

# PLANNING COMMITTEE MEETING

Date: Thursday 18 April 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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<b><u>AGENDA</u></b>	<b><u>Page No.</u></b>
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 Items withdrawn from the Agenda	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 - 25 April 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 21 March 2024 adjourned to 25 March 2024	1 - 11
11. Presentation of Petitions (if any)	
12. Deferred Items	12 - 14
13. 23/503788/FULL - Plots 6 & 7, Eclipse Park, Sittingbourne Road, North, Maidstone, Kent	15 - 31

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**Issued on Wednesday 10 April 2024**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

14.	23/505824/FULL - 62 Bramley Crescent, Bearsted, Kent	32 - 39
15.	23/505768/FULL - 67 Robins Close, Lenham, Kent	40 - 52
16.	23/505091/HYBRID - Greensand Place, Heath Road, Linton, Kent	53 - 90
17.	23/503396/FULL - Houndshurst Barn, Grave Lane, Staplehurst, Kent	91 - 105
18.	24/501047/NMAMD - Heather House, Bicknor Road, Maidstone, Kent	106 - 111
19.	23/504905/FULL - Oakleigh House, Pattenden Lane, Marden, Kent	112 - 127
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21.	Appeal Decisions	141 - 143

#### **PLEASE NOTE**

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

**The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.**

**For full details of all papers relevant to the reports on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection; please follow this link: <https://pa.midkent.gov.uk/online-applications/>**

#### **PUBLIC SPEAKING AND ALTERNATIVE FORMATS**

**In order to speak at the meeting, please call 01622 602899 or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 4 p.m. on Wednesday 17 April 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.**

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## MAIDSTONE BOROUGH COUNCIL

### PLANNING COMMITTEE

#### MINUTES OF THE MEETING HELD ON 21 MARCH 2024

#### ADJOURNED TO 25 MARCH 2024

#### Present 21 March 2024:

<b>Committee Members:</b>	<b>Councillor Spooner (Chairman) and Councillors Cox, Eagle, English, Garten, Mrs Gooch, Harwood, Kimmance, McKenna, Perry, Russell and D Wilkinson</b>
<b>Visiting Members:</b>	<b>Councillors Coates, Fort and Harper</b>

#### 259. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Jeffery and Riordan.

#### 260. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Eagle for Councillor Jeffery  
Councillor Garten for Councillor Riordan

#### 261. NOTIFICATION OF VISITING MEMBERS

Councillors Coates and Harper were present as Visiting Members for items 16 (23/503726/FULL – Land to the East of 26 Douglas Road, Maidstone, Kent) and 17 (23/502446/FULL – Land to Rear 18-20 Hartnup Street, Maidstone, Kent).

Councillor Fort was present as a Visiting Member for item 14 (23/503997/FULL – Abbey Farm, Lower Street, Leeds, Maidstone, Kent).

#### 262. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

#### 263. URGENT ITEMS

The Chairman stated that he intended to take the update reports of the Head of Development Management and any verbal updates in the Officer presentations as urgent items as they contained further information relating to the applications to be considered at the meeting.

#### 264. DISCLOSURES BY MEMBERS AND OFFICERS

Councillors Garten, Perry and Russell stated that although as Cabinet Members they had taken part in the decision to demolish the existing buildings at the Former Royal Mail Sorting Office site, they did not consider that this should preclude them from participating in determination of application 23/504552/FULL for the redevelopment of the site.

265. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

14.	23/503997/FULL – Abbey Farm, Lower Street, Leeds, Maidstone, Kent	Councillors Cox, Eagle, English, Mrs Gooch, Kimmance, McKenna, Perry, Russell, Spooner and D Wilkinson
15.	23/504552/FULL – Former Royal Mail Sorting Office, Sandling Road, Maidstone, Kent	Councillors Cox, Harwood, Kimmance, McKenna, Russell and Spooner

266. EXEMPT ITEMS

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

267. MINUTES OF THE MEETING HELD ON 15 FEBRUARY 2024 ADJOURNED TO 22 FEBRUARY 2024

**RESOLVED:** That the Minutes of the meeting held on 15 February 2024 adjourned to 22 February 2024 be approved as a correct record and signed.

The Head of Development Management advised the Committee that as requested at the meeting held on 15 February 2024 adjourned to 22 February 2024, he had written to the Cabinet Member for Planning, Infrastructure and Economic Development regarding the need for local parking standards particularly given the age of the County Council's parking standards; the possibility of the Council employing its own inhouse ecologist to advise on the ecological implications of development proposals; and the need to bring forward policies to assess the impact of dog exercising areas.

268. PRESENTATION OF PETITIONS

There were no petitions.

269. DEFERRED ITEMS

- 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
- 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
- 23/504118/FULL - 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, GATE, AND PARKING - HOOK FARM, KINGS LANE, MARDEN, KENT

The Head of Development Management advised the Committee that work was in progress on all of these applications.

270. 22/502412/FULL - RETROSPECTIVE APPLICATION FOR TWO MOBILE UNITS AND A UTILITY BLOCK FOR TRAVELLER USE - PLOT 1, PEACOCK FARM, CHART HILL ROAD, CHART SUTTON, MAIDSTONE, KENT

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

**RESOLVED:**

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

Voting: 12 – For 0 – Against 0 – Abstentions

271. 23/503997/FULL - CHANGE OF USE OF LAND TO RESIDENTIAL. ERECTION OF 2NO. DETACHED COTTAGES, 1NO. DETACHED DWELLING WITH OUTSIDE POOL AND CONVERSION OF CATTLE BARN TO POOL HOUSE. CONVERSION OF DOVECOTE TO ANCILLARY RESIDENTIAL OUTBUILDING. RESTORATION WORKS TO GRADE II LISTED SLYPE AND DOVECOTE AND RESTORATION OF THE HISTORIC LANDSCAPE INCLUDING REPAIR OF 2 RAGSTONE WALLS. DEMOLITION OF 2NO. MODERN BARNS. NEW VEHICULAR ACCESS TO LOWER STREET, PARKING AND OTHER ASSOCIATED WORKS (RE-SUBMISSION OF 22/502610/FULL) - ABBEY FARM, LOWER STREET, LEEDS, MAIDSTONE, KENT

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

Mr Saunders, an objector, Councillor Greeff of Leeds Parish Council, Mr Spicer, agent for the applicant, and Councillor Fort (Visiting Member) addressed the meeting.

**RESOLVED:** That subject to:

- A. No additional material considerations being raised as a result of the departure site and press notices that expire on 11 April 2024; and
- B. The prior completion of a legal agreement in such terms as the Head of Legal Partnership may advise (a) to secure the Heads of Terms set out in the report and (b) to require prior payment of monitoring fees of £1,020 for the first obligation and £510 for each additional planning obligation with amended/additional Heads of Terms to address:

Extending the days and times that the site is available for public and academic access; and

Landscape restoration issues (specifying native parkland trees and some wetland features within the arable reversion field and making sure that when opening up sections of the woodland between the new house and the Scheduled Monuments it is done in a way that is sensitive to the ecology of the woodland),

the Head of Development Management be given delegated powers (a) to grant permission subject to the conditions set out in the report and the additional conditions set out in the urgent update report with the amendment of the appropriate conditions to reflect the amended/additional Heads of Terms and (b) to be able to settle or amend any necessary Heads of Terms, planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee with the proviso that the wording of the amended/additional Heads of Terms and conditions is to be agreed in consultation with the Ward Member and the Chairman and Vice-Chairman of the Planning Committee.

Voting:      7 – For      5 – Against      0 – Abstentions

272. 23/503726/FULL - ERECTION OF A NEW DETACHED DWELLING WITH ASSOCIATED PARKING, RESIDENTIAL AMENITY SPACE AND LANDSCAPING (RE-SUBMISSION OF 22/504135/FULL) - LAND TO THE EAST OF 26 DOUGLAS ROAD, MAIDSTONE, KENT

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

Mr Osborne, agent for the applicant, and Councillors Harper and Coates (Visiting Members) addressed the meeting.

**RESOLVED:**

1. That permission be granted subject to the conditions set out in the report with an informative advising the applicant to contact Maidstone Parking Services to investigate the possibility of a new on-street parking space in Douglas Road.
2. That the Head of Development Management be given delegated powers to be able to add, settle or amend any necessary planning conditions/informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting:      12 – For      0 – Against      0 – Abstentions

273. 23/502446/FULL - ERECTION OF 1NO. DETACHED BUNGALOW WITH PARKING - LAND TO REAR 18-20 HARTNUP STREET, MAIDSTONE, KENT

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

Councillors Harper and Coates (Visiting Members) addressed the meeting.

**RESOLVED:**

1. That permission be granted subject to the conditions set out in the report with an additional condition specifying that when the site is cleared it is done progressively to safeguard any species protected under Schedule 5 of the Wildlife and Countryside Act 1981.
2. That the Head of Development Management be given delegated powers to be able to add, settle or amend any necessary planning conditions/informatives

in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 12 – For 0 – Against 0 – Abstentions

274. 23/504552/FULL - DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES AND ERECTION OF A MIXED-USE DEVELOPMENT COMPRISING 217NO. RESIDENTIAL DWELLINGS AND 1,863.5SQM OF COMMERCIAL FLOORSACE (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) - FORMER ROYAL MAIL SORTING OFFICE, SANDLING ROAD, MAIDSTONE, KENT

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

Mr Mellor, agent for the applicant, addressed the meeting.

During the introduction of the application, the Head of Development Management advised the Committee inter alia that:

- The Council, the previous day, had adopted the Maidstone Borough Local Plan Review 2021-2038. Although this had substantial weight, it did not have the full weight of the 2017 adopted plan because the six-week period for judicial review had only just started. The Officers were however giving more weight to the Local Plan Review because it had an up-to-date evidence base in terms of the proposed uses.
- Affordable housing was not provided for viability reasons. However, the applicant had stated the intention to apply for Homes England funding under the Affordable Homes Programme to provide affordable housing should permission be granted.
- There had been a positive response from the NHS regarding the use of floor space offered by the applicant for healthcare purposes.
- In terms of the design, the buildings together were of scale but there were buildings of size close by and the large Royal Engineers Road adjacent.

**RESOLVED:** That consideration of this application be deferred to:

Explore the possibility of more contextual massing in the design of buildings;  
Explore improving the quality of the open space proposed including more useable spaces; and  
Explore locking the applicant into the delivery of 100% affordable housing by way of, for example, a Grampian condition or cascade legal agreement.

Note 1: The provision of secured open space areas can be conditioned.

Voting: 10 – For 1 – Against 0 – Abstentions

Note 2: Councillor Kimmance left the meeting during consideration of this application (8.45 p.m.).

275. ADJOURNMENT OF MEETING

Following consideration of the report of the Head of Development Management relating to application 23/504552/FULL (Former Royal Mail Sorting Office, Sandling Road, Maidstone, Kent), the Committee:

**RESOLVED:** That the meeting be adjourned until 6.00 p.m. on Monday 25 March 2024 when the remaining items on the agenda will be discussed.

276. 23/504640/FULL - CHANGE OF USE OF EXISTING KIOSK AND WC BUILDING TO STORAGE AND CHANGING ROOMS. ERECTION OF SINGLE STOREY SIDE EXTENSION, INCLUDING REPLACEMENT OF FLAT ROOF WITH A NEW PITCHED ROOF AND ASSOCIATED LANDSCAPING WORKS - MOTE PARK KIOSK, WILLOW WAY, MAIDSTONE, KENT

Rolled over to the adjourned meeting on 25 March 2024.

277. 23/505669/TPOA - TPO APPLICATION TO: HOLLY (T4) INSTALL A 3 WAY COBRA SYSTEM, ASH (T9) SEVER IVY AND DEADWOOD, CHERRY (T12) REDUCE LARGE LIMB OVER FOOTPATH BY 1M AND DEADWOOD AND REMOVAL OF TWO ASH (T13 AND T15) - 20 THE TRINITY FOYER, FIRST FLOOR, FLAT 1, CHURCH STREET, MAIDSTONE, KENT

Rolled over to the adjourned meeting on 25 March 2024.

278. 5012/2023/TPO - MATURE THUJA TREE LOCATED ALONG THE NORTHERN BOUNDARY OF ST MARY'S CHURCH - ST MARY'S CHURCH, OLD ASHFORD ROAD, LENHAM, MAIDSTONE, KENT

Rolled over to the adjourned meeting on 25 March 2024.

279. (A) 23/505231/NMAMD & (B) 23/505593/NMAMD - HEATHER HOUSE, BICKNOR ROAD, MAIDSTONE, KENT

Rolled over to the adjourned meeting on 25 March 2024.

280. APPEAL DECISIONS

Rolled over to the adjourned meeting on 25 March 2024.

281. DISCUSSION ITEM ON RESIDENTIAL DEVELOPMENT IN THE COUNTRYSIDE

Rolled over to the adjourned meeting on 25 March 2024.

282. DURATION OF MEETING

6.00 p.m. to 10.00 p.m.

**MAIDSTONE BOROUGH COUNCIL**

**PLANNING COMMITTEE**

**MINUTES OF THE MEETING HELD ON 21 MARCH 2024 ADJOURNED  
TO 25 MARCH 2024**

**Present 25 March 2024:**

<b>Committee Members:</b>	<b>Councillor Spooner (Chairman) and Councillors Cox, Mrs Gooch, Harwood, Jeffery, Kimmance, Perry and Russell</b>
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283. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors English, Riordan and D Wilkinson.

284. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

285. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

286. ITEMS WITHDRAWN FROM THE AGENDA

There were no items withdrawn from the agenda.

287. URGENT ITEMS

The Chairman said that he intended to take any update reports of the Head of Development Management and any verbal updates in the Officer presentations as urgent items as they contained further information relating to the applications to be considered at the meeting.

288. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Perry stated that since he had taken part in the Cabinet's decision-making regarding the Heather House and Pavilion Building sites, he would withdraw from the meeting when applications 23/505231/NMAMD and 23/505593/NMAMD were discussed.

Councillor Russell stated that since the Mote Park kiosk formed part of her Cabinet portfolio, she would address the Committee and then withdraw from the meeting when application 23/504640/FULL was discussed.

Councillor Russell also stated that since the schemes were within the scope of her Cabinet portfolio, she would withdraw from the meeting when applications 23/505231/NMAMD and 23/505593/NMAMD were discussed.

289. DISCLOSURES OF LOBBYING

Councillor Harwood stated that he had been lobbied on item 10 (23/505669/TPOA – 20 The Trinity Foyer, First Floor Flat 1, Church Street, Maidstone, Kent).

290. EXEMPT ITEMS

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

291. 23/504640/FULL - CHANGE OF USE OF EXISTING KIOSK AND WC BUILDING TO STORAGE AND CHANGING ROOMS. ERECTION OF SINGLE STOREY SIDE EXTENSION, INCLUDING REPLACEMENT OF FLAT ROOF WITH A NEW PITCHED ROOF AND ASSOCIATED LANDSCAPING WORKS - MOTE PARK KIOSK, WILLOW WAY, MAIDSTONE, KENT

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

Having stated that the building which was the subject of the application formed part of her Cabinet portfolio, Councillor Russell addressed the Committee and then withdrew from the meeting.

**RESOLVED:**

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

An additional condition requiring the installation of a solar PV panel on the roof of the building.

The amendment of conditions 5 and 7 (Replacement Tree) to require the provision of two replacement trees (1 x Common Alder and 1 x Dutch Elm Disease Resistant Elm) one just to the north of the building and one to the southeast.

2. That the Head of Development Management be given delegated powers to be able to add, 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.

Voting:      7 – For      0 – Against      0 – Abstentions

292. 23/505669/TPOA - TPO APPLICATION TO: HOLLY (T4) INSTALL A 3 WAY COBRA SYSTEM, ASH (T9) SEVER IVY AND DEADWOOD, CHERRY (T12) REDUCE LARGE LIMB OVER FOOTPATH BY 1M AND DEADWOOD AND REMOVAL OF TWO ASH (T13 AND T15) - 20 THE TRINITY FOYER, FIRST FLOOR, FLAT 1, CHURCH STREET, MAIDSTONE, KENT

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

**RESOLVED:**

1. That permission be granted for works to the Holly (T4), the Ash (T9) and the Cherry (T12) subject to the conditions and informatives set out in the report with the exception of informative no.4.

2. That permission to remove the two Ash trees (T13 and T15) be refused, but they should be kept under review, with an informative advising the applicant that consideration be given to pollarding the trees to prolong their life.

Voting: 7 – For 1 – Against 0 - Abstentions

293. 5012/2023/TPO - MATURE THUJA TREE LOCATED ALONG THE NORTHERN BOUNDARY OF ST MARY'S CHURCH - ST MARY'S CHURCH, OLD ASHFORD ROAD, LENHAM, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management concerning Tree Preservation Order No.5012/2023/TPO which was made on 12 October 2023 on a provisional basis following the submission of a six-week notification to fell a Thuja tree growing within the grounds of St Mary's Church, Lenham. It was noted that:

- The main reasons given in the application for the removal of the Thuja were due to signs of disease, root rotting and its size so close to the road and adjacent property, Forge House. An inspection by the Council's arboriculturist found that the Thuja did not display any signs of disease or decay to justify its removal so, in accordance with the regulations, it was considered expedient to make the tree the subject of a Tree Preservation Order to prevent its removal.
- An objection had been received from Lenham Parish Council to the making of the Order. The points raised in the objection by the Parish Council were not considered sufficient reasons to not confirm the TPO or to raise sufficient doubt to question its validity. The Thuja tree was considered to have significant amenity value so its loss would erode the mature and verdant landscape of the area by a marked degree and give rise to significant harm to its character and appearance. It was, therefore, considered expedient to confirm the TPO to secure its long-term retention/protection.

**RESOLVED:** That Tree Preservation Order No.5012/2023/TPO be confirmed without modification as per the Order attached as Appendix A to the report.

Voting: 8 – For 0 – Against 0 – Abstentions

294. (A) 23/505231/NMAMD & (B) 23/505593/NMAMD - HEATHER HOUSE, BICKNOR ROAD, MAIDSTONE, KENT

- (A) Non-material amendment to Condition 30 (drainage) of 22/500222/FULL : Demolition of Heather House Community Centre and construction of a New Community Centre to include changing rooms and storage related to the Sports use of Parkwood Recreation Ground and change of use of part of site to Parkwood Recreation Ground. Demolition of the Pavilion Building and erection of 11no. dwellings on the site of the Pavilion and partly on adjacent Parkwood Recreation Ground. Both with associated parking, vehicular and pedestrian access and landscaping.
- (B) Non-Material Amendment: canopy projection reduction to community centre, internal road alignment to the residential site and elevational and layout changes to the residential plots - 22/500222/FULL : Demolition of Heather House Community Centre and construction of a New Community Centre to include changing rooms and storage related to the Sports use of Parkwood

Recreation Ground and change of use of part of site to Parkwood Recreation Ground.

Having stated that he had taken part in the Cabinet's decision-making regarding the Heather House and Pavilion Building sites, Councillor Perry withdrew from the meeting when these applications were discussed.

Having stated that these schemes were in the scope of her Cabinet portfolio, Councillor Russell withdrew from the meeting when they were discussed.

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

**RESOLVED:**

1. That the Non-Material Amendment under ref. 23/505231/NMAMD be granted.
2. That the Non-Material Amendment under ref. 23/505593/NMAMD be granted.

Voting:      6 – For      0 – Against      0 – Abstentions

295. APPEAL DECISIONS

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

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

296. DISCUSSION ITEM ON RESIDENTIAL DEVELOPMENT IN THE COUNTRYSIDE

At the start of the discussion on this item, the Head of Development Management provided context focusing on countryside policy changes and inconsistency in Planning Inspector assessment of harm which was likely to be compounded by updated Local Plan wording lowering the bar of harm to "significant". Reference was made to Planning Inspectors finding no harm or rarely finding significant harm and the increased use of Landscape and Visual Impact Assessments (LVIAs) to measure harm to the landscape.

It was suggested that the way forward was to commission a new Maidstone Landscape Character Assessment (LCA). The current LCA was twelve years old and did not identify the intrinsic value of the countryside for openness or value the morphology of settlements. Whilst it did identify key features of local landscape character areas, it did not specify whether these were positive or negative influences, which enabled negative characteristics to be identified and replicated by developers as being in-keeping with existing character.

During the discussion, reference was made to the need to engage with Members (Planning Committee), Parish Councils and local farmers in the development of the new document. It was suggested that a complete re-assessment should be undertaken, resources should be allocated to it and a date should be set for the document to be reviewed.

The Committee agreed that the Cabinet Member for Planning, Infrastructure and Economic Development be requested to investigate in conjunction with the Planning Committee as practitioners the development of a Supplementary Planning Document to replace the 2012 Maidstone Landscape Character Assessment as a result of the recent Local Plan Review.

**RESOLVED:** That the Cabinet Member for Planning, Infrastructure and Economic Development be requested to investigate in conjunction with the Planning Committee as practitioners the development of a Supplementary Planning Document to replace the 2012 Maidstone Landscape Character Assessment as a result of the recent Local Plan Review.

Voting:      8 – For      0 – Against      0 – Abstentions

297. DURATION OF MEETING

6.00 p.m. to 7.50 p.m.

# Agenda Item 12

## MAIDSTONE BOROUGH COUNCIL

### PLANNING COMMITTEE

**18 APRIL 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>

<p>Deferred to:</p> <p>Negotiate with the applicant regarding the architectural quality of the development and to retain the landscape character;</p> <p>Seek a condition that retains cordwood from tree felling;</p> <p>Amend condition 5 (biodiversity) to seek a biodiversity net gain of 20%; and</p> <p>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)."</p>	
<p><u>23/504118/FULL - 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, GATE, AND PARKING - HOOK FARM, KINGS LANE, MARDEN, KENT</u></p> <p>Deferred to:</p> <p>Seek an ecological survey particularly in relation to the impact of intensive dog activity on the grassland and wildlife (nutrient enrichment issues, dog waste, disturbance and smell etc.);</p> <p>Seek a mixed native hedge along the fence across the field to soften the impact visually and on wildlife; and</p> <p>Seek information about how the grassland and hedgerows will be maintained and further details of access, egress and the turning head, and safeguards in terms of potential conflict between dogs and the access track.</p>	<p>15 February 2024 adjourned to 22 February 2024</p>
<p><u>23/504552/FULL - 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 USE CLASSES) COMPRISING BLOCK A (6-7 STOREYS), BLOCK B (8-9 STOREYS), BLOCK C &amp; D (7-8 STOREYS), BLOCK E (3 STOREYS), PUBLIC</u></p>	<p>21 March 2024 adjourned to 25 March 2024</p>

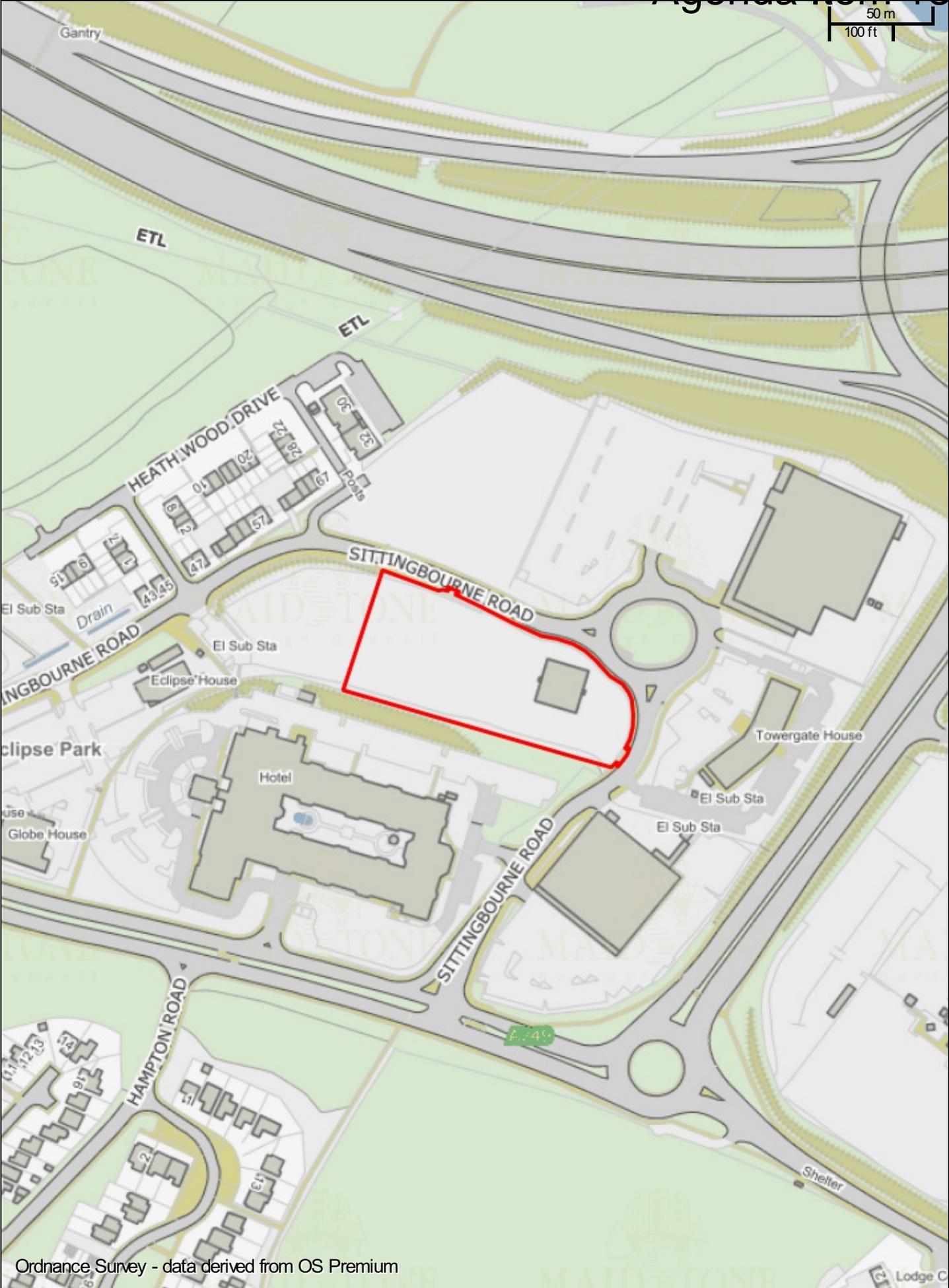
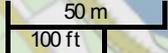
REALM WORKS (SANDLING ROAD FRONTAGE AND PUBLIC PIAZZA), CAR AND CYCLE PARKING, LANDSCAPING, INFRASTRUCTURE (INTERNAL ROADS), EARTHWORKS, AND ANCILLARY WORKS (SUB-STATIONS AND GENERATOR) - FORMER ROYAL MAIL SORTING OFFICE, SANDLING ROAD, MAIDSTONE, KENT

Deferred to:

Explore the possibility of more contextual massing in the design of buildings;

Explore improving the quality of the open space proposed including more useable spaces; and

Explore locking the applicant into the delivery of 100% affordable housing by way of, for example, a Grampian condition or cascade legal agreement.



Ordnance Survey - data derived from OS Premium

23/503788/FULL Plots 6 & 7 Eclipse Park, Sittingbourne Road, North, Maidstone, Kent ME14 3EN

Scale: 1:2500

Printed on: 2/4/2024 at 14:39 PM by RebeccaB1



<b>REFERENCE NUMBER:</b> 23/503788/FULL		
<b>APPLICATION PROPOSAL:</b> Erection of a drive through coffee shop and a flexible general employment building (class E(g)), including landscaping, parking and associated works.		
<b>ADDRESS:</b> Plots 6 & 7, Eclipse Park, Sittingbourne Road, Maidstone, Kent, ME14 3EN		
<b>RECOMMENDATION: APPROVE PERMISSION</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b>		
<ul style="list-style-type: none"> <li>• The proposed uses (employment and retail) are acceptable within the designated Eclipse Park economic development area under Local Plan Review policy LPRSP11(A).</li> <li>• The layout and design of the development is considered to respond positively to the character and appearance of the streetscene and local area including the suitable provision of landscaping and tree planting alongside the street in accordance with design policies within the Local Plan 2017 and the Local Plan Review.</li> <li>• There would be no harmful impacts upon residential amenity subject to conditions and there are no highways objections.</li> <li>• The proposals are considered to comply with all relevant Local Plan 2017 and Local Plan Review policies and permission is recommended subject to conditions.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE:</b>		
<p>The recommendation is contrary to the views of Boxley Parish Council and they have requested Planning Committee consideration.</p> <p>Borough Councillor Harwood has requested the application be heard at Planning Committee should officers be minded to approve for the reason set out in the report.</p>		
<b>WARD:</b> Boxley	<b>PARISH COUNCIL:</b> Boxley	<b>APPLICANT:</b> Gallagher Properties Ltd <b>AGENT:</b> DHA Planning
<b>CASE OFFICER:</b> Richard Timms	<b>VALIDATION DATE:</b> 31/08/23	<b>DECISION DUE DATE:</b> 26/04/24
<b>ADVERTISED AS A DEPARTURE:</b> No		

## REPORT SUMMARY

### Relevant Planning History

- 23/504061 Erection of a self-storage facility (class B8), with landscaping, parking and associated works - Refused 14/12/23
- 16/507366 Outline application for plots 6, 7 and 8 for B1 office development in relation to extant planning permission MA/13/0389 with all matters reserved for future consideration - Approved 08/09/17
- 01/0249/07 Reserved matters application for siting, design, external appearance, means of access and landscaping pursuant to outline consent MA/01/0249 ( for the erection of buildings for employment purposes within class B1 and class B2)

as renewed under MA/05/1871, seeking approval for the erection of a three-storey class B1(a) office building of 2034 square metres, the provision of 63 car parking spaces, landscaping and other external works - Approved 26/06/08

- 13/0389 Application for a new permission to replace an extant planning permission MA/10/0389 in order to extend the time limit for implementation of the outline planning permission for B1 and B2 development to include the renewal of the extant reserved matters approvals for plots 6, 7 & 8 (MA/01/0249/05, MA/01/0249/06 and MA/01/0249/07 respectively) - Approved 22/04/13
- 10/0389 An application for a new planning permission to replace an extant planning permission in order to extend the time limit for implementation of outline permission MA/05/1871 for B1 and B2 development - Approved 04/06/10
- 05/1871 Variation of condition 1 of planning permission MA/01/0249 (outline application for erection of buildings for employment purposes - class B1 and class B2 with access and car parking to extend the time within which the development may commence and for imposition of a revised condition 1 to allow a further period in which to submit details pursuant to the outline planning - Approved 15/11/05

## **MAIN REPORT**

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

- 1.01 The application relates to a level parcel of land within 'Eclipse Park' on the south side of Sittingbourne Road referred to as Plots 6 and 7. There is a recently constructed care home and the Marks and Spencer car park to the north, and the 'Orida' hotel to the south. It is completely covered in hard surfacing and there is a single storey building towards the east side with parking and access also at this end.
- 1.02 The western boundary is currently defined by a temporary/moveable fence and to the west of this is a similar hard surfaced area referred to as Plot 8 where an application for a self-storage building was refused in December last year. Outside the site alongside the south boundary are a line of mature trees.
- 1.03 The site falls within the defined urban area and an 'Economic Development Area' in both the Local Plan 2017 (LP17) and Local Plan Review (LPR), which is discussed in the assessment below. The boundary of the Kent Downs National Landscape is around 230m to the north on the north side of the M20 motorway and so the site falls within its setting.
- 1.04 Previously outline permission has been granted for office uses at the site with the most recent in 2017 which expired in 2020.

### **2. PROPOSAL**

- 2.01 Permission is sought for two separate developments/uses as follows with the layout plan shown below:
- Plot 6 (Eastern Part) - A single storey coffee shop with a drive through facility that would use the existing access to the east. Parking would be to the south with the building towards the north and an access/circulation road for the drive through.

- Plot 7 (Western Part) – A two storey building for flexible class E(g) uses within four units. The building would be sited along the south spanning the entire width with parking and a new access to the front, north.



### 3. POLICY AND OTHER CONSIDERATIONS

**Maidstone Borough Local Plan 2017:** SS1, SP1, SP21, SP21, SP23, ID1, DM1, DM2, DM3, DM6, DM8, DM16, DM21, DM23

**Maidstone Borough Local Plan Review 2024:** LPRSS1, LPRSP2, LPRSP11, LPRSP11(A), LPRSP12, LPRSP13, LPRSP14, LPRSP14(A), LPRSP15, LPRCD1, LPRTRA1, LPRTRA2, LPRTRA4, LPRINF4, LPRQD1, LPRQD2

The Maidstone Borough Local Plan Review was adopted by the Council on the 20<sup>th</sup> March 2024. The LPR polices have 'substantial' weight but not 'full' weight until the 6 week Judicial Review period following adoption has expired (ending 1<sup>st</sup> May 2024).

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

**The National Planning Policy Framework** (NPPF)

**National Planning Practice Guidance** (NPPG)

**Supplementary Planning Documents:** Air Quality Guidance (2017); Public Art Guidance (2017).

### 4. LOCAL REPRESENTATIONS

4.1 **Local Residents:** 13 representations received raising the following (summarised) points:

- Increased traffic and congestion.
- Highway safety.

- Vehicles speed along Sittingbourne Road.
- Lack of parking.
- Lack of street lights.
- Parking restrictions may be needed.
- Improvements to bus services should be provided.
- Pollution for users of the care home garden.
- Seek confirmation of drive through times.
- Already coffee facilities in the vicinity and could affect competition.
- Noise, disturbance and smells to nearby houses.
- Litter.
- Flooding.
- Trees along south boundary should stay for birds.
- Should only be for commercial use and not residential.
- The retail use is not in accordance with the Local Plan.
- Retail use would provide limited employment.
- Potential for increased crime.

4.2 **Boxley Parish Council:** Raise objections and request committee if officers are minded to approve:

*"Boxley Parish Council object to this application for the following reasons:*

- 1. The drive-through element of this proposed development will add to the traffic joining Bearsted Road at a light-controlled junction already the source of serious congestion at busy times with accompanying air pollution.*
- 2. Takeaways are a known source of much littering and it is not evident how this will be eliminated.*
- 3. No further development should take place in this area until the Bearsted road improvement scheme has been completed".*

4.3 **Borough Cllr Harwood:** Requests the application is considered at committee if minded to approve with the following comments:

*"North Ward residents in the Penenden Heath area are keen to understand the planning policy position in relation to the history of this once green site. Further, there is a wish to understand how 'bad neighbour' implications of the proposed uses in terms of the inevitable heavy littering of surrounding areas, traffic generation (and linked air and noise pollution) and net zero impacts are to be addressed.*

*In design terms, there exist local concerns that the utilitarian nature of the proposals and the limited space for landscaping proposed does not reflect the campus context of the setting or situation in the foreground of the Kent Downs AONB.*

*Lastly, there is some local upset that the Bramble and other semi-natural vegetation along the application site's western boundary was strimmed to create a 'blank canvas' site - as wildlife was regularly observed using this cover. Indeed, the ecological background provided as a part of this application does not reference the latest Kent Reptile and Amphibian Group records for reptiles on the Eclipse site and environs. The proposed biodiversity mitigation appears to comprise bird and other boxes rather than habitat to provide foraging areas for wildlife.*

*Lighting and drainage proposed for this urban / rural edge site also requires especial thought if sustainability is to be evidenced."*

- 4.4 **'Locate in Kent'**: Support the application to provide commercial space and support local business growth.
- 4.5 **Kent Invicta Chamber of Commerce**: Support the application which will support the Maidstone business community and offer commercial property at junction 7 considered to be one of Maidstone's most effective locations.

## 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)*

- 5.01 **Environment Agency**: No comments to make.
- 5.02 **National Highways**: No objections subject to a condition requiring a construction management plan.
- 5.03 **KCC Highways and Transportation**: No objections subject to conditions re. a construction management plan; EV charging; securing parking/turning areas and the access points.
- 5.04 **KCC Flood and Water Management**: No objections subject to conditions securing surface water drainage.
- 5.05 **KCC Ecological Advice Service**: No objections.
- 5.06 **MBC Landscape**: No objections subject to conditions re. tree works and protection.
- 5.07 **Environmental Health**: No objections subject to conditions re. noise.
- 5.08 **Southern Water**: Advise they can provide foul sewage disposal to service the development.
- 5.09 **Kent Police**: Recommend various measure to reduce crime.

## 6. APPRAISAL

6.01 The key issues are:

- Policy Context & Assessment
- Retail Use and Sequential Test
- Impact on the Character and Appearance of the Area & Design
- Impact on the Kent Downs National Landscape
- Residential Amenity
- Highways
- Biodiversity
- Other Matters including Drainage and Representations

### **Policy Context & Assessment**

6.02 The site is located with a designated economic area specifically identified for the former B1 use class (now class E(g)) which includes offices, research and development and light industry under Local Plan 2017 (LP17) policy SP22. Criteria 6 states that the redevelopment of premises and the infilling of vacant sites for 'business uses' will be permitted. So whilst this designation is specifically for

B1/E(g) use class, policy SP22 can allow the development of vacant sites for 'business uses'.

- 6.03 The proposed use on Plot 7 is for E(g) within the units which can allow for offices, research and development or light industry and so complies with policy SP22.
- 6.04 The proposed drive through coffee shop on Plot 6 is a retail use and is not in accordance with policy SP21. Under the Local Plan Review (LPR) the site remains within an economic development area and "primarily for office employment use (class E(g))". However, under policy LPRSP11(A) the Eclipse Park designation now allows for any class E uses so has opened out to allow uses such as retail, financial and professional services, indoor sport or recreation, medical or health services, and children's nurseries.
- 6.05 As the LPR is based on more up to date evidence, has been adopted by the Council, and has 'substantial' weight it is considered that the proposed uses for employment and retail are both acceptable.

### **Retail Use and Sequential Test**

- 6.06 The retail element is defined as a 'Main Town Centre Use' under the NPPF which also includes offices. LP17 policy DM16, and LPR policy LPRCD1 and National policy/guidance generally requires a sequential assessment for such proposals that are 'out of centre' as is the case here.
- 6.07 However, paragraph 91 of the NPPF states (my highlight in bold) that,  
*"Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre **nor in accordance with an up-to-date plan.**"*
- 6.08 The adopted LPR allows for office and retail uses at Eclipse Park and as the proposals are in accordance with an up-to-date Local Plan a sequential assessment is not required.
- 6.09 There is no requirement for a retail impact assessment because the coffee shop is below the threshold of 400m<sup>2</sup>.

### **Impact on the Character and Appearance of the Area & Design**

- 6.10 LP17 policy DM1 and LPR policy LPRSP15 require proposals to create 'high quality design' and set out criterion to assess this by. Criteria 2 for both policies requires development to respond positively to, and where possible enhance the character of the area with particular regard being paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage.
- 6.11 The local area features a mix of both uses and building designs/sizes. To the north is a new three storey care home of fairly traditional design with mainly brick facades below a pitched roof with some modern elements like metal work gables. To the northeast is the modern 'Marks and Spencer' store which is mainly two storeys with high quality materials including glass rainscreen cladding and ragstone. To the east is a four storey office building of contemporary appearance with brickwork and glazing known as 'Towergate House'. To the southeast is the 'Next' store which is a four storey building with a mix of brick cladding and glazing.
- 6.12 In terms of the streetscene, a characteristic near the site is the set back of buildings from the main road and landscaping alongside it. 'Towergate House' is set back from the pavement by between 27m to 36m with landscaped areas abutting the

pavement which vary between 2m to 10m in depth. The M&S building comes closer to the roundabout but there are no buildings to the north of the application site where the car park is set back by between 3.5 to 9.5m with landscaping areas and ragstone walling. The care home is set back by around 23m with a landscaped garden area of around 18m in depth to the front and space to the car park of around 4m to 5.5m again with ragstone walling and railings. The roundabout itself is attractively landscaped and contributes positively to this character. The local streetscene is generally attractive with space for landscaping and good quality boundary treatments opposite the site.

#### *Drive Through Coffee Shop*

- 6.13 The layout plans have been amended since submission at the request of officers to achieve a greater set back of the building and increased landscaping alongside the road to compliment the local area. This has resulted in the space for landscaping increasing from a mainly 3-4m strip to 5-6m width along the east boundary and a much greater area in the northwest corner up to 15m in depth. The building has also been realigned so it is set further back into the site.
- 6.14 Detailed landscaping plans have been provided which show 12 trees alongside the road, and native hedge/shrub planting. It is considered the layout is acceptable and the increased space for landscaping now means the proposals respond positively to the character of the local area in accordance with the LP17 and LPR.
- 6.15 In terms of the building, this is a standard design for the applicant's drive through shops but this has also been amended to include further ragstone elements to reflect the local vernacular and this material is prominent in the Eclipse Park area. Articulation is provided with projecting elements and through the different materials and whilst it could not be said to be a high quality building, it would be an appropriate design which would not harm the character or appearance of the local area in accordance with the LP17 and LPR.

#### *Employment Development*

- 6.16 In terms of the layout, this has also been amended to provide increased landscaping alongside the road from around 3.5m in depth to 5.5m which is acceptable. The building itself is set well back from the road by around 30m.
- 6.17 In terms of the building, this would be relatively large with a footprint of 90m x 26m and height of 9.3m. However, the massing is broken up with a staggered façade to the front with 4m projections on the western units. The front elevations are broken up by a recessed main section with glazing, metal cladding, ragstone columns and an aluminium timber effect cladding 'frame'. The use of sloped roofs also breaks up the mass and provides some interest. The exposed side elevations have been amended at the request of officers to include glazing and ragstone to provide interest. The building is considered to be an appropriate design that would not harm the character or appearance of the local area in accordance with the LP17 and LPR.

#### **Impact upon the Kent Downs National Landscape (KDNL)**

- 6.18 In distant views from the KDNL, if the employment building was seen from any vantage points, it would be in the context of surrounding development and as it is not significant in size with its mass broken up, it would not be prominent or cause any harm and nor would it interrupt views towards the KDNL. The drive through building is single storey and would have no impact upon the KDNL and would only be seen in localised views.

### **Residential Amenity**

- 6.19 The nearest dwellings are 74m to the northwest of the employment building and the care home is 65m to the north and at this distance it would have no harmful impacts upon privacy, light or outlook.
- 6.20 In terms of noise and disturbance, the proposed use of the employment buildings is class E(g) (offices, R&D, or light industry) which by their nature are appropriate in a residential area. The drive through facility is not an inherently noisy use in itself apart from amplified speakers for ordering.
- 6.21 A noise assessment has been submitted which considers noise and disturbance would be more from plant/equipment and deliveries/customers coming and going. Conditions could ensure suitable details of plant and equipment.
- 6.22 In terms of comings and goings, the proposed hours of use are 5am to 11pm all week for both uses and seeking 24 hour deliveries. I consider movements (deliveries and customers) as early as 5am and late as 11pm for the drive through and from amplified speakers would result in harm to local amenity and in particular residents of the care home. It is considered hours of use/deliveries of 6am to 10pm for the drive through are appropriate. For the employment uses, comings and goings would be far less frequent in terms of staff so 5am to 11pm is acceptable.
- 6.23 As the coffee shop only heats up food rather than any cooking, smells and odours would not harm residential amenity and I note Environmental Health raise no objections.

### **Highways**

- 6.24 KCC Highways raise no objections to the proposed access points for both sites and following additional information/clarification being submitted, no objections to the traffic impact of the developments. The applicant's evidence demonstrates that around 90% of trips to the drive through facility would be part of an existing (mainly commuter) journey and would not result in a significant number of new trips on the highway network or impact on nearby junctions. The nearest junction being the A249/Eclipse Park signalised junction would remain well within its design capacity. National Highways raise no objections in terms of Junction 7 of the M20.
- 6.25 In terms of parking, 25 spaces are proposed for the coffee shop. Kent County Council Supplementary Planning Guidance Note 4 (SPG4) from 2006, are the standards used by the LPA for non-residential uses and they state that 'hot food takeaways' should be provided with a maximum of 1 space per 8m<sup>2</sup> for customers and 1 space per 2 staff, and 'restaurants' 1 per 6m<sup>2</sup> and the same for staff. The floorspace is 167m<sup>2</sup> so the provision of 25 spaces is around the maximum level required (27 spaces) and KCC Highway raise no objections.
- 6.26 The employment uses would have 38 spaces and the standards state a maximum of 1 space per 25m<sup>2</sup> for offices and 1 per 35m<sup>2</sup> for light industry. Taking a middle point equates to 64 spaces. This is a maximum and the site does have public transport access with covered bus stops nearby away on Bearsted Road and cycle parking is also proposed and can be secured by condition. On balance, this provision is considered to be acceptable and no objections are raised by KCC Highways.
- 6.27 Both National Highways and KCC Highways request a construction management plan but this is not considered to be necessary as this is not a development of significant scale.

- 6.28 The proposals are considered to be in accordance with policies SP23, DM21 and DM23 of the LP17 and policies LPRSP12, LPRTRA2 and LPRTRA4 of the LPR.

### **Biodiversity**

- 6.29 An ecological walkover study has been provided and KCC Ecology advise that,

*"The submitted information has detailed that the footprint of the proposed development is predominately hard standing with a dense hedgerow adjacent to the southern boundary. We are satisfied that there is no requirement for ecological surveys to be carried out as part of this application. As a result of reviewing satellite photos it appears that this site has been largely bare ground for at least 10 years."*

- 6.30 On this basis there would be no harmful impact on protected species.
- 6.31 In terms of biodiversity net gain (BNG) the appellant has not provided a BNG assessment but is not required to do so as the application was submitted in advance of it becoming mandatory and the LPR policy only requires BNG (20%) on residential development. Notwithstanding this, based on there being little vegetation at the site it is considered the proposed landscaping would provide some net gains for biodiversity.

### **Other Matters including Drainage, Litter, Trees and Representations**

#### *Drainage*

- 6.32 Surface water drainage would be dealt with through cellular storage tank soakaways with porous paving. KCC Flood and Water Management have reviewed the proposals and raise no objections in principle subject to conditions.

#### *Litter*

- 6.33 The drive through facility is likely to create litter but this is not a ground for refusal as it relates to people's behaviour but proportional conditions to require bins on-site and a litter management plan for the nearby area on the public highway will be secured.

#### *Trees*

- 6.34 No trees are present on site but there is a group to the south boundary which are proposed to be crown lifted with lateral reduction to facilitate the development. The applicant's report also states a cyclical management regime could be required to ensure future removal pressure is mitigated. Therefore, the Landscape Officer recommends details are provided regarding the maintenance regime which will be secured by condition. A small incursion into the root protection area of these trees would occur due to some of the car parking but the Landscape Officer agrees this would cause negligible harm. Potential ground retaining measures as part of constructing these parking bays and the site's services have not been finalised and so a condition is attached for these details.
- 6.35 Matters raised and not considered in the report include the need for the development and affecting competition, air pollution, lack of streetlights, and crime. The issue of whether there is a need for the development or impacts on competition are not material considerations. An air quality assessment has been submitted which concludes there would be an insignificant effect on local air quality which Environmental Health have reviewed and raise no objections. There are streetlights in the vicinity which residents suggest are not working but these could be repaired,

and this is a matter for the landowner. Any potential crime because of the development is not grounds to refuse permission.

- 6.36 In line with policy LPRQD1 a BREEAM 'Very Good' rating will be secured for the buildings and 10% on-site renewable energy generation.

PUBLIC SECTOR EQUALITY DUTY

- 6.37 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**

- 6.38 The proposed retail 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 uses (employment and retail) are acceptable within the Eclipse Park economic development area under Local Plan Review policy LPRSP11(A).
- 7.02 The layout and design of the development is considered to respond positively to the character and appearance of the streetscene and local area including the suitable provision of landscaping and tree planting alongside the street.
- 7.03 There would be no harmful impacts upon residential amenity subject to conditions and there are no highways objections.
- 7.04 The proposals are considered to comply with all relevant Local Plan 2017 and Local Plan Review policies and permission is recommended subject to conditions.

**EIA Screening**

EIA Development	Yes
Comments	<p>Whilst the employment proposal falls within Schedule 2 (10a) of the Regulations and exceeds the applicable threshold of 0.5 hectares, the NPPG acknowledges that only a "very small proportion" of Schedule 2 projects will require an EIA.</p> <p>The site is within 230m of a 'sensitive area' defined under the EIA Regulations being the Kent Downs National Landscape (KDNL), however, the development would not cause any harm to the KDNL or its setting for the reasons set out in the report.</p> <p>The development is not complex in nature or of a scale such that any impacts upon natural resources, waste, pollution, human health, water resources, biodiversity, landscape/visual, heritage, highways, or the environment would be of a magnitude to result in significant environmental effects. Potential impacts are considered to be localised with the scope for mitigation.</p> <p>Therefore the characteristics, scale, or location of the development and</p>

	its potential impacts are not likely to give rise to significant effects on the environment and thus an EIA is not required.
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## 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**

#### *Time Limit (Full Permission)*

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

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

#### *Approved Plans & Compliance*

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

4104 P001 RevE	(Site Location Plan)
4104 P003 RevE	(Proposed Site Plan)
4104 P101 RevC	(Plot 6 Elevations)
4104 P101 RevD	(Plot 6 Floor Plans)
4104 P103 RevD	(Plot 7 Floor Plans)
4104 P104 RevD	(Plot 7 Elevations)
0665/24/B/1A	(Landscape Planting Plan)

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

3. The approved vehicle parking and turning areas shall be completed before the commencement of the use of the land or buildings to which they relate and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.

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

4. The development of any phase shall be carried out in accordance with the approved landscaping scheme relating to that phase as shown on drawing no. 0665/24/B/1A.

No development above slab level for any phase shall take place until a long-term management plan and timetable for implementation of the approved landscaping for that phase has been submitted to and approved in writing by the local planning authority. The landscaping shall be carried out in accordance with the approved details.

The approved landscaping shall be retained for at least 5 years following its implementation and shall be managed and retained strictly in accordance with the approved details.

Any approved seeding or turfing which fails to establish or any trees or plants which, before a period of 5 years from the completion of the development has expired, die or become so seriously damaged or diseased that their amenity value has been adversely affected, shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation. No replacement planting or removal of any planting shall take place without the prior written consent of the local planning authority.

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

5. The development shall be carried out in accordance with the approved Arboricultural Method Statement (dated 05/10/22) including the tree protection plan and measures.

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

#### *Pre-commencement*

6. No development shall take place in any phase until a detailed sustainable surface water drainage scheme for that phase has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment and Drainage Strategy dated 21st August 2023 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

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

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

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

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

7. No development for any phase shall take place until details of the proposed finished floor levels of the buildings, all ground levels of the development, and existing site levels for that phase shown at 0.5m contour intervals have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the approved details.

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

8. No development for any phase shall take place until the following details for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the approved details.

- (a) An on-going management regime for works to any overhanging trees to the south of the site.
- (b) Details of any ground retaining measures as part of constructing parking bays and services within any tree root protection areas.

Reason: In order to protect adjacent existing trees.

*Pre-Slab Level*

9. No development above slab level for any phase shall take place until details and evidence of the measures necessary to incorporate at least 10% on-site renewable or low carbon energy production measured as a percentage of overall consumption for that phase have been submitted to and approved in writing by the Local Planning Authority. Follow installation of the approved measures they shall thereafter be retained.

Reason: To ensure a sustainable form of development in accordance with policy LPRQ&D1 of the draft Local Plan Review.

10. No development above floor slab level for any phase shall take place until written details and sample of the materials, to be used in the construction of the external surfaces of the buildings for that phase have been submitted to and approved in writing by the local planning authority. The materials shall include the following:

- a) Kentish ragstone for buildings and walls approved with ragstone.

The development shall be constructed using the approved materials.

Reason: To ensure a high-quality development.

11. No development above floor slab level shall take place until photographs of at least a 1.5m x 1.5m sample panel of the Kentish ragstone for the buildings and walls (which has been constructed on site) for that phase have been submitted to and approved in writing by the Local Planning Authority including written details of the mortar mix. Such details as approved shall be fully implemented on site and thereafter retained.

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

12. No development above floor slab level for any phase shall take place until details of hard surfaces for that phase have been submitted to and approved in writing by the local planning authority. The details shall include block paving for all parking spaces and the development shall be carried out in accordance with the approved details and thereafter retained.

Reason: To ensure a high-quality development.

13. No development above floor slab level for any phase shall take place until details of all fencing, walling and other boundary treatments for that phase, which shall include low ragstone walling as shown on the plans, have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings or land to which they relate and retained thereafter.

Reason: To ensure a satisfactory appearance to the development.

14. No development above floor slab level for any phase shall take place until details of all external lighting for that phase, which shall be the minimum necessary and designed to

minimise light pollution, has been submitted to and approved in writing by the local planning authority for that phase. The lighting shall be carried out in accordance with the approved scheme.

Reason: To ensure a high-quality development.

15. No development above slab level for any phase shall take place until full details of ecological enhancements and a timetable for their delivery for that phase, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained and the measures shall include the following:

- a) Inbuilt bird, bat and bee bricks to buildings.
- b) Reptile and amphibian hibernacula/log piles.

Reason: To enhance biodiversity.

16. No development above slab level for any phase shall take place until details of secure cycle parking for that phase have been submitted to and approved in writing by the local planning authority. The approved parking shall be provided before the occupation of the land or buildings to which they relate and shall thereafter be kept available for such use.

Reason: To promote sustainable transport use.

17. No development above floor slab level for the coffee shop shall take place until details of public refuse bins have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the occupation of the building and thereafter retained.

Reason: In the interests of visual amenity in the local area.

#### *Pre-Occupation*

18. No building hereby permitted shall be occupied until the approved access point serving the building has been implemented and the visibility splays shown on drawing nos. H-01 RevP1 and H-02 RevP1 shall be maintained with no obstructions over 0.6 metres above carriageway level within the splays.

Reason: In the interest of highway safety.

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

Reason: In the interests of residential amenity.

20. No occupation/use of the coffee shop shall take place until a Litter Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include:

- (a) A plan showing litter monitoring and collection areas upon public highway land which shall include Sittingbourne Road from its junction with the Chiltern Hundreds roundabout to its junction with the A249; and the A249 from its junction with the Chiltern Hundreds roundabout to its junction with Bearsted Road/M20 slip road roundabout.
- (b) The frequency of litter inspections and collections both on the site and within the area approved under part (a).

The development shall be carried out in accordance with the approved Plan and it shall operate thereafter.

Reason: To safeguard the character and appearance of the surrounding area.

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

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

22. 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 that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

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

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

If during construction/demolition works evidence of potential contamination is encountered, upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority if necessary. The closure report shall include details of:

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: In the interest of human health.

*Compliance/Restrictions*

24. The employment building hereby approved shall be used for Use Class E(g) only and for no other purpose including any other uses permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any statutory instrument revoking and re-enacting those Orders with or without modification);

Reason: Other Class E uses may not be suitable at the site.

25. No activity in connection with the use of the drive through coffee shop hereby permitted shall be carried out outside the hours of 5.30am to 11pm and no customer shall be permitted to be on the premises outside of the hours of 6am to 10pm.

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

26. No activity in connection with the use of the employment building hereby permitted shall be carried out outside the hours of 5am to 11pm.

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

27. No deliveries in connection with the drive through coffee shop or employment building shall be taken at or despatched from the site outside of the hours of 6am to 10pm.

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

28. No open storage of materials, products, goods for sale or waste shall take place on the land.

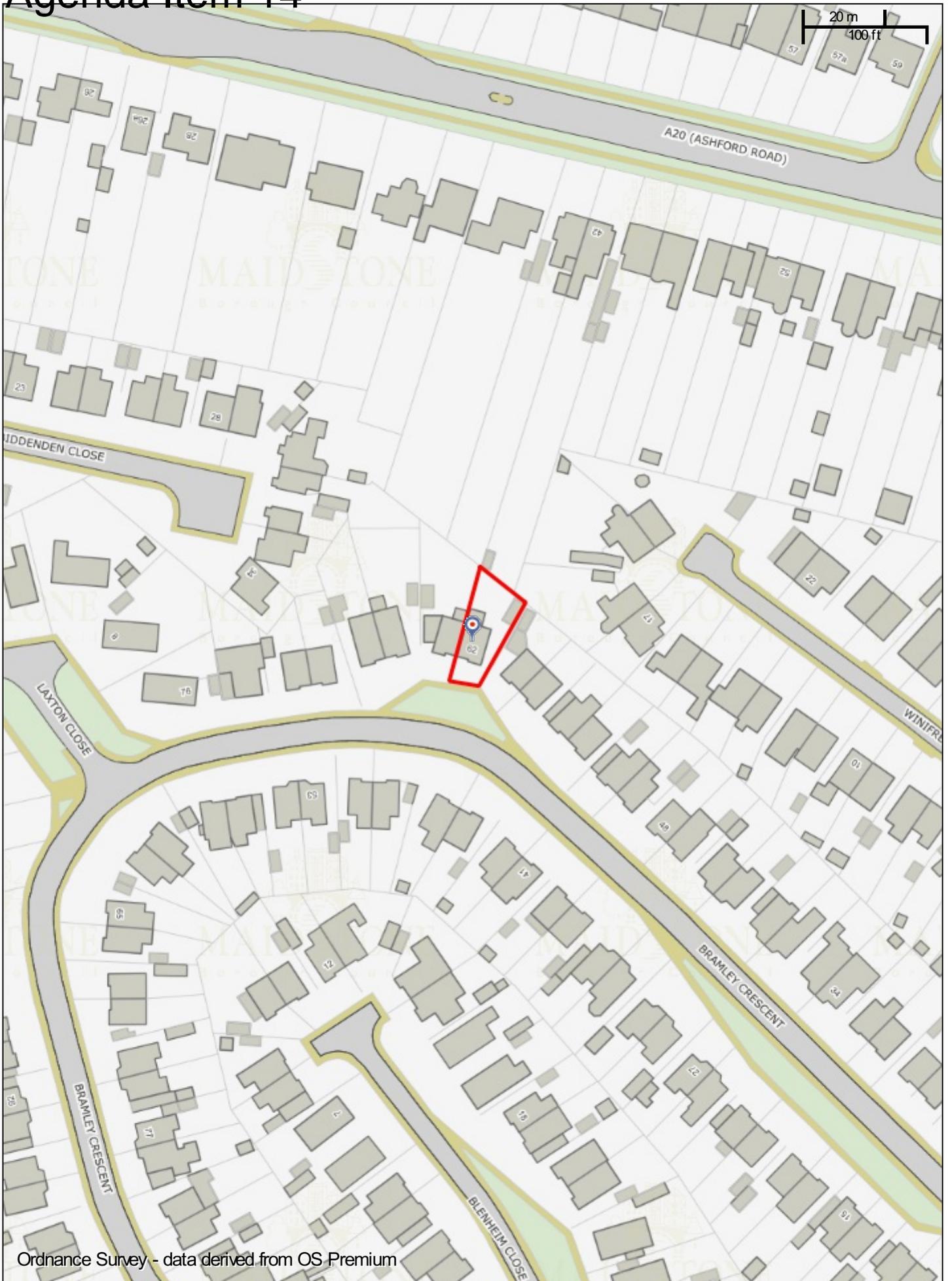
Reason: To safeguard the character and appearance of the surrounding area.

29. The building(s) hereby approved shall achieve a Very Good BREEAM UK New Construction Version 6.1 rating including maximising energy and water efficiencies under the mandatory energy and water credits. A final certificate shall be issued to the Local Planning Authority for approval in writing within 6 months of the first occupation of the building(s) to certify that at a Very Good BREEAM UK New Construction Version 6.1 rating has been achieved.

Reason: To ensure a sustainable form of development in accordance with policy LPRQ&D1 of the draft Local Plan Review.

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

# Agenda Item 14



Ordnance Survey - data derived from OS Premium

**23/505824/FULL - 62 Bramley Crescent, Bearsted, Kent ME15 8JZ**

Scale: 1:1250

Printed on: 8/3/2024 at 14:17 PM by RebeccaB1

<b>REFERENCE NO:</b> - 23/505824/FULL		
<b>APPLICATION PROPOSAL:</b> Retrospective application for the replacement of front dormer window, erection of single storey rear extension, loft conversion with hip to gable, insertion of front roof light, rear dormer.		
<b>ADDRESS:</b> 62 Bramley Crescent, Bearsted Kent ME15 8JZ		
<b>RECOMMENDATION:</b> GRANT – subject to planning conditions set out in Section 8.0 of the report.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> For the reasons set out below it is considered that the proposed replacement of front dormer window would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor would it be unacceptable in terms of any other material planning considerations. The proposed development is considered to be in accordance with current policy and guidance.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The recommendation is contrary to the views of Bearsted Parish Council who have requested the application be presented to the Planning Committee.		
<b>WARD:</b>	<b>PARISH/TOWN COUNCIL:</b> Bearsted Parish Council	<b>APPLICANT:</b> Mrs Donna Gausden <b>AGENT:</b> Fuller Long Limited
<b>CASE OFFICER:</b> Sema Yurtman	<b>VALIDATION DATE:</b> 27/02/2024	<b>DECISION DUE DATE:</b> (EOT) 26/04/2024
<b>ADVERTISED AS A DEPARTURE: NO</b>		

**Relevant Planning History**

76/0015 Lounge extension and loft conversion as amended by the letter of 12.2.76 and accompanying Drawing. Approved. 01.03.1976

23/503529/FULL Erection of single storey rear extension, loft extension with a hip to gable, insertion of front rooflight, rear dormer, new first floor side window and removal of chimney. Approved. 28.07.2023

Enforcement Enquiry

23/500680/OPDEV Enforcement Enquiry. Pending Consideration.

**MAIN REPORT**

**1. DESCRIPTION OF SITE**

- 1.01 62 Bramley Crescent is a semi-detached bungalow located to the northern side of the Bramley Crescent, Bearsted.
- 1.02 The property is a residential dwelling, and the site is not situated within a conservation area, or a national landscape.

**2. PROPOSAL**

- 2.01 The proposal is a retrospective application for the replacement of front dormer window, erection of single storey rear extension, loft conversion with hip to gable, insertion of front roof light, rear dormer. The previous planning application was for erection of

single storey rear extension, loft conversion with a hip to gable, insertion of front rooflight, rear dormer, new first floor side window and removal of chimney (which was granted planning permission under reference 23/503529/FULL). However, the implemented scheme is different than the previously approved, therefore a new planning application is required.

- 2.02 The previously approved dormer window has approximately 2.3m width, 1.94m height. The proposed/implemented dormer window would be slightly larger than the previously approved one with 3.27m width and 1.94m height.
- 2.03 The previously approved single storey rear extension has approximately 3.3m width, 5.4m depth, 2.58m eaves of height and 3m ridge of height with flat roof. The proposed/implemented one has 3.3m width, 3.3m depth, 2.58m eaves of height and 3m ridge height with flat roof. The rear extension would consist of a combined dining room/kitchen.
- 2.04 Hip to gable loft conversion 4.46m width and 3.5m height. The proposal would also include one rooflight to the front elevation. The proposed rear dormer would have approx. 6m width, 2.4m height.
- 2.05 The previously approved first floor side window which was facing towards the neighbouring property number 60 Bramley Crescent would not be included with the new proposal.

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

Maidstone Borough Local Plan (2011-2031):

- DM1 – Principles of good design
- DM9 – Residential extensions, conversions, and redevelopment within the built-up area

Maidstone Borough Council Local Plan Review (2024):

The Maidstone Borough Local Plan Review was adopted by the Council on the 20 March 2024. It is highlighted that LPR polices now have 'substantial' weight (but not 'full' weight) in the 6 week Judicial Review period following adoption (ending 1 May 2024). The relevant Maidstone Borough Local Plan Review (March 2024) polices are as follows:

- LPRSP15 – Principles of Good Design
- LPRHOU2 – Residential extensions, conversions, annexes, and redevelopment in the built-up area

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

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

### **4. LOCAL REPRESENTATIONS**

Local Residents: 7 neighbours consulted.

10 representations received from local residents (64 Bramley Crescent, 47 Bramley Crescent, 51 Bramley Crescent, 39 Bramley Crescent, 49 Bramley Crescent, Orchard Brae, Cherrybank, 66 Bramley Crescent, 41 Bramley Crescent, 60 Bramley Crescent) raising the following (summarised) issues:

- Objection on ground, the retrospective application will result for the oversized dormer and out of keeping appearance of the front of 62 Bramley Crescent.

- The development would be against the rhythm of the street and not keeping with the rest of the area.
- The front dormer would be too different than the originally approved, it does not mirror the dormer on adjoining bungalow and not keeping with housing in local area.
- The new front dormer is an improvement and has no negative impact on the current street scene.
- The replacement front dormer is a definite improvement, it appears to be proportionate in scale and follows the vertical line of the existing window.

**Cllr Springett:** I have been contacted by several resident's regarding this application as they are concerned about the size of the dormer window that has been installed. I agree with them. The replacement dorms are much larger than the original one which had approval. It is out of balance with other dormers in the vicinity and being wider than the ground floor window below, overpowers and dominates this window. It creates an unbalanced character between this property and the adjoining one and impacts on the street scene.

## **5.0 CONSULTATIONS**

### **5.01 Bearsted Parish Council**

Bearsted Parish Council wish to see the application REFUSED and REQUEST the application is reported to the Planning Committee ONLY if the planning officer is minded to approve the retrospective application. BPC comment that the building work completed varies considerably to the original plans.

## **6.0 APPRAISAL**

The key issues are:

- Site background/Principles of Development/Policy Context
- Visual Impact
- Residential Amenity
- Parking/Highway Safety
- Other Matters

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

- 6.01 The application site is located in Bearsted, Maidstone.
- 6.02 Policy DM1 (ii) in terms of design refers to developments responding positively to the local character of the area, with regard being paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage. DM1 (iv) re-iterates consideration to be paid to adjoining neighbouring amenity. DM1 (xiv) refers to being flexible towards future adaptation in response to changing life needs.
- 6.03 Policy DM9 refers to residential extensions, conversions, and redevelopment within the built-up area. DM9 states that within the defined boundaries of the urban area, rural services centres and larger villages, proposals for the extension, conversion and redevelopment of a residential property, design principles set out in this policy must be met. DM9 states:
- (i) The scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the street and/or its context;*

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

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

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

*The scale and form of an extension are important factors in achieving a successful design. The extension should respond sensitively to the positive features of the area which contribute to the local distinctive character and sense of place in terms of scale, proportion, and height.*

6.05 As detailed in the applicant's planning statement, *"the requirement for the proposed replacement of front dormer has been replaced due to the identification of rotten wood on the previous one. Owing to a change in building regulations since the original dormer was erected, the required increase in timbers and insulation resulted in a severe pinch point at the top of the stairs inside the building. To ensure that the stairs are still usable the dormer therefore had to be increased in width. This is the minimum possible increase to create a functioning internal area and window."*

6.06 An enlargement of front dormer and erection of single storey rear extension, loft conversion with hip to gable, insertion of front roof light, rear dormer is actually considered as a householder residential extension and so is assessed under policy DM9 and now also under the new Local Plan policies (listed above), which have similar aims and criteria. What needs to be ensured is that the scale, height form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the streetscene and/or its context.

6.07 The principle of replacement of front dormer window, erection of single storey rear extension, loft conversion with hip to gable, insertion of front roof light, rear dormer within settlements is therefore considered acceptable, provided that the material planning considerations discussed below would be acceptable.

### **Visual Impact**

6.08 As mentioned, the property already had an existing front flat roof dormer prior to the works. The dormer now existing is larger than the original, hence the submission of this current application. It is situated fairly centrally within the street, and visible from the road frontage as it is located to the front of the property. The proposal seeks consent for the replacement of the original front dormer window, which although smaller in width, had a flat roof and similar design. The new dormer, matches the design, scale and size of the ground floor window of which it is sited centrally above, both having 4 panes. As a result, although larger than the original dormer, it is considered that it does not significantly increase the visual prominence of the building and the design would match existing building.

### **Figure 1: View from Bramley Crescent**



- 6.09 Concerns were raised with regards that the proposed dormer window being larger and out of proportion in scale to the roof and it is not a mirror image of the neighbour's and being against the rhythm of the street and not keeping with the rest of the area. However, the application property is located within a streetscene dominated by semi-detached and detached bungalows of different scale and design. There is sufficient evidence of loft conversions with dormers on the street scene which manifest in different dimensions and forms. There are several numbers of the dormer windows are to the front properties. As an example, along the street number 17 and 19 Bramley Crescent and number 37 and 39 Bramley Crescent has larger dormer than the proposed development. Therefore, I deem that the proposed replacement for front dormer window would not be considered harmful and that there would not be sufficient grounds for refusal in this case.
- 6.10 The proposed rear dormer would be in the same scale comparing the previously approved scheme under reference 23/503529/FULL and it would not be visible from the streetscene. Therefore, it would not have a detrimental impact on the streetscene and character of the area.
- 6.11 The proposed single storey rear extension would be smaller in scale comparing the previously approved scheme under reference 23/503529/FULL, and it would not be visible from the streetscene. Therefore, it is considered that the proposal would not harm the rhythm of the streetscene.
- 6.12 The proposed materials for front dormer window consist of UPVC window, with dark brown colour which would match the host dwelling. The walls would be brick and tile hanging to match to dormer and gable walls. The roof would be felt to flat roofs and interlocking concrete tiles to the pitched roof. Therefore, the overall design and materials proposed are considered to be visually acceptable and be in keeping with host building and existing materials. It would not detrimentally impact the character and appearance of the host dwelling.
- 6.13 Overall, the proposed replacement of front dormer window, erection of single storey rear extension, loft conversion with hip to gable, insertion of front rooflight, rear dormer is not considered to have a detrimental impact on the streetscene or character of the area. Such developments within the streetscene would not look out of place.

#### **Residential Amenity**

- 6.14 The nearest neighbouring properties are to the west (No.64 Bramley Crescent) and to the east (No.60 Bramley Crescent). All other neighbouring properties are considered to be a significant distance away to be unaffected by the proposal.

#### **Figure 2: Neighbouring properties**



- 6.15 Number 64 Bramley Crescent is the attached neighbouring property, it has a front dormer with slightly smaller dimensions than the proposed development. It is considered that no detrimental impact on neighbouring amenity in terms of loss of light or overshadowing would result. The increased width of front dormer window does not create any issue with regard to overlooking due to the location at the front of the property. The proposed single storey rear extension would be approximately as same depth of the number 64. Due to low height, existing boundary fence, siting and orientation no detrimental impact would result. The proposed rear dormer and hip to gable loft conversion would also be seen from neighbouring property, however, would not cause detrimental impact.
- 6.16 Number 60 Bramley Crescent is the detached neighbouring property, and it also has a front dormer with a slightly smaller scale. The proposed replacement would not have any detrimental impact on neighbouring amenity in terms of loss of privacy or overlooking. No additional loss of light, overshadowing or loss of outlook would result. The proposed single storey rear extension would be seen from number 60. However, due to single storey nature of the proposal, siting, existing boundary fence, and separation distance involved the proposed rear extension would not have detrimental impact on the neighbouring property. The proposed rear dormer and hip to gable loft conversion would also be seen from neighbouring property, however, would not cause detrimental impact.
- 6.17 Taking the above into consideration, it is considered that the proposal would not cause unacceptable harm to the residential amenity of the adjoining properties that would warrant a refusal.

#### **Parking/Highways**

- 6.18 The property has a driveway which could accommodate enough car in front of the property. Therefore, there would not be undue impact upon highway safety or parking. As required by the Local Plan parking standards at Appendix B) the property provides sufficient parking for a minimum of 2 cars. No harm highway safety/parking provision would result.

#### **Other Matters**

- 6.19 Biodiversity/Ecological Enhancements: Due to the nature and relative scale of the development and the existing residential use of the site, it is not considered that any ecological surveys were required.
- 6.20 Policy DM1 of the Local Plan sets out, at point viii, that proposals should 'protect and enhance any on-site biodiversity and geodiversity features where appropriate or provide mitigation.' This is in line with the NPPF and advice in the Residential Extensions SPD. Consequently, it is considered that a condition should be attached requiring biodiversity enhancement measures are provided integral to the proposed rear extension and within the curtilage of the dwellinghouse.

## **PUBLIC SECTOR EQUALITY DUTY**

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

## **CIL**

- 6.22 The proposed development is not CIL liable.

## **7.0 CONCLUSION**

- 7.01 For the reasons set out above it is considered that the proposed retrospective application for the replacement of front dormer window, erection of single storey rear extension, loft conversion with hip to gable, insertion of front roof light, rear dormer would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor would it be unacceptable in terms of any other material planning considerations. The proposed developments are considered to be in accordance with current policy and guidance.

## **8.0 RECOMMENDATION**

### **GRANT planning permission subject to the following conditions**

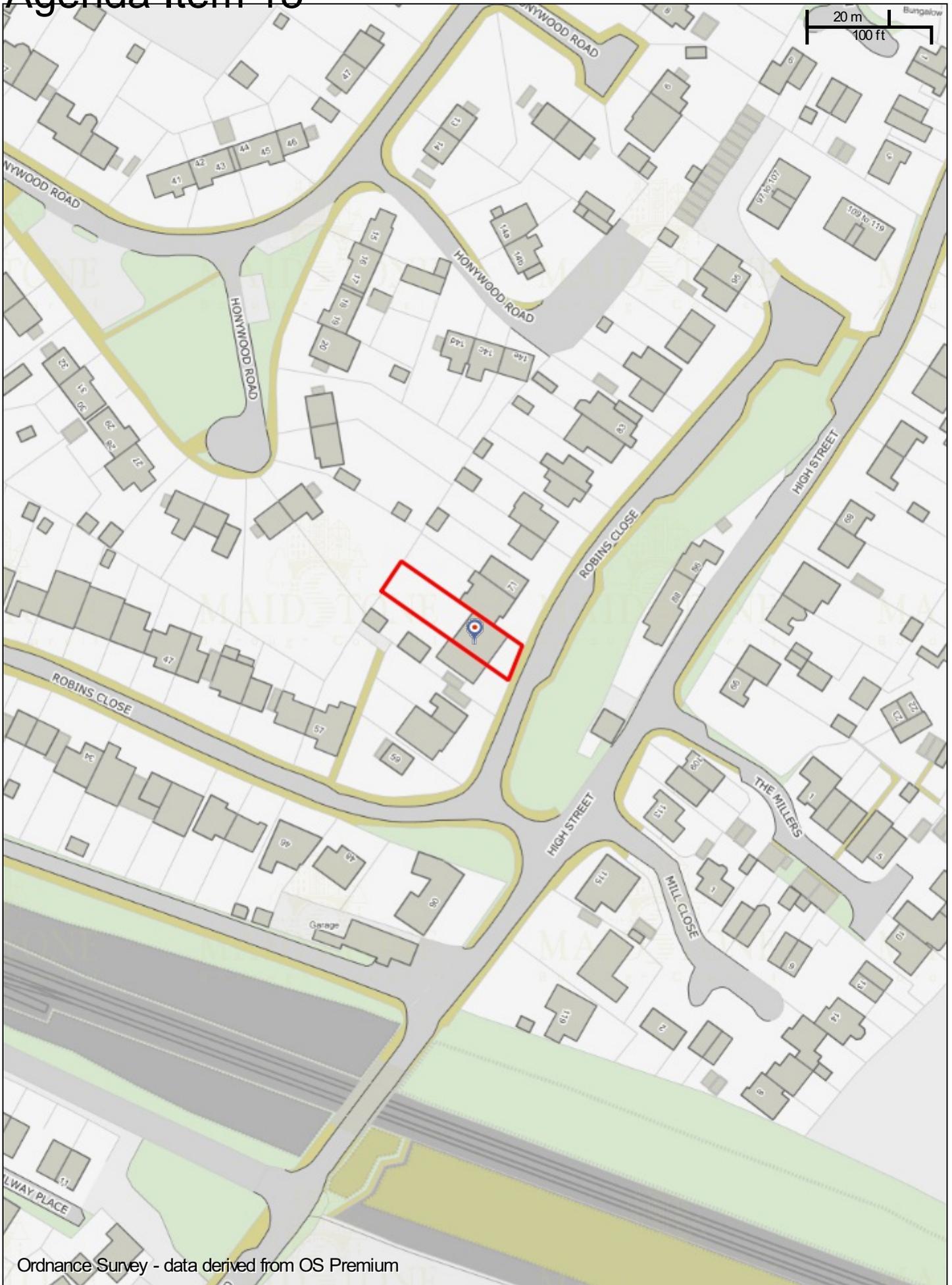
with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

### CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:  
Site Location Plan Received 22.12.2023  
Existing Plans and Elevations – Drawing no. 23/962/01 Received 22.12.2023  
Existing Front Dormer Widened - Plans and Elevations – Drawing no. 23/962/06 Received 06.03.2024.  
Planning Statement – received 22.12.2023  
Reason: To clarify which plans have been approved.
- 2) The materials to be used in the development hereby approved shall be as indicated on the approved plans and application form  
Reason: To ensure a satisfactory appearance to the development
- 3) The extension/s hereby approved shall not commence above slab level until details of a scheme for the enhancement of biodiversity on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the extension by means such as swift bricks, bat tubes or bee bricks, and through the provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to first use of the extension/s and all features shall be maintained thereafter.  
Reason: To enhance the ecology and biodiversity on the site in the future.

Case Officer: Sema Yurtman 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 15



Ordnance Survey - data derived from OS Premium

**23/505768/FULL 67 Robins Close, Lenham, Kent ME17 2LE**  
Scale: 1:1250  
Printed on: 2/4/2024 at 15:00 PM by RebeccaB1

## REPORT SUMMARY

<b>REFERENCE NUMBER:</b> 23/505768/FULL		
<b>APPLICATION PROPOSAL:</b> Erection of a first-floor side extension and alterations to the roof of existing two storey rear extension.		
<b>ADDRESS:</b> 67 Robins Close Lenham Kent ME17 2LE		
<b>RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions.</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The proposed development is acceptable regarding the relevant provisions of the Development Plan, Residential Extensions SPD, the NPPF and all other material considerations such as are relevant.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> This application was called-in by the Lenham Parish Council for the reasons in section 4 of this report.		
<b>WARD:</b> Harrietsham And Lenham	<b>PARISH/TOWN COUNCIL:</b> Lenham	<b>APPLICANT:</b> Mr Craig Sharp <b>AGENT:</b> Kent Design Studio Ltd
<b>CASE OFFICER:</b> Gautham Jayakumar	<b>VALIDATION DATE:</b> 02/01/24	<b>DECISION DUE DATE:</b> 25/04/24
<b>ADVERTISED AS A DEPARTURE:</b> No		

### Relevant Planning History

15/508193/FULL

Erection of single storey side extension with insertion of rooflights, porch roof extension, removal of chimney and erection of two storey rear extension.  
Approved 12.02.2016

23/504690/FULL

Erection of proposed front and rear single storey extension.  
Approved 18.12.2023

79/2172

Porch over front entrance  
Approved 08.02.1980

82/0944

Single storey extension on rear, as validated on the 15/07/82 and also by the agent's letter dated 13/07/82.  
Approved 27.07.1982

79/1726

Porch  
Withdrawn 29.10.1979

81/0902

Garage  
Approved 13.07.1981

### MAIN REPORT

#### 1. DESCRIPTION OF SITE

- 1.01 67 Robins Close is a semi-detached two-storey dwelling located within the Lenham Settlement Boundary. The property sits among a cluster of semi-detached dwellings to the west of Robins Close which runs parallel to Lenham High Street.
- 1.02 The application property and its adjoining pair are set further forward than the neighbouring properties to their north. The land opposite the application site is public amenity land with mature trees. The streetscene is regular with a pattern of semi-detached houses spaced with similar gaps at the first-floor level. The land within which these properties lie is fairly flat.
- 1.03 The application site is within the Lenham Neighbourhood Plan Area and is subject to the Lenham Neighbourhood Plan (2017-2031). The application site is significantly away from the Lenham Conservation Area, there are no other land designations relating to the site. There are no listed buildings or TPO's within the vicinity of the application site.

## **2. PROPOSAL**

- 2.01 This property has been previously extended following the grant of planning application 15/508193/FULL for a single storey side extension with insertion of rooflights, porch roof extension and erection of two storey rear extension, and recently planning permission was obtained for a front and rear single storey extension under 23/504690/FULL.
- 2.02 The proposal relates to the erection of a first-floor side extension above the previously approved single storey side extension under 15/508193/FULL and alterations to the roof of existing two storey rear extension which was erected under the same application.
- 2.03 The proposed first floor side extension would have the same width as the existing ground floor side extension below it at approx. 1.8m and length spanning approx. 9.7m with the front wall set slightly behind the principal elevation of the original dwelling by approx. 0.3m. The proposed side extension would have a lean-to roof similar to the existing single storey side extension at a height of approx. 4.8m above ground level for the eaves and 6.4m above ground level for the ridge. The ridge of this extension would be set below the main ridge of the dwelling by approx. 1.36m. The roof of the proposed first floor side extension at this ridge height would continue along the side elevation of the dwelling for a span of approx. 3.7m. The remaining length of the extension would have a roof that increases in height by approx. 0.73m for a span of approx. 2.8m and merge with the existing two storey rear extension to form a bulkier extension at the rear.
- 2.04 The proposed roof alteration would change the form of the roof of the existing two storey rear extension from fully pitched to semi-pitched with a flat roofed portion spanning a width of approx. 2.1m at the rear. This would lead to an increase of volume of the existing roof of the two-storey rear extension. The eaves height of the roof at the rear and side would match the existing eaves height of the main roof of the dwelling.
- 2.05 The proposed first floor side extension comprises a window at the front which would match the existing front facing window on the ground floor. No windows or rooflights are proposed to the side elevation and rear elevation of the proposed extensions.

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

Maidstone Borough Local Plan 2017:  
Policies DM1, DM9.

Neighbourhood Plan: Lenham  
The National Planning Policy Framework (NPPF):  
National Planning Practice Guidance (NPPG):  
Supplementary Planning Documents: Residential Extensions SPD 2009

The Regulation 22 Local Plan Review: The Maidstone Borough Local Plan Review was adopted by the Council on the 20 March 2024. It is highlighted that LPR polices now have 'substantial' weight (but not 'full' weight) in the 6 week Judicial Review period following adoption (ending 1 May 2024). The relevant Maidstone Borough Local Plan Review (March 2024) polices are as follows:

Policy LPRSP15 – Principles of Good Design  
Policy LPRHOU 2 - Residential extensions, conversions, annexes and redevelopment in the built-up area.

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

##### **Local Residents:**

4.01 5 Neighbours were consulted. No objections were received.

##### Parish Council

4.02 Lenham Parish Council was consulted and did not object or support the application instead made the following comments on the application:

*1. The previously approved allocation for an extension to this property (23/504690/FULL | Validated: Tue 24 Oct 2023 | Status: Decided - approved) has yet to be built.*

*2. The block plan for this application is confusing and was clearly drawn up (by the same architects as 23/504690) to encompass both applications - the parish council wishes to note that if the sum total of both the previous application and this current application were submitted as one, that enlargement of the home would probably exceed the permitted development footprint. The parish council wished to record that it feels this is a blatant example of "salami slicing".*

*3. If approved this additional application would severely impact on the existing street scene by delivering a rather over dominant development in what is currently an impression of terracing of semi-detached dwellings.*

*4. The proximity of this application to the neighbouring property might preclude the owner of that property from undertaking an extension should that be required in the future.*

The Parish Council later confirmed that they wished to call-in this application to planning committee on email dated 01.03.2024.

Officer comments: The development would not be assessed under permitted development rights as the applicant has applied for a planning application and not a lawful development certificate, as such, the comments from Parish Council regarding the enlargement exceeding the permitted development footprint is not relevant to this application.

The proposed extensions precluding the owner of the neighbouring property from undertaking a two-storey side extension is not a planning consideration. Applications are considered in these regards on a first-come-first-served basis, as such, the application cannot be appraised on the grounds of precluding the

neighbour from undertaking their own extensions at a later stage. Each application must be assessed on its own merits.

## **5. CONSULTATIONS**

No external consultations were made

## **6. APPRAISAL**

6.01 The key issues are:

- Site background/Principles of Development/Policy Context
- Residential Amenity
- Visual Impact
- Parking/Highway Safety
- Other Matters

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

6.02 67 Robins Close is a two-storey semi-detached dwelling which has previously been extended following permission granted under application 15/508193/FULL for a single storey side extension, porch roof extension and two storey rear extension. The property has recently been granted planning permission for the erection of a single storey rear extension under 23/504690/FULL which has not yet been implemented.

6.03 The current proposal seeks to add an additional floor above the existing single storey side extension granted under 15/508193/FULL and the alteration to increase the width of the roof of the two-storey rear extension constructed under the same application. The assessment of this application will consider the cumulative impact of the implemented extensions under 15/508193/FULL and the new permission under 23/504690/FULL. The cumulative bulk and mass of the proposed extensions along with the previously approved extensions would become a substantial addition to the original dwelling; however, policy does not set out any limits to extensions to dwellings within settlement boundaries, instead proposals are judged on the impact on neighbouring residential amenity, visual amenity and other material considerations. In relation to the proposed development, the following policies are considered:

6.04 The application site is located within the Lenham settlement boundary, as such, the acceptability of the proposal is judged in accordance with the criteria set out in policies DM1 and DM9 of the Local Plan.

6.05 Policy DM9 of the Local Plan allows for residential extensions provided that:

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

- 6.06 Policy DM1 (ii) in terms of design refers to developments responding positively to the local character of the area, with regard being paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage. DM1 (iv) re-iterates consideration to be paid to adjoining neighbouring amenity.
- 6.07 The Residential Extensions SPD in relation to the proposal sets out the following:

Scale and Form

*The scale and form of an extension are important factors in achieving a successful design. The extension should respond sensitively to the positive features of the area which contribute to the local distinctive character and sense of place in terms of scale, proportion and height.*

*An extension should not dominate the original building or the locality, and should be subservient to the original dwelling.*

*A range of devices are available to subordinate an extension such as setbacks, lower roofs, changes in materials or detailing.*

*The form of an extension should be well proportioned and present a satisfactory composition with the existing property. The respective forms of the existing property and extension should be in harmony; their combination not discordant.*

Side Extensions

*When the proposal is for a two-storey extension, the loss of space will be more apparent. In a street of traditional detached and semi-detached houses, the infilling of the spaces between with two-storey extensions could create a terraced appearance at odds with the rhythm of the street scene when the gaps, often with associated landscaping or allowing longer views, are important elements. A side extension built flush with the existing front elevation of the house may also affect the symmetry of a pair of semi-detached properties with adverse impact on the street scene.*

*Where there is a pattern of gaps between properties within a street, as a guide, a minimum of 3 metres between the side wall of a two storey side extension and the adjoining property for the full height of the extension is normally desirable. This will allow a pattern and rhythm of gaps in the street. This gap may need to be wider depending on the context. A side extension should be subordinate to the original building.*

*The use of, for example, a set back from the front elevation of the original house and lower roof can assist in assimilating the development where it is desirable that the form, proportions or symmetry of the original building are respected.*

Rear Extensions

*The scale and form of an extension should fit unobtrusively with the building and its setting and be compatible with the surrounding properties.*

*An extension should not dominate the original building or the locality, and should be subservient to the original dwelling.*

*Extensions should not cause significant harm to the amenity of adjoining occupiers.*

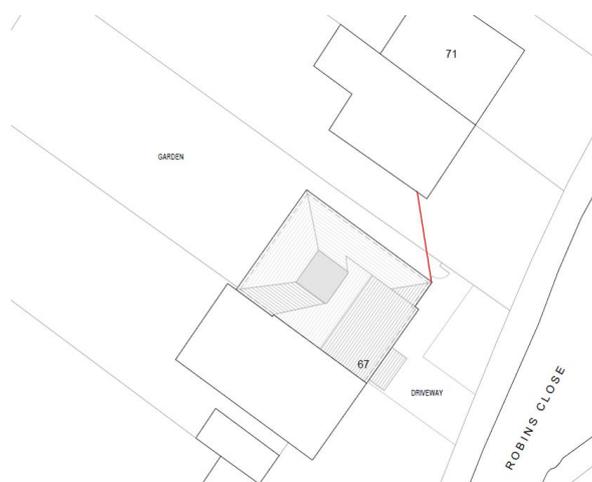
*An extension should not cause any significant loss of daylight or the cutting out of sunlight for a significant part of the day to principal rooms (including lounge, dining room, kitchen and bedrooms) in neighbouring properties or private amenity space.*

- 6.08 The principle of extensions to existing dwellings within the urban settlement boundary is acceptable provided that they accord with the policies above. In order to understand the acceptability of the current proposal, an assessment is made on its impact on neighbouring residential amenity, visual amenity, parking and other material considerations.

### **Residential Amenity**

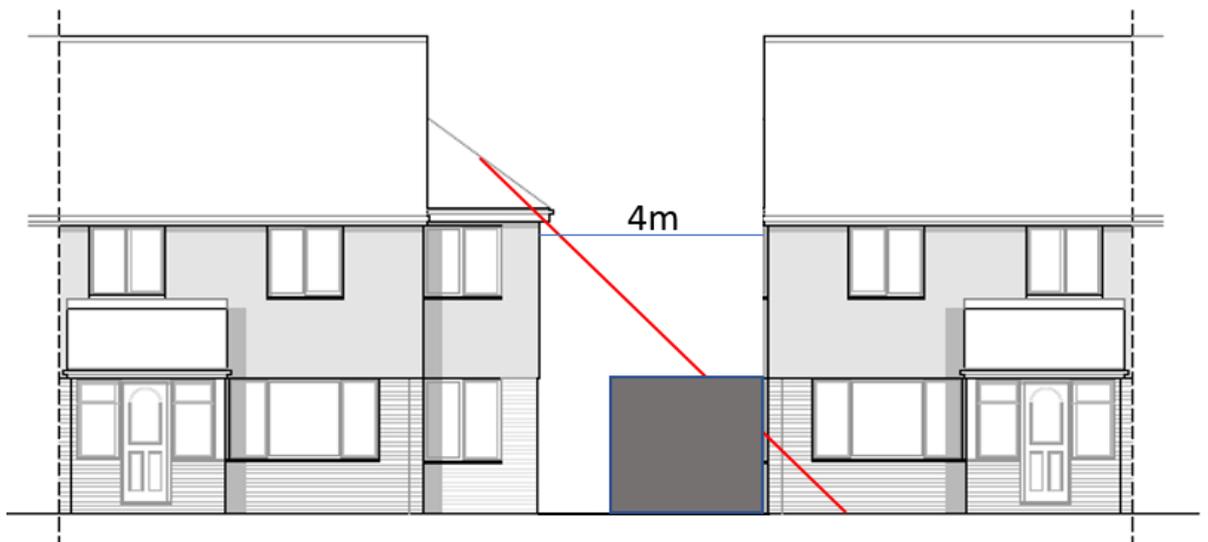
- 6.09 Regarding the impact of the proposal on the neighbouring residential amenity, the main considerations are its impact on the adjoining neighbour to the south of the application site at no.65 Robins Close and the adjacent neighbour to the north of the application site at no. 69 Robins Close.
- 6.10 When assessing the impact of the proposal on no. 65, the impact would almost be negligible as the development would be predominantly to the north elevation of the application property, as such, the existing dwelling would screen the proposed extensions from no. 65. Therefore, the proposal would not be overbearing, cause loss of light, outlook or privacy to the present and future occupants of no.65 Robins Close. No objections have been received from this property.
- 6.11 Contrary to the above, the property at no.69 Robins Close would be closest to the proposed extensions. Due to the existing relationship between no.69 and the application property in terms of siting, the existing rear elevation of no.69 is significantly further forward than the existing two storey rear extension to the application property. As the proposed side extension would not project further than the depth of the existing two storey extension, it would be at similar distance from the rear elevation of the property at no. 69. Therefore, the proposal would not cause any negative impact in terms of loss of light, outlook or be overbearing on no.71 when viewed from the rear elevation or private amenity area of this property.
- 6.12 The proposed first-floor side extension would, however, project further than the front elevation of property at no.69 due to the nature of the original dwelling at the application site being placed ahead of the property at no.69. The main considerations in relation to the impact of the proposal from the front windows of no.69 would be whether it would cause loss of light, loss of outlook or be unduly overbearing.
- 6.13 In assessing loss of light to the front windows at no.69, the 45-degree BRE Light Test was carried out and the following results were computed:

Plan test:



The proposal passes the plan test

Elevation test:



The proposal passes the elevation test

- 6.14 As the application property is to the south of the neighbouring property at no.69, further assessment was carried out to identify the shadow path of the proposed development and it was found that the shadow falling from the proposed extension onto no. 69 would be lower than the shadow cast by the roof of the existing dwelling (Image 1).



*Image 1: Indicative image showing assessment of shadow cast by the proposed side extension onto no.69 Robins Close*

- 6.15 Considering all of the above assessments, I am satisfied that the proposal would not cause significant loss of light or overshadow the property at no.69 Robins Close.

- 6.16 Similarly, due to the distance from the front window of no.69 being more than 4m away from the side wall of the proposed first floor side extension and the depth of the extension being approx. 3.3m from the front elevation of no.69, no loss of outlook would result to the present and future occupiers of no.69 Robins Close from the front window of this property due to the proposed extension. For similar reasons, the proposal would not be unduly overbearing on no.69.
- 6.17 Additionally, the proposal does not include any windows on the side facing no.69 Robins Close, the windows proposed would be to the front, overlooking the parking area and the street of Robins Close. As such, no loss of privacy would arise from the proposed development. Again, no objections have been received.
- 6.18 Overall, I am satisfied that the proposal would not be detrimental to the neighbouring residential amenity of the neighbouring properties at no.65 and no.69 Robins Close. All other properties are a significant distance away to be unaffected by the proposal.

### Visual Impact

- 6.19 When assessing the visual impact of the proposal, the impact of the proposed extensions on the character of the existing dwelling and streetscene are the main considerations.
- 6.20 The proposed extensions by virtue of its additional bulk and massing would appear as a substantial addition to the existing dwelling. The cumulative impact of the proposed extensions with the existing extensions and recently approved extensions would significantly increase the volume of the existing dwelling. However, as there is no particular limit to increase of volume to a residential property within the settlement boundary, the impact of the proposal on the character of the existing dwelling and comparison of the proposed extensions as a cumulative is assessed (Image 2) to determine whether the harm caused would erode the original character of the dwelling.



*Image 2: Bulk comparison between the original dwelling and cumulative of the proposed extensions with the existing and previously approved extensions.*

- 6.21 From the image above, it can be noted that the increase in visual bulk to the front and rear of the original dwelling are minimal; the majority of visual bulk lies to the side elevations of the dwelling. Overall, the proposed additional side extension would be subservient when viewed from the street scene, as it would be very narrow with a much lower ridge height. Considering this, the proposal would not be substantial enough to cause significant harm to the character of the original dwelling. Another factor to consider is the design principles of the proposed extensions; from my assessment and as shown in the image above, it is clear that the proposed extensions would pose similarities to the design principles of the existing dwelling and its form would not be discordant with the main dwelling. It is understood that the current proposal would alter the roof form at the rear to contain a portion which is flat roofed; however, considering its dimensions, height and siting to the rear, it would not be detrimental to the character of the main dwelling and would not be widely visible.
- 6.22 As a result of the 15/508193/FULL permission, the original garage was removed and a single storey side extension was erected with a depth lesser than the garage which it replaced equating to approx. 1.8m. This increased the gap between the property at no. 69 and the application property at the ground floor level. The streetscene to the west of Robins Close is comprised of semi-detached properties predominantly with attached garages at the ground floor adjoined to the neighbouring property creating a similar gap at the first-floor level. The properties at no.69 and the application site currently have a different relationship than the other properties within this streetscene due to the existing single storey side extension. Considering that the first-floor side extension would only have a depth of approx. 1.8m, there would be sufficient gap between the side wall of the proposed extension and the side wall of no.69. Having measured this gap, it was identified to be more than 3m at approx. 4m. Therefore, considering the context of the development, the openness of the streetscene would be maintained by the proposal and **no terracing effect** would occur.
- 6.23 Due to the gap that exists between no.69 and the application property, the bulk of the proposed first-floor side extension and rear roof alteration would be easily visible from the streetscene. However, considering that the extension would be set back from the principal elevation of the dwelling, set well below the ridge height of the main roof including the increased ridge height to the rear, and by virtue of the depth of the extension to the side, the proposal would not appear incongruous or over dominant on the form of the existing dwelling. Therefore, the proposal would not be significantly harmful to the streetscene.
- 6.24 The materials proposed are stated on the application form as brickwork, render and cladding and have been depicted in the amended drawing "1347 - 12 Rev B Proposed Elevations" (Received 08/04/2024). The existing dwelling comprises of brickwork and cladding with the brickwork on the ground floor and cladding on the first floor; the proposed render to the front elevation at the first floor would be a new material introduced, however, would not look out of place as it would appear similar to the existing cladding. A condition will be imposed to ensure that the proposed materials would be as indicated on the approved plans.
- 6.25 In overall, considering the cumulative bulk of the existing, previously approved and proposed extensions, the proposal would fall within the limit of what is considered to be acceptable as extensions to the main dwelling. In my opinion, any further extensions to this property in addition to the extensions considered within this application, would tip the balance towards overdevelopment. At this stage, the

cumulative increase caused by the extensions is not considered to be overdevelopment or harmful and substantial enough to justify a reason for refusal.

### **Parking/ Highway Safety**

- 6.26 The existing parking provisions at the site would remain and no additional bedrooms have been proposed, as such, I am satisfied that the proposal would not impact upon highway safety or parking at the site.

### **Other Matters**

- 6.27 Biodiversity/Ecological Enhancements: Due to the significant increase of bulk to the existing dwelling that would be caused by the proposed extensions, biodiversity enhancements are required to compensate for the scale of the development and operational biodiversity loss. As a result, biodiversity enhancements requiring integrated and on-site enhancements has been imposed as a condition.
- 6.28 Renewables: The NPPF, Local Plan and residential extensions SPD all seek to promote the use of renewables and energy/water efficient buildings. Considering that this application does increase the bulk of the property, it would be expedient to impose conditions regarding the incorporation of renewables to the main dwelling to boost the acceptability and sustainability of the scheme and offset any negative impacts of the development.

### **PUBLIC SECTOR EQUALITY DUTY**

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

## **7. CONCLUSION**

- 7.01 For the reasons set out in the appraisal above, on balance, the proposal is considered to be acceptable in terms of its impact on the visual amenity of the area, in particular to the character and form of the original dwelling. The proposed extensions cumulatively with the existing and previously approved extensions would be at the limit of what is considered acceptable as an extension in relation to the character and context of the application property. Due to existing relationship between the application property and no.69 Robins Close and the gap at first floor level which would be maintained at greater than 3m, the narrow proposal is not considered to cause any terracing effect that would be detrimental to the character of the streetscene.
- 7.02 The proposal would not have a significant negative impact on the neighbouring residential amenity in terms of loss of light, loss of outlook, loss of privacy or be unduly overbearing. The proposal would also not have any significant negative impact on highway safety or parking.
- 7.03 In overall, the proposed developments are considered to be in accordance with current policy and guidance.

## **8. RECOMMENDATION**

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

with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions 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.Plans
  
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
Drawing no. 1347 - 10 Rev D      Proposed Block Plan – Received 20/12/2023  
Drawing no. 1347 - 11 Rev E      Proposed Plans – Received 20/12/2023  
Drawing no. 1347 - 12 Rev B      Proposed Elevations – Received 08/04/2024  
  
Reason: To clarify which plans have been approved.
  
- 3) The materials to be used in the construction of the external surfaces of the building(s) hereby permitted shall be as indicated on the approved plans;  
  
Reason: To ensure a satisfactory appearance to the development.
  
- 4) The extension/s hereby approved shall not commence above slab level until details of a scheme for the enhancement of biodiversity on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through methods into the design and appearance of the extension by means such as swift bricks, bat tubes or bee bricks, and through the provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to first use of the extension/s and all features shall be retained and maintained thereafter.  
  
Reason: To enhance the ecology and biodiversity on the site in the future.
  
- 5) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first use of the approved development and maintained thereafter;  
  
Reason: To ensure an energy efficient form of development. Details are required prior to commencements as these methods may impact or influence the overall appearance of development.

## **INFORMATIVES**

- 1) It is the responsibility of the developer to ensure, before the development hereby approved is commenced, that approval under the Building Regulations (where required) and any other necessary approvals have been obtained, and that the

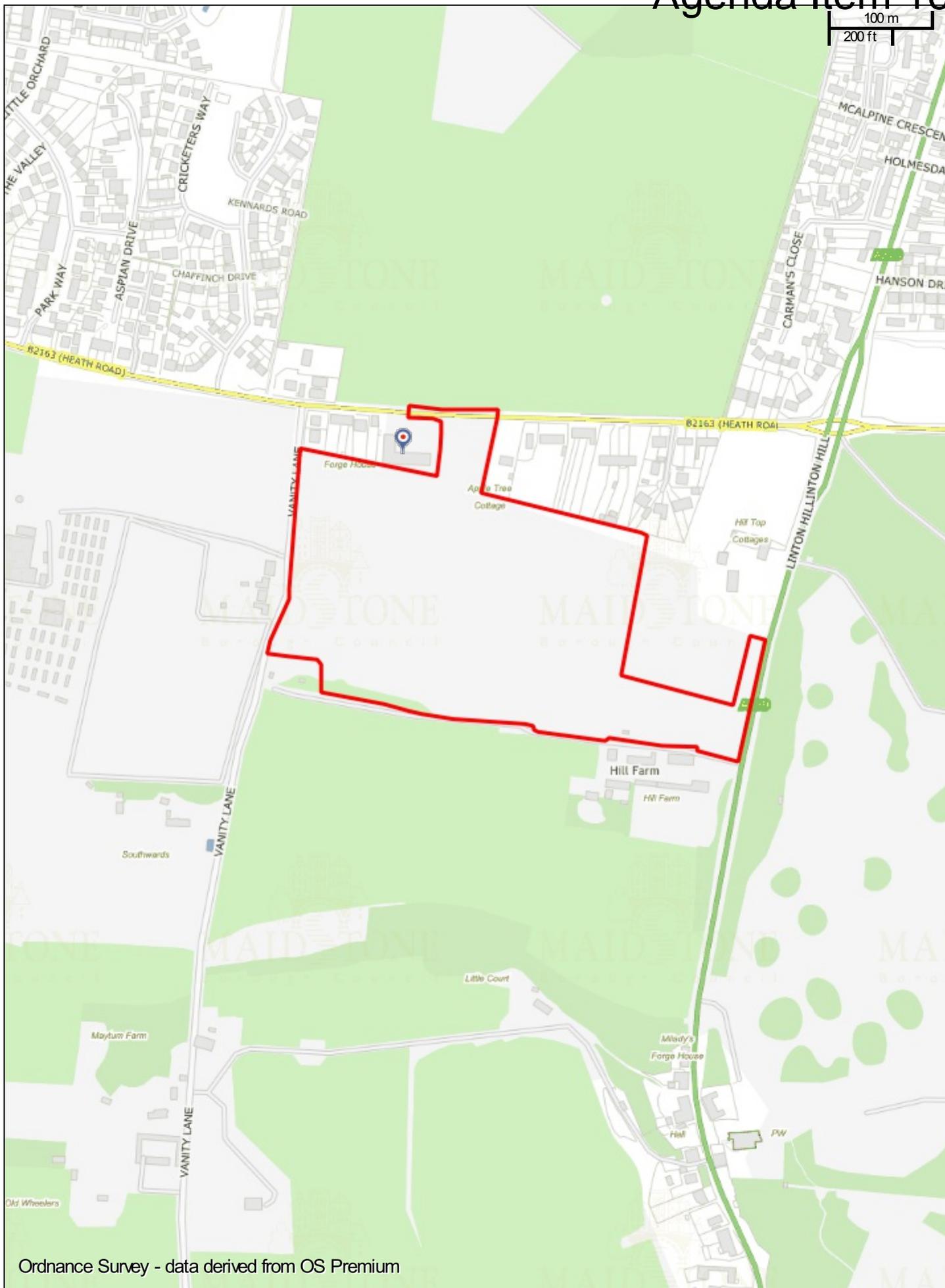
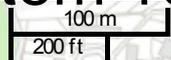
details shown on the plans hereby approved agree in every aspect with those approved under such legislation.

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

3)

Case Officer: Gautham Jayakumar

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

**23/505091/HYBRID Greensand Place, Heath Road, Linton, Kent ME17 4NU**

Scale: 1:5000

Printed on: 2/4/2024 at 15:13 PM by RebeccaB1



**REPORT SUMMARY**

<b>REFERENCE NUMBER:</b> 23/505091/HYBRID		
<b>APPLICATION PROPOSAL:</b> Hybrid Planning Application: (i) Full Planning Application for the erection of a 73-unit Extra Care Home (Class C2), erection of a 14-unit block for Autistic Young Adults, extensive tree planting and landscaping, access, drainage infrastructure and all other associated and ancillary works; and (ii) Outline Planning Application for erection of a new Hospice building with In-Patient and Out-Patient facilities and provision of up-to 58 no. 100% affordable elderly bungalows (all matters, except for access, to be reserved for future determination).		
<b>ADDRESS:</b> Greensand Place Heath Road Linton Kent ME17 4NU		
<b>RECOMMENDATION:</b> Grant planning permission subject to s106 Legal Agreement		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> Long and medium range views of the site are or can be made acceptable in landscape terms by planting and tree screening and therefore 'harm' to the character and appearance of the countryside is not significant.  The benefit of a new modern replacement Hospice to serve Maidstone has been demonstrated.  It is accepted that the need for Supported Living Units is justified at this site, based on Kent County Council Adult Care policies that recognise the need for more independent living units of this type.  The current net supply of Care Home bedspaces is running at less than half the cumulative need and Development Plan policies allocate no sites nor broad locations.  The location has relatively good environmental sustainability which can be enhanced by a zebra crossing to Heath Road with a speed limit reduction to 30mph.  The application includes a commitment to enter into a s106 planning obligation for financial contributions to improvements to the local highway corridor and land transfers in regard of Linton Crossroads.  Adequate quantities and appropriate typologies of Open Space can be secured. There is good quality design of the buildings as required by both the NPPF and local policies for development in the countryside.  Archaeological interest can be dealt with by requiring trial trenching post determination on the basis that all applicants accept the risk that important remains may need to be retained in situ and may necessitate revised consents.  It is considered that the revised siting and design of the Care Home and the intervening distances mean that there is no harm to neighbouring residential amenity.  Overall, the harm from non-compliance with the spatial strategy, countryside protection and direct harm to the area of Local Landscape Value are outweighed by the unique benefits of the overall hybrid application and the individual need cases of each component.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The development is contrary to the Development Plan.  Called into Planning Committee by Linton, Coxheath and Loose parish councils.		
<b>WARD:</b> Coxheath And Hunton	<b>PARISH/TOWN COUNCIL:</b> Linton	<b>APPLICANT:</b> Heart of Kent Hospice, Aspire LPP, Coral Living & Stonebond  <b>AGENT:</b> DHA Planning
<b>CASE OFFICER:</b> Marion Geary	<b>VALIDATION DATE:</b> 22/11/23	<b>DECISION DUE DATE:</b> 22/05/24

<b>ADVERTISED AS A DEPARTURE:</b> Yes
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### **Relevant Planning History**

Adjacent site:

18/500618/FULL

Erection of new doctors' surgery building with associated parking, landscaping and creation of new vehicular access onto Heath Road.

Approved 26.09.2018

Approved 01.09.2020

### **MAIN REPORT**

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

- 1.01 The site is in the countryside to the south east of the settlement boundary of Coxheath. The site is 800 metres to the east of the centre of Coxheath.
- 1.02 It is currently mostly open arable farmland that slopes gently up from the NE corner to the SW corner. Along the northern boundary are hedges of blackthorn/hawthorn with trees of sycamore/holly/Field Maple (except rear of Apple Tree Cottage where there is no vegetation but a 1m high close board fence.) To the west (Vanity Lane) is a 4m high mixed native hedgerow. To the south east is a group of mature trees (mature sweet chestnut, occasional ash and hawthorn). A belt of 1600 saplings has recently been planted along the southern boundary
- 1.03 To the north are several residential properties fronting on Heath Road (B2163) and Vanity Lane and the recently constructed Greensand Health Centre. Several residential properties on the far side of Vanity Lane face the site's western boundary. To the east is the A229 Linton Hill and the rear gardens of Hill Cottages and Larchwood Grange. The south the site is bound by Hill Place, a track giving access to Hill Farm (to the east) and fields to the west.
- 1.04 There are no public rights of way (PROWs) adjacent to or passing through the site. The Greensand Way is KM134 and lies 180m to the south of the site, running east-west. KM45 runs parallel to the western side of Vanity Lane, 50m distant.
- 1.05 Linton Conservation Area and Linton Park Registered Park and Garden lie to the east, on the opposite side of the A229.
- 1.06 The site lies in Flood Zone 1 (ie low risk) and is in a Minerals Safeguarding Area and is an Area of Archaeological Potential
- 1.07 The site is the northern extent of the Greensand Ridge Landscape of Local Value (LLV). It is within the landscape character area of Coxheath Plateau within Greensand Orchards and Mixed Farmlands character type.

#### **2. PROPOSAL**

- 2.01 The application proposes a hub of 4 separate development types on 4 separate parcels of land and each will be developed by a different applicant to a different timescale. None of the applicants currently own or control the land and notice has been served on the landowner and the Local Highway Authority (KCC).

- 2.02 The main access will be shared with the existing GP surgery access to Heath Road with a separate emergency only access to Vanity Lane. The application includes provision of a zebra crossing to enhance the existing uncontrolled crossing point and a reduction in the speed limit outside the junction from 40mph to 30mph.
- 2.03 The detailed elements includes a 2 storey 73-bed Care Home to provide residential, nursing and dementia care within Use Class C2. It is proposed on an L- shaped parcel of land, to be sited at the site frontage with Heath Road, set back by 30m, level with Apple Tree Cottage to the east and slightly forward of the new GP surgery building to the west. An area of 28 parking spaces and an ambulance drop are proposed rear of the housing on Heath Road. A service layby will be sited close to the site frontage. The east elevation of the Care Home has been revised to reduce overlooking from flank windows. These revisions are the subject of a renotification to local residents that will not expire until after Planning Committee on 22 April 2024.
- 2.04 To the rear of the new GP surgery, detailed planning permission is also sought for a complex of 14 Supported Living Units for adults with learning disabilities or autism. The tenants are provided with a KCC approved Care and Support Provider with a 24/7 presence on site. This element is to be developed by Coral Living to help to meet adult social care functions of Kent County Council. It will be sited 6m from the rear boundary of the GP surgery.
- 2.05 One outline element of the application is the erection of retirement bungalows mostly 1 storey but with some 1.5 storeys to be occupied by aged 60 and over. The application seeks planning permission for up to 58 units with parking and includes an illustrative layout around a central open amenity space. The builder/developer will partner with a register provider who will manage the units and all will be "affordable", ie they will be occupied by persons in housing need.
- 2.06 The hospice parcel is also an outline application intended for the Heart of Kent charity to provide specialist palliative and end-of-life care and family support to adults living with life-limiting illnesses from Maidstone and the surrounding areas.
- 2.07 Heart of Kent is an independent, local charity proposing to provide 12 bedrooms for specialist palliative/end-of-life care. Nearly 1,000 patients are cared for by the community support team. It will also include activity space, garden room, consulting and counselling rooms, a café. Externally a private large "sensory garden" is proposed near to the in-patient rooms.
- 2.08 The illustrative drawings show a contemporary design with the in-patient rooms in a single storey circular building at the rear with a multi-faith space in an oasthouse-like "roundel" and centralised entrance and ancillary rooms in a 2 storey building fronting a 92 space car park with cycle spaces also to be provided. Materials are indicated to include hanging tiles and timber.
- 2.09 A new zebra crossing outside the GP surgery is proposed to be implemented prior to any occupation with a speed limit reduction to 30mph.
- 2.10 Surface Water drainage is two underground cellular storage tanks and an above wet attenuation basin with an outfall to deep bored soakaways.
- 2.11 Landscaping proposed includes
- a woodland strip on the southern boundary measuring 480m wide by 50-70m deep (including a "sensory garden" for the Hospice)
  - A woodland strip on the eastern boundary measuring 16m deep by 75m long
  - Provision of a central amenity open space with public art

- Provision of semi-private and private garden areas

### 3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017

Kent Waste and Minerals Plan (amended 2020):

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

Maidstone Landscape Character Assessment 2012 (Updated 2013)

Supplementary Planning Documents:

Maidstone Building for Life 12 (2018); Affordable and Local Needs Housing (2020);

Air Quality Guidance (2017); Public Art Guidance (2017)

In terms of Regulation 22 Local Plan Review (LPR) the Inspector produced his Final Report and found the Plan to be "Sound" subject to his Main Modifications being made. The adoption report was formally approved by Full Council on 20<sup>th</sup> March 2024 and a 6 week period for possible legal challenge commenced on 21 March 2024. The LPR is considered to attract substantial weight at the current time, however, it cannot attract full weight until the termination of the judicial review period.

	<b>MBLP 2017</b>	<b>LPR 2024</b>
Spatial Strategy	SS1	LPRSS1
Maidstone Urban Area	SP1	LPRSP2
Rural Service Centres	SP5	LPRSP6
Coxheath Larger Village	SP13	LPRSP6(A)
Countryside	SP17	LPRSP9
Housing Mix	SP19	LPRSP10(A)
Affordable Housing	SP20	LPRSP10(B)
Sustainable transport	SP23	LPRSP12
Principles Of Good Design	DM1	LPRSP15
Sustainable Design	DM2	LPRQD1
Natural Environment	DM3	LPRSP14(A)
Heritage Assets	DM4	LPRENV1
Air Quality	DM6	LPRTA1
External Lighting	DM8	LPRQD2
Housing Density	DM12	LPRHOU5
Care Homes	DM14	LPRHOU7
Open Space	DM19	LPRINF1
Transport Impacts	DM21	LPRTA2
Parking Standards	DM23	LPRTA4
Design Principles in the Countryside	DM30	LPRQD4
Biodiversity Net Gain		LPRSP14(A)
Climate Change		LPRSP14(C)
Specialist Residential Accommodation		LPRHOU7
Sustainable Design		LPRQD1
Technical Standards		LPRQD6
Private Open Space Standards		LPRQD7

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

### 4. LOCAL REPRESENTATIONS

**Local Residents:**

4.01 29 representations received objecting to the application for the following (summarised) reasons:

- Contrary to spatial strategy
- Concern at future housing development on the remaining land
- Harm to countryside/Loss of green space
- Harm to Landscape of Local Value
- Visual Impact on Heath Road.
- Loss of agricultural land
- Loss of wildlife habitat
- Development in unacceptable location despite Hospice being "donated" and the guise of healthcare.
- Polluting run off
- Increased Traffic congestion
- Linton Crossroads needs improving
- Water supply problems
- National Power and/or BT infrastructure inadequate
- Care Home should be on a different part of the site.
- Overshadowing/Overlooking of neighbouring houses and gardens
- Disturbance during construction
- Light pollution
- Air pollution
- Cramped layout
- Inadequate landscaping to north
- No proven local need for each element
- Pedestrian crossing will conflict with bus stop, should be further west.
- Feedback from consultation has been ignored
- Inadequate consultation period
- Landscape and Visual Impact Assessment inadequate
- Supported Living units unattractive design
- Autistic young adults should not be in development focussed on the elderly.
- Footpaths on Heath Road are too narrow for mobility scooters
- Pedestrian access to Coxheath is unsafe.
- Speed limit needs to be reduced
- Traffic survey inadequate
- Hospice too far from a motorway- should be at KIMS
- Site should be used for parking by GP Surgery or existing properties on Heath Road
- Needs a new sewage system
- Archaeological impact

4.02 7 representations received in support of the application

A new hospice is needed  
Better location than existing  
Hub of the community

Linton Parish Council

4.03 Objection due to:

lack of infrastructure eg poor internet speeds  
need for more medical facilities identified in IDP  
highways- CIL funds to improve Linton Crossroads have not materialised  
Travel Plan relies on inaccurate statements and data  
Existing crossing outside GP surgery is not adequate  
No safe cycling options  
No pharmacy at the GP surgery.  
Inadequate Community Involvement  
A large number of additional residents with complex care needs

Coxheath Parish Council

4.04 Objection due to:

Possible overcrowding on the site.  
Lack of infrastructure.  
Highway impact on Heath Road and Linton Crossroads, exacerbated if Beacon Park (LPRSA312) in the MBC Local Plan is built.  
Remaining land may be utilised for future development.  
Residential amenity.

Loose Parish Council

4.05 Objection due to:

Impact on Linton Crossroads and the increased traffic movements on the Heath Road  
proximity of Beacon Park (LPRSA312 in the Maidstone Local Plan Review) will exacerbate the traffic issues and cause rat running.  
strongly supports Linton Parish Council's response  
a more strategic approach is needed, with all relevant parties involved at an early stage, in particular relating to infrastructure.  
Support KCC ecological report  
Design of the care home could be more sympathetic to the amenity of neighbouring cottages on the east side.

Boughton Monchelsea

4.06 No objection but concern at impact on Linton Crossroads.

**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)

Southern Water

5.01 No objection subject to:

development taking account of location of foul sewer.

network reinforcement needed to avoid increased risk of foul flooding

the exact position of the public assets must be determined before the layout of the proposed development is finalised

Environment Agency

5.02 No objection

Active Travel England

5.03 No objection subject to

Standing Advice (Transport Assessment and Travel Plans, Access to local amenities and public transport, Suitability for walking, wheeling and cycling, Street design, Safety, Cycle parking and facilities)

NHS

5.04 No response

UK Power Networks

5.05 No response

Natural England

5.06 No response

KCC Adult Services

5.07 No response

KCC Commissioning

5.08 No response

KCC Highways

5.09 No objection subject to:

- a financial contribution towards the planned improvements at Linton crossroads.
- Construction Management Plan

KCC PROW

5.10 No objection.

KCC Archaeology

5.11 Objection for the following reasons:

Some predetermination evaluation work including geophysical surveying followed by targeted trial trenching is essential prior to determination of this application to ensure appropriately informed decisions are made.

5.12 Further comments: Iron Age linear features through parts of Coxheath, Boughton Monchelsea and Chart Sutton are surviving landscape features over 2000 years old and probably associated with the Scheduled Boughton Camp. Need a far better

understanding of where and what the archaeology is on this site and its significance or confidence that the outline application has flexibility to accommodate archaeological safeguarding mitigation.

Kent Police

5.13 No objection subject to:

SBD guidance to address designing out crime

KCC Commissioning

5.14 No response

KCC Adult Services

5.15 No response

NHS

5.16 No response

KCC Flood and Water Management

5.17 No objection subject to conditions on:

- the drainage delivered for the care home in the event that the outline element is not delivered.
- Deep bore soakaways proposed need to be supported by ground investigations
- water quality and treatment of surface water needed before discharging into the deep bore soakaway in line with Part E Chapter 26 of the CIRIA SuDS Manual (2015).
- a climate change factor of 45% needed

For completeness the submission should include the phasing/implementation of the main drainage elements and climate change allowances.

Upper Medway IDB

5.18 No objection- note that If for any reason the proposed drainage strategy changes and the applicant proposes to discharge surface water to a watercourse, consent would be required under Byelaw 3

KCC Minerals and Waste

5.19 No objection: there is a justifiable exemption from the presumption to safeguard the landwon mineral present on the site (Limestone- Kentish Ragstone), as set out in Policy DM 7: Safeguarding Mineral Resources.

KCC Ecology

5.20 No objection subject to conditions on:

- Construction Ecological Management Plan for biodiversity
- Lighting and biodiversity
- Ecological Enhancement

MBC Housing

5.21 No objection

There is no clear definition of any intended age range requirements. Given the number of bungalows proposed, we would prefer to see applicants aged over 50 who have either retired from employment on health or disability grounds or

who are unable to work for the same reasons are given an opportunity to be considered for a tenancy.

To broadly align with the demand, the indicative mix of sizes would be for the majority to be 1 bedroom units with no more than 10 x 2 bedroom units.

MBC Parks and Open Space

5.22 No objections- on-site open space exceeds requirement of 1.58508 ha.

MBC Environmental Protection

5.23 No objection subject to conditions on:

- Air Quality Emissions Reduction
- Contamination
- External lighting
- Construction Method Statement
- Plant noise
- EV charging for commercial uses

## **6. APPRAISAL**

6.01 The key issues are:

- Spatial Strategy
- Need/Benefits
- Landscape and Visual Impact
- Environmental Sustainability
- Highways and Parking
- Landscaping/Open Space
- Design and Layout
- Archaeology
- Residential Amenity
- Biodiversity Net Gain (BNG)

### **Spatial Strategy**

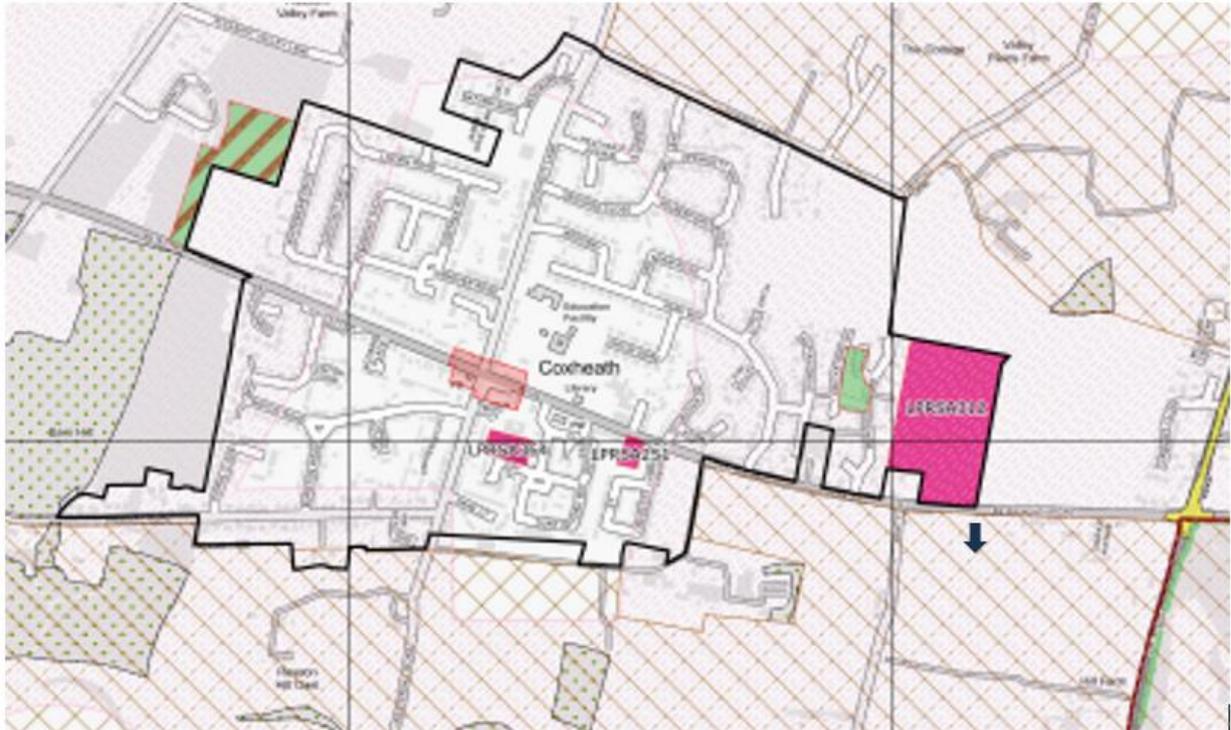
6.02 The application site lies in the countryside and the location does not accord with the Spatial Strategy of the LPR or MBLP2017 which directs development in general to defined built areas and site allocations.

6.03 The starting point for assessment of applications in the countryside is policy LPRSP9 which states that development proposals in the countryside will only be permitted where:

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

(Officer note: The word "significant" in the policy LPRSP9 is a change from SP17 in the MBLP2017, having been recommended to be added by the Inspector after the Stage 2 Examination Hearings)

6.04 Whilst the application site is not in a settlement, it is in close proximity to Coxheath as defined in the Development Plan. The settlement boundary of Coxheath has recently been altered in the Local Plan Review Policies Map 2024 to accommodate a housing allocation LPRSA312 for 85 units north of Heath Road (known as "Beacon Park"). This enlarges the settlement boundary by 175m to the east at the South East corner which aligns with the proposed access point (arrow below) into the application site.



- 6.05 The application site is close to ribbon development on both Heath Road to the north and Vanity Lane to the west and there is also a pocket of dwellings to the north east of the site onto Linton Hill.
- 6.06 The site is a large arable field which, other than its openness, has relatively limited landscape value in itself.
- 6.07 Except for the point of access, which is a gap in a significant length of ribbon development on Heath Road, the site benefits from a high level of containment from within the wider landscape which is intended to be further screened by new tree, shrub and woodland planting.
- 6.08 Other than the private views affected of dwellings close to the site, most visual impact to the public domain is therefore at Heath Road near the access point. However, the development is in the context of existing built form fronting onto that Road and the 30m setback behind landscaping will help to reduce the impact over time. Viewing into the site will be along a tree-lined avenue and there will be a direct view south to the new woodland buffer which will eventually form a landscaped backdrop to the overall development. The Care Home is 2 storeys high and is a large building form but is sited at the front of the site, set in a gap within the existing ribbon development which is considered to reduce its harm to the character and appearance of the area such that it is not a "significant" harm.
- 6.09 From the south (including the Greensand Way), the visual impact as seen from PROWs would be acceptable due to screening from topography, the depth of the proposed woodland buffer along the Coxheath Plateau, and because that development types proposed on the southern part of the site would be low rise.
- 6.10 From the west, there is a 4m tall hedge to Vanity Lane which, combined with the narrowness of that Lane, means the site is visually well screened for users of the lane except for a small gap across the side of the dwelling of Winfield. The Reserved Matters application for the bungalows would be able to secure landscape screening of that gap.
- 6.11 The east of the site is Linton Hill. This is sunken below the application site which is therefore well screened by a combination of a retaining stone wall, a grass bank then mature vegetation. A 16m wide buffer of woodland planting further screens the proposal on the eastern side.
- 6.12 It is concluded that in terms of criterion a) of LPRSP9, there is no significant harm to the character and appearance of the area.
- 6.13 In terms of criterion b) of the LPRSP9, a relevant other Local Plan policy in regard of the Retirement Bungalows and the Care Home is new policy LPRHOU7 of the Local Plan Review. This policy allows for retirement dwellings (C3) to be provided in locations where adjacent to the settlement boundary (provided, inter alia, it is sustainably located).
- 6.14 Therefore LPRHOU7 can be regarded as more permissive in terms of locational criteria for retirement dwellings because the MBLP 2017 did not allow for the principle of retirement dwellings outside of the settlements. This has arisen because of the significant extent of need for this type of housing by acknowledging that supply has not kept pace with demand. Therefore, retirement homes are no longer unacceptable in the countryside in principle in terms of the Local Plan Review's new policy context.
- 6.15 Policy LPRHOU7 also refers to Care Homes, evolving from Policy DM14 of the MBLP. However, it does not change the locational restrictions of new build Care Homes. Therefore, the Care Home does not accord with the development plan and other

material considerations will need to be considered as detailed below under "Need and Benefits".

- 6.16 The Supported Living Units are dwellings within Class C3 but (unlike Retirement Homes) are not specifically positively mentioned in the new policies of the LPR2024.
- 6.17 Similarly, bespoke development such as a Hospice has no positive locational policies in the in the MBLP2017 or the LPR2024.
- 6.18 Therefore, The retirement homes element of the proposal in principle is considered to comply with the locational criterion of LPRHOU7 due to the application site's close proximity to Coxheath as enlarged and as defined in the new LPR Policies Map.
- 6.19 However, it is concluded that the Care Home, the Supported Living Units and the Hospice, the location is not in accordance with the spatial strategy or countryside protection policies in the development plan and outweighing material considerations are necessary for a grant of planning permission. These will principally focus on an assessment of need and benefits as detailed below and an absence of positive allocations in the Development Plan.

### **Need and Benefits**

- 6.20 Paragraph 62 of the NPPF states that Local Authorities should seek to make suitable provision for all housing need. It states that:

*"the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, older people, people with disabilities)"*

- 6.21 Paragraph 92 of the NPPF requires planning decisions to take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community. The NPPG expressly addresses specialist housing for the elderly, stating that that the need to provide housing for older people is critical.
- 6.22 The NPPF's definition of sustainable development includes a social objective. Paragraph 60 states it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed.
- 6.23 The Office of National Statistics in "Living longer and old-age dependency – what does the future hold?" estimates that by 2050, some 20 million people, will be aged 65 and over, which will then be a quarter of the estimated UK of 80 million. This is an increase from approximately 1 in 5, or 13 million, in 2019.
- 6.24 Need for various types of housing in the Borough was most recently assessed in the Strategic Housing Market Assessment (SHMA) update 2021 which was commissioned from "Iceni" to inform the LPR.
- 6.25 The SHMA shows that in 2019, percentage of people 65 and over in the Borough of Maidstone in 2019 was 19.2%, slightly lower than in Kent (20.2%) and the South East (19.5%) but higher than the England average (18.4%).
- 6.26 In the Borough, the number of people aged 65 and over is projected to increase by 48% over the 2019- 2037. This compares with overall population growth of 26%. Therefore Maidstone is projected to see a notable increase overall in the older person population a skewering increase in the proportion of the older age categories, most significant in the 85+. As a generality, people are living longer lives and the proportion of older people in the population is increasing.

- 6.27 The Borough has a significant past and planned growth in population, and in particular an ageing population. However, neither the 2017 MBLP nor the LPR2024 allocate any specific sites for the uses proposed in this application.
- 6.28 The LPR does carry forward the "Housing Mix" policy: LPRSP10(A) which states that the Council will work with partners to support the provision of specialist and supported housing for elderly, disabled and vulnerable people. The LPR and also specifically refers to the Garden Communities of Lidsing and Heathlands including typologies for "generational living". However, those 2 developments are not expected to produce dwellings for a number of years. Moreover, the LPR is ambiguous in terms of what quantum is required to be delivered at these two locations.
- 6.29 The Council has therefore effectively, in planning policy terms, adopted a stance for the short and medium term of a reliance on windfall sites to meet the key needs provision of specialist and supported housing for elderly, disabled and vulnerable people, despite the NPPF and NPPG guidance referred to above.
- 6.30 Housing mix policies in the Local Plan are unquantified in terms of setting targets and how to meet needs, and there is no monitoring in the Authority Monitoring Reports (AMR). The key acknowledgement in the Development Plan that retirement homes and Care Homes are not as viable as other residential uses in Maidstone comes from a lesser or zero percentage for affordable housing. However, there is otherwise limited acknowledgement that developers of properties for older people are less able to compete on land price with traditional market housebuilders. This is despite being effectively directed to the same parcels of land within settlements for policy compliant schemes.
- 6.31 This proposal seeks to provide windfall development for accommodation needs of older people, a hospice and homes for adults with learning disabilities/autism in the light of no allocations in the MBLP2017 or LPR2024 and the long timeline of any scope for provision of any of these uses within the 2 Garden Communities.
- 6.32 The detailed need cases for each element are detailed below:
- Hospice
- 6.33 The Hospice has been based at Preston Hall Aylesford since 1991. The agent advises that the existing Hospice building is no longer a modern healthcare environment and needs frequent costly and disruptive repairs and is not energy efficient. Furthermore, the Aylesford site now constrained by modern housing development that has recently taken place at Preston Hall.
- 6.34 The population of the Heart of Kent catchment area is both growing and ageing, due to people living longer and often having more complex medical needs as well as general growth in population. The number of people needing vital end of life care in England is expected to rise as is the number of people with dementia. The need for the Hospice's services and facilities will therefore increase.
- 6.35 As a charity, the Heart of Kent will need to raise funds of approx. £15m to construct the building which is likely to take several years. The financial situation of the charity is challenging and the Hospice is unlikely to be able to compete to secure land against other commercial developers in policy compliant locations such as KIMS adjacent junction 7 of the M20, which was mentioned by some of the objectors.
- 6.36 The siting and timeline of the Hospice coming on stream later than the rest of the elements in the overall application means that it can benefit in savings in development costs by using some of the key infrastructure that will be put in place for the earlier phases of the development.

- 6.37 It is considered that the need for a new Hospice to serve Maidstone and the surrounding areas has been demonstrated and is a material consideration of significant weight. This is because there is a policy vacuum on this type of use and, moreover, it is of clear benefit to have such a facility.

#### Supported Living Units

- 6.38 These will be specially designed for people with learning disabilities and autism to live independently albeit fully supervised.
- 6.39 The SHMA does not assess any accommodation needs for those with learning disabilities/autism nor does the AMR monitor any supply.
- 6.40 A 2023 research report by Learning Disability and Autism Housing Network/Housing LIN found that generally, the number of people with learning disabilities or autism requiring care and support is estimated to increase by nearly 20,000 over the next 15 years. The report estimated that in England there will be a need for between 1800 and 2300 units per annum over the period to 2037.
- 6.41 Kent County Council's Adult Care policy recognises the need for more independent living units and has made such provision a top priority in several of their published strategy and policy documents.
- 6.42 Developers of Supported Living Units are unable to compete on land price with market housebuilders. These units are required to be relatively small, low level and require space around them to provide a quiet environment. These constraints further limit the availability of locations and sites that are suitable and affordable. They do not receive any grant funding from Homes England or similar subsidies.
- 6.43 It is considered that the need for this form of development in Maidstone has been demonstrated and is a material consideration of significant weight. This is again because there is a policy vacuum but, moreover, there is a need for such facilities and thus this element is a clear benefit.

#### Care Home

- 6.44 This is to provide residential, nursing and dementia care within Use Class C2.
- 6.45 Kent has seen a steady decline in small independent care homes with occupancy numbers under 30 over the past five years. The existing stock tends to be older small sized premises which tend not to have facilities such as en-suites/wet rooms. Consequently, some smaller Care Homes in the Borough are closing or gaining change of use such as a Care Home in Tovil site gaining planning permission to become a House in Multiple Occupation. A 24 bed Nursing Home at the Vale in Shepway is subject of a current planning application for residential redevelopment on the basis that it cannot be brought up to modern standards economically.
- 6.46 The size of Care Homes is being driven up by the need for economies of scale. The new build Care Homes applied for in the Borough since 2018 have been for numbers of bedrooms ranging from 63 to 87. Maplewood Care Home in Shepway was recently redeveloped from 28 bedspaces to 72.
- 6.47 Bearing in mind the need for large buildings to bring necessary economies of scale, outside amenity space and parking and servicing, the operators of Care Homes are unlikely to be able to compete with market housebuilders in terms of acquiring greenfield sites allocated in the Development Plan.
- 6.48 The SHMA update May 2021 which covers the period 2019-2037 estimates need as 1228 care or nursing home bedspaces equating to average of 68 per annum.
- 6.49 Recent major planning permissions for care bedspaces include a site within a new housing estate at Sutton Road (66 bedspaces), Eclipse Park (69 bedspaces) and

the redeveloped Dorothy Lucy Centre/Maplewood with a net gain of 44 bedspaces and a minor development at 74 Bower Mount Road (net gain of 6). The planning permission in Tovil is thus a loss of 30 bedspaces.

6.50 Between 1 April 2019 and 1 April 2024 there is a net deficit of 185 bedspaces.

need to date since 01.04.19	(68 pa x 5 years)	340
granted planning permission since 01.04.19	66+69+44+6 -30	155
Deficit to date based on completions plus pipeline	340-155	185

6.51 Some 5 years into the 18 year period, current net supply is running at less than half the cumulative need. No new build Care Homes have been permitted in the Borough since mid-2022.

6.52 It is the case that there is generally a delay of 4-5 years between a Care Home company initially securing a potential development site and the opening of the facility if planning permission is successfully achieved and implemented. On that basis, the deficit described above will further worsen over the next few years.

6.53 In a recent appeal decision in March 2024, for a large 87 bedspace Care Home at Forsham Lane, Sutton Valence, the Inspector dismissed the appeal on the basis of that application site being clearly distinct from the village of Sutton Valence and local housing on Headcorn Road but did state:

*"the proposed development would make a positive contribution towards the provision of care home spaces for which there is a clear, ongoing need in this area. Furthermore, there is no clear alternative as to where these places will be provided. As such, the provision of housing for older and disabled people is a significant benefit of this scheme"*

6.54 This is a very clear conclusion on the unmet need for Care Home bedspaces by a government inspector at a recent appeal and so is a material consideration in favour of the Care Home element.

6.55 It is concluded overall that the current unmet need in the Borough for a new build modern Care Home has been demonstrated and is a material consideration of significant weight in the planning balance.

#### Retirement Units- Affordable

6.56 In the Borough, the need for Retirement units in the SHMA2021 averages at 75 per annum. Recent AMRs do not indicate any significant delivery of this category of C3 housing in the early part of the monitoring period. It is accepted that there are limited developments for the over 55s within the Borough, and capacity is limited and the unmet and growing need for elderly accommodation in the Borough is accepted.

6.57 There are no allocations in the Local Plan Review to meet this need. However, as mentioned above, LPRHOU7 facilitates more windfall development for this specific type of dwelling.

6.58 Despite Housing Mix policies in the Local Plan and positive guidance in the NPPF and NPPG, market housebuilders tend not to build bungalows in the quantities that will meet the clear future demographic changes.

6.59 The bungalow product offered, provided it is controlled in occupation/use by conditions and legal agreement has merits. Specialised bespoke elderly

accommodation can increase the number of family sized homes that can be released, which is a benefit.

### Benefits

- 6.60 The benefits of co-location are that the uses for health/care relate to the healthcare function of the new GP surgery. Hospice staff inevitably work in partnership with other parts of the health and social care system. Hospices are a main provider of palliative care education and training to the NHS, including GPs, district nurses and other NHS staff. Hospices build relationships with local care homes and provide education, training and advice to support to Care Home staff. Hospice clinical teams work alongside district nurses, social care services and GPs to provide support, including supporting people with dementia.
- 6.61 The agent advises that the Hospice and Care Home can support the adults in the Supported Living Units by providing volunteering roles.
- 6.62 It is concluded that by forming an integrated health and social care hub, the co-location of the proposed uses and the siting next to a new GP Surgery has merit of some weight in the overall consideration of the scheme.

### **Landscape and Visual Impact**

- 6.63 Countryside protection policies SP17 and LPRSP9 require the distinctive landscape character of the Greensand Ridge to be conserved and enhanced as a Landscape of Local Value, retention of the separation of individual settlements and account to be taken of the evidenced Landscape Character, i.e., the Maidstone Landscape Character Assessment (2012) and the Maidstone Landscape Character Assessment Supplement 2012.
- 6.64 The site is the northern extent of the Greensand Ridge Landscape of Local Value. It is within the landscape character area of Coxheath Plateau within Greensand Orchards and Mixed Farmlands character type.
- 6.65 The landscape scheme will include the following 'Actions' in the Landscape Character Assessment for this area:
- Conserve and reinforce woodland blocks;
  - Remove unnecessary fencing along woodland edges where possible; and
  - Conserve and reinforce enclosing roadside vegetation
- 6.66 The submitted LVIA (Landscape and Visual Impact Assessment) assesses 12 representative views, none are assessed as experiencing a 'Major' adverse effect from the proposed development. The LVIA states that the viewpoints would typically experience a negligible or minor adverse effect at both year 1 and year 10 of the operational phase of the proposed development. These conclusions are accepted.
- 6.67 The new woodland will also accord with one of the actions of the Landscape Character Assessment to enhance the woodland cover along the Coxheath Plateau.
- 6.68 The 50m – 60m wide woodland belt is proposed between the development and the village of Linton to the south. This together with the 380m distance between the Hospice site and the village boundary and the consequent absence of intervisibility will ensure that there is no coalescence of settlements.
- 6.69 However, as mentioned above, the proposals would encroach into the countryside and clearly there would be harm from this scale of built development in an LLV. The proposed development would change the settlement pattern by introducing

development at depth to ribbon development. This is a harm and would need to be outweighed by other material considerations as discussed above.

### **Environmental Sustainability**

- 6.70 Coxheath is identified within the LPRSP6(A) as a Rural Service Centre which should be supported to retain vital services. This is a change up the environmental hierarchy from the MBLP 2107 where Coxheath was a "Larger Village" and thus endorses its relatively good environmental sustainability.
- 6.71 In terms of walking into the village, the continuous lit footway route is on the northern side of Heath Road and so the application would need to ensure safe access by this mode to be environmentally sustainable. The existing crossing point outside the GP surgery is not controlled and the speed limit is 40mph. Therefore the applicants are agreeable to enhancing the crossing to a zebra crossing and extending the 30mph eastwards.
- 6.72 To the east of the proposed access is the A229 Linton Hill which is a public transport corridor with regular and relatively frequent AM and PM peak services to and from Maidstone town centre in which there are further public transport connections. There are 4 Bus stops at the Crossroads on this route approximately 370m away from the site entrance and are therefore within safe walking distance by using footways with streetlights.
- 6.73 Currently, there is a frequent bus route from Coxheath to Maidstone along Heath Road, directly to the front of the application site, with bus stops immediately to the north of the new GP surgery, approx. 30-50 m from the application site's entrance.
- 6.74 In conclusion, whilst the application site is not in a settlement, it is effectively adjacent to one, potentially has lit footway access to the services within Coxheath along a 30mph road and relatively good bus services including ones that access Maidstone Town Centre. The environmental sustainability of the application site is therefore considered to be acceptable overall subject to the highway improvements being secured.

### **Highways and Parking**

- 6.75 The NPPF Paragraph 111 states that: "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe.*"
- 6.76 The proposal includes an enhancement of the existing crossing on Heath Road to a zebra crossing and a reduction in the speed limit from 40mph to 30 mph. This is considered to be an appropriate highway safety enhancement and could be secured prior to any occupation of the development. They would need to be subject of separate approval of KCC as Local Highway Authority (via s278 agreements).
- 6.77 The applicant's Transport Assessment (TA) for the site access junction confirms that it will operate with spare capacity.
- 6.78 Linton Crossroads operates overcapacity but the development is estimated to have only a 1% impact during peak periods. The agent has agreed a financial contribution to be passed to KCC for improvements to the local highway corridor. The new housing allocation at Beacon Park (LPRSA312) is also required to make a contribution to Linton Crossroads improvements under the terms of the policy and that was expressly added by the Inspector during the LPR Examination.
- 6.79 The landowner of the application site has already been obligated to a land transfer at the SW corner of Linton Crossroads to KCC for improvements to the junction. This was secured in a s106 from a planning permission for warehouse building for

Berry Gardens. If any additional land owned by the landowner is needed by KCC to carry out the works and/or to erect a temporary works compound, the landowner has agreed to this in principle.

- 6.80 Linton Crossroads improvement is in the Council's Infrastructure Development Plan (IDP) to be funded by a mixture of s106 contributions (money and land) and CIL. KCC is of the view that the scheme remains a priority due to compliance with MBC policies, availability of contributions and being 'delivery ready'.
- 6.81 The TA shows that the greatest generators of traffic from the scheme are the Hospice and retirement bungalows which are proposed in outline and thus will not come forward for several years. The Hospice in particular would generate by far the greatest proportion of trips, especially at peak times. The Hospice will need to raise funds for its construction costs which may take several years, consequently delaying the main traffic impact on the crossroads.
- 6.82 On the basis of 1% impact, that most of the impact is from the Hospice which is delayed several years into the future and taking account of KCC's continued commitment to the implementing the improvements, the financial and land contributions requested by KCC are considered to be necessary and reasonable to include in the s106 agreement.
- 6.83 Due to the scale of the overall development, the retirement units phase includes an emergency access only to Vanity Lane.
- 6.84 Parking provision for the 2 detailed elements are in line with parking standards, being 28 for the Care Home for visitors and staff and 10 for the Supported living units. Cycle parking will be 12 and 2 spaces respectively. Parking for the Hospice and retirement bungalows and would be detailed at Reserved Matters stage but is indicated as able to comply with standards. KCC raises no concerns on parking. The detailed layout has been demonstrated to accommodate turning for emergency vehicles and refuse freighters.
- 6.85 There are thus no highways or parking concerns with the scheme which complies with policies LPRTRA2 (DM21) and LPRTRA4 (DM23) respectively.

### **Landscaping/Open Space**

- 6.86 Natural Environment policies seek to ensure that new development protects and enhances the natural environment.
- 6.87 The development does not impact on existing trees. Advance landscaping in the form of the woodland buffer is to be delivered prior to occupation, secured by condition.
- 6.88 There is an opportunity for entrance landscaping given the proposed set back of the Care Home. A tree lined avenue will be created using a set back of the Supported Living Units being 4m from the footway with the creation of a focal point with public art related to the open amenity space at the southern end, visible from the site entrance. This allows for a N-S vista through to the woodland buffer from Heath Road.
- 6.89 The proposal shows semi- natural space totalling 3.94ha in the form of the woodland buffers and an area of species rich meadow grassland associated with the wet sustainable drainage scheme (SuDS). The reduction in the number of retirement bungalows allows for adequate central green space of at least 0.45ha to act as an amenity and for community based activities. The overall offer for amenity green space is 1.24ha. The agent has agreed to include a community orchard/garden associated with the Retirement bungalows of 0.05ha in lieu of allotments which is considered to be acceptable. No sports fields/pitches as such

are included but in the light of the mix of users, an open space of at least 20m by 8m can be secured within the Retirement Bungalows phase for active/social recreation such as outdoor gym or boules area/outdoor chess.

- 6.90 Play Space of 0.5ha (including 0.4ha of natural timber play within the wildflower meadow) is proposed for young children visiting residents of the site.
- 6.91 The Care Home will have private amenity space as will the Retirement Bungalows.
- 6.92 To conclude, the scheme complies with or exceeds Open Space policies LPRINF1 (DM19 in the MBLP2017) in terms of quantity with a total of over 3ha compared to a requirement of 1.58ha. Typologies are met with the exception of sports facilities as detailed above. However, taking into account the types of uses in the development, the overall Open Space offer is concluded to be acceptable.

### **Design and Layout**

- 6.93 National policy in the NPPF, NPPG and National Design Guide requires the creation of high-quality buildings and places, in-keeping with the positives of the surrounding context of built environment and landscape setting and creates a strong sense of place. These are carried forward in policies LPRSP15 (DM1) and LPRQD4 (DM30).
- 6.94 The Care Home building has been designed appropriately to respond to the character of the neighbouring GP surgery. The mass and scale have been broken up by a staggered roofscape, articulation, vertical emphasis with contrasting materials and window variety with use of projections, gables, dormers and balconies to create a varied and articulated appearance. Materials will be required to be vernacular to reflect the location in the countryside.
- 6.95 The design and layout of the proposed Supported Living units accord with policies that require good design. The units will be positioned around a central courtyard with parking and landscaping. The positioning and scale of these units will not be dominant or be visually intrusive. They have a simple form and articulation and interest has been secured in the form of buttresses and decorative "hit and miss" brickwork patterns.
- 6.96 The retirement bungalows are in outline. Single storey building forms especially when in semi-detached and terraces are more difficult to articulate due to the dominance of the roofs and so it will be important at Reserved Matters stage to secure a good quality of design. The original number of 70 units has been revised to 58. However, a condition is suggested that the number be no more than 52 so that an appropriate parkland density, spacious layout and layout can be secured with a design and layout appropriate for this countryside location and the Landscape of Local Value including more landscaping buffers on its outer edges, especially along Vanity Lane.
- 6.97 The Hospice is in outline but notwithstanding, relatively detailed indicative elevations have been submitted of a contemporary design with a large single storey circular building at the rear with an oasthouse-like "roundel" and a 2 storey building with double pitched roof. Materials are indicated to include hanging tiles and timber.
- 6.98 Due to the location of the Hospice and its importance in the overall scheme, a high quality design is essential. The form and design illustrated for the Hospice is considered to be of appropriate quality and in the event that planning permission were granted, it would be necessary to ensure the quality of the design is adhered to in order to comply with the NPPF and local plan policies for development in the countryside.

### **Archaeology**

- 6.99 The site falls within an area where there is the potential for Iron Age archaeology. This is based upon the high status residences nearby, including Linton Park, Court Lodge and Hill Place Farm. The submitted archaeological report identifies potential for remains within a linear feature noted on LiDAR information. It has therefore been recommended by the KCC's Heritage officer that pre-determination trial trenching and/or geophysical investigations take place.
- 6.100 The agent is aware of KCC's stance but has not agreed to undertake any trenching prior to determination, citing timing and funding problems.
- 6.101 However, the agent has submitted a statement on behalf of all 4 applicants that they accept the risk that post determination trenching may evidence it is necessary for Iron Age or later archaeological remains being preserved in situ. An acceptable level of pre-commencement trial trenching would have to take place by condition and the legal agreement would commit to a revision of the scheme as necessary.
- 6.102 On balance it is considered that the archaeological interest can be dealt with by appropriate condition and legal agreement and that will ensure compliance with national and local policies for safeguarding heritage assets.

### **Residential Amenity**

- 6.103 There are a small number of residential properties, fronting on to both Heath Road and Vanity Lane which are in close proximity to the site. The 2 closest properties to the site are 'Winfield' on Vanity Lane and 'Apple Tree Cottage' Heath Road by virtue of it being set back in its plot and being nearest the access road.
- 6.104 Winfield is a chalet bungalow with 2 dormer windows facing the NW corner of the application site, including one small balcony with French doors. The indicative layout of the retirement units shows that a bungalow could be proposed close to the corner. However, the consideration of Reserved Matters would need to ensure that residential amenity would not be harmed.
- 6.105 Apple Tree Cottage has recently been extended and remodelled and there are very large expanses of floor to ceiling windows at both ground floor and first floor level facing the application site. It is not disputed that the expansive views that this property currently enjoys over open countryside will be lost, especially to the southwest and west. However, there is no "right to a view" in planning terms.
- 6.106 Beyond the side boundary is proposed a single storey element of the Care Home with eaves of 3m and a tabletop roof ridge of 5m. This would be 4m west from the common boundary. The 2-storey element of the Care Home would be 11m west from the common boundary with an eaves of 5.8m and a ridge height of 10.2m. It is considered that these distances mean that there is no harm to residential amenity in terms of enclosure or loss of sunlight/daylight. The Care Home has been redesigned and the windows to first floor rooms that face the flank of Apple Tree Cottage are to be obscure glazed or louvred to reduce overlooking.
- 6.107 The Care Home due to its size, does extend back into the site, along the side boundary to the rear garden of Apple Tree Cottage. Along part of the common boundary, the Care Home at its highest has eaves of 5.8m and a ridge height of 10m. It will be sited over 16m west from the common boundary. It is considered that this separation distance prevents loss of residential amenity to Apple Tree Cottage in terms of domination and loss of sunlight/daylight. The Care Home footprint does wrap slightly around the neighbouring rear garden but at considerable distances of over 40m from the common boundary. The relationship of the Care Home to the nearest affected dwelling far exceeds normal privacy/outlook distances. It is considered that even though this is a Care Home

and not conventional house, there is no harm to residential amenity and complies with Principles Of Good Design policies LPRSP15 and DM1.

### **Biodiversity Net Gain (BNG)**

- 6.108 The application was submitted before national BNG legislation was enacted. Nonetheless, 20% onsite BNG is being proposed and this will align with LPRSP14(A). A condition is suggested that will include the requirement for the BNG being secured for 30 years.

### **Other Matters**

- 6.109 Affordable Housing policies LPRSP10(B) and SP20 state that the Council will seek provision of 20% affordable housing for schemes that provide for retirement housing and this would be the subject of a legal agreement in the event that planning permission be granted. Not all of the affordable Retirement units will be subject to a legal agreement to allow for Homes England grant funding but the tenure is secured by reason of the application description.
- 6.110 The NHS has not responded to a consultation on the application in terms of impact on primary healthcare. The Greensand GP surgery is not currently closed to new patients and has not made objections to the application. Healthcare facilities is a CIL funded infrastructure. Hence there is not considered to be any justification for seeking financial contributions nor to refused the application on this issue.
- 6.111 Mitigation measures would be needed such that external lighting accords with policies LPRQD2 and DM8, especially for ecology along the mature tree-lined and hedgerow-lined site boundaries. Further reptile surveys results would determine necessary mitigation and compensation to facilitate the proposed development. Ecological enhancement can be secured by condition to accord with policies LPRSP14(A) and DM3.
- 6.112 An air quality report was submitted due to the likelihood of traffic from the development travelling through the Maidstone AQMA. A condition can secure mitigation measures and this accords with advice from environmental protection officers at MBC to comply with policies LPRTRA1 and DM6.
- 6.113 A condition can secure renewable and low energy technology measures such as PV panels, air source heat pumps, building fabric efficiency and electric vehicle infrastructure. The Care Home and Hospice should achieve a BREEAM standard of "very good" to accord with policies LPRQD1 and DM2.
- 6.114 New policy LPRQD1 requires new dwellings to secure water consumption no greater than 110/litres/person/day, secured by condition.
- 6.115 Policy LPRQD6 includes space standards and meeting accessibility and adaptable dwellings standard M4(2) for all dwellings. Wheelchair accessible standard M4(3) to be met for approx. 15% of the affordable houses secured under the legal agreement.
- 6.116 The development is not considered to impact on heritage asset of Linton Conservation Area or Linton Park Registered Park and Garden due to the separation and substantial existing and enhanced screening to the eastern boundary of the site, thus according with policies LPRENV1 and DM4.

### **PUBLIC SECTOR EQUALITY DUTY**

- 6.117 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**

6.118 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 application site lies in the countryside and the location does not accord with the Spatial Strategy which directs development to defined built areas and site allocations.

7.02 In terms of countryside protection policies, there is no significant harm to the character and appearance of the area due a high level of landscape containment from within the wider landscape and further screening by new tree, shrub and woodland planting.

7.03 Long and medium range views of the site are or can be made acceptable in landscape terms by planting and tree screening. The application site is an arable field with a character of openness- the development is on an Area of Local Landscape Value and causes direct harm.

7.04 Policy LPRHOU7 does allow for retirement units to be built adjacent to settlements in environmentally sustainable locations and those criteria are met.

7.05 The Care Home, the Supported Living Units and the Hospice are contrary to development plan and outweighing material considerations are necessary for a grant of planning permission.

7.06 The need for a new modern replacement Hospice to serve Maidstone has been demonstrated and the Supported Living Units are justified at this site, based on KCC Adult Social Care policies for more independent living units of this type. The current net supply of Care Home bedspaces is running at less than half the cumulative need.

7.07 There is an unmet need for all the proposed uses and they all have difficulties in competing for policy compliant sites within settlements. Moreover, it is agreed that by forming an integrated health and social care hub, the co-location of the proposed uses has merit of some weight in the overall consideration of the scheme.

7.08 The location has relatively good environmental sustainability which can be enhanced by enhancement to a zebra crossing to Heath Road and a speed limit reduction to 30mph. The application includes a commitment to enter into a s106 planning obligation for financial contributions and land transfers in regard of Linton Crossroads.

7.09 Acceptable amounts and typologies of Open Space can be secured. There is good quality design of the buildings as required by both the NPPF and local policies for development in the countryside.

7.10 Archaeological interest can be dealt with by requiring trial trenching post determination on the basis that all applicants accept the risk that important remains may need to be retained in situ.

7.11 The consideration of the Reserved Matters for the retirement bungalows and the revised siting and design on the Care Home mean that there is no harm to neighbouring residential amenity.

7.12 Overall, the harm from non-compliance with the spatial strategy, countryside protection and direct harm to the Area of Local Landscape Value are outweighed by the unique benefits of the overall hybrid application and the individual need cases of each component.

**EIA Screening**

EIA Development	No
Comments	<p>The application type is within Schedule 2 (10b) of the Regulations and exceeds the applicable threshold of a 5ha site. However, the NPPG acknowledges that only a “very small proportion” of Schedule 2 projects will require an EIA.</p> <p>The site is not within or near to a ‘sensitive area’ defined under the EIA Regulations.</p> <p>The development is not of a scale such that any impacts upon natural resources, waste, pollution, human health, water resources, biodiversity, landscape/visual, heritage, highways, or the environment would be of a magnitude to result in significant environmental effects. Potential impacts are considered to be localised with the scope for mitigation.</p> <p>Therefore, an EIA is not required.</p>

**8. RECOMMENDATION subject to no new grounds of representation received on or before 22 April 2024 as a result of the latest re-consultation and re-notification exercise**

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

s106 to require prior payment of monitoring fees of £1530 for first obligation and £765 for each additional planning obligation.

**HEADS OF TERMS**

1. A bond to cover the woodland belt’s long term management
2. Securing a single management company to ensure the site will be managed and maintained as a whole
3. Reservation of land parcel for development by a Hospice for Heart of Kent charity only
4. £40,000 towards local highway corridor improvement
5. At the SW corner of Linton Crossroads, in addition to the land already secured under s106 for 16/508659/FULL, sufficient land to be made available at the request of KCC Highways and Transportation for implementation of improvement works including land for a temporary works compound,
6. In conjunction with any future development of LPRSA312 (Beacon Park) a 50% contribution towards future upgrade of crossing of Heath Road to Toucan signalised controlled crossing with maintenance bay in general accordance with the location indicated on drawing 17168 H-03 rev P1, payment to be made on request by KCC.
7. 20% affordable housing for the retirement units

8. At least 15% of the s106 affordable dwellings to meet M4(3) (wheelchair accessible)
9. Retirement bungalows to be for retired persons aged 60 or over (or aged 50 or over if retired through disability or long term health issue).
10. A geographical lettings cascade on all retirement units via Kent HomeChoice
11. All supported living placements to be advertised through the Kent County Council procurement process and to be open to all Providers on the Kent County Council Approved Framework List with Maidstone BC Nominations Rights for placement referrals to ensure local people have priority access.
12. The submission of a S73 Planning Application or new planning application as appropriate which must have a design and layout to avoid any conflict with any identified heritage assets required to remain in situ.

CONDITIONS:

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

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

- 2) The outline elements of the development hereby approved shall not commence until approval of the following Reserved Matters has been obtained in writing from the local planning authority:

- a) Scale
- b) Layout
- c) Appearance
- d) Landscaping

Application for approval of the Reserved Matters shall be made to the local planning authority before the expiration of 2 years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of 3 years from the date of approval of the last of the Reserved Matters to be approved, whichever is the later;

Reason: No such details have been submitted

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

Additional Information ASP-CH-019-PL009 Indicative Materials Received on 04 April 2024

Additional Information 17168 H 02 Rev P2 Tracking plan- Care Home Received on 09 April 2024

Additional Information 17168-H-04 Zebra Crossing Received on 27 March 2024

Amendment DHA-31461-07 Rev A Access Received on 27 February 2024

Amendment ASP-CH-019-PL008 Rev E Block Plan- Care Home Received on 27 February 2024

Amendment CHK-TOD-95-ZZ-VS-A-95-001 CGI Images- Supported Living Received on 27 February 2024

Amendment ASP-CH-019-PL003 Rev D Ground Floor Plan Care Home Received on 27 February 2024

Amendment DHA-31461-04 Rev A Hybrid Masterplan Received on 27 February 2024

Amendment 1053-L-01 Rev A Indicative Landscape Care Home Received on 27 February 2024

Amendment DHA\_31461\_06B Land Use Plan Received on 27 March 2024

Amendment DHA-31461-05 Rev A Landscape Plan Received on 27 February 2024

Amendment ASP-CH-019-PL001 Rev A Location Care Home Received on 27 February 2024

Amendment DHA\_31461\_09 Rev B Phasing Received on 06 March 2024

Amendment CHK-TOD-20-01-DR-A-80001-P02 Proposed Bin and Bike Store (Supported Living) Received on 27 February 2024

Amendment ASP-CH-019-PL006 Rev F Proposed Elevations Received on 04 April 2024

Amendment CHK-TOD-20-01-DR-A-30001-P02 Proposed Elevations Supported Living Received on 27 February 2024

Amendment ASP-CH-019-PL004 Rev E Proposed First Floor Plan Received on 04 April 2024

Amendment CHK-TOD-20-01-DR-A-20001-P02 Proposed Ground Floor Plan Supported Living Received on 27 February 2024

Amendment CHK-TOD-20-01-DR-A-20002-P02 Proposed Roof Plan Supported Living Received on 27 February 2024

Amendment ASP-CH-019-PL005 Rev D Roof Plan Care Home Received on 27 February 2024

Amendment ASP-CH-019-PL002 Rev F Site Plan Care Home Received on 27 February 2024

Plan / Drawing DHA/31461/03 Hybrid Application Plan Received on 08 November 2023

Plan / Drawing DHA/31461/08 Storey Heights Plan Received on 08 November 2023

Plan / Drawing PJC/6387/23/B Tree Retention Plan 1 of 2 Received on 08 November 2023

Plan / Drawing PJC/6387/23/B Tree Retention Plan 2 of 2 Received on 08 November 2023

Plan / Drawing DHA/31461/10 Woodland Plan Received on 08 November 2023

Reason: To clarify which plans/documents have been approved.

- 4) Notwithstanding the illustrative details on drawing 4363 SK10, the Reserved Matters for the affordable retirement units shall show no more than 52 dwellings and shall accord with the following parameters:

- a) Maximum size of 2 bedrooms
- b) No buildings over 1.5 storeys in height.
- c) The use of vernacular materials being stock bricks, ragstone, and clay and/or natural slate roof tiles.

Reason: To ensure that the development is of a high standard of design in countryside location and to accord with the terms of the application.

- 5) The Reserved Matters shall include the following minimum areas of on-site public open space: a 0.05ha of children and young person's space; 1.24ha of amenity green space (which shall include an area of open recreational provision measuring at least 20m by 8m); 3.94ha of natural/semi-natural open space and 0.05ha of community orchard/garden. Details, an implementation timetable and long term management arrangements of the children's play area and the open recreational provision shall be submitted to and approved by the Local Planning Authority as part of the Reserved Matters and shall be implemented as approved and retained thereafter.

Reason: To accord with the submission and to provide adequate public open space.

- 6) All development shall take place in accordance with the Tree protection measures in accordance with the current edition of BS 5837.

Reason: To ensure the protection of existing trees as part of the development

- 7) All dwelling(s) hereby approved shall meet the accessible and adaptable dwellings building regulations Part M4(2) standard or any superseding standard. No dwelling(s) shall be occupied unless this standard has been met and the dwelling(s) shall be thereafter retained as such.

Reason: To ensure the development is in accordance with local and national policy and meets acceptable standards of accessible and adaptable dwellings

- 8) The Reserved Matters for the affordable retirement units hereby approved shall include at least 15% of the units meeting wheelchair user dwellings building regulations Part M4(3) standard or any superseding standard. None of the units approved as wheelchair user dwellings shall be occupied unless this standard has been met and the dwellings shall be thereafter retained as such.

Reason: To ensure the development is in accordance with local and national policy and meets acceptable standards of accessible and adaptable dwellings

- 9) The dwellings hereby approved shall meet the higher level of water efficiency of 110 litres per person per day as set out under the Building Regulations Part G2 or any superseding standard. No dwellings shall be occupied unless this standard has been met.

Reason: To ensure a sustainable form of development.

- 10) The Care Home and Hospice hereby approved shall achieve a Very Good BREEAM UK New Construction Version 6.1 rating including maximising energy and water efficiencies under the mandatory energy and water credits. A final certificate shall be issued to the Local Planning Authority for approval in writing within 6 months of the first occupation of the relevant building to certify that at a Very Good BREEAM UK New Construction Version 6.1 rating has been achieved.

Reason: To ensure a sustainable form of development

*Pre Commencement*

- 11) No development shall commence until the applicant, or their agents or successor in title, has implemented a programme of archaeological work including field evaluation as a first stage. The programme of archaeological works will comprise:
- a) Prior to any development works the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification and written timetable which has been submitted to and approved in writing by the local planning authority.
  - b) Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording and a public engagement strategy, in accordance with a specification and timetable which has been submitted to and approved by the local planning authority. The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.
  - c) Within 6 months of the completion of archaeological fieldwork. a Post-Excavation Assessment Report shall be submitted for approval in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development; an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy, and updated public engagement strategy and timetable for the same and a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion. The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

Reason: To ensure that features of archaeological interest are properly examined, recorded, reported and disseminated and where necessary, preserved in situ.

- 12) No development shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority: confirmation that the details required for the Hospice element, pursuant to condition 1 of this outline planning permission (herein referred to as the Reserved Matters) have been submitted to the Local Planning Authority and are deemed valid. The Reserved Matters submitted shall be in general compliance with illustrative details 0749/141(C) (Site Plan); 0749/170(A) (3D Concept Model Views); 0749/150(A) (Site Sections) and section 06A of the Design and Access Statement and shall include the use of vernacular materials being stock bricks, ragstone and clay hanging/roof tiles with bonnet tiles to the roof hips.

Reason: To ensure that the development is of a high standard of design and layout in countryside location.

- 13) No development of any phase shall take place until related details of the proposed finished floor levels of the building(s), all ground levels of the development, and existing site levels shown at 0.5m contour intervals have been submitted to and approved in writing by the Local Planning Authority. The proposed finished floor levels of all buildings shall be as close to existing site levels as feasible with land raising and retaining structures being avoided where possible. Where any land

raising or retaining structures are required they must be clearly justified and kept to the minimum height necessary. The development shall be completed strictly in accordance with the approved details.

Reason: In order to secure a satisfactory form of development having regard to the topography of the site

- 14) Prior to the commencement of the development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The document shall be produced in accordance with the Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites, the Control of Dust from Construction Sites (BRE DTi Feb 2003) and the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction. The construction of the development shall then be carried out in accordance with the approved methodology.

Reason: In the interests of amenity.

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

The CEMP (Biodiversity) will include the following:

- Risk assessment of potentially damaging construction activities;
- Results of any necessary updated species surveys (e.g., badgers) and any resultant necessary avoidance, mitigation, compensation measures;
- Identification of 'biodiversity protection zones' and the use of protective fences, exclusion barriers and warning signs. This will include reference to Japanese knotweed exclusion zones and an up-to-date Japanese knotweed management plan, including actions to be taken during site clearance and construction to prevent legislation breaches in relation to the species (if relevant);
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of species or habitat-specific method statements);
- The location and timing of sensitive works to avoid harm to biodiversity features and a demonstration that works are aligned with the proposed phasing of construction;
- Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake/oversee works;
- Details of any necessary protected species licences;
- Reference to other related documents such as the arboricultural report/method statement;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person, and;
- Disposal of any wastes for implementing work.

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

The submission of each Reserved Matters application must include a review of the approved construction ecological management plan CEMP (biodiversity) and either an updated CEMP (biodiversity), or evidence that the CEMP (biodiversity) should be submitted to the LPA for written approval and implemented as approved.

Reason: In the interests of biodiversity.

- 16) No development shall commence until the developer has developed a scheme detailing and where possible quantifying what measures or offsetting schemes are to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation. The report should be submitted to and approved by the Local Planning Authority, prior to development. The details should have regard to the DEFRA guidance from the document Low Emissions Strategy -using the planning system to reduce transport emissions January 2010.

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

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

a) A preliminary risk assessment which has identified:

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

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

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

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

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: To ensure that the site does not pose any risk to human health.

- 18) No development shall take place within any phase until a detailed sustainable surface water drainage scheme relating to that phase has been submitted to (and approved by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment ref CS/17168 prepared by DHA (November

2023) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of 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 all phases of the development are served by satisfactory arrangements for the disposal of surface water. 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.

19) No development shall take place until a Biodiversity Management Plan (BMP) to ensure a minimum 20% net gain units across the site in line with the Biodiversity Net Gain Assessment 5357E/23/01 has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Management Plan shall include:

a) Detailed proposals for each phase for biodiversity net gain as shown within the Biodiversity Net Gain Assessment 5357E/23/01.

b) A 30 year management and monitoring plan for onsite biodiversity net gain including 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2, 5, 10, 15, 20, 25 and 30 from commencement of the development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

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

Reason: To ensure measurable net gains to biodiversity.

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

a) Measures to minimise the production of construction, demolition, and excavation waste.

b) Measures for the storage, collection, and management of waste arising from the occupation of each phase of the development.

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

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

*Pre Slab level*

- 21) In relation to the full detailed element of the development, no development above floor slab level shall take place until a landscaping scheme and timetable for implementation which shall follow the principles of the Landscape Masterplan has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:
- a) a scheme designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012).
  - b) generally based upon the Landscape Parameter Plan DHA/312461/05 rev A hereby approved
  - c) the timetable should include advance planting of the woodlands L3, L4 and L6 on DHA/312461/05 rev A and phased planting with the development where practicable.
  - d) details of the number, size, species, maturity, spacing and position of existing/proposed native trees and landscaping
  - e) any new hedgerows shall be double staggered with approximately 45cm spacing and consisting of 70% Hawthorn or Blackthorn, 5% Dogwood, 10% Field Maple, 10% Hazel, 2.5% Holly and 2.5% Wayfaring Tree
  - f) a ten year landscape management plan (Only non-plastic guards shall be used for the new trees and hedgerows).

The details shall specifically include significant areas of landscaping to the Heath Road frontage and all the boundaries of the site.

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

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

Reason: To ensure a satisfactory appearance to the development.

- 23) No development above floor slab level shall take place until details of a budget, scheme and timetable for the provision of Public Art in accordance with Maidstone Borough Council's Public Art Guidance 2017 has been submitted to and approved in writing by the Local Planning Authority. The piece of artwork commissioned shall be installed thereafter as approved.

Reason: To provide cultural benefits commensurate with the scale of the development.

- 24) Notwithstanding the materials details submitted, above ground construction work on the approved buildings of the development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved by the Local Planning Authority and the development shall be constructed using the approved materials. The details shall include use of Kentish ragstone to key buildings. All facing brick shall be stock bricks and all roofs shall be clay and/or slate (including roof tiles reconstituted with slate waste).

Reason: To ensure a satisfactory appearance to the development in the countryside making use of vernacular materials.

- 25) Prior to the above ground construction of the Care Home, constructional details of the following shall be submitted to and approved by the Local Planning Authority:
- pitched roof parapets with a ridge tile termination to the flat roofs (scale of at least 1:50)
  - louvres for privacy as shown on drawing ASP-CH-019-PL006 Rev F

Reason: In the interests of rural visual amenity and residential amenity.

- 26) Above ground construction work on the approved buildings of the development shall not commence until full details of the following matters have been submitted to and approved by the Local Planning Authority:
- a) new external windows/doors in the form of large scale drawings.
  - b) details of eaves and roof overhangs in the form of large scale drawings
  - c) details of balconies, projecting bays and porch canopies
  - d) details of window headers and cills and door headers
  - e) brick patterns

Reason: To ensure an appropriate design and appearance for the development in a countryside location.

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

Reason: To ensure a high-quality development.

- 28) Notwithstanding the details submitted, above ground construction work on any phase of the development shall not commence until details of all fencing, walling and other boundary treatments within that phase (including any fencing to the attenuation pond) have been submitted to and approved by the Local Planning Authority. The details shall include sections of Kentish ragstone walling at key locations. Any timber post and rail fencing shall be rivened/cleft timber style. The development shall be carried out in accordance with the approved details before the first occupation and maintained thereafter.

Reason: To ensure a satisfactory appearance to the development in the countryside and to include vernacular materials

*Pre-Occupation*

- 29) Before the Care Home hereby permitted is first occupied, as indicated on drawing ASP-CH-019-PL006 Rev F, louvres shall be installed to the east elevation and the proposed windows on the east elevation shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

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

- 30) No building hereby permitted shall be occupied until a Verification Report, pertaining to the related 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 that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing, and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

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

- 31) The development shall not be occupied until the access as shown on drawing no. 12371 H-01 P1 in the Transport Assessment has been provided and thereafter the visibility splays within the application site shall be kept free of obstruction above a height of 1 metre.

Reason: In the interest of highway safety.

- 32) No part of the development shall be occupied until the following off-site highway works have been provided in full:

- Pedestrian and cycle access via the proposed main access
- Provision of Zebra Crossing to Heath Road in general accordance with drawing 17168-H-04
- 30mph speed limit extended to at least 20m east of the access to Heath Road

Reason: In the interests of highway safety.

- 33) The development shall not be occupied until details of measures to prevent use of the emergency access other than by emergency vehicles, pedestrians, and cyclists has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety.

- 34) The elements of the scheme with full planning permission shall not be occupied until vehicle parking and turning areas have been provided as hereby approved and those areas shall not be used for any other purpose thereafter.

The elements on the outline application shall not commence above dpc level until details of the parking spaces and sufficient turning area to enable vehicles to enter and leave the site in forward gear have been submitted to and approved in writing by the local planning authority. The approved details of the parking/turning areas shall be completed before the first use of the buildings hereby permitted in outline 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 car parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- 35) No building shall be occupied until secure and covered cycle parking relating to that building has been provided in accordance with details to be submitted to and approved by the Local Planning Authority. They shall be retained thereafter.

Reason: In the interests of sustainable travel.

*Ongoing compliance*

- 36) 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, Class(es) A, AA, B, D, E, G; Part 2 Class A or Part 14 Class A shall be carried out without the permission of the local planning authority;

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

- 37) The Care Home hereby approved shall only be used for Class C2 (Residential Institution) as residential accommodation and care to people in need of care and for no other purpose.

Reason: To ensure the Local Planning Authority retains control over the development because of the specific need considerations justifying the development in the countryside.

- 38) The Supported Living Units hereby permitted shall only be used as 14 residential supported living apartments within Use Class C3(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended) for occupiers in need of supported living accommodation and shall only be operated as assisted living apartments with on-site support with management by a Registered Provider, as described within the submitted Planning Statement ref DGH/CJH/LJ/31461.

Reason: To ensure the Local Planning Authority retains control over the type of occupiers because of the specific need considerations justifying development in the countryside.

- 39) The Hospice hereby approved shall only be used as a Hospice by Heart of Kent charity and for no other purpose.

Reason: To ensure the Local Planning Authority retains control over the development because of the specific need considerations justifying the development in the countryside.

- 40) If, during development, contamination not previously identified is found to be present at the site:

a) no further development (unless otherwise agreed with the LPA) shall be carried out until a revised remediation strategy detailing how this unforeseen contamination will be dealt with has been submitted to and approved by the LPA. The revised remediation strategy shall be implemented as approved.

b) prior to any part of the development being occupied, a verification report demonstrating the completion of works set out in the approved remediation

strategy(ies) and the effectiveness of the remediation. The report shall include details of:

- 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.
- 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.

Reason: To ensure that the site does not pose any further risk to human health by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.

- 41) No external lighting, whether temporary or permanent, shall be placed or erected within any phase of the site unless details have been submitted to and approved in writing by the local planning authority. Any details shall be in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (or 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. Any details to be submitted shall also follow the recommendations within the Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 8 Bats and Artificial Lighting at Night'. The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of biodiversity and rural amenity.

- 42) The development shall not commence above slab level in any phase until details and an implementation timetable for hard landscape works for that phase have been submitted to and approved by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the dwellings.

Reason: To ensure a satisfactory appearance to the development.

- 43) No phase shall be occupied unless a Sustainable Travel Plan for that phase has been submitted to and approved by Local Planning Authority. It will follow the Draft Framework Travel Plan ref PL/TV/31461 and include, as a minimum, monitor and review mechanisms; plus the following measures to be implemented prior to occupation:

A Welcome Pack available to all new occupants/residents online and as a booklet, containing information and incentives to encourage the use of sustainable transport modes from new occupiers, including:

1. Maps showing the site in relation to walking, local buses, cycle routes, cycle stands, the nearest bus stops, and rail stations.
2. Approximate time it takes to walk or cycle to various local facilities.
3. Site specific public transport information including up to date public transport timetables.

4. Links to relevant local websites with travel information such as public transport operator information, cycling organisations and the Council.
5. Details of local 'Car Share' and 'Car Club' schemes, including links to County & District Councils sponsored schemes.
6. Information on public transport season tickets and offers.
7. Information on specific incentives including Walk to Work or "Cycle to Work" initiatives, plus secure cycle storage.
8. Information on the health, financial and environmental benefits of sustainable travel.
9. Free tasters tickets for local buses and/or vouchers for bike maintenance/parts at local shops.

At least one parking bay to be allocated to a residential or publicly accessible car club vehicle, available for use on occupation. A successful car club scheme will require dedicated marked and signed car parking spaces for vehicle(s) to be provided in perpetuity, ideally available also to members not living in the development. The developer shall incentivise new residents to join the car club with a £30 free driving credit per dwelling and lease of the vehicle(s) for the first 6 months.

Reason: To ensure a sustainable form of development

- 44) The rating level of noise emitted from the proposed plant and equipment to be installed on the Care Home or Hospice (determined using the guidance of BS 4142: 2014 Rating For Industrial Noise Affecting Mixed Residential And Industrial Areas) shall be low as possible. In general this is expected to be 5dB below the existing measured background noise level LA90, T. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5, the developer's consultant should contact Maidstone Environmental Protection Team to agree a site specific target level.

Reason: In the interests of residential amenity

- 45) Prior to the first operation of the Care Home or Hospice, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with the EMAQ publication Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (September 2018 & any subsequent revisions). 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 residential amenity.

- 46) No development above slab level for any phase shall take place until details and evidence of the measures necessary to incorporate at least 10% on-site renewable or low carbon energy production measured as a percentage of overall consumption for that phase have been submitted to and approved in writing by the Local Planning Authority. Such details shall include measures for battery energy storage unless this is demonstrated with evidence to be unfeasible. The approved details

shall be implemented prior to the first use/occupation of any unit to which the details relate and thereafter retained.

Reason: To ensure a sustainable form of development

- 47) The dwelling(s) hereby approved shall meet the accessible and adaptable dwellings building regulations Part M4(2) standard or any superseding standard. No dwelling(s) shall be occupied unless this standard has been met and the dwelling(s) shall be thereafter retained as such.

Reason: To ensure the development is in accordance with local and national policy and meets acceptable standards of accessible and adaptable dwellings

- 48) The Reserved Matters for the affordable retirement units hereby approved shall include at least 15% of the units meeting wheelchair user dwellings building regulations Part M4(3) standard or any superseding standard. None of the units approved as wheelchair user dwellings shall be occupied unless this standard has been met and the dwellings shall be thereafter retained as such.

Reason: To ensure the development is in accordance with local and national policy and meets acceptable standards of accessible and adaptable dwellings

- 49) All landscaping specified in the approved landscape details shall be carried out in the first planting season (1 October to end of February) following the first occupation/use of the building(s) or in accordance with a timetable previously agreed with the Local Planning Authority. In the case of open space/public/communal areas (areas outside of operational building work) following completion of these areas or in accordance with a timetable previously agreed with the Local Planning Authority.

The approved landscaping shall be retained for at least 10 years following its implementation and shall be managed and retained strictly in accordance with the approved specification/management plan, and any approved or retained seeding or turfing which fails to establish or any trees or plants which, before a period of 10 years from the completion of the development has expired, die or become so seriously damaged or diseased that their amenity value has been adversely affected, shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation. No replacement planting or removal of any planting shall take place without the prior written consent of the local planning authority.

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

#### Informatives

- 1) Kent Police
- 2) Southern Water
- 3) KCC Highways
- 4) Environmental Protection



Ordnance Survey - data derived from OS Premium

**23/503396/FULL Houndshurst Barn, Grave Lane, Staplehurst, Kent TN12 0JP**  
Scale: 1:5000  
Printed on: 2/4/2024 at 15:35 PM by RebeccaB1

**REPORT SUMMARY**

<b>REFERENCE NO:</b> - 23/503396/FULL			
<b>APPLICATION PROPOSAL:</b> Creation of seasonal wetland features including ponds and scrapes, to provide natural flood management and habitats.			
<b>ADDRESS:</b> Houndshurst Barn, Grave Lane, Staplehurst, Kent, TN12 0JP			
<b>RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The development is acceptable regarding 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> <ul style="list-style-type: none"> <li>• Call in from Cllr John Perry if officer recommendation is to approve or refuse.</li> <li>• Call in from Staplehurst Parish Council if officer recommendation is to approve for the reasons set out in Section 4 of this report.</li> <li>• Maidstone Borough Council are the 'match funder' for the proposal (Environment Agency the 'Primary funder')</li> </ul>			
<b>WARD:</b> Staplehurst	<b>PARISH</b> Staplehurst	<b>COUNCIL:</b>	<b>APPLICANT:</b> Northwest Kent Countryside Partnership/ Kent County Council
<b>CASE OFFICER:</b> Tony Ryan	<b>VALIDATION DATE:</b> 26/09/24	<b>DECISION DUE DATE:</b> 26/04/24	
<b>ADVERTISED AS A DEPARTURE:</b> No			

**Relevant planning history**

Application site  
No relevant history

Neighbouring land  
17/500411/FULL - Conversion of barn to dwelling (Part retrospective) Granted 06.04.2017. (Houndshurst Barn).

18/501798/PNQCLA - Prior Notification for proposed change of use of agricultural building to a dwellinghouse and for associated operational development. Granted 29.05.2018 (Clarendon Barn).

20/504776/FULL Proposed conversion of existing barn to create a single residential dwelling. Granted 15.01.2021 (Newhaven Barn).

**MAIN REPORT**

**1. DESCRIPTION OF SITE**

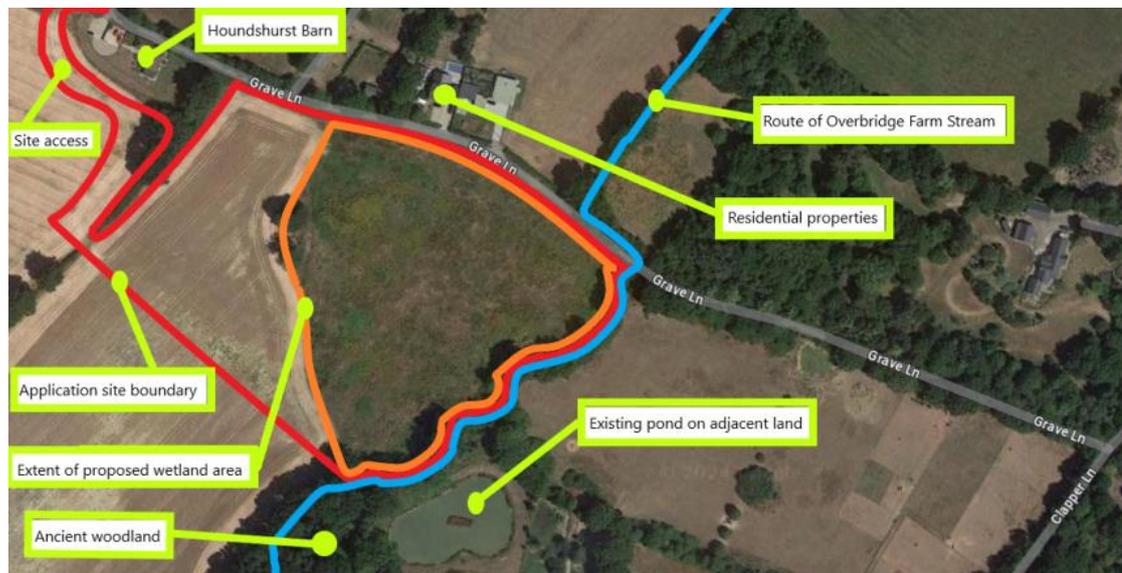
1.01 The application site is in the countryside 1.1km (0.65 miles) to the northwest of Staplehurst Railway Station. The site is currently farmland to the south of Grave Lane. There are several existing ponds on nearby land, including one located on land to the southeast and several to the north of Grave Lane

1.02 The eastern site boundary follows the Overbridge Farm Stream. Overbridge Farm Stream is a watercourse flowing north-easterly as a tributary of the River Beult.

The Overbridge Farm Stream is culverted as it goes under Grave Lane at the northeast corner of the application site.

- 1.03 Residential dwellings on the opposite (north) side of Grave Lane include Newhaven Farm, Newhaven Barn, Cordena and Clarendon Barn and have a mixture of fencing and hedges to front boundaries. These properties are separated from the application site by drainage ditches on both sides of Grave Lane and an established boundary hedge (circa 1.8 metres high) to the application site.
- 1.04 The residential dwelling Houndshurst Barn is located to the west of the main part of the application site. Houndshurst Barn is in the same ownership as the application site. Access to the public highway from the site runs to the south and west of Houndshurst Barn.
- 1.05 Existing ground levels on the application site are higher to the west and south of the proposed wetland area (maximum height of 19.20 AOD) sloping down towards the northeast site corner (height of 17.01 AOD). The application site is in an area at 'very low' risk of flooding from rivers (Zone 1) and medium risk of surface water flooding. An existing low bund seek to prevents surface water going onto Grave Lane.
- 1.06 The site is on grade 3 agricultural land. In the Landscape Character Assessment, the site is in the Staplehurst Low Weald and found to be in good condition, with high sensitivity and guidelines to conserve. An area of ancient woodland is located outside but adjacent to the southeast corner of the site with approximately 200 m2 of the application site in the ancient woodland 15-metre buffer zone.
- 1.07 'Grave Lane' is the street name plate at the Clapper Lane junction, and this corresponds with both Council and Post Office records and is the name used for the current application. It is highlighted that this section of the road running east – west is marked as 'Carpenters Lane' on Ordnance Survey maps.

Fig 1: Aerial image showing site boundaries.

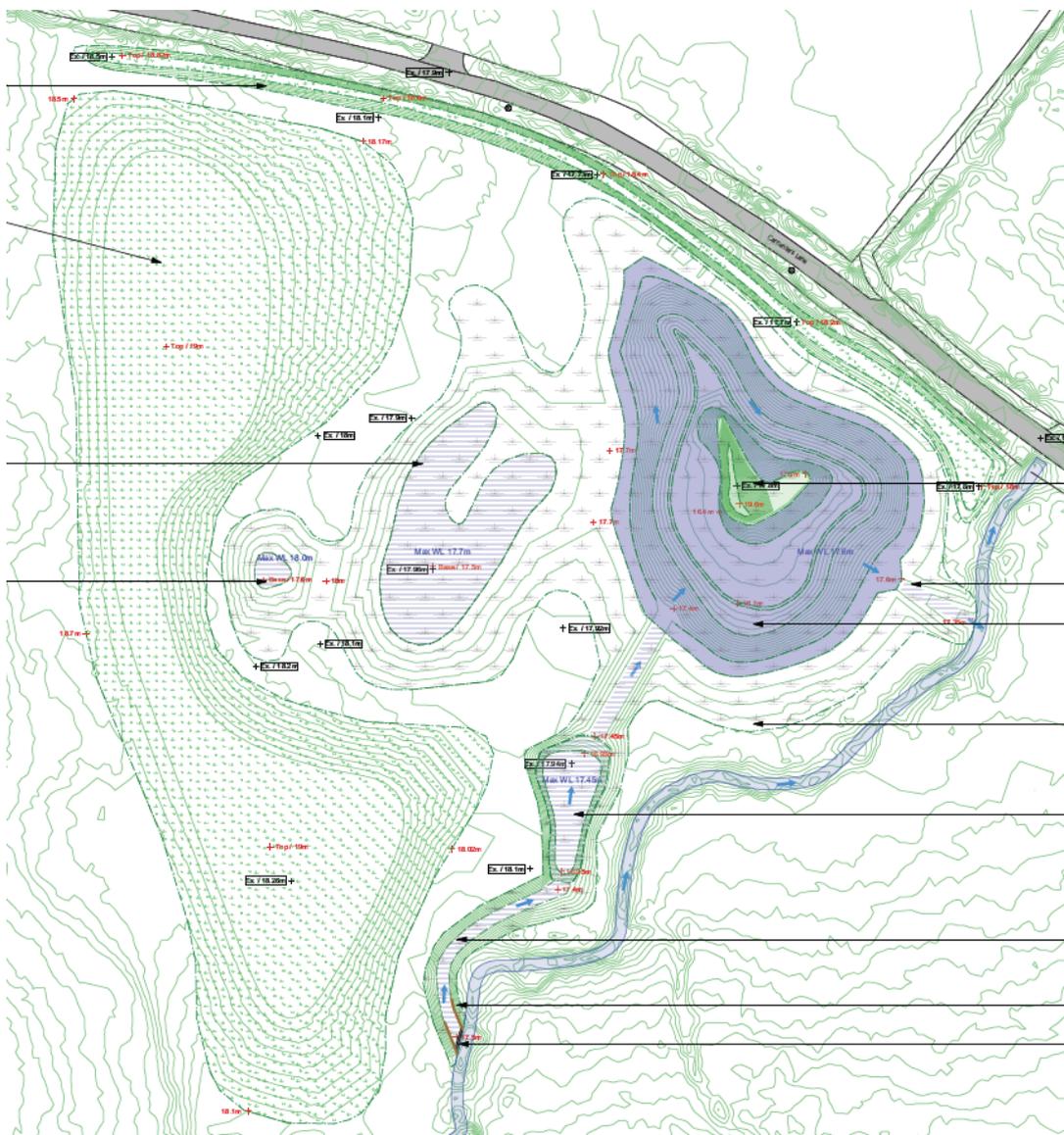


## 2. PROPOSAL

- 2.01 The application involves creation of a seasonal wetland on the eastern part of the application site, including ponds and scrapes. The application has two separate aims, to provide natural flood management and to create new wildlife habitats.
- 2.02 The wetland involves installing a 'leaky dam' in the adjacent Overbridge Farm Stream in the southeast corner of the site. 'Leaky dams' are a common form of National Flood Management consisting of barriers of natural woody materials laid

in water channels. The 'leaky dam' is designed to allow normal water flow to pass unimpeded but in periods of heavy water flow to hold back water and, in this case, to divert the water to the proposed wetland area.

Fig 2: General arrangement plan



- 2.03 Once diverted from the Overbridge Farm Stream, water will travel down a channel through a settlement pond to the largest main pond that has a central island. The main pond is designed as the only permanent body of water, with the other two ponds to the west designed to flood only in very wet periods.
- 2.04 The overall quantity of water in the wetland ponds will be managed. In the unlikely event that the wetland reaches capacity, a managed amount of excess water would be discharged back into the Overbridge Farm Stream just to the south of Grave Lane.
- 2.05 A new protective bund will run inside the northern (Grave Lane) to offer further protection to Grave Lane and neighbouring properties. This bund would be created using spoil from the creation of the main wetland area and would be sown with an appropriate wildflower seed mix and planted with native tree species. This wetland area will be created at different levels and designed to incorporate a variety of different wildlife habitats (including scrapes, reedbed etc.) that would suit different species at different time of the year.

- 2.06 In forming the wetland ponds, no material will be removed from the site. The volume of earth needed to form the ponds (-3633m<sup>3</sup>) will be redistributed on the site to a roadside bund (+265m<sup>3</sup>) and the main fill area (+3368 m<sup>3</sup>).
- 2.07 Current site levels vary but maximum existing ground levels to the west and south of the wetland area are 19.20 Above Ordnance Datum (AOD) (above mean sea level). The existing ground slopes down towards the northeast site corner with the lowest point a height of 17.01 AOD.
- 2.08 Proposed site levels will generally increase to the west of the wetland area, where the maximum level of the main fill area (19.00 AOD) will be lower than the maximum existing level.
- 2.09 The island in the middle of the larger pond is a maximum height of 19.60 AOD and at the lowest point the bottom of the ponds will be 16.20 AOD. The proposed bund along the Grave Lane boundary will be 18.27 AOD with the road surface in Grave Lane 17.60 to 17.80 (0.47 to 0.67 height difference).

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

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

SS1 - Spatial strategy  
SP17 - Countryside  
DM1 - Principles of good design  
DM3 - Natural environment  
DM30 - Design principles in the countryside

#### Local Plan Review:

*The Maidstone Borough Local Plan Review was adopted by the Council on the 20 March 2024. It is highlighted that LPR polices now have 'substantial' weight (but not 'full' weight) in the 6 week Judicial Review period following adoption (ending 1 May 2024). The relevant Maidstone Borough Local Plan Review (March 2024) polices are as follows: ...*

LPRSP12: Sustainable transport  
LPRSP14: The environment  
LPRSS1: Maidstone borough spatial strategy  
LPRSP9: Development in the countryside  
LPRSP14A: Natural environment  
LPRSP14(C): Climate change  
LPRSP15: Principles of good Design  
LPRTRA2: Assessing the transport impacts of development.  
PRTRA4: Parking  
LPRQ&D 1 Sustainable design

#### Staplehurst Neighbourhood Plan (2016) PW1, PW2,

#### Supplementary Planning Guidance:

Maidstone Landscape Character Assessment (amended 2013)

#### Other policy documents

Biodiversity and Climate Change in Maidstone  
Maidstone Biodiversity and Climate Change Action Plan (October 2020)  
Local Plan Review Climate Change, Standards and Design Supplementary Paper  
Medway Flood Action Plan (November 2017)  
Staplehurst Surface Water Management Plan (January 2017)

National Planning Policy Framework (NPPF): Achieving well-designed places.  
National Planning Practice Guidance (NPPG)

#### 4. LOCAL REPRESENTATIONS

##### Local residents:

4.01 3 responses have been received objecting to the proposal on the following grounds:

- a) Impact on existing stream from diversion of water for the wetlands in terms of reduced water levels.  
*(Response: the 'leaky dam' will only divert water from the stream into the wetlands when the stream is over capacity).*
- b) Future maintenance of the wetland.  
*(Response: future maintenance of the wetland will be carried out by the landowner).*
- c) Noise from migrating birds "Wildlife is wonderful...however flock of migrating birds in the back garden is not".  
*(Response: proposed wetland is relatively small, and levels are designed so there is only one permanent body of water. In this context the site would be unsuitable for large flocks of geese).*
- d) Needs to be assurance that this will not become an open public space for bird watchers and nature lovers as there is no parking and road is narrow.  
*(Response: Land is and will remain in private ownership with no right of way or public access proposed).*
- e) Discrepancy in the application information as to the land area of the proposal 1.2 or 2.2 hectares.  
*(Response: The wetland will occupy an area of 1.5 hectares with other areas outside the wetland area but still within the redline boundary covering 3.4 hectares).*
- f) Increase in mosquito numbers from standing water.  
*(Response: There are at least two existing ponds in the local area. There is only one permanent proposed new body of water, and it is unlikely that the site will be a suitable breeding ground for mosquitoes).*
- g) Nearby residential properties not correctly indicated on the plans and Clarendon Barn has been omitted.  
*(Response: The potential impact of the proposal on Clarendon Barn (prior approval granted from agricultural to residential use under 18/501798/PNQCLA) has been considered as part of this planning application).*
- h) Incorrect lane address on plans that it is Grave Lane and not Carpenters Lane.  
*(Response: Council and Post Office records and the street name board at the Clapper Lane junction all show the stretch of road running east – west to the north of the application site as part of Grave Lane. This stretch of road is shown on OS maps as Carpenters Lane and OS have been informed).*
- i) Concern about increased risk of flooding downstream from the facility and insurance.  
*(Response: The proposal will reduce flood risk downstream (north) with the 'leaky dam' diverting water from the stream into the wetlands when the stream is over capacity).*
- j) Disruption from construction vehicles creating the wetland.  
*(Response: All construction work has the potential to cause nuisance, however as this nuisance is temporary and can be minimised through planning conditions, this nuisance is not grounds to refuse planning permission. The applicant has advised that works are anticipated to be over 5 days and will involve a tipper and a 12 tonne excavator with no material removed from the site).*

- k) Have future climate control flooding risks taken into account?  
*(Response: The FRA details the flooding impact of 1:100 year and 1:200 year events and this accounts for future increased flood risk due to climate change).*
- l) Size of the area of water is too large and there should be more area of land between the proposed water and Grave Lane.  
*(Response: The proposal only includes one permanent water body with other areas designed to flood in times of peak flow. The proposal will remove water from the stream that could result in flooding if properties downstream. There is a bund and two separate drainage ditches between the wetland and properties to the north of Grave Lane).*
- m) Reduced time period in which to respond to consultation.  
*(Response: It is understood that neighbours knew about the proposed wetland prior to the submission of the planning application. In addition to the initial consultation there will also be an opportunity for a neighbour to address the planning committee in person prior to a decision being taken).*

Staplehurst Parish Council

- 4.02 Objection and recommend refusal for the following reasons:
- a) Damage to the existing environment of the proposed wetland area.  
*(Response: Land is currently unproductive field with low biodiversity value).*
  - b) Support the Forestry Commission comments.  
*(Response: Forestry Commission have not objected to the application and their comments are considered in the assessment in this report).*
  - c) Impact on the neighbouring properties.  
*(Response: In relation to removing excess water from the stream and reducing flood risk the proposal will have a positive impact on neighbouring properties).*
  - d) Should be no recreational use of the wetland site as no car parking, toilets and road is too narrow.  
*(Response: Land is and will remain in private ownership with no right of way or public access proposed).*
  - e) If officers are minded to approve request referral to the Planning Committee.

Councillor John Perry (ward member)

- 4.03 Application is called in for committee determination as it is considered that the creation of a wetland is a major issue.

**5. CONSULTATIONS**

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

KCC Highways:

- 5.01 No objections – subject to construction management condition

Environmental Protection

- 5.02 No objections

KCC Ecology

- 5.03 Concerns expressed regarding lack of information on whether great crested newts were present on the site. Applicant due to meet KCC Ecology between publication of this report and the committee date on the 18 April 2024.

Southern Water

- 5.04 No objection. Applicant should check for presence of public sewers on the site.

KCC Local Lead Flood Authority

5.05 Support for the following reasons:

- Proposed wetland will bring multiple benefits.
- Proposal is low risk in relation to on/off site surface water flood risk etc.

Environment Agency

5.06 No comment.

Forestry Commission

5.07 No objection, refer to ancient woodland standing advice, the need to protect existing trees and national guidance on biodiversity net gain.

Fig 3: General arrangement plan superimposed on aerial photograph.



## 6. APPRAISAL

6.01 The key issues for consideration relate to:

- Development in the countryside policies SP17 and LPRSP10C
- Loss of the existing agricultural field.
- Flooding
- Biodiversity
- Residential amenity
- Traffic and transport.

### **Development in the countryside policies SP17 and LPRSP10C**

6.02 The application site is in the countryside and the starting point for assessing all applications in the countryside are LPRSP9 and adopted policy SP17. Adopted 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. LPRSP9 says the same as adopted policy SP17 with qualification of the level of harm i.e. " ...there is no 'significant' harm to local character and appearance". The current application will not result in a 'significant' level of harm to the countryside.

- 6.04 In specific circumstances where there is locational need for development (equestrian, rural worker dwelling, agricultural buildings etc) other LPR and adopted 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 LPRSP9 and adopted policy SP17 overall.
- 6.05 Policy DM3 of the 2017 plan and LPRSP14A: Natural environment and LPRSP14(C): Climate change support the current proposal and the application is not considered a departure from the Local Plan.
- 6.06 To retain a high quality of living and to respond to the effects of climate change, policy DM 3 of the Maidstone Local Plan (2017) advises that developers should ensure that new development protects and enhances the natural environment. This action involves creation of new Biodiversity Action Plan priority habitats (including water habitats in the form of ponds), the creation and enhancement of other habitats and to mitigate for and adapt to the effects of climate change.

#### **Loss of agricultural land.**

- 6.07 The NPPF (paragraph 180) recognises the benefits of best and most versatile (grades 1 and 2) agricultural land, whilst also acknowledging that where development of agricultural land is proposed the preference should be for poorer quality land (NPPF page 52 footnote 62).
- 6.08 There is no directly relevant local plan policy however policy DM33 (agricultural land to domestic use) states that the loss of agricultural land will be resisted where it is highly graded (grade 1 or grade 2), and where agricultural use is feasible. The NPPF states "*Planning ...decisions should... recognise that some undeveloped land can perform many functions, such as for wildlife...[and] flood risk mitigation...*" (NPPF para 124).
- 6.09 The application site is not best and most versatile agricultural land (grade 3). The landowners have confirmed that the application site is too waterlogged to be economically farmed. In this context the loss of the agricultural field is found to be acceptable.

#### **Climate change and flooding**

- 6.10 The 11 key local issues listed at the start of the adopted 2017 Local Plan include:
- "*Promotion of the multi-functional nature of the borough's ...rivers and watercourses*" and
  - "*Ensuring that applications for development adequately address the impact of climate change and issues of flooding...*" (2017 LP page 6).
- 6.11 The NPPF advice on climate change and flooding includes the following:
- "*The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that...minimise vulnerability and improve resilience...*" (NPPF para 157).
  - "*When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment...*" (NPPF para 173).
- 6.12 The Staplehurst Surface Water Management Plan (Final Report January 2017 -Kent County Council) identifies the Staplehurst area as being at significant risk of flooding. The applicant sets out "*Recent flooding in the Staplehurst catchment is*

likely to have occurred because of a combination of surface water and sewer flooding as the drainage network ...became overloaded with surface water” and “This may have also been exacerbated by the elevated main river levels in the River Beult as the peak flood volumes would have prevented excess surface water from being passed through the drainage network (such as the Overbridge Farm Stream) ...”.

- 6.13 The Medway Flood Action Plan (November 2017) identifies Natural Flood Management as an important way to manage or reduce the risk and impacts of flooding upstream of Allington Lock. Natural Flood Management is defined as “Managing flood...risk by protecting, restoring and emulating the natural ‘regulating’ function of catchments, rivers, floodplains and coasts” (NPPF page 72).

Fig 4: Site location in relation to flood zones 2 and 3.



- 6.14 The applicant has set out that Natural Flood Management includes use of "...leaky dams’, new hedgerows, riverbank restoration, targeted tree planting and wetland creation to hold water temporarily on land to ‘slow the flow’, reduce and delay flood peaks and store more water away from homes and other infrastructure such as roads. ...”.
- 6.15 The current application aims to reduce potential flood risk in the Staplehurst catchments. This benefit will be achieved by diverting excess water from the Overbridge Farm Stream during peak flows and storing the water in the newly created wetland.
- 6.16 The applicant also highlights other benefits of wetland creation. These benefits include removal of fine silt from river systems, improved water clarity and restoration of natural processes, including erosion and deposition. Restoring water bodies such as streams to their natural floodplains provide flood risk reduction benefits by slowing runoff and storing flood water.
- 6.17 As shown on the map above, the application site is at ‘very low’ risk of flooding from rivers (Zone 1). The site is at ~~100~~ medium risk (1 and 3.3%) of surface water flooding.

- 6.18 Downstream areas to the northeast of the application site are at greater risk of flooding with a mixture of medium and high risk of flooding (flood zones 2 and 3). In periods of heavy flow, the proposed wetlands will provide storage for over 2,000 m<sup>3</sup> 3,700 cubic metres of water, with this storage regulating flows in the Overbridge Farm Stream and reducing flood risk downstream in areas to the northeast.

### **Biodiversity**

- 6.19 LPRSP14A and adopted policy DM3 of the Maidstone Borough Local Plan state that "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". The required actions include:
- "...measures to improve the ecological status of water bodies...".
  - "Provide for the long-term maintenance and management of all natural assets...".
  - "Mitigate for and adapt to the effects of climate change ...."
- 6.20 LPRSP14A and adopted policy DM3 advise "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 and any additional land put forward for mitigation purposes to take full account of the biodiversity present..."
- 6.21 The application site is currently agricultural land; however, the landowners have confirmed that the land is too waterlogged to be economically farmed. Surveys submitted with the application found no evidence of water vole on the site and other than steep banks and isolated stands of reedmace the stream corridor does not support suitable foraging habitat for water vole. No evidence of otter was recorded, and the stream corridor offers negligible opportunities for sheltering and foraging.
- 6.22 A planning condition is recommended requiring submission and approval of an Ecological Mitigation and Enhancement Strategy. This submission would include further information on reptiles such as the enhancement of the proposed reptile and amphibian mitigation area to support other displaced animals (such as breeding birds) prior to the loss of habitat for wetland creation. A further condition is recommended for the submission and approval of a Landscape and Ecological Management Plan, with this document seeking appropriate long-term management to provide suitable breeding/foraging habitat.
- 6.23 The proposed wetland would provide several benefits. In addition to providing water storage in this floodplain and slowing runoff that would reduce flood risk upstream, the wetland would also provide valuable additional wetland habitat increasing biodiversity with benefits to plants and habitats for invertebrates, birds, and animals.
- 6.24 Policy DM 3 provides protection to ancient woodland. There is an area of ancient woodland in the southeast corner of the site and GIS mapping shows that a small section of ancient woodland is included within the application site boundary.
- 6.25 The submitted plans show that proposed works are outside of both the ancient woodland and the 15-metre buffer recommended by Natural England guidance. A planning condition is recommended that requires the 15-metre buffer area to be fenced off prior to the construction works commencing and retained for the duration of these works. The applicant has confirmed that no other trees will need to be managed or removed as part of the proposal.
- 6.26 The proposals introducing a new wetland that includes measures to provide habitat for different species will increase the biodiversity value of the application site. The proposal is in line with the Council's Biodiversity and Climate Change Action Plan.

In addition to Action 5.1 on adaptation to climate change, Action 6.4 requires the expansion of "...*wetland coverage across the Borough to support nutrient neutrality, flood prevention, and enhance biodiversity*". Action 6.6 states that the Council will "*Work with local farms and landowners to deliver landscape scale biodiversity initiatives Nature Recovery Strategy – including ...floodplain restoration...*"

### **Residential amenity**

- 6.27 Policy DM1 of the adopted 2017 Local Plan and LPRSP15 state that development should "*Respect the amenities of occupiers of neighbouring properties and uses...by ensuring that development does not result in, or is exposed to, excessive noise...activity or vehicular movements, overlooking...and that the built form would not result in an unacceptable loss of privacy...enjoyed by the occupiers of nearby properties*".
- 6.28 The residential property Houndshurst Barn is located to the west of the main part of the application site. Houndshurst Barn is in the same ownership as the application site. Access to the public highway from the site runs to the south and west of Houndshurst Barn. A group of residential properties located on the opposite (north) side of Grave Lane include Newhaven Farm, Newhaven Barn, Cordena and Clarendon Barn.
- 6.29 Neighbour consultation responses and the Parish Council have raised concerns about potential sources of nuisance to nearby residential properties in relation to future visitors to the site and overlooking and loss of privacy from the proposed raised areas of land on the site.
- 6.30 The material extracted to form the new ponds will be redistributed on the application site in two areas, increasing the height of the existing bund along the Grave Lane boundary and the main fill area to the west of the wetland area. *All construction work has the potential to cause nuisance, however as this nuisance is temporary and can be minimised through planning conditions, this nuisance is not grounds to refuse planning permission. The applicant has advised that works are anticipated to be over 5 days and will involve a tipper and a 12 tonne excavator with no material removed from the site).*
- 6.31 Newhaven Barn is closest to the proposed wetlands and will be separated from the proposed higher bund by circa 17 metres. This separation distance includes existing boundary hedgerows and drainage ditches on both sides of Grave Lane. The bund is circa 7 metres from the road. The top of the bund will be 18.89 AOD in this location and the road surface is 18.20 AOD (0.69m difference).
- 6.32 The application site is currently *and will remain in private ownership with no right of way or public access proposed*. In addition, public access would be likely to cause disturbance to the wildlife that will inhabit the newly created wetland. In this context the proposal is found acceptable in relation to residential amenity.

### **Traffic and transport.**

- 6.33 NPPF advice on assessing highway impact 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" (NPPF 2023 paragraph 115).
- 6.34 The application site is currently and will remain in private ownership with no right of way or public access proposed on the site.
- 6.35 All construction work has the potential to cause nuisance, however as this nuisance is temporary and can be minimised through planning conditions, this nuisance is not grounds to refuse planning permission.

6.36 The applicant has advised that works to construct the wetland are anticipated to be over 5 days and will involve a tipper and a 12 tonne excavator. There is no material to be removed from the site.

6.37 In this context the proposal is found acceptable in relation to traffic and transport.

## **7. PUBLIC SECTOR EQUALITY DUTY**

7.01 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.

## **8. COMMUNITY INFRASTRUCTURE LEVY**

8.01 The proposed development is not liable for Community Infrastructure Levy (CIL)

## **9. CONCLUSION**

9.01 In addition to reducing flood risk the proposal would protect and enhance biodiversity through habitat creation in accordance with the National Planning Policy Framework Planning Practice Guidance.

9.02 The proposals are in line with the Council's Biodiversity and Climate Change Action Plan. In addition to Action 5.1 on adaptation to climate change, Action 6.4 requires the expansion of "*...wetland coverage across the Borough to support nutrient neutrality, flood prevention, and enhance biodiversity*". Action 6.6 states that the Council will "*Work with local farms and landowners to deliver landscape scale biodiversity initiatives Nature Recovery Strategy – including ...floodplain restoration...*"

## **10. RECOMMENDATION**

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

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

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

- Application for planning permission
- Flood Risk Assessment (Project Centre dated April 2023)
- Environmental Impact Assessment
- Technical Specification
- Topographic Survey
- Existing Site Topography Plan
- Design and Access Statement
- General Arrangements BG114\_4\_1\_001
- Site Sections BG114\_3\_5\_001 Rev A
- Aerial Map Site Location Plan
- Site Location Plan
- Existing Site Contour Map

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

3) The development hereby approved shall not commence until tree protection is in place in accordance with the current edition of BS 5837. This tree protection shall include fencing off the 15 metre ancient woodland buffer zone. 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

- 4) No development shall commence until, an Ecological Mitigation and Enhancement Strategy been submitted to and approved in writing by the Local Planning Authority. The wetlands shall be in accordance with the approved Ecological Mitigation and Enhancement Strategy. Reason: In the interests of biodiversity and ecology.
- 5) No development shall take place until a Construction Management Plan for the site has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include the following details-
  - (a) Routing of construction vehicles to / from the site.
  - (b) Parking and turning areas for construction and delivery vehicles and site personnel.
  - (c) Timing of deliveries.
  - (d) Provision of wheel washing facilities.
  - (e) Temporary traffic management / signage.
  - (f) Hours of construction work.
  - (g) Measures to ensure that access to neighbouring properties in maintained during construction work.

The construction works shall proceed only in accordance with the approved Construction Management Plan. The document shall be produced in accordance with the Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites, the Control of Dust from Construction Sites (BRE DTi Feb 2003) and the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction.

Reason: In the interests of residential amenity and highway safety.

- 6) Notwithstanding the provisions of Schedule 2 Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land. Reason: To prevent inappropriate development and safeguard the amenity, character, and appearance of the countryside, and in the interests of residential amenity.
- 7) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall use predominantly native or near-native species as appropriate and show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall also provide details of replacement planting to mitigate any loss of amenity and biodiversity value, the location of any habitat piles of cut and rotting wood and include a plant specification, implementation details, a maintenance schedule and a [5] year management plan. [The landscape scheme shall specifically address the need to provide native tree planting to screen the northern boundary of the buildings garden area).]  
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 8) All planting, seeding, and turfing specified in the approved landscape details shall be completed by the end of the first planting season (October to February) following its approval. Any seeding or turfing which fails to establish or any existing or proposed trees or plants which, within five years from planting die or become so seriously damaged or diseased that their long-term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme. Reason: In

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

- 9) No development shall commence until, a Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The management shall include a description and evaluation of the features to be managed: ecological trends and constraints on site that might influence management; aims and objectives of management; appropriate management options for achieving aims and objectives; prescriptions for management actions, together with a plan of management compartments; and the preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period. The wetlands shall be managed in accordance with the approved Landscape and Ecological Management Plan. Reason: In the interests of biodiversity and ecology.
- 10) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall:
- a) be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021 (and any subsequent revisions) with reference to environmental zone E1.
  - b) include a layout plan with beam orientation.
  - c) a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).
  - d) an ISO lux plan showing light spill.
- The scheme of lighting shall be installed, maintained, and operated thereafter in accordance with the approved scheme.  
Reason: To safeguard residential amenity, wildlife and to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.
- 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 18



Ordnance Survey - data derived from OS Premium

24/501047/NMAMD Heather House, Bicknor Road, Maidstone, Kent, ME15 9PS

Scale: 1:2500  
N

Printed on: 3/4/2024 at 10:34 AM by RebeccaB1



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**REPORT SUMMARY**

<b>REFERENCE:</b> 24/501047/NMAMD		
<b>PROPOSAL:</b> Non material amendment to Condition 2 to replace the extent of glazing to the rear and partly to the sides with fire rated cladding of 22/500222/FULL: Demolition of Heather House Community Centre and construction of a New Community Centre to include changing rooms and storage related to the Sports use of Parkwood Recreation Ground and change of use of part of site to Parkwood Recreation Ground. Demolition of the Pavilion Building and erection of 11no. dwellings on the site of the Pavilion and partly on adjacent Parkwood Recreation Ground. Both with associated parking, vehicular and pedestrian access and landscaping		
<b>ADDRESS:</b> Heather House, Bicknor Road, Maidstone, Kent, ME15 9PS		
<b>RECOMMENDATION:</b> Grant Non-Material Amendment		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> It is considered that the proposed change is of a scale and nature that it falls within the remit of a Non Material Amendment to the parent permission, ref. 22/500222/FULL as approved on 1 June 2023		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The applicant is Maidstone Borough Council		
<b>WARD:</b> Park Wood	<b>PARISH/TOWN COUNCIL:</b> Unparished	<b>APPLICANT:</b> Maidstone Borough Council <b>AGENT:</b> Chartway Group
<b>CASE OFFICER:</b> Sean Scott	<b>VALIDATION DATE:</b> 12/03/2024	<b>DECISION DUE DATE:</b> 09/04/24
<b>ADVERTISED AS A DEPARTURE:</b> No		

**Relevant Planning History**

22/500222/FULL - Demolition of Heather House Community Centre and construction of a New Community Centre to include changing rooms and storage related to the Sports use of Parkwood Recreation Ground and change of use of part of site to Parkwood Recreation Ground. Demolition of the Pavilion Building and erection of 11no. dwellings on the site of the Pavilion and partly on adjacent Parkwood Recreation Ground. Both with associated parking, vehicular and pedestrian access and landscaping - Approved 01.06.2023

23/504215/SUB - Submission of details to discharge condition 17 - Preliminary Ecological Appraisal, Subject to 22/500222/FULL (new Community Centre and erection of 11 houses) - Approved 10.11.2023

23/504352/SUB - Submission of details to discharge condition 9 - Scheme for Archaeological Investigation, Subject to 22/500222/FULL (new Community Centre and erection of 11 houses) - Approved 20.11.2023

23/504740/SUB - Submission of details to discharge condition 10 - External Materials, Subject to 22/500222/FULL (new Community Centre and erection of 11 houses) - Approved 18.12.2023

23/504744/SUB - Submission of details to discharge condition 7 - Recreation Ground Access , Subject to 22/500222/FULL (new Community Centre and erection of 11 houses) - Approved 08.02.2024

23/504755/SUB - Submission of details pursuant to condition 12 (proposed slab levels and existing site levels) of application 22/500222/FULL (new Community Centre and erection of 11 houses) - Approved 24.11.2023

23/504756/SUB - Submission of details pursuant to condition 25 (details of foundation design) in relation to planning permission 22/500222/FULL (new Community Centre and erection of 11 houses) - Approved 20.12.2023

23/504767/SUB - Submission of details pursuant to conditions 24 (Arboricultural Method Statement) and 26 (structural planting protection and ground designated for new structural planting) of application 22/500222/FULL (new Community Centre and erection of 11 houses) - Approved 14.12.2023

23/504830/SUB - Submission of details to discharge condition 4 (letting contract) of planning application 22/500222/FULL (new Community Centre and erection of 11 houses) Pending Consideration

23/504834/SUB - Submission of details to discharge condition 8 (refuse/recycling strategy) of planning application 22/500222/FULL (new Community Centre and erection of 11 houses) - Approved 12.02.2024

23/504835/SUB - Submission of details to discharge condition 11 (boundary treatments) of planning application 22/500222/FULL (new Community Centre and erection of 11 houses) - Pending Consideration

23/504836/SUB - Submission of details to discharge condition 16 (ecological management plan) of planning application 22/500222/FULL (new Community Centre and erection of 11 houses) - Approved 24.01.2024

23/504841/SUB - Submission of details to discharge condition 27 (landscape scheme) of planning application 22/500222/FULL (new Community Centre and erection of 11 houses) - Pending Decision

23/504873/SUB - Submission of Details pursuant to condition 15 (Biodiversity Net Gain Report) of application 22/500222/FULL - Approved 24.01.2024

23/505231/NMAMD - Non Material Amendment to Condition 30 (drainage) of 22/500222/FULL: Demolition of Heather House Community Centre and construction of a New Community Centre to include changing rooms and storage related to the Sports use of Parkwood Recreation Ground and change of use of part of site to Parkwood Recreation Ground. Demolition of the Pavilion Building and erection of 11no. dwellings on the site of the Pavilion and partly on adjacent Parkwood Recreation Ground. Both with associated parking, vehicular and pedestrian access and landscaping – Approved 02.04.2024

23/505593/NMAMD - Non Material Amendment: canopy projection reduction to community centre, internal road alignment to the residential site and elevational and layout changes to the residential plots - 22/500222/FULL: Demolition of Heather House Community Centre and construction of a New Community Centre to include changing rooms and storage related to the Sports use of Parkwood Recreation Ground and change of use of part of site to Parkwood Recreation Ground – Approved 02.04.2024

## **MAIN REPORT**

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

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

- 1.02 The existing Pavilion building is the northernmost and is single storey and mainly flat roofed. It was originally occupied by the Royal British Legion, now being a licensed bar/social area and changing room facilities used by 2 rugby clubs (who also use the recreation ground sports pitches).
- 1.03 The Pavilion fronts Bicknor Road, close to the redevelopment scheme at Wallis Avenue/Longshaw Road, part of which is up to 4 storeys high. To the north are adjoining bungalows at Rosemary Gardens. The western and southern boundaries are to Parkwood Recreation Ground.
- 1.04 As shown in the history section of this report planning permission (22/500222/FULL) was granted in June 2023 for demolition of Heather House Community Centre and construction of a New Community Centre to include changing rooms and storage related to the Sports use of Parkwood Recreation Ground and change of use of part of site to Parkwood Recreation Ground. Demolition of the Pavilion Building and erection of 11no. dwellings on the site of the Pavilion and partly on adjacent Parkwood Recreation Ground. Both with associated parking, vehicular and pedestrian access and landscaping.

## 2. PROPOSAL

- 2.01 Following the approval of the parent application, a technical review has been undertaken which means that an amendment to the proposal for the new community centre will be necessary in order to meet Building Regulations Part B – External Fire spread ‘Unprotected areas’.
- 2.02 It is proposed to replace the approved vertical glazed panels (Profilit Glazing) to the rear elevation and side elevation returns each by 2.6m with cladding (Hardie Plank VL) in an anthracite grey colour and it is shown to be installed vertically. The cladding is a fire rated material.

## 3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan – (2017) & Local Plan Review (2024)

- 3.01 The latest position on the Local Plan Review at the time of writing is that this Council invited the Inspector to make any changes necessary to the Main Modifications in order to make the Plan sound. The Inspector has done so in his Final Report (8 March 2024) and so the recommendation is simply one of adoption to PAC PI, Cabinet and, crucially, Council on the 18, 19 and 20, respectively, of March. However, if the recommendation to adopt is accepted then the Plan would still not have full weight because the 6 week period for judicial review would need to expire (i.e 6 weeks from the date of the Council’s decision) and so, at this stage, the Plan enjoys ‘substantial’ weight.’
- 3.02 Relevant policies set out in the table below:

Policy Title (2017/2024)	Maidstone Borough Local Plan (2017)	Local Plan Review (2024)
Maidstone Borough spatial strategy	SS1	LPRSS1
Maidstone Urban Area	SP1	LPRSP2
Housing Mix	SP19	LPRSP10(A)
Affordable Housing	SP20	LPRSP10(B)
Infrastructure Delivery	ID1	LPRSP13
Principles of good design	DM1	LPRSP15
Sustainable design	DM2	LPRQ&D1
Natural environment	DM3	LPRSP14(A)
Air quality	DM6	LPRTRA1
Density of housing Development /	DM12	LPRHOU5

Density of residential development		
Open space and Recreation / Publicly accessible open space and recreation	DM19	LPRINF1
Community facilities	DM20	LPRINF2
Parking standards / Parking	DM23	LPRTRA4

Kent Waste and Minerals Plan (amended 2020)

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Supplementary Planning Documents: Maidstone Building for Life; Affordable and Local Needs Housing

#### 4. LOCAL REPRESENTATIONS

##### Local Residents:

- 4.01 Due to the application being for a non-material amendment, public notification was not required.

#### 5. CONSULTATIONS

- 5.01 No consultations undertaken.

#### 6. APPRAISAL

- 6.01 The consideration of this application relates to a single issue, to ascertain whether the proposals constitute a Non Material Amendment (NMA).

##### Non Material Amendment Appraisal

- 6.02 It is necessary to consider if the proposed amendments fall within the remit of a NMA to parent permission ref. 22/500222/FULL as approved on 1 June 2023.
- 6.03 National Planning Practice Guidance (NPPG) advises that there is no statutory definition of 'non-material'. It will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The Local Planning Authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990. The interests of a third party or body who participated in or were informed of the original decision should not be disadvantaged in any way and the amendment should not be contrary to any policy of the Council.
- 6.04 This application covers an amendment to the community centre element as approved under ref. 22/500222/FULL.
- 6.05 The proposal seeks to reduce the expanse of glazing on the community centre building. It is noted that the glazed top element of the building would be a striking feature illuminated by lighting from within the building.
- 6.06 The proposed cladding would fully cover the rear of the top feature (which faces the park) and part of the sides by 2.6 m. While officers have a preference for the fully glazed feature, there is clear justification for this change in order to meet Building Regulations Part B – External Fire spread 'Unprotected areas'.
- 6.07 Officers are satisfied that the overall design intention of the building will continue to be realised. Notably the key elevation is the front of the building, facing the street

which would be unchanged. The sides would also remain predominantly glazed and the way that the cladding partially wraps around to the sides is considered to create a greater sense of cohesion with regards to the material palette. Furthermore, the cladding would be similar in colour which matches the fascia to the top of the roof.

- 6.08 In assessing whether the proposed change is an NMA, it is necessary to also consider the cumulative impact of previously approved amendments to the scheme. As set out in the Relevant Planning History, two NMA's under refs. 23/505231/NMAMD & 23/505593/NMAMD were approved on 2 April 2024. Taking all changes into account, it is considered to be the case that this application would be non-material.
- 6.09 Officers are therefore satisfied that this application would fall within the remit of a NMA.
- 6.10 For clarity this non-material amendment will amend the following drawing under Condition 2 (approved drawings) of the parent application, as set out in the table below:

<b>Parent Application 22/500222/FULL</b>		<b>Subsequent approved NMA 23/505593/NMAMD</b>		<b>This proposal 24/501047/NMAMD</b>	
<b>Drawing title</b>	<b>Approved drawing</b>	<b>Drawing title</b>	<b>Approved drawing</b>	<b>Drawing title</b>	<b>Replacement Drawing</b>
Proposed Elevations Community Centre	PL-06 Rev.1	Block Plan Elevations Community Centre	2034 P1	Block Plan Elevations Community Centre	SK13 P2

## **PUBLIC SECTOR EQUALITY DUTY**

- 6.11 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 Overall, the cumulative impact of previous applications has been taken into account. It is considered that the changes do not materially alter the scheme.
- 7.02 It is therefore recommended that this Non-Material Amendment application is permitted.

## **8. RECOMMENDATION**

### **Grant Non-Material Amendment**

# Agenda Item 19



Ordnance Survey - data derived from OS Premium

23/504905/FULL Oakleigh House, Pattenden Lane, Marden, Kent, TN12 9QJ

Scale: 1:2500

Printed on: 3/4/2024 at 10:39 AM by RebeccaB1

**REPORT SUMMARY**

<b>REFERENCE NUMBER:</b> 23/504905/FULL		
<b>APPLICATION PROPOSAL:</b> Erection of 1no. three storey self-storage unit, including access, parking and associated works.		
<b>ADDRESS:</b> Oakleigh House, Pattenden Lane, Marden, Kent, TN12 9QJ		
<b>RECOMMENDATION:</b> GRANT PLANNING PERMISSION subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b>  The proposal is located within a Rural Service Centre and represents an appropriate employment generating use within a defined Economic Development Area. The proposal is therefore in accordance with the spatial strategy as outlined in the development plan.  The design and appearance of the development is considered to be appropriate within its context.  The proposal is also considered to be located in a sustainable location served by various modes of transport and it is not considered to unduly impact the wider highway.  Improvements to encourage the use of sustainable transport options would be secured by condition.  The assessment of the proposal has not identified undue harmful impacts to residential amenity. Sustainable drainage, and landscaping and biodiversity improvements would also be secured by condition.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Referred by Marden Parish Council		
<b>WARD:</b> Marden And Yalding	<b>PARISH/TOWN COUNCIL:</b> Marden	<b>APPLICANT:</b> Mr Roger Marsh <b>AGENT:</b> Rees Construction Management Ltd
<b>CASE OFFICER:</b> Sean Scott	<b>VALIDATION DATE:</b> 07/11/23	<b>DECISION DUE DATE:</b> 06/02/24
<b>ADVERTISED AS A DEPARTURE:</b> No		

**Officer Site Visit**

30 November 2023

**Relevant Planning History**

The application site has a substantial planning history relating to the commercial uses taking place. The most relevant and notable cases are listed below.

22/501913/FULL - Section 73 Application for removal of conditions 7 (landscaping details) and 10 (retention of cut timber/wood), and variation of condition 11 (electric vehicle charging points) pursuant to 21/506173/FULL for - Erection of an extension to an existing warehouse including parking, access, landscaping and associated works - Approved 09.06.2022 and upon visiting the site it is noted that this proposal has not yet been implemented.

21/506173/FULL- Erection of an extension to an existing warehouse including parking, access, landscaping and associated works - Approved 18.01.2022 and upon visiting the site it is noted that this proposal has not yet been implemented.

84/0986 - 2000 sq ft warehouse buildings - Approved 30.08.1984

81/0632 - Steel framed building with cladding and glazing with process plant for the manufacture of metal powders as validated on 5/5/81 and as amended by letter dated 7/8/81 and accompanying drawing no. 867/84/A - Approved 29.09.1981

## **MAIN REPORT**

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

- 1.01 The site is located on Pattenden Lane, Marden, 13 km south of Maidstone, Kent and sits to the east side of Pattenden Lane in the Guardian Industrial Estate. The site is approximately 0.25ha in size.
- 1.02 The site currently comprises an area of car park which serves an existing commercial unit with a drop-off point to the rear, and a 64-bay car park to the frontage facing Pattenden Lane. It is understood that the site is currently occupied by Alpha Wholesale which supplies and distributes parts for heating, ventilation, and air conditioning.
- 1.03 The site is currently bordered by a grass ditch and Pattenden Lane along the frontage and fencing to the rear and north side. The site is surrounded (to the north, south & east) by a number of other commercial and industrial units that comprise the industrial estate.
- 1.04 Policy Constraints include: Economic Development Area, Minerals and Waste Site; Minerals and Waste Safeguarding/Buffering; Ancient Woodland 380 m to the north; SSSI Impact Zone; Local Wildlife Site – approx. 150 m to the north; Local Wildlife Site Buffer (500m) – covering the north of the site; Flood Zones 2 and 3 (affects the access road).

### **2. PROPOSAL**

- 2.01 The proposal is for the erection of a three storey self-storage unit falling within Use Class B8 (Storage or distribution) to be located in the car park to the west of Oakleigh House. The self-storage unit would have a total gross internal area (GIA) of 1908 sqm. The proposal would include provision for 34 car parking spaces. In addition, there would be works to the access and associated works related to landscaping.
- 2.02 Officers requested amendments to the proposal to introduce glazing to the front and also an updated Design and Access Statement to set out the intended cladding material for the proposed building.
- 2.03 The notable change when compared to the previous applications (ref. 21/506173/FULL & minor material amendment ref. 22/501913/FULL) is that this proposal will be a standalone warehouse building rather than an extension to the existing warehouse to the east. It is also the case that the existing adjacent warehouse does not sit within the red line of this application. The proposal would therefore project 5 metres further forward than those previously approved. Otherwise, the use and the scale and massing would be similar to that previously approved. The key features and considerations of the scheme are assessed in greater detail in the Appraisal of the application below.

### 3. POLICY AND OTHER CONSIDERATIONS

#### Maidstone Borough Local Plan – (2017) & Local Plan Review (2024)

3.01 The latest position on the Local Plan Review at the time of writing is that this Council invited the Inspector to make any changes necessary to the Main Modifications in order to make the Plan sound. The Inspector has done so in his Final Report (8 March 2024) and so the recommendation is simply one of adoption to PAC PI, Cabinet and, crucially, Council on the 18, 19 and 20, respectively, of March. However, if the recommendation to adopt is accepted then the Plan would still not have full weight because the 6 week period for judicial review would need to expire (i.e 6 weeks from the date of the Council’s decision) and so, at this stage, the Plan enjoys ‘substantial’ weight.’

3.02 Relevant policies are set out in the table below:

Policy Title (2017/2024)	Maidstone Borough Local Plan (2017)	Local Plan Review (2024)
Maidstone Borough spatial strategy	SS1	LPRSS1
Rural service centres	SP5	LPRSP6
Marden Rural Service Centre	SP9	LPRSP6(E)
Economic development	SP21	LPRSP11
Retention of employment sites / Safeguarding existing employment sites and premises	SP22	LPRSP11(A)
Sustainable transport	SP23	LPRSP12
Principles of good design	DM1	LPRSP15
Parking standards / Parking	DM23	LPRTRA4
South of Claygate, Pattenden Lane, Marden	EMP1(2)	EMP1(2) (unchanged)

**Marden Neighbourhood Plan (2020):** BE1, BE3, E1, NE3, NE4

**Supplementary Planning Guidance:** SP4 Kent Vehicle Parking Standards

**The National Planning Policy Framework (NPPF)**

**National Planning Practice Guidance (NPPG)**

### 4. LOCAL REPRESENTATIONS

Local Residents:

4.01 No representations have been received either in support or objection to the application.

Marden Parish Council (PC):

4.02 Objection for the following reasons:

- In principle Parish Council (PC) support development that encourages employment.
- Concern regarding the large blank elevation facing onto the street scene would have detrimental impact on the character of the street and on the residential properties opposite. The proposed building projects further forward than the majority of the street building line, and the large blank elevation would be prominent and overbearing.
- The proposal is architecturally lacking and provides no street interest and substantial areas of dead space.
- This application is a clear deviation of the previously approved scheme which included some glazing to the front, and a more active street frontage whereas this proposal includes a large blank western elevation.
- No landscape plan associated with this application.
- Marden Parish Council also refused application 21/506173/FULL for which Cllrs comments were as follows:
  - However, due to its bulk, size and form, together with being significantly closer to the highways in relation to the existing building and the neighbouring warehousing, Cllrs recommend refusal as does not fully comply to MNP Policy BE1.
  - Cllrs also felt that the largely blank façade is out of keeping with other neighbouring modern buildings and detrimental to the street scene. If MBC are minded to approve Cllrs wished to see an enhanced landscaping scheme put in place.
  - Cllrs concerns with regards to the bulk, size and form of the building remain, but accept that the principle has largely been established. We do however strongly feel that the visual impact on this proposal is a substantial deviation from the previously approved proposal, and is substantially worse.
  - Refusal recommended as contrary to Marden Neighbourhood Plan Policy BE1 (Local Character). The PC refers this application to Committee if the LPA is minded to approve.

## **5. CONSULTATIONS**

### KCC Ecology

5.01 No objection subject to conditions and informative:

- Biodiversity Enhancement Plan.
- Informative for 'Breeding Birds' is recommended and this is supported by officers.

### National Highways

5.02 No objection.

### Environment Agency

5.03 No comment.

### KCC – Lead Local Flood Authority (LLFA)

5.04 No objection subject to conditions on:

- No surface water drainage strategy was provided for the proposed development. Therefore, was recommended that the application is not determined until complete surface water drainage strategy has been provided

for review. The applicant has provided the requested information and the LLFA has been reconsulted.

Kent Police – Designing Out Crime Officer

5.05 No objection subject to conditions on:

- Secure by Design

Environmental Health

5.06 No objection subject to conditions:

- Extraction/treatment of fumes/odours
- Land contamination
- Informative recommended regarding Mid Kent Environmental Code of Development Practice

Southern Water

5.07 Initial objection as the proposed development would lie over an existing public foul sewer, which would not be acceptable to Southern Water. Further information provided by the developer regarding sewer diversion is considered to be satisfactory to Southern Water. A condition for diversion measures of the public sewer has been recommended.

Natural England

5.08 No objection.

KCC Highways and Transportation

5.09 No objection subject to conditions on Provision and permanent retention of the vehicle parking spaces, and Provision and permanent retention of the vehicle loading/unloading and turning facilities. An informative regarding permissions to undertake work on the highway has also been requested.

Upper Medway Internal Drainage Board

5.10 No objection – however an informative is to be included to highlight a conflict between the planning process and the Board's regulatory regime.

## **6. APPRAISAL**

6.01 The key issues are:

- Spatial Strategy and Principle of Development
- Character and Appearance
- Residential Amenity
- Highways and Parking
- Biodiversity and Landscaping
- Other Matters: Flooding and Substantiable Drainage

### **Spatial Strategy and Principle of Development**

6.02 The site is located within the designated Rural Service Centre of Marden, a defined settlement. Local Plan Policy SS1 and Local Plan Review (LPR) Policy LPRSS1 direct development to settlement areas and allocated sites, noting that Maidstone Town Centre is the primary focus for development, with rural service centres having a secondary focus.

- 6.03 The application site lies within the Pattenden Lane area of Marden, where together Local Plan policies SP21, SP22, SP5, SP9 and EMP(2), and LPR policies LPRSP11, LPRSP11(A), LPRSP6, LPRSP6(E), EMP1(2) support employment uses and the site is identified as being within an Economic Development Area known as 'South of Claygate, Pattenden Lane, Marden' (also referred to elsewhere in the Plan as Pattenden Lane, Marden). EMP1(2) in both the Local Plan and LPR specifically refers to this area as being suitable for the proposed B8 use class (storage or distribution) and well as use classes B1 and B2.
- 6.04 Notably the notion of aforementioned policies in the Local Plan and LPR seek to safeguard and also intensify employment uses within Economic Development Areas.
- 6.05 The principle of the land use is strongly supported by the Local Plan and the LPR. Furthermore, the planning history also has a bearing on the principle as it is evident that a similar development was approved under permission references 22/501913/FULL and 21/506173/FULL (extant permissions).
- 6.06 Overall, the proposal is considered to adhere to the Council's spatial hierarchy, and it is considered to be acceptable in principle.

### **Character and Appearance**

- 6.07 Local Plan Policy DM1 and LPR Policy LPRSP15 set out the principles to achieve good design in the Borough. Of particular relevance to this proposal, the Policy states that regard should be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage. Also, the policy supports development that responds to the existing townscape and landscape to uplift areas of poor environmental quality and there is a focus on the need for landscaping.
- 6.08 Marden Neighbourhood Plan Policy BE1 indicates that new development must be both visually and functionally sympathetic to the existing styles and materials.
- 6.09 The proposal is located in an industrial location which contains a number of buildings of a utilitarian appearance. The proposal seeks to erect a new three storey building for the purposes of storage and distribution.
- 6.10 The proposed scale and massing of the proposal is similar to that approved in June 2022 under ref. 22/501913/FULL. The most notable difference with this proposal is that the roof would have a shallow pitch rather than a flat roof and this means that the proposed eaves of the roof would sit marginally lower than the previous approval.
- 6.11 With regards to the layout, the proposal would project further to the road than the previous approval by 5 metres. Consideration has been given to this more prominent position and while it does sit further forward, there is no strict building line or rhythm of development in the industrial part of Pattenden Lane. The proposal would leave enough room to the front for parking and landscaping along the boundary, this is considered to be acceptable and in keeping with the character of this part of the street.
- 6.12 The architecture of the building is industrial in appearance, serving the needs of the intended storage and distribution use. Officers were not satisfied with the initially submitted design, as it introduced a blank elevation on the main street facing façade. The Applicant has therefore sought to address these concerns by including an area of glazing to the front, this would serve the office within the development. While the glazing is less extensive than the June 2022 permission, it responds adequately to the layout of the proposal which is predominantly storage rooms that would not require windows. Finally, officers were unclear of the intended treatment of the facades of the building and therefore the applicant

has responded by submitting indicative cladding designs within the Design and Access Statement. The designs show examples of metal cladding broken up using varying paint colours. It is considered that varying colour bands or blocks are important to add visual interest and to help break up the massing. Should the application be minded for approval appropriately worded conditions for materials and elevational detailing have been suggested, to ensure this approach is carried through in the completed building.

6.13 Landscaping is assessed separately later in this report.

6.14 Overall, the design and appearance of the proposal is considered to appropriately respond to development in this location. With respect to character and appearance the proposal is supported, subject to the imposition of the aforementioned condition.

### **Residential Amenity**

6.15 Local Plan Policy DM1 and LPR Policy LPRSP15 seek to ensure that development respect the amenities of occupiers of neighbouring properties and uses. These policies make it clear that development should not introduce significant harmful impacts from noise, vibration, odour, air pollution, activity or vehicular movements, overlooking, or visual intrusion, or loss of light to occupiers.

6.16 Residential dwellings are predominantly located in Marden and are over 100m to the south of the site, separated by the railway. The proposed development would be in close proximity to a small cluster of residential dwellings to the northwest of the site on the opposite side of Pattenden Lane approximately 50m from the application site.

6.17 The proposed development is an intensification the existing B8 use class and is compatible with the designated Economic Development Area as identified in the Local Plan and LPR. The impact of noise and disturbance has been considered and other than some noise from vehicular movements and the process of loading/unloading to the external units, it is considered that there would not be undue harmful impacts. The number of potential vehicles is not considered to increase significantly and it is noted that the number of parking spaces would be reduced. The use itself is not considered to be a significant generator of noise that would have undue harmful impacts on nearby residents.

6.18 The impact on residential amenity regarding daylight and sunlight, privacy and outlook has also been considered. In this instance there is considered to be a sufficient distance from neighbouring properties and undue harmful impacts have not been identified.

6.19 Overall, the proposal is considered to have an acceptable impact on residential amenity.

### **Highways and Parking**

6.20 Local Plan Policy DM1 and LPR Policy LPRSP15 seeks for development to provide adequate vehicular and cycle parking to meet adopted council standards. Policy DM23 and Policy LPRTRA4 relate to parking and echo this approach and indicate active and passive car parking spaces should be provided according to a 50/50% split.

6.21 Marden Neighbourhood Plan supports sustainable travel in particular development designed to maximise travel on foot and by cycle.

6.22 The site is located less than 400 metres from Marden Station and the local facilities around the station comprising a convenience store and petrol garage. The site is accessible on foot and by cycle to residential development within the

settlement. Therefore, the site is considered to be in a sustainable location which benefits from a variety of sustainable transport modes.

- 6.23 The Kent Vehicle Parking Standards (KPS) SPD (July 2006) indicate that the parking standard for storage and distribution is a single maximum value of 1 space per 110 sqm. In addition, for car parks up to 40 spaces 2 designated spaces and 1 space of sufficient size but not specifically designated should be provided for employees and visitors.
- 6.24 A total of 34 parking spaces are proposed. As the proposal would remove parking spaces from the existing warehouse site to the west (outside of the red line), the quantum of parking for both sites is considered under this assessment.
- 6.25 The existing site contains 61 parking spaces. The applicant has confirmed that there would be a total of 34 spaces, of which 2 spaces would be for blue badge holders and 2 spaces for loading and unloading. A goods yard to the rear of the existing warehouse to the west would be retained.
- 6.26 It is also noted that the proposal would create 7 new jobs which brings the total number of employees to 32 for both sites. The adjacent warehouse building contains 1,908 sqm in floorspace and the proposed would be 1386 Sqm (GIA). Therefore 30 spaces would be required for both sites.
- 6.27 The current level of parking significantly exceeds the Kent Standard and whilst the proposed development would reduce the amount of parking available by 30 parking spaces to 34 spaces, it would still exceed the standards.
- 6.28 The current occupier of the adjacent warehouse employs 25 people and the proposed development would employ 7. For both sites, there would be a total of 32 employees. It is not expected that all employees would drive and they are likely to be on site at the same time. It is the case that officers are satisfied that there would be sufficient parking capacity and the proposal would comply with Policy and the KPS SPD.
- 6.29 No objections have been received from highways consultees subject to conditions for:
- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
  - Provision and permanent retention of the vehicle loading/unloading and turning facilities shown.
- 6.30 Officers are supportive of the inclusion of these conditions.
- 6.31 It is noted that the application does not address cycle provision and therefore it does not accord with the KPS SPD. To address this, a condition is proposed to meet the SDP requirement for at least three on-site cycle parking spaces in order to support sustainable transport options.
- 6.32 With respect to the access, it is noted that the existing access onto Pattenden Lane would continue to be used. There are some modifications to the internal access road, to ensure access to the proposal and the existing warehouse to the east. It is therefore the case that officers have no concerns regarding the access.
- 6.33 Overall, it is considered that the proposal is acceptable in relation to highways and parking, provided that the aforementioned conditions are applied if the application is minded for approval.

## **Biodiversity and Landscaping**

- 6.34 The NPPF speaks of the need to minimise impacts on and provide net gains for biodiversity. One of the key principles, set out at Para 180 (a) states that “if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”. This suggests that a more appropriate (perhaps brownfield) and on-site provision should be a preference.
- 6.35 There is a requirement to demonstrate a net gain in biodiversity as reflected by the NPPF. However, in this instance due to the time that the application was submitted there is no requirement to demonstrate an uplift of 10%, which has been a requirement for applications submitted since 12 February 2024. There is no BNG policy in the LPR concerning non-residential development.
- 6.36 Local Plan and LPR Policy EMP1(2) highlights that in this area South of Claygate, Pattenden Lane, Marden that proposals should be accompanied by a landscaping scheme along eastern and southern boundaries. In addition, the Policy indicates the need for an ecological assessment and for development to incorporate habitat creation, enhancement and mitigation measures.
- 6.37 Marden Neighbourhood Plan policies NE4 and NE5 promote enhancements to biodiversity and native landscaping, respectively.
- 6.38 As the existing site is largely covered by hard surfacing and it is not considered that there would be a negative impact to any existing biodiversity. KCC Ecology has reviewed the proposal and considers that there is limited potential to result in significant ecological impacts and is satisfied that an ecological survey does not need to be carried out. However, a condition is recommended for a biodiversity enhancement plan which meets the requirements of Policy EMP1(2).
- 6.39 The applicant has confirmed that no trees are to be felled as part of this proposal. It is noted that none of the trees on site are protected by Tree Preservation Order and the site is not located in a Conservation Area. Therefore, the prior approval of the local authority to carry out works to trees on the site is not required.
- 6.40 While some areas of grass verge will be lost, it is apparent that provision for two additional areas of soft landscaping will be made. In order to maximise the potential of the soft landscaping and in order to improve the visual amenity of the frontage, a condition for a soft landscaping scheme is suggested which is firmly supported by LPR Policy EMP1(2). This condition has been worded to secure new tree planting and the inclusion of native species in order to enhance biodiversity and in the interests of enhancing visual amenity.
- 6.41 If the application is minded for approval the following conditions are recommended:
- Soft landscaping - to ensure a good quality landscape.
  - Biodiversity Enhancement Plan – to enhance biodiversity on the site.
- 6.42 An Informative relating to breeding birds is also included to highlight their protected status.
- 6.43 Provided the above-mentioned conditions are secured, officers are satisfied that the proposal is acceptable with regards to biodiversity and landscaping.

## **7. Other Matters**

- 7.01 Flooding and sustainable drainage: The Lead Local Flood Authority highlighted that sufficient details had not been provided. The Applicant has now provided these details and officers have recommended a condition to secure a sustainable drainage system. Officers are therefore satisfied that this condition sufficient to address drainage matters.

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

- 7.02 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**

- 7.03 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.

### **8. CONCLUSION**

- 8.01 The proposed development is located within a defined Rural Service Centre. The proposal is for intensification of an appropriate employment generating use within a defined Economic Development Area for which the Local Plan is clearly supportive of. The design and appearance of the development is considered to be appropriate within its context. The proposal is also considered to be located in a sustainable location served by various modes of transport and it is not considered to unduly impact the wider highway. Improvements to encourage the use of sustainable transport options would be secured by condition. The assessment of the proposal has not identified undue harmful impacts to residential amenity. Landscaping and biodiversity improvements would also be secured by condition.
- 8.02 The development is in accordance with local and national planning policies and is therefore recommended for approval.

#### **EIA Screening**

EIA Development	No
Comments	N/A

### **9. 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 Limit**

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) Approved Drawings and Documents**

- Location Plan - R0365 - 006
- Proposed Site Plan - R0365 – 300
- Proposed Site Plan - R0365 – 002 Rev P1
- Proposed Ground & First Floor Plan, R0365-003 - Rev P2
- Proposed Second Floor & Roof Plan Cross Section, R0365-004 Rev P2
- Proposed Elevations, R0365-005 - Rev 2
- Existing and Proposed Street Scenes R0365-007 - Rev P1
- Design and Access Statement, Rev P4, Prepared by Rees CM Architectural Design
- Addendum to Transport Statement - R0365

## **3) Materials**

The construction of the development hereby approved 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

## **4) 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 façade treatment to be finished in cladding, with articulated painted banding, and fenestration including a glazed feature across western elevation have been submitted to and approved by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development.

## **5) Biodiversity Enhancement Plan**

Within three months of works commencing, a detailed plan showing how the development will enhance and maintain biodiversity, plus management for native planting, will be submitted to, and approved in writing by, the local planning authority. This will include details of native and wildlife-friendly planting, durable bat and bird boxes, and log piles. The approved measures will be implemented and retained thereafter.

Reason: in the interests of enhancing the biodiversity of the site.

## **6) Soft Landscaping**

Prior to first occupation of the development hereby permitted all planting, seeding and turfing specified in the approved landscape details shall have been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property,

commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

**7) 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. 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.

**8) Secure by Design**

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

**9) Surface Water Drainage**

The development hereby approved shall not commence until a surface water drainage scheme for the site based on sustainable drainage principles. Where possible, and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved by the local planning authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves to manage surface water on site in accordance with the submitted food risk assessment (Refs: A7690 – 110, A7690 – 135, A7690 – 140, A7690 – 160). The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design feature. The development shall thereafter be carried out in accordance with the approved details.

Reason: To reduce the impact of flooding both to and from the proposed development and third parties and pursuant to the National Planning Policy Framework 2012.

**10) Land Contamination**

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

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

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

**11) 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 Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (September 2018 & any subsequent revisions). 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 protecting residential amenity.

**12) Land Contamination**

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

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

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

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

**13) Diversion of public sewer**

Prior to the commencement of the development hereby approved a sewer diversion report of the measures to be undertaken to divert the public sewers shall be submitted to, and approved in writing by, the local planning authority.

Reason: to avoid adverse impacts on public utilities.

**14) Parking/Turning Implementation**

The approved details of vehicle parking, loading/unloading bays, and 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 residential amenity

**15) Cycle Parking**

Prior to the occupation of the development hereby approved, details of cycle parking for a minimum of three spaces to serve 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 and shall be retained thereafter.

Reason: to support sustainable travel options.

**INFORMATIVES**

**1) Breeding Birds**

The applicant is reminded of its requirements in relation to Wildlife and Countryside Act 1981 (as amended).

**2) Mid Kent Environmental Code of Development Practice**

The Applicant's attention is drawn to the Mid Kent Environmental Code of Development Practice.

**3) County Highways Considerations**

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

**4) Upper Medway Internal Drainage Board**

The Board's regulatory function and how to apply for Land Drainage Consent is highlighted.

# Agenda Item 20



Ordnance Survey - data derived from OS Premium



**23/505505/FULL Horlands Farm, Summerhill Road, Marden, Tonbridge, Kent, TN12 9DB**

Scale: 1:2500

Printed on: 8/4/2024 at 14:43 PM by RebeccaB1



**REPORT SUMMARY**

<b>REFERENCE NUMBER:</b> 23/505505/FULL		
<b>APPLICATION PROPOSAL:</b> Change of use from agricultural to secure dog walking exercise field with permeable hardstanding car park, erection of new and replacement fences and gates (Retrospective).		
<b>ADDRESS:</b> Horlands Farm Summerhill Road Marden Tonbridge Kent TN12 9DB		
<b>RECOMMENDATION:</b> <b>GRANT PLANNING PERMISSION</b> subject to the planning conditions in Section 10 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> <ul style="list-style-type: none"> <li>• The application is a departure from the development plan.</li> <li>• The applicant is related to a Maidstone ward councillor.</li> </ul>		
<b>WARD:</b> Marden And Yalding	<b>PARISH COUNCIL:</b> Marden	<b>APPLICANT:</b> T F Russell
<b>CASE OFFICER:</b> Tony Ryan	<b>VALIDATION DATE:</b> 15/12/23	<b>DECISION DUE DATE:</b> 25/03/24
<b>ADVERTISED AS A DEPARTURE:</b> Yes		

**Relevant planning, enforcement, and appeal history**

None

**MAIN REPORT**

**1. DESCRIPTION OF SITE**

- 1.01 The application site (0.5 hectares) is approximately 2.3km northwest of Staplehurst Railway Station. The site is linear in shape and located to the south of Summerhill Road. Buildings associated with Horlands Farm are located to the north of Summerhill Road. The site is in the countryside as defined by the Local Plan. The wider area is characterised by open countryside with varying field patterns and sporadic built development.
- 1.02 The site has been an orchard in the past with the land forming part of a larger field to the west that was used for haymaking and seasonal sheep grazing. The site has no special landscape designation.
- 1.03 A gated entrance provides access from Summerhill Road with the remaining road boundary mature circa 1.8 metre high hedgerow. The other site boundaries also have mature hedgerows with 4 mature oak trees also located in the hedgerow to the southern boundary. The site has existing sheep netting within the curtilage of the field.

## **2. PROPOSAL**

- 2.01 The application relates to the change of use of the land from agricultural to secure dog walking exercise field. The application is part retrospective as an area of the site is currently used for dog walking.
- 2.02 An extension to the existing area used for walking and exercising dogs is proposed. This will relocate the existing side boundary fencing of the dog walking area circa 50 metres to the southwest with a new hedge also planted along the new fence line. The existing three sides of hedgerow and fencing would be unaltered and maintained.
- 2.03 The application proposes a small on-site car parking area. The car parking will have a permeable surface (83 square metres) of free draining materials comprising a geotextile membrane overlaid with crushed stone. The car park would use the existing entrance and gate from Summerhill Road. The car park provides two visitor parking places and manoeuvring space to allow the vehicles to leave the site in a forward gear. A small pedestrian gate will allow access from the parking area to the dog exercising area.
- 2.04 The dog exercising area is surrounded by galvanised wire fencing (1.8 and 1.9 metres high) and wooden posts to meet British kennel standard fencing required for the secure dog walking exercise field to surround the car park area is shown as British kennel standard galvanised wire fencing and wooden posts. The fencing is set into the site by a metre from the site boundaries.
- 2.05 The use operates with a booking system with a maximum of 4 dogs at any one time between 7am to 7pm. There is no external lighting proposed. The submission advises that dog waste is taken away with customers.

## **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  
DM21 Assessing the transport impacts of development.  
DM30 Design principles in the countryside  
DM37 Expansion of existing businesses in rural areas

### Local Plan Review:

The Maidstone Borough Local Plan Review was adopted by the Council on the 20 March 2024. It is highlighted that LPR polices now have 'substantial' weight (but not 'full' weight) in the 6 week Judicial Review period following adoption (ending 1 May 2024). The relevant Maidstone Borough Local Plan Review (March 2024) polices are as follows:

LPRSS1– Maidstone borough spatial strategy  
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) (Dec. 2023):

Section 2 – Achieving Sustainable Development  
Section 4 – Decision Making  
Section 12 – Achieving well Designed Places

Supplementary Planning Documents:

Maidstone Landscape Character Assessment 2012 (Updated 2013)

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

Local residents:

4.01 No response.

Marden Parish Council:

4.02 No objection.

#### **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)

**Environmental health**

5.01 No objection

**Kent Police**

5.02 No objection

**KCC Ecology**

5.03 No objections subject to a planning condition on provision and maintenance of a perimeter one metre wide buffer zone.

#### **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
- Biodiversity and environmental impact.
- Other matters

**Countryside location and policies SP17 and LPRSP9.**

6.02 The starting point for assessment of all applications in the countryside are Local Plan policies SP17 and LPRSP9.

LPRSP9

6.03 Maidstone Borough Local Plan Review was adopted by the Council on the 20 March 2024. LPR policies currently have 'substantial' weight (but not 'full' weight) in the 6 week Judicial Review period following adoption (ending 1 May 2024).

- 6.04 LPRSP9 states "*Development proposals in the countryside will not be permitted unless they accord with other policies in this plan, and they will not result in 'significant' harm to the 'rural' character and appearance of the area*" (changes underlined). In this context development proposals that result in less than significant impact and are in line with other LPR policies would be in accordance with policy LPRSP9.

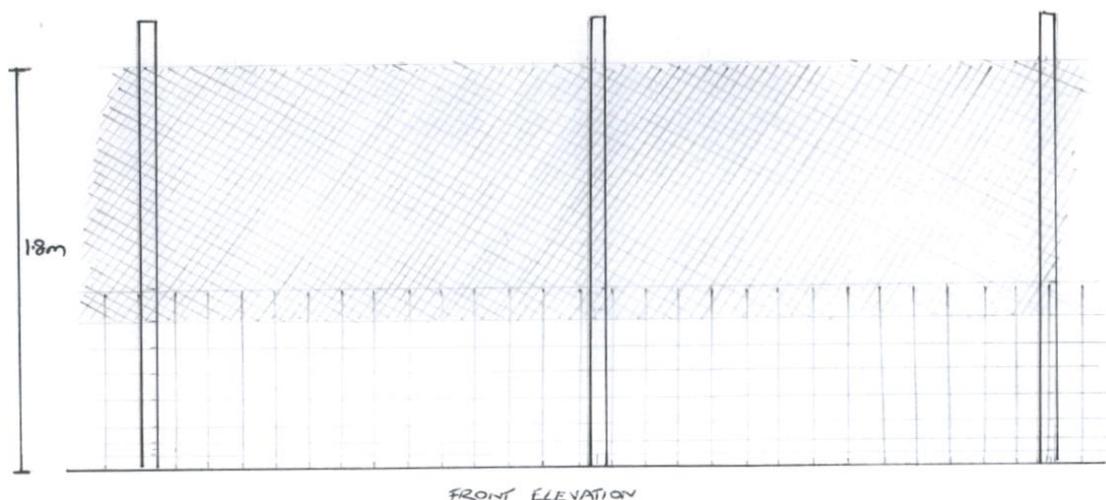
#### SP17

- 6.05 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
- 6.06 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.
- 6.07 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.
- 6.08 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. As a result, the recommendation to grant planning permission would be a departure from the 2017 Local Plan.
- 6.09 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*".
- 6.10 The following assessment considers the material considerations that are present that justify permission being granted contrary to the Local Plan.

#### **Character and appearance**

- 6.11 Policies SP17, SP21 (2017 Local Plan) and LPRSP9, LPRSP11 state that development in the countryside should not result in harm to the character and appearance of the area, with LPRSP9 qualifying the harm should be less than significant.
- 6.12 Policy DM30 (2017 Local Plan) and LPRQ&D4 require 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.
- 6.13 The Landscape Character Assessment identifies the application site as being within the Low Weald character area and specifically the Staplehurst Low Weald area. The key characteristics of this area include:
- Low lying gently undulating clay landscape of the Low Weald
  - Small fields with orchards, pasture, ponds and watercourses enclosed by thick native hedgerows creating an intimate atmosphere.
  - Dominance of mature oak trees as imposing hedgerow trees and sometimes within fields where hedgerows have been lost.

- 6.14 The condition of the landscape is good, and it is of a high sensitivity. The guidelines for the area are to conserve it and specifically include:
- Conserve the abundance of oak as a dominant species, and plant new isolated oaks within pasture and oak standards within hedgerows to replace ageing species.
  - Conserve and enhance the hedgerows, ensuring that they are correctly managed, and gaps replanted.
  - Conserve and enhance the small-scale field pattern and sense of enclosure, encouraging restoration and management of historic field boundaries.
- 6.15 The proposal includes retention of the existing (circa 1.8 metre high) hedgerows on three of the four site boundaries, to the north (Summerhill Road), south (including mature oak trees) and east with these hedgerows forming part of existing character. This is in accordance with the character that is set out above in the Landscape Character Assessment. A planning condition is recommended requesting that existing boundary hedgerows are gapped up as necessary.
- 6.16 Wire mesh fencing (galvanised steel - 1.8 metre high) with timber posts) is proposed around the perimeter of the site. The open, mesh design will ensure that the proposed fencing is not visually intrusive or visually prominent.
- 6.17 Following comments from KCC Ecology, the boundary fencing has been relocated. The fencing was originally located immediately inside the boundary hedges with the fencing now relocated to leave a one metre buffer between the fencing and the boundary hedging. The one metre buffer between the fencing and the boundary hedge is designed to prevent dog access to the hedgerow and to provide biodiversity enhancement with the buffer area left to rewild.
- 6.18 The fourth site boundary to the west separates the application site from the larger adjacent field with this boundary currently fenced. The application includes relocating this boundary further to the west to increase the area in use for dog walking. The fence relocated will be screened by a new hedge.
- 6.19 The site has an existing access from Summerhill Road Lane located in the centre of the northern boundary. This access would be retained with a new small off street car parking area provided adjacent to the access just inside the application site. There would be no visual impact in this regard.



Proposed fence image

- 6.20 The change of use of the land to allow for dog walking would not significantly alter the appearance of the agricultural field. The boundary fencing required in connection with the use would be screened by boundary hedging. 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, LPRSP9, SP21 LPRSP11 state that development in the countryside should not result in harm to the character and appearance of the area. DM30 and LPRQ&D4

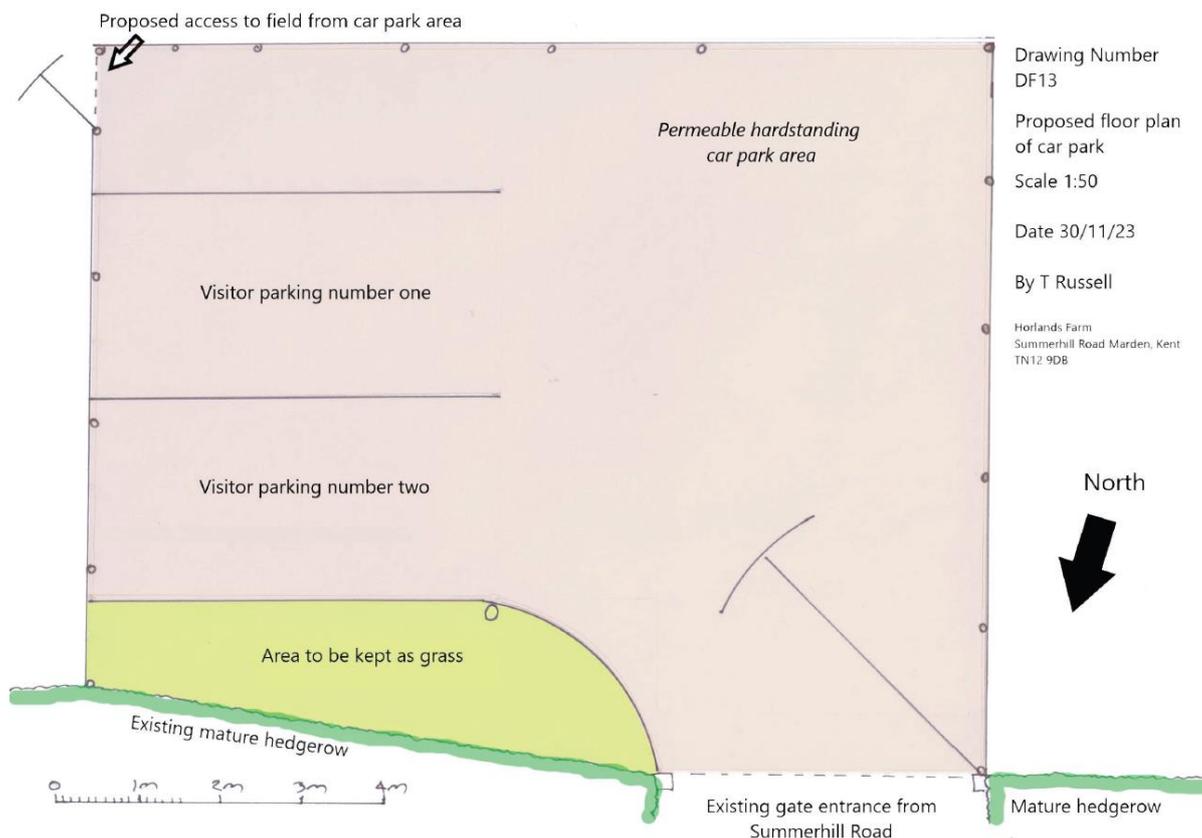
### **Residential amenity**

- 6.21 Policy LPRSP15 and DM1 (Local Plan 2017) state that proposals will be permitted where they *"...respect the amenities of occupiers of neighbouring properties...by ensuring that development is not exposed to, excessive noise, activity, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties"*.
- 6.22 The site is an existing agricultural field, the closest neighbour to the application site is the applicant's property on the opposite side of Summerhill Road (77 metres to the north). The next closest neighbour is called 'The Mount' which is 190 metres to the northeast. Given these separation distances, it is concluded that there would be no loss of privacy or overlooking from the proposed use.
- 6.23 The parking area for two cars would be set away from the closest residential dwelling. There is sufficient distance to ensure that the movements to and from the site would not have a detrimental impact. This is also considered against the lawful agricultural use of the site and the potential movements that this could generate.
- 6.24 The proposal includes the following:
- Hours of use – the proposal would only be used during daylight hours and between the hours of 7am and 7pm 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 4 dogs at any one time which would be controlled by a booking system.
  - The submission advises that dog waste is taken away with customers.
- 6.25 There have been no neighbour objections to this application, (and it is highlighted that the application is part retrospective) however neighbour concerns were expressed on other similar proposals (albeit for 10 dogs and not the 4 proposed here). The impact of 4 dogs must be considered against the impact of the activities that could lawfully be undertaken on the site, including as agricultural land and the previous use for sheep grazing.
- 6.26 A planning condition is recommended to require further detail of the operation of the use to ensure so that the number of dogs using it at any one time can be controlled and to control the booking mechanism, the crossover of customers, and the number and length of session that would take place each day. Provided these measures are managed, it is concluded that the use would be acceptable in terms of neighbouring amenity including in relation to noise and activity.

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

- 6.27 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..."*

- 6.28 Whilst outside any settlement, the site is a 6 minute (2.5 miles – source Google Maps) drive from Staplehurst Railway Station. 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.
- 6.29 There is an existing access located in the centre of the northern boundary that would be retained. 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.



Proposed car park layout immediately behind existing site entrance

- 6.30 Whilst outside any settlement, the site is a 6 minute (2.5 miles – source Google Maps) drive from Staplehurst Railway Station. 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.
- 6.31 There is an existing access located in the centre of the northern boundary that would be retained. 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.
- 6.32 The application includes a parking area (2 cars) and turning area. 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.
- 6.33 As discussed above, the proposed intensity of the site would be low and controlled via a booking system which would limit the number of visitors to the site at any given point. A planning condition would also restrict the total number of dogs at any one time. 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.

- 6.34 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.

#### **Biodiversity and environmental impact.**

- 6.35 LPRSP14A and adopted policy DM3 of the Maidstone Borough Local Plan and the NPPF directs the planning system to contribute to and enhance the natural and local environment.
- 6.36 After consideration of an earlier similar proposal, members expressed concern about the impact of intensive dog activity on wildlife (nutrient enrichment issues, dog waste, disturbance and smell etc.).
- 6.37 As part of the assessment of these concerns KCC Ecology have been consulted on the current application. In general terms it is concluded that the impact of agricultural fertilisers and grazing farm animals (current application site previous used for sheep grazing) would be likely have a greater impact on nutrient enrichment than the proposed dog walking uses.
- 6.38 In relation to the current application, the applicant has indicated that users of the land would be expected to take dog waste home with them. In addition a recommended planning condition also seeks information on disposal of dog waste that is not taken home.
- 6.39 KCC Ecology have concluded that the application is unlikely to impact protected species. As set out earlier in this report fencing will restrict activity next to the inside of the boundary hedge with a landscape buffer provided between the hedge and the fence. It is concluded that the application is acceptable in relation to ecological impact.

#### **Rural economy**

- 6.40 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*".
- 6.41 Although not directly relevant, Local Plan policies SP21, LPRSP11 –and DM37 LPRCD6 (no existing lawful 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. PUBLIC SECTOR EQUALITY DUTY**

- 7.01 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.

## **8. COMMUNITY INFRASTRUCTURE LEVY**

- 8.01 The proposed development is not liable for Community Infrastructure Levy (CIL)

## **9. CONCLUSION**

- 9.01 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”.
- 9.02 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.
- 9.03 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 (and not significant as required by policy LPRSP9). 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.
- 9.04 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**

- 9.05 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.

## **10. 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:  
Covering letter dated 2 April 2024  
Site location plan  
Photos to show existing fencing has not restricted breeding birds using the hedgerow.  
DF2 Existing eastern end of the site showing existing access (block plan).  
DF3 Existing western end of the site (block plan).  
DF6 Existing entrance (retained) and lobby area (removed)(2.0 metres) fencing elevations.  
DF7 Existing (retained) front hedgerow fencing (1.8 metres).  
DF8 Existing (removed) fencing elevation across the field (2.0 metres)

DF9 Existing (retained) front elevation stock fencing (0.8 metres).  
DF10 Tree location (block plan).  
DF13 Proposed car park floor plan  
DF14 Proposed fence elevations  
DF15 Proposed elevations of car park fencing and gate area.  
DF16 Proposed new fencing elevation across the field (1.9 metres)  
DF18 Proposed eastern end of the site showing proposed access (block plan)  
(revised April 2024 relocated fence to form buffer)  
DF19 Proposed western end of the site showing site extension (block plan).  
(Revised April 2024 relocated fence to form buffer)  
DF20 location of block plans (DF 18 and DF19)  
Reason: To clarify which plans have been approved

- 3) The use hereby permitted shall cease and all structures, and materials brought onto the land for the purposes of such use shall be removed within 6 weeks of the date of the failure to meet any one of the requirements set out in (i) to (iv) below:
- i) Within 6 weeks of the date of this decision a Site Development Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority. The Scheme shall include:
    - a) Submission of a maintenance and management plan for the use.
    - b) Submission of a noise management plan.
    - c) Details of the new native hedgerow and gapping up of existing hedgerows.
    - d) a timetable for implementation of the scheme including points a) to c) above, the new and relocated fencing, new hedgerows and gapping up of existing hedgerows with all details implemented in accordance with the agreed timetable and all details retained for the lifetime of the development.
  - ii) Within 11 months of the date of this decision the Scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
  - iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Scheme shall have been approved by the Secretary of State.
  - iv) The approved Scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.

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

- 4) The maintenance and management plan required by condition 3 shall include 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.

- 5) The noise management plan required by condition 3 shall include but not be limited to 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.

- 6) The details of the new native hedgerow and gapping up of the existing hedgerow, required by condition 3 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) provide details of new on-site hedgerow planting in a planting specification (location, species, spacing, quantity, maturity) including the gapping up and strengthening of the existing hedgerow with all hedgerow planting to include *double staggered planting 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.*
  - (c) provide landscape implementation details and timetable.
  - (d) provide a [5] year landscape management plan.Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.
- 7) Any of the approved hedgerow planting which fails to establish or any 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.
- 8) A one-metre buffer zone immediately inside boundary hedging shall be created and maintained between all fencing and existing and proposed hedgerows; this margin shall be left wild, remain undisturbed by dogs and be cut once per year. The margin shall be implemented as advised by the Kent County Council Ecological Advice Service (advice note dated 26 March 2024) and thereafter retained.  
Reason: to minimise impacts on and provide net gains for biodiversity in line with the NPPF 2023 (180[d]).
- 9) Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 no advertisements or signage shall be displayed at the site.  
Reason: To safeguard the character and appearance of the surrounding area.
- 10) Prior to commencement of the approved use, the approved parking area shall be provided, kept available for such use, and permanently retained.  
Reason: To ensure that adequate off street car parking space is provided.
- 11) The use shall only accommodate a maximum of 4 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 residential amenity.
- 12) The fencing hereby approved shall be as shown on the approved plans and retained as such.  
Reason: To ensure a satisfactory appearance to the development.

- 13) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. 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.

- 14) No activity in connection with the use hereby permitted shall take place outside the hours of 7am and 7pm and within these 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.

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

## **THE MAIDSTONE BOROUGH COUNCIL** **PLANNING COMMITTEE – 18<sup>th</sup> APRIL 2024**

### **APPEAL DECISIONS:**

- 1. 23/500211/OUT** Outline Planning application (with all matters reserved) for demolition of existing buildings and erection of 3(no) dwellinghouses.

**APPEAL:** DISMISSED

85 Upper Stone Street  
Maidstone  
Kent  
ME15 6HE

(Delegated)

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- 2. 23/501245/FULL** Erection of 1no. four bedroom dwelling and detached garage with associated parking.

**APPEAL:** DISMISSED

Land North East of 8 Linton Road  
Loose  
Maidstone  
Kent  
ME15 0AB

(Delegated)

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- 3. 23/500230/FULL** Erection of a care village comprising of an 87 bed care home and 12 assisted living apartments with doctors consulting room, car parking, landscaping and associated development.

**APPEAL:** DISMISSED

**COSTS:** Refused

Land At Forsham House  
Forsham Lane  
Sutton Valence  
Kent  
ME17 3EW

(Committee – As per Officers recommendation)

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**4. 23/502299/FULL**

Extensions and alterations including the erection of a part two storey part first floor side, single storey rear extension and front porch including extending parking area and changes to fenestration.

**APPEAL:** ALLOWED

Fairleigh  
Chartway Street  
Sutton Valence  
Maidstone  
Kent  
ME17 3HZ

(Delegated)

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**5. 22/501989/LDCEX**

Lawful Development Certificate (Existing) for use of land as residential garden and residential curtilage ancillary to Beech House, 178B Ashford Road.

**APPEAL:** ALLOWED

Beech House  
178B Ashford Road  
Bearsted  
Kent  
ME14 4NB

(Delegated)

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**6. 22/502339/FULL**

Insertion of a drop kerb and creation of a new front driveway to serve 178B Ashford Road, including the demolition of existing front wall and gate. Insertion of dropped kerb to serve 178A Ashford road, and creation of an access path to serve nos. 180 and 180A Ashford Road.

**APPEAL: DISMISSED**

178B Ashford Road  
Bearsted  
Kent  
ME14 4NB

(Delegated)

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