-use is the only realistic means of providing a suitable re-use for the listed building.

7.03 The proposal is found to be acceptable in relation to transport impacts, residential amenity, and ecology.

7.04 Taking this into account, along with all other material planning considerations, and subject to the imposition of conditions, it is recommended that planning permission is granted.

**8.0 RECOMMENDATION: GRANT PLANNING PERMISSION** subject to the following conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development shall be carried out in accordance with the following approved plans and documents: 10D, 11B, 110G, 111B, 12B, 14C, 15E, 18A, Financial Viability Assessment, Structural and Building Survey, Tree Survey Schedule, Tree Condition Report, Ecological Assessment, Heritage Statement, Flood Risk Assessment. Reason: To clarify the approved plans and to ensure the development is carried out to an acceptable visual standard.
- 3) The development hereby approved shall not commence until a photographic and descriptive record in accordance with level 2 of Historic England's document entitled "Understanding Historic Buildings A Guide to Good Recording Practice" has been submitted to and approved in writing by, the local planning authority. The approved descriptive record shall also be submitted to the relevant Historic Environment Record. Reason: To ensure that any evidence of historic significance is appropriately recorded.
- 4) Notwithstanding details on submitted drawings the development hereby approved shall not commence until large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority 1. Reused and new internal joinery 2. Reused and new external joinery. The development shall be carried out in accordance with the approved details Reason: To ensure the appearance and the character of the building are maintained.
- 5) Prior to the commencement of development, tree protection in accordance with the current edition of BS 5837 shall have been installed on site. All trees to be retained

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

- 6) No development including site clearance shall take place until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 7) Prior to the commencement of development, the ecological mitigation for reptiles, dormouse, hedgehogs, breeding birds and badgers shall have been implemented as detailed within the Ecological Assessment (Bakerwell; April 2023). On completion of the mitigation works a letter must be submitted to the LPA demonstrating it has been completed. The mitigation shall be retained permanently thereafter. Reason: To protect the ecological value of the site.
- 8) Prior to the commencement of development, the ecological mitigation for bats shall have been implemented as detailed within Ecological Assessment (Bakerwell; April 2023) with a letter submitted to the LPA demonstrating it has been completed or evidence submitted to demonstrate that mitigation has been subsequently amended by a Natural England EPS licence. The mitigation shall be retained permanently thereafter. Reason: To protect the ecological value of the site.
- 9) Prior to the commencement of development, the applicant, or their agents or successors in title, shall have secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. Works shall only proceed in accordance with the approved details. Reason: To ensure that features of archaeological interest are properly examined and recorded.
- 10) Prior to first occupation of the approved dwelling living accommodation must be raised a minimum of 300mm above the design flood level of 18.64m AODN (i.e. above 18.94 AODN). Sleeping accommodation must be raised 600mm above the flood level (i.e. above 19.24m AODN). Reason: To mitigate against flooding impact.
- 11) Prior to first occupation of the approved dwelling flood resistance and resilience measures to the existing ground floor shall be in place that are in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The measures shall follow the advice of DEFRA's document Improving the Flood Performance of New Buildings Flood Resilient Construction. These measures shall be retained permanently thereafter. Reason: To mitigate against flooding impacts.

- 12) Within the first 3 months following first occupation of the approved dwelling evidence shall be submitted to show that residents of the dwelling have signed up to the EA's Flood Warning Service. Reason: To mitigate against flood impact
- 13) Prior to first occupation of the approved dwelling measures taken for the on site enhancement of biodiversity shall be in place that are in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the enhancement of biodiversity including measures integrated into the building structure and on the wider site such as bird boxes, swift bricks bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors. 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
- 14) Prior to first occupation of the approved dwelling the approved details of the parking/turning areas shall be completed and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them. Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.
- 15) Prior to first occupation of the approved dwelling hard landscape works shall be in place that are in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. Plans shall show the finished level of the drive as the same or lower than the existing ground level and show that all hard surfaces are porous or drain onto a porous surface within the site boundaries. All features shall be maintained permanently thereafter Reason: To ensure a satisfactory appearance to the development and ensure the protection of existing trees and mitigate against flood impact.
- 16) At the end of the first planting season (October to February) following first occupation of the approved dwelling landscaping shall be in place that is in accordance with a hard and soft landscape scheme that shall have previously been submitted to and approved in writing by the Local Planning Authority. The hard and soft landscape scheme shall be designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012). The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of new on-site planting and include a planting specification (species, spacing, siting, quantities and maturity) implementation details and a [5] year management plan. Reason: In the interests of landscape, visual amenity and to ensure a satisfactory appearance to the development.
- 17) If any of the existing trees or hedges retained on site or trees, hedges or other landscaping in the approved landscape plan within a period of five years from the first occupation of the dwelling are removed, die or become, in the opinion of the local planning authority, so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the same location during the next planting season (October to February), with plants of an appropriate species and size to mitigate the impact of the loss as agreed in writing by the local planning authority. Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.

- 18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, AA, B, C, D, E and F to that Order shall be carried out to the new dwelling hereby approved without first obtaining the permission of the Local Planning Authority. Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by prospective occupiers.
- 19) 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', and shall include a layout plan (demonstrating they will not impact the bat roost) with beam orientation (All lights downward facing and on motion sensors or timers) 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, wildlife and in the interests of residential amenity.
- 20) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the LPA. The remediation strategy shall be implemented as approved. Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with the National Planning Policy Framework (NPPF).
- 21) Prior to the first occupation of the approved dwelling decentralised and renewable or low-carbon sources of energy shall be incorporated into the development to provide at least 10% of total annual energy requirements of the development. The decentralised and renewable or low-carbon sources of energy shall be in accordance with details that have previously been submitted to and approved in writing by the local planning authority and once installed the decentralised and renewable or low-carbon sources of energy shall be retained thereafter. Reason: To ensure an energy efficient form of development.
- 22) 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.

**INFORMATIVES**

- (1) The proposed development is CIL liable.
- (2) Code of practice for construction sites
- (3) Need for Listed Building Consent

## **THE MAIDSTONE BOROUGH COUNCIL** **PLANNING COMMITTEE – 15<sup>th</sup> FEBRUARY 2024**

### **APPEAL DECISIONS:**

- 1. 22/502563/LBC** Listed Building Consent for internal alterations to provide new layouts to first and second floors and addition of 2 no side dormers to the 2nd floor.

**APPEAL:** DISMISSED

Apartment 7  
Rumwood Court  
Sutton Road  
Langley  
Maidstone  
Kent  
ME17 3NN

(Delegated)

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- 2. 23/501379/FULL** Erection of a first floor side extension with pitched roof including windows to the front, rear and side to match existing.

**APPEAL:** ALLOWED

2 Mamignot Close  
Thurnham  
Maidstone  
Kent  
ME14 4PT

(Delegated)

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- 3. 22/505715/FULL** Conversion of garage building into 2 no. sheltered accommodation studio units with associated parking (Retrospective).

**APPEAL:** DISMISSED

1E And 1F King Edward Road  
Maidstone  
Kent  
ME15 6PN

(Delegated)

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**4. 22/504521/FULL**

Use of land for the stationing of holiday log cabins (13 twin unit caravans) and associated bases, roads, lighting and drainage details, plus use of existing vehicular access on to Pye Corner.

**APPEAL:** ALLOWED  
**COSTS:** REFUSED

Land Adjacent To 1 Neverend Farm Barns  
Pye Corner  
Ulcombe  
Kent  
ME17 1EF

(Delegated)

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**5. 23/503538/FULL**

Erection of a front porch (part retrospective).

**APPEAL:** DISMISSED

4 St Margarets Villas  
Collier Street  
Tonbridge  
Kent  
TN12 9SA

(Delegated)

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**6. 23/503511/FULL**

Demolition of existing conservatory and erection of two storey side extension and part single part two storey rear extension and creation of in and out driveway.

**APPEAL:** DISMISSED

Moonrakers  
Darman Lane  
Laddingford  
Maidstone  
Kent  
ME18 6BL

(Delegated)

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**7. 23/502047/FULL**

Part garage conversion into a habitable space, erection of first floor rear extension including insertion of a Juliet balcony and changes to fenestration.

**APPEAL: DISMISSED**

Broadlands  
North Pole Road  
Barming  
Maidstone  
Kent  
ME16 9HG

(Delegated)

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**8. 21/503713/FULL**

Erection of a four storey apartment building comprising 14 no. units with associated landscaping and ancillary works including the creation of no. 7 parking spaces, cycle shelter and bins stores, creation of new pedestrian access and use of existing vehicular access from London Road.

**APPEAL: DISMISSED**

Land On Site Of Former 51 London Road  
Maidstone  
Kent  
ME16 8JE

(Committee – against officer recommendation)

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**9. 22/504367/OUT**

Outline application (all matters reserved except for access) for demolition of existing buildings and creation of a mixed use commercial and residential redevelopment, comprising 3no. commercial units (Use Class E) and 75no. 1 and

2-bed apartments, with two new accesses.

**APPEAL:** DISMISSED

**COSTS:** PARTIALLY AWARDED

Land At And Adjacent To Clark House And 67 St  
Peters Street  
Maidstone  
Kent  
ME16 0SN

(Delegated)

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**10. 23/501057/FULL**

Demolition of existing garage and erection of  
1no. three bedroom dwelling.

**APPEAL:** DISMISSED

5 Senacre Lane  
Maidstone  
Kent  
ME15 8HB

(Delegated)

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**11. 22/502880/LDCEX**

Lawful Development Certificate (Existing) for a  
residential use of The Barn building at Tanner  
Farm Park.

**APPEAL:** DISMISSED

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

(Delegated)

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- 12. 22/501566/FULL** Erection of 2no. three bedroom semi detached dwellings, together with associated access, parking and landscape enhancements.

**APPEAL:** DISMISSED

Old Dairy Site  
Old Ashford Road  
Lenham  
Maidstone  
Kent  
ME17 2DG

(Delegated)

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- 13. 17/500291/CHANGE** Without planning permission, the change of use of land to a recreational use (Sui Generis).

**APPEALS:** DISMISSED

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

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- 14. 15/500852/OPDEV** Without planning permission, the construction of two outbuildings in the position hatched on the attached plan (the 'Unauthorised Development').

**APPEALS:** DISMISSED

The Three Sons  
Hampstead Lane  
Nettlestead  
Kent  
ME18 5HN

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**15. 22/501566/FULL**

Installation of a renewable energy led generating station comprising of ground-mounted solar PV arrays, associated electricity generation infrastructure and other ancillary equipment comprising of storage containers, access tracks, fencing, gates and CCTV together with the creation of woodland and biodiversity enhancements.

**APPEAL:** ALLOWED

Land North Of Little Cheveney Farm  
Sheephurst Lane  
Marden  
Kent

(Committee – As per officer recommendation)