

# AGENDA

## PLANNING COMMITTEE MEETING



Date: Thursday 22 September 2011  
Time: 6.00 pm  
Venue: Town Hall, High Street,  
Maidstone

### Membership:

Councillors Ash, Collins, Cox, English, Garland,  
Harwood, Lusty (Chairman), Nelson-  
Gracie, Newton, Paine, Paterson,  
Mrs Robertson and J.A. Wilson

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Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 29 September 2011
6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting

**Continued Over/:**

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**Issued on 14 September 2011**

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*Alison Broom*

**Alison Broom, Chief Executive, Maidstone Borough Council,  
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

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|-----|--|----------|
| 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 1 September 2011  | 1 - 5    |
| 11. | Presentation of Petitions (if any)   |          |
| 12. | Report of the Head of Development Management - Deferred Items  | 6        |
| 13. | MA/10/1262 : SUNNYCOTE, HIGH STREET, MARDEN, TONBRIDGE, KENT, TN12 9DR   | 7 - 15   |
| 14. | MA/10 2122 : BARN ADJOINING BRIDGEHURST FARMHOUSE, HOWLAND ROAD, MARDEN, KENT, TN12 9ET  | 16 - 30  |
| 15. | MA/11/0055 : STILEBRIDGE STABLEYARD, STILEBRIDGE LANE, LINTON, KENT  | 31 - 43  |
| 16. | MA/11/0205 : FINCH COURT, DICKENS ROAD, MAIDSTONE, KENT, ME14 2QX  | 44 - 62  |
| 17. | MA/11/0506 : 1 AND 2 COTTAGE WOOD, CASTLE HILL, THURNHAM, MAIDSTONE, KENT, ME14 3JE  | 63 - 71  |
| 18. | MA/11/0972 : 77A, EYHORNE STREET, HOLLINGBOURNE, MAIDSTONE, KENT, ME17 1TS   | 72 - 77  |
| 19. | MA/11/1110 : THE BEAST HOUSE, WEST STREET, HUNTON, MAIDSTONE, KENT, ME15 0SA   | 78 - 98  |
| 20. | MA/11/1351 : PURPLEHILL WORKS, WHITE HILL ROAD, DETLING, BREDHURST, KENT, ME14 3HH   | 99 - 110 |
| 21. | Report of the Head of Development Management - Appeal Decisions  | 111      |
| 22. | Chairman's Announcements   |          |
| 23. | Update on Matters Referred to the Leader of the Council and the Cabinet Members for Environment/Economic Development and Transport |          |

**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.**

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 1 SEPTEMBER 2011**

**Present:** Councillor Lusty (Chairman) and  
Councillors Ash, Collins, Cox, English, Garland,  
Harwood, Nelson-Gracie, Newton, Paine, Paterson,  
Mrs Robertson and J.A. Wilson

**Also Present:** Councillor Mrs Grigg

116. APOLOGIES FOR ABSENCE

There were no apologies for absence.

117. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

118. NOTIFICATION OF VISITING MEMBERS

Councillor Mrs Grigg indicated her wish to speak on the report of the Head of Development Management relating to application MA/11/0650.

119. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

120. URGENT ITEMS

Update Report

The Chairman stated that, in his opinion, the update report of the Head of Development Management should be taken as an urgent item because it contained further information relating to matters to be considered at the meeting.

121. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Newton stated that since he had pre-determined application MA/11/1039, he would speak but not vote when it was discussed.

122. EXEMPT ITEMS

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

123. MINUTES OF THE MEETING HELD ON 11 AUGUST 2011

RESOLVED: That the Minutes of the meeting held on 11 August 2011 be approved as a correct record and signed.

124. PRESENTATION OF PETITIONS

There were no petitions.

125. DEFERRED ITEMS

MA/10/1627 - ERECTION OF A NEW DWELLING - LAND OFF BEECHEN BANK, BOXLEY ROAD, WALDESLADE

The Head of Development Management advised the Committee that negotiations were continuing in respect of this application.

126. DRAFT NATIONAL PLANNING POLICY FRAMEWORK

The Head of Development Management advised the Committee that the Government had published a draft National Planning Policy Framework (NPPF) for consultation. In his opinion, the draft NPPF had some weight, but no significant bearing on the applications to be considered at the meeting.

127. MA/11/0650 - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF FOUR NEW DWELLINGS WITH ASSOCIATED ACCESS AND PARKING - 46 SALTS AVENUE, LOOSE, MAIDSTONE

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

Mr Horner, an objector, Councillor Andrew of Loose Parish Council (against) and Councillor Mrs Grigg (against) addressed the meeting.

RESOLVED: That permission be refused for the reasons set out in the report with the amendment of reason for refusal no.1 as follows:-

The development is considered to be contrary to policies CC1 and CC6 of the South East Plan 2009 and the guidance contained in PPS1 and PPS3 in that, by virtue of the scale, the extent of site coverage and the backland location, the proposed block of semi-detached bungalows (and associated development and paraphernalia) would be a visually jarring element, out of character with the prevailing pattern and grain of development in the area and thus harmful to the visual amenities of the area.

Voting:        12 – For        0 – Against        0 – Abstentions

Note: Councillor Garland entered the meeting after consideration of this application (6.25 p.m.)

128. MA/11/1039 - APPLICATION FOR NEW PLANNING PERMISSION TO REPLACE EXTANT PLANNING PERMISSION IN ORDER TO EXTEND THE TIME LIMIT FOR IMPLEMENTING PLANNING PERMISSION MA/08/1275 (ERECTION OF 1 NO. DWELLING) - 26 COTSWOLD GARDENS, DOWNSWOOD, MAIDSTONE

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

Councillor Greenhead of Downswood Parish Council (against) and Mr Cheek, the applicant, addressed the meeting.

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

Voting: 12 – For 0 – Against 1 – Abstention

129. MA/11/1154 - ERECTION OF A REAR CONSERVATORY, FIRST FLOOR LEAN-TO EXTENSION OVER EXISTING GARAGE, SINGLE STOREY FRONT EXTENSION TO GARAGE, FRONT CANOPY AND EXTENSION TO DRIVE - AMENDED SCHEME TO MA/10/1295 TO INCLUDE GARAGE EXTENSION, FRONT CANOPY AND ADDITIONAL PARKING SPACE - 44 PARK WAY, MAIDSTONE

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

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

Voting: 12 – For 0 – Against 1 – Abstention

130. 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.

131. DRAFT NATIONAL PLANNING POLICY FRAMEWORK AND DRAFT NATIONAL PLANNING POLICY FRAMEWORK CONSULTATION

The Committee considered the report and the urgent update report of the Head of Development Management setting out suggested responses to the specific questions set out in the consultation document seeking views on the draft National Planning Policy Framework (NPPF). It was noted that the draft NPPF was intended to bring together all Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The proposed Framework set out the Government's key economic, social and environmental objectives and the

planning policies that would be used to deliver them. It dealt with plan-making and development management. The decision as to the Council's response to the consultation was an Executive one, to be taken by the Leader of the Council, but the Committee could make recommendations to the Leader to consider in his response.

During the ensuing discussion, reference was made to, inter alia, the operational implications of the so-called presumption in favour of sustainable development without a clear definition of what it comprised; the implications for Maidstone of the proposed requirement for local Councils to identify an additional 20% of deliverable sites for housing above the current five year housing supply; and the impact of the proposed changes to the planning system on the Council's Core Strategy.

RESOLVED: That subject to the suggested response to question 16a being amended to read "Disagree" and the removal of the italics in the first sentence of the comment in relation to the supplementary question, the suggested responses and associated comments set out in Appendix One to the urgent update report of the Head of Development Management be agreed and forwarded, together with any further comments received from Members by 6 September 2011, to the Leader of the Council to consider in his response to the consultation on the draft National Planning Policy Framework.

#### 132. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that:-

- A Members' training session on planning enforcement would be held at 6.30 p.m. on Wednesday 7 September 2011.
- He would like to take the opportunity to thank the Officers for organising the river tour to enable Members to view implemented/potential developments along the river bank. The tour had been very successful and well attended.
- He would be attending the Planning Summer School together with Councillors Ash and Mrs Wilson.
- He would also be attending a meeting with Planning Minister Bob Neill and Helen Grant M.P. to discuss planning policy on gypsy/traveller sites. The meeting had been initiated by local people in Staplehurst. The Leader of the Council and the Head of Development Management had also been invited to attend. If Members would like him to raise any particular issues, they should send their comments to the Head of Development Management who would collate them.

#### 133. UPDATE ON MATTERS REFERRED TO THE LEADER OF THE COUNCIL AND THE CABINET MEMBERS FOR ENVIRONMENT/ECONOMIC DEVELOPMENT AND TRANSPORT

### Development at Newnham Court

The Head of Development Management submitted details of the response of the Cabinet Member for Economic Development and Transport to the Committee's reference relating to development at Newnham Court. It was noted that the Cabinet Member considered that the way forward in relation to development at junction 7 of the M20 motorway was the production of a Development Brief setting out for the benefit of landowners and potential developers the Council's requirements and expectations to be taken into account when preparing proposals for the land.

#### 134. DURATION OF MEETING

6.00 p.m. to 7.25 p.m.

# Agenda Item 12

## MAIDSTONE BOROUGH COUNCIL

### PLANNING COMMITTEE

22 SEPTEMBER 2011

#### REPORT OF THE HEAD OF DEVELOPMENT MANAGEMENT

##### 1. DEFERRED ITEMS

1.1. The following application stands deferred from a previous meeting of the Planning Committee. The Head of Development Management will report orally at the meeting on the latest situation. The application may be reported back to the Committee for determination.

1.2.	<u>Description of Application</u>	<u>Date Deferred</u>
(1)	<u>MA/10/1627 – ERECTION OF A NEW DWELLING – LAND OFF BEECHEN BANK, BOXLEY ROAD, WALDERSLADE</u>	9 JUNE 2011

Deferred to enable:

1. A fuller analysis of the impact upon the semi natural ancient woodland as a whole.
2. An examination of the ecological interest of the site.
3. The design of the dwelling to incorporate features which take inspiration from the woodland setting.



**THE MAIDSTONE BOROUGH COUNCIL**

PLANNING APPLICATION NUMBER: MA/10/1262

GRID REF: TQ7444

SUNNYCOTE,  
HIGH STREET, MARDEN.



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**Rob Jarman**  
Head of Development Management

APPLICATION: MA/10/1262 Date: 15 July 2010 Received: 18 May 2011

APPLICANT: Mr & Mrs P & F Healey

LOCATION: SUNNYCOTE, HIGH STREET, MARDEN, TONBRIDGE, KENT, TN12 9DR

PARISH: Marden

PROPOSAL: Erection of a two storey side extension and single storey rear extension as shown on the site location plan and window cross sections received on 19/07/10 and the proposed plans and elevations received on 18/05/11, and as described in the Design and Access Statement, the Assessment of the significance and interest of Sunnycote etc... and the Tree Survey & Arboricultural Implications Assessment by Duramen Consulting, all received on 18/05/11.

AGENDA DATE: 22nd September 2011

CASE OFFICER: Angela Welsford

The recommendation for this application is being reported to Committee for decision because:

- it is contrary to views expressed by Marden Parish Council

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: H18
- The South East Plan RSS 2009: BE1, BE6
- Government Policy: PPS1, PPS5, PPS7
- Other: Maidstone Local Development Framework, Residential Extensions Supplementary Planning Document 2009.

## **2. HISTORY**

MA/99/1089 – Side conservatory – APPROVED

MA/99/0379 - Side conservatory – REFUSED

MA/93/1572 – Attached double garage – APPROVED

### **3. CONSULTATIONS**

#### **3.1 MARDEN PARISH COUNCIL**

3.1.1 *09/08/10* - Wishes to see the application refused and request the application is reported to the Planning Committee for the planning reasons set out below:-

- (a) harm character of the conservation area;
- (b) harm character of existing dwelling;
- (c) harm the setting the of neighbouring Grade II\* listed building;
- (d) the design does not reflect the existing proportion of the building; and
- (e) no attempt has been made to match the ground floor window proportions to existing.

3.1.2 *Following submission of amended plans.*

*03/06/11* - Wishes to see the application refused and request the application is reported to the Planning Committee for the planning reasons set out below:-

Whilst Cllrs noted some changes to their previous comments (ie item (e) had been amended) Cllrs wished their previous recommendation of refusal and reasons be reiterated: "Cllrs recommend refusal on the following grounds:

- (a) harm character of the conservation area;
- (b) harm character of existing dwelling;
- (c) harm the setting the of neighbouring Grade II\* listed building;
- (d) the design does not reflect the existing proportion of the building."

#### **3.2 CONSERVATION OFFICER**

3.2.1 *17/08/10* - Application is unacceptable in the absence of a Heritage Statement assessing the significance of Sunnycote and its contribution to the character and interest of the conservation area, plus the impact of the proposals on that significance. Concern raised regarding the scale of the side addition and design of the rear addition.

3.2.2 *21/06/11* - Revised proposals now put forward are appropriate in their scale and design, allowing the symmetry of the original house to still be read and to remain dominant. Recommend no objection is raised subject to conditions re samples of materials and large scale details of the proposed windows. (*Case officer comment – The Conservation Officer has subsequently verbally confirmed that the window details received in July 2010 are sufficient, so only material samples are required.*)

### 3.3 LANDSCAPE OFFICER

- 3.3.1 07/09/10 – Application is unacceptable as insufficient information has been submitted to fully assess the impact of the proposals on the adjacent trees. Further information, including a tree survey detailing tree species, sizes and root protection area is required.
- 3.3.2 15/07/11 - No objection is raised subject to a condition requiring submission and approval of a Tree Protection Plan to ensure that the Yew Tree in the adjacent garden is not damaged during demolition and construction works. Welcomes proposal to have a Victorian formal garden as suggested in 'response to context' section of the Design and Access Statement, but notes that under 'landscaping' of the same document, it states that the frontage will remain unaltered. This should be clarified by a standard condition requiring the submission of a detailed landscaping scheme.

## 4. CONSIDERATIONS

### 4.1 **Site and Surroundings**

- 4.1.1 The application site is located within Marden village conservation area, adjacent to a Grade II\* listed property, "White Lyon House", and opposite the Grade II listed "Bridge House".
- 4.1.2 It is a residential plot containing a substantial late Victorian dwelling, known as "Sunnycote", with painted, cement-rendered elevations beneath a fully hipped plain-tiled roof. A key characteristic of the building is the symmetry of its original main facade, although in recent years a double garage (MA/93/1572) and a conservatory (MA/99/1089) have been added, one at either side. There is also a single storey rear addition housing the current kitchen.
- 4.1.3 The street-scene in this historic village centre location is very mixed in terms of scale, design, age and spacing. There is a mature yew tree in the adjoining front corner of "White Lyon House". Although the plans state that this is subject of a Tree Preservation Order, that is not the case, as has been confirmed by the Landscape Officer. It is, however, protected by virtue of being in the conservation area.

### 4.2 **The Proposal**

- 4.2.1 The application seeks planning permission for a two storey side extension and a single storey rear extension.
- 4.2.2 The two storey extension would replace the conservatory on the eastern side of the building. It would be set back approximately 1m from the front building line

to preserve the symmetry of the original main faced, and would have a footprint of approximately 4.5m (wide) by 7m (deep). The eaves would match those of the original building, but the ridge line would be approximately 0.5m lower due to the shallower depth of the extension.

4.2.3 The single storey extension would replace the existing kitchen extension and also run partially across the rear of the proposed two storey extension. It would have a footprint of approximately 8.25m (wide) by 4.9m (deep) and would feature a fully-hipped roof.

#### 4.3 **Background**

4.3.1 The application was originally submitted in July 2010, but was subsequently put on hold from early September of that year pending submission of a Heritage Statement in accordance with the requirements of PPS5 and a Tree Survey and Arboricultural Impact Assessment. Those reports were received in May 2011, plus, during the interim, the applicants also amended the scheme in line with the Conservation Officer's advice and to take account of the concerns raised by Marden Parish Council.

### **PLANNING CONSIDERATIONS**

#### 4.4 **Visual Impact/Impact upon the Character and Appearance of the Street-scene**

4.4.1 It is my view that the scale and design of the proposed two storey extension are entirely appropriate, and would enable the symmetry of the original house to be preserved and remain dominant. The scheme has been amended in line with advice from the case officer and Conservation Officer to ensure that this would be the case. The original part of the house is a two-and-a-half bay building. The proportions of the extension have been amended so that the width matches the width of one of the original bays, whilst the set-back of 1m from the front building line and the lower ridge line, which follows advice in the Council's adopted residential extensions guidelines, will ensure that it remains subservient. Similarly, the fenestration pattern and proportions reflect those of the host building, which again follows advice in the SPD, whilst a 'flattened' bay window has been used on the ground floor so as not to detract from the dominance of the bay windows on the main facade. The overall effect, in my view is a proposal which relates well to the character and design of the host building and allows its original symmetry to still be read and remain dominant.

4.4.2 For these same reasons, and due to its varied nature, the character and appearance of the street-scene will not be harmed by the two storey extension.

4.4.3 The single storey rear extension would be subordinately sited at the rear of the building/two storey extension, where it would not have a significant impact on the character of either the host building or the street-scene as it would be screened from public view. Nevertheless, it is appropriately scaled and designed, and would represent a visual improvement on the existing poor quality kitchen extension.

4.4.4 In summary, due to the scale and design of the proposals and the character of the area, I conclude that the development complies with the Development Plan and the adopted supplementary planning guidance on residential extensions in respect of its visual impact.

#### 4.5 **Impact on Heritage Assets**

4.5.1 The site falls within Marden Conservation Area, and it is close to Grade II\* and Grade II listed buildings. PPS5 requires the impact on the significance of these heritage assets to be assessed.

4.5.2 In part, this has already been covered in the preceding section, which dealt with the visual impact of the proposals on the character of the host dwelling and the street-scene. In addition, the applicants have submitted an extensive heritage statement which assesses the significance and interest of "Sunnycote" and the contribution it makes to the character and interest of the conservation area, as well as the impact of the proposals on that significance. This charts the development of the property over the preceding 140 years, and highlights some unsympathetic alterations that would be removed/rectified by the current proposals, such as the UPVC conservatory and poor quality kitchen extension, and the textured cement render and plasticized paint which would be replaced with smooth lime render to match that on the proposed extensions. These improvements will in turn enhance the contribution that the building makes to the conservation area.

4.5.3 Furthermore, as discussed in the preceding section, the proposals have been amended such that they are now considered appropriate in terms of their scale and design, and would appear subordinate to the original part of the building such that the symmetry which is considered a key feature of its character will be preserved and still remain dominant.

4.5.4 In these circumstances, I consider the impact of the proposals on the conservation area and the setting of nearby listed buildings to be acceptable and that no harm would be caused to their significance. I note that the Conservation Officer does not raise objection subject to a condition ensuring appropriate materials are used.

#### **4.6 Impact on Trees**

4.6.1 A Tree Survey and Arboricultural Implications Assessment has been submitted in respect of the trees adjoining the boundary in "White Lyon House." This shows that, other than for the mature yew (category B) beside the front boundary, all the root protection areas are entirely within the garden of the adjacent property, and concludes that the proposed development should have no arboricultural impact, although protection should be provided for the yew during demolition and construction. The Landscape Officer agrees with this report, and does not raise objection subject to an appropriate condition securing that protection.

4.6.2 He has also commented that, in this heritage setting, the proposal to have a Victorian formal garden, as mentioned in the Design and Access Statement, is to be welcomed, but notes that the same document mentions elsewhere that the frontage will remain unaltered. This matter should be clarified by the submission of a detailed landscaping scheme.

#### **4.7 Impact on Residential Amenity**

4.7.1 The separation distance between the proposed extensions and "White Lyon House" would be approximately 13-14m, and consequently I do not consider that there would be any significant impact on the daylight, sunlight or outlook of the occupiers of that property.

4.7.2 Only one flank window is proposed facing "White Lyon House." This would be a secondary window serving the new living room (ground floor level), and given the fact that there is a 1.8m high close boarded fence marking the boundary, I do not consider that it would have any significant impact on the privacy of the neighbours.

4.7.3 There are no other neighbouring properties near enough to "Sunnycote" to be significantly affected by the proposals.

### **5. OTHER MATTERS**

5.1 Although an additional bedroom is proposed, I consider there to be sufficient parking provision within the property boundary to serve the extended dwelling and note its sustainable village centre location.

5.2 Much of the development area is either already occupied by existing extensions to be demolished, or otherwise hard-surfaced/close-cropped domestic lawn. In view of these points and due to the nature and scale of the proposal, I do not consider that there would be any significant impact upon ecology.

## **6. CONCLUSION**

- 6.1 I have considered all other relevant planning matters, including any raised as a result of public consultation, and taking all of the above into account, conclude that the proposals comply with Development Plan Policy, the aims of the Council's adopted residential extensions guidelines and Central Government Guidance, and that consequently the application should be approved with conditions as set out below.

## **7. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

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

site location plan and window cross sections received on 19/07/10 and the proposed plans and elevations received on 18/05/11;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with Policy H18 of the Maidstone Borough Wide Local Plan 2000 and Policies BE1 & BE6 of The South East Plan RSS 2009, and the Central Government advice contained in PPS5 - Planning for the Historic Environment.

3. 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 extensions hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development in accordance with Policy H18 of the Maidstone Borough Wide Local Plan 2000 and Policies BE1 & BE6 of The South East Plan RSS 2009, and the Central Government advice contained in PPS5 - Planning for the Historic Environment.

4. The development shall not commence until a Tree Protection Plan to ensure that the Yew Tree (T6) in the adjacent garden is not damaged during demolition and



construction works has been submitted to and approved in writing by the Local Planning Authority, and the appropriate tree protection shall be implemented in accordance with the approved details before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site unless otherwise agreed in writing by the Local Planning Authority;

Reason: To safeguard the existing yew tree, which is considered to be of significant amenity value within the locality, in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and in the interests of amenity and ensuring a satisfactory appearance to the development in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first use of the extensions hereby permitted or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

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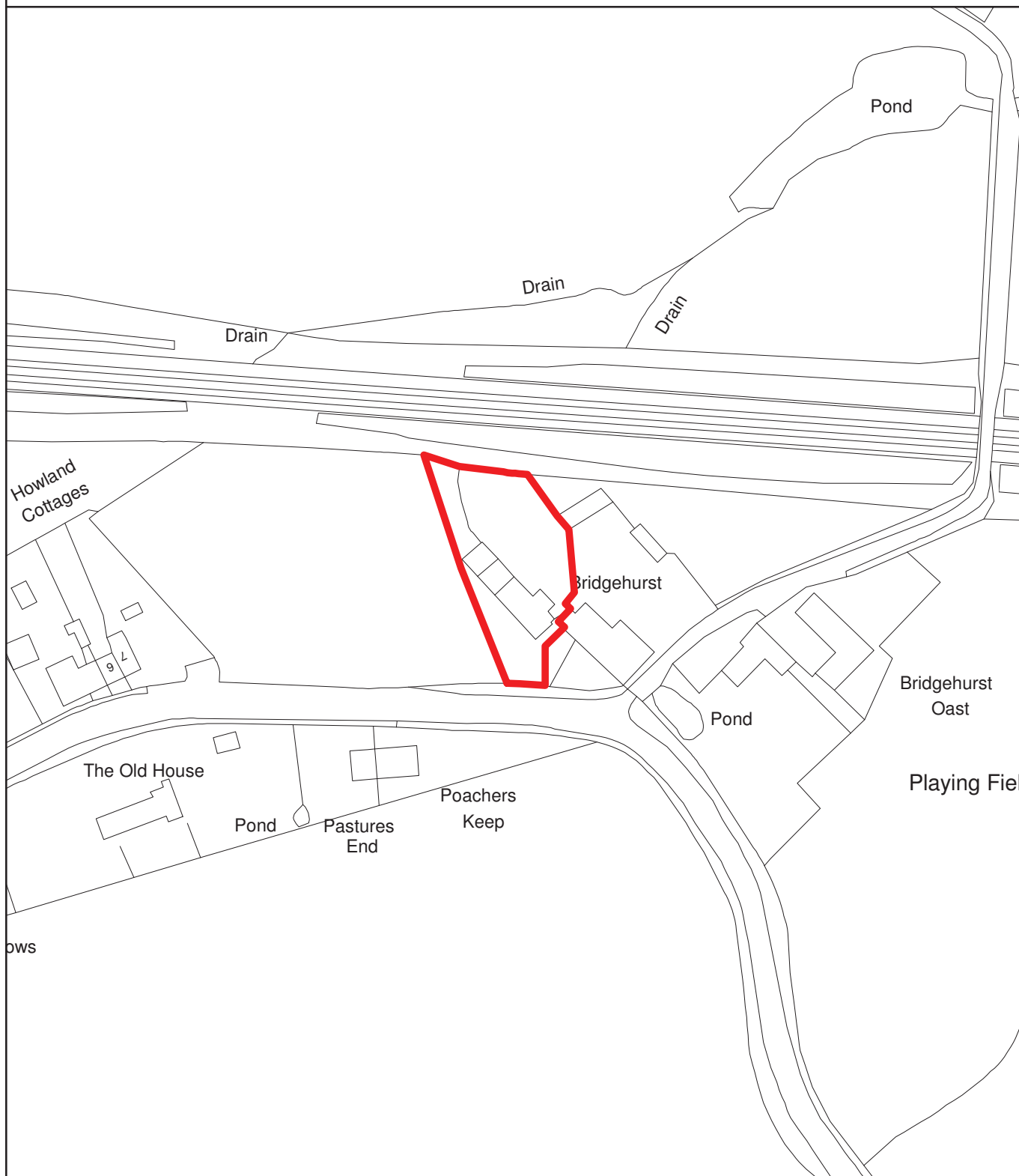


# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/10/2122

GRID REF: TQ7544

BARN ADJOINING BRIDGEHURST FARMHOUSE,  
HOWLAND ROAD, MARDEN.



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**Rob Jarman**  
**Head of Development Management**

APPLICATION: MA/10/2122 Date: 25 November 2010 Received: 12 April 2011

APPLICANT: Mr & Mrs B Hutson

LOCATION: BARN ADJOINING BRIDGEHURST FARMHOUSE, HOWLAND ROAD,  
MARDEN, KENT, TN12 9ET

PARISH: Marden

PROPOSAL: Conversion of barn from residential storage to single dwelling including demolition of outbuildings as shown on Drawing No.s 1642/02/Rev A, 03/Rev C, 05/Rev B and 07/ Rev A and accompanying Design and Access statement received on 10 December 2010 and, Bat and Barn owl Survey dated 28/03/11, received on 12 April 2011

AGENDA DATE: 22nd September 2011

CASE OFFICER: Laura Gregory

The recommendation for this application is being reported to Committee for decision because:

- it is contrary to views expressed by the Parish Council

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV28, ENV45
- South East Plan 2009: CC1, CC6, C4, BE6
- Village Design Statement: Marden Village
- Government Policy: PPS1, PPS3, PPS7, PPS5, PPS9

## **2. HISTORY**

- **MA/10/2125** – Application for listed building consent for alterations to barn to form a dwelling in the grounds of a listed building including demolition of outbuildings – APPROVED WITH CONDITIONS
- **MA/97/1104** – A Full planning application for the renewal of planning permission MA/92/1041 being conversion of barn to a residential dwelling – APPROVED WITH CONDITION

- **MA/97/1105** - Application for the renewal of listed building consent granted under ref: MA/92/1058 being the conversion of barn to residential dwelling – APPROVED SUBJECT TO CONDITIONS
- **MA/92/1058** - Listed building consent for conversion of barn to residential use. – APPROVED SUBJECT TO CONDITIONS
- **MA/92/1041** - Conversion of barn to residential use – APPROVED WITH CONDITIONS

### **3. CONSULTATIONS**

**MARDEN PARISH COUNCIL:** Wish to see the application REFUSED

“Cllrs have NO OBJECTION in principle for these applications but however are aware of the existing gateway and the previous applications MA/92/1041 & 1058 and MA/97/1104 & 1105 both of which make comment of the existing gateway being permanently closed. Cllrs would only support these new proposals if the applications were to be amended to make use of the existing access via Bridgehurst Farmhouse.”

**KENT HIGHWAYS** – Raises No Objections

“I refer to the above planning application and have no objections to the proposals in respect of highway matters subject to the following condition(s) being attached to any permission granted”

On receipt of further information sent by the Parish Council;

“Thank you for providing these additional details in respect this planning application. I confirm that I have no objection to this application subject to the conditions previously sent. The barn, if in use, could generate some traffic movements from the existing access and the dwelling would generate approximately 6-8 movements per day which is not a significant increase in traffic. Howland Road which does not carry heavy traffic volumes and speeds are restricted due to the bends. Visibility is adequate for this location and the traffic generated by a single dwelling will not be significant especially when considering it is replacing an existing use.”

**KCC ECOLOGY** – No Objections

“Having spoken to the ecologist who conducted the survey for confirmation over the likely status of the roost, we are satisfied that sufficient effort has been undertaken to reach the conclusion that the site is only used as an occasional roost by bats. We recommend that a planning condition provides for:

- The inclusion of at least four ‘bat tubes’ within the walls of the converted building under guidance from a suitably experienced ecologist (recommendation 6.1);
- The presence of a suitably experienced and licensed ecologist during the removal of the ridge and hip tiles of the barn (recommendation 6.2);
- The removal of the ridge and hip tiles by hand (recommendation 6.2)
- The inspection of the mortice joints and the implementation of exclusion measures by a suitably experienced and licensed ecologist prior to work commencing (recommendation 6.3)”

**MBC CONSERVATION OFFICER – No Objections**

“The principle of conversion to residential use has been previously accepted in 1992 and 1997. If we are satisfied that the figures submitted prove that use as holiday accommodation is not financially viable, I consider that use as a single dwelling is the next best option in this case. The barn probably dates from the 18<sup>th</sup> Century, although the roof of the main section is a modern structure following storm damage in 1987, and it constitutes an important feature of the setting of the listed farmhouse and may be considered as a heritage asset in its own right. Its loss would diminish the significance of the listed farmhouse, so re-use is to be welcomed.

The current proposals, in contrast to the earlier permitted scheme, involves the replacement of the modern roof by one which will replicate the pitch and height of the original lost roof; in heritage terms this is considered to be an improvement. In other respects, the current proposals are also largely acceptable and on the main elevations show some reduction in fenestration over the previously approved scheme, which is to be welcomed. My one reservation relates to the inclusion of a roof light to serve a first floor bathroom – it is our normal policy to resist roof lights to non-habitable rooms, and the drawings are wrong in referring to this as “previously approved” as it was removed from the

proposals at the Council's request in 1992. Its removal should, therefore, be requested again."

#### **4. REPRESENTATIONS**

None

#### **5. CONSIDERATIONS**

##### **5.1 Site Description**

5.1.1 The application relates to a detached redundant barn located within the curtilage of Bridgehurst Farmhouse; a grade II listed building located off Howland Road, the 18<sup>th</sup> century, the barn is not listed but it is afforded the same protection as the house itself, being within its curtilage.

5.1.2 The barn is a timber framed structure with black weatherboarding and has a peg tiled roof although as a result of storm damage in 1987, the main part has been reconstructed at a lower angle. It is an interesting and attractive vernacular building which contributes to the setting of Bridgehurst Farmhouse.

5.1.3 Located in the countryside, the site has maintained much of its open and rural character. To the west of the barn is an open paddock and the boundary treatments comprise of low hedgerow and 1m post and rail fencing. The site is in a prominent location on the northern corner of Howland Road as the road sweeps round to the south. The road is narrow with mature hedging and trees on the southern boundary and although the national speed limit is 60mph, I noted from my site visit that approaching vehicles appear to be travelling at significantly lower speeds due to the narrow and meandering nature of Howland Road.

##### **5.2 Proposal**

5.2.1 Planning permission is sought for the conversion of the barn into one dwelling. The proposed works include the insertion of new windows and doors on all elevations, and the reconstruction of the main roof to its original angle of 45°, to enable plain clay tiles to be used. Access to the barn would be off Howland Road via an existing gate, once an old farm access; which is south of the barn,

approximately 17m from the existing access and, where the Parish Council prefer the access to be.

### **5.3 Principle of Development**

5.3.1 The most relevant Local Plan Policy is ENV45 which deals with the re-use and adaptation of existing rural buildings for residential purposes. The proposal is assessed against the criteria of this policy as follows: -

#### Business Re-use

5.3.2 Criterion 1 of the Policy ENV45 states that the re-use and adaptation of rural buildings for residential purposes will not be permitted unless every reasonable attempt has been made to secure a suitable business re-use for the building.

5.3.3 By virtue of its close proximity to Bridgehurst Farmhouse, the building is not suitable for a commercial use, such as office, storage or workshop due to the noise disturbance which would be likely to be caused to the residents of the farmhouse as a result of such uses. With regard to converting the barn to holiday lets, the viability appraisal submitted with the application, indicates that the cost of converting the building to such a use would be so high that, even with a reasonable return from the start of the holiday use, considerable losses would still be made and the business would not be viable. I therefore conclude that the building could not be converted into a viable business use. The only suitable re-use for this building is therefore as a single dwelling if it is to be retained.

#### Quality of the Building

5.3.4 The building is a curtilage-listed building by virtue of its relationship with the Grade II listed Bridgehurst Farmhouse. It is an interesting and visually attractive building due its vernacular form and forms a good group with, and contributes to the setting of Bridgehurst Farmhouse. Due to its close relationship with the farmhouse, it exemplifies the hisitorical development of the Kentish countryside.

5.3.5 It is of good quality and positively contributes to the main listed building and character of the area. Its retention is therefore a desirable outcome. The Conservation Officer considers it to be of sufficient historic interest to justify conversion to residential use as this would secure its long term preservation and

I therefore conclude that this building meets the tests to justify residential conversion as an exception to the general theme of countryside restraint. Residential use has been previously approved under applications MA/92/1041 and MA/97/1105.

## **5.4 Historic Building Considerations**

- 5.4.1 Under Policy HE7 of PPS5 local planning authorities are advised to consider the extent to which new development makes “*a positive contribution to the character and local distinctiveness of the historic environment*”. It is stated that consideration should be given to the design in terms of the scale, height and massing. In cases where development affects the setting of a designated heritage asset such as Bridgehurst Farmhouse, and if the application preserves the elements of the setting of the listed building and makes a positive contribution or better reveals the significance of the asset, then it should be treated favourably.
- 5.4.2 In terms of the impact on the historic building I consider that the proposed development is acceptable. The barn is of permanent and sound construction which does not require complete or major reconstruction to facilitate its residential use and its re-use would ensure the long term conservation and protection of the barn and the adjacent listed building is secured. The barn constitutes an important feature of the setting of the listed farmhouse and its loss would diminish the significance of the listed farmhouse, so its re-use is welcomed.
- 5.4.3 In terms of the design, the proposal is in keeping with both the rural and historic character of the building. The vast majority of the proposed windows and doors will be new but given the number of new openings has been reduced; these are welcomed by the Conservation Officer. Where existing openings do exist these have been maximised with the use of vertical, single casement windows. This is acceptable given that these openings such as the old cart entrance on the north east elevation are fundamental elements of the barn’s character and give legibility to the original form and function of the building and therefore should be preserved. The mirror image of the cart entrance on the south west elevation is acceptable, designed with the original character and form of the barn in mind.
- 5.4.4 Overall, the fenestration proposed would be simple, of vertical emphasis and not of regular pattern and would ensure that the barn does not appear overly

domestic. In accordance with the Conservation Officer's advice the applicant has agreed to remove the proposed bathroom roof light on the north east elevation and this improves the proposal, is considered acceptable, ensuring that the simple rural appearance of the barn is preserved. With a condition imposed requesting that joinery details are submitted, I consider that a high quality finish to the fenestration can be achieved.

5.4.5 With regard to the historic fabric of the barn, no significant alterations are proposed. It is proposed to remove the modern roof constructed after the 1987 storm and this is considered acceptable especially as it is proposed to reconstruct the roof to the original angle and height using traditional materials. In heritage terms this is considered to be an improvement and, would help towards restoring the barn back to its original appearance and thereby enhancing the setting of the listed building. A condition requesting that details of the materials and the new roof structure are submitted for approval is necessary, to ensure that a high quality finish to the building is achieved.

5.4.6 No objection is raised to the demolition of the adjacent pole barn. This is an unlisted single storey shed which is of no architectural merit or historic significance to the setting of the listed building or barn. Its loss would serve to improve the overall appearance and historic character of the site.

## **5.5 Highway Considerations**

5.5.1 The main objection from the Parish Council to this proposal relates to the access arrangements. It is proposed that vehicular access to the barn will be obtained via the existing farm access gate which is approximately 17m to the west of the main house. Marden Parish Council are concerned over the impact the use of this access would have on highway safety due to the visibility splays which are in place, and have commented on the fact that on the previous applications, MA/92/1041 and MA/97/1104, the development was approved subject to the condition that this gateway was permanently closed.

5.5.2 The condition which requested that the gateway was closed permanently was imposed in lieu of comments received from the Highways Engineer at the time. The Highways Engineer objected to the proposal and considered that "*the access was inadequate to serve the development being on an unrestricted classified road on a bend.*" However visibility splay requirements have changed since these approvals.



- 5.5.3 Having inspected the site, the Highway's Officer has observed that the proposed development will generate some traffic movement from this access. However considering that only one dwelling is proposed and the traffic generated from a single dwelling is approximately 6-8 vehicle movements per day, the Highways Officer is satisfied that the resultant increase in traffic will not be detrimental to highway safety.
- 5.5.4 On the issue of visibility, whilst the speed limit on Howland Road is 60mph, the conditions of the section of road where the access is located control the speed at which vehicles will travel. The section of road in question is narrow, bounded by tall hedging and trees on one side. Approaching a sharp bend in the road, vehicles are likely to be travelling at half the speed limit set for Howland Road.
- 5.5.5 The Department of Transport's Manual for Streets advises that on a 30mph road, visibility splays should be no less than 43m in either direction. The access has visibility splays of more than 43m in both directions. Considering that vehicles on this section of road are likely to be travelling at speeds of 30mph and, that the access is already in place, the Highways Officer considers that the visibility splays provided are acceptable for the proposed use.
- 5.5.6 Turning space is proposed within the site on the drive along with two off road parking spaces. This is acceptable and ensures that no turning in the road will take place and that vehicles will be able to enter and exit the site in forward gear.
- 5.5.7 In conclusion, given that the Highways Officer is satisfied with the proposed access arrangements in terms of visibility and traffic movements, I consider that the development is acceptable on this matter and that a condition which requires the permanent closure of this access is not necessary.

## **5.6 Ecology Considerations**

- 5.6.1 Bat and Barn Owl surveys have been carried out and conclude that the barn does have features of potential suitability for use by bats as an occasional roost and indeed two bats were observed during the internal inspection of the building. No evidence of the presence of owls was found in the barn KCC Ecology has been consulted on the findings and is satisfied with the details which have been submitted stating that *"sufficient effort has been undertaken to reach the*

*conclusion that the site is only used as an occasional roost by bats".* The Ecology Officer raises no objection requesting only that a condition is imposed which ensures the development is carried out in accordance with the survey's recommendations. This includes the installation of at least four 'bat tubes' within the walls of the converted building, the presence of a consultant on site when the roof is replaced and the planting of soft landscaping to enhance the site for wildlife in general and bats in particular. I consider that this is reasonable and accords with the principles of PPS9.

## **5.7 Residential Amenity Considerations**

5.7.1 With regard to the residential amenity of the future occupiers of the barn, the area of land to the north of the barn is shown on the submitted layout plan to be used as garden land; this is acceptable and would provide a sufficient level of outdoor space for the occupants without intruding significantly into the countryside or on the residential amenity of Bridgehurst Farmhouse.

5.7.2 The development would not result in any loss of privacy to the Farmhouse and given that it is for the conversion of an existing building I do not consider that any loss of light would be caused. Overall I consider that the development would result in minimal harm to the residential amenity of the farmhouse and as such the development is considered acceptable on this matter.

## **5.8 Landscaping**

5.8.1 On the issue of landscaping, it is proposed that a new indigenous hedgerow and post and rail fencing will be planted on the south west boundary of the site, this is acceptable given that this will be visible from the main road. As details of the species of the hedgerow have not been submitted, I propose a landscaping condition which requires details of the species to be used in the hedgerow and, details of suitable protection measures to ensure the longevity of the hedgerow.

5.8.2 An area is proposed for the parking and turning area and this is to be constructed of gravel. Given that there is an existing gravel drive to the farmhouse, the use of gravel is acceptable and would compliment the setting of this historic building.

## **5.9 Sustainability**

5.9.1 On the issue of sustainability, I note that the development is in the open countryside. However, located some 70m outside the village envelope it is not in an isolated position and is within walking distance of Marden village centre and local facilities such as public transport, the local school and health services. Considering that the development is the conversion of an existing building and will ensure the long term preservation for a protected building I consider that the development accords with principles of PPS1 and is sustainable.

5.9.2 With regard to the Code for Sustainable Homes, the code is not applicable to building conversions. However, the BREEAM Eco Homes rating can be applied to residential conversions. The agent has indicated that a BREEAM rating could be achieved within this development. I therefore propose that a condition requiring that a report be submitted showing what BREEAM level will be achieved as a result of this development.

## **6. CONCLUSION**

6.1 In conclusion considering the above, I conclude that for the reasons stated above the proposed development is in accordance with the provisions of the Development Plan and that there are no overriding material considerations to indicate a refusal. I therefore recommend approval with conditions as set out below.

## **7. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. The development shall not commence until, written details and samples of the materials (including stain colour) to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development in accordance

with Policies ENV28 & ENV45 of the Maidstone Borough-Wide Local Plan 2000 and Policies CC6, BE6 & C4 of The South East Plan RSS 2009 and advice contained within PPS5 Planning and the Historic Environment .

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, details of the indigenous species which comprise the proposed boundary hedgerow, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted in accordance with Policies ENV28 & ENV45 of the Maidstone Borough-Wide Local Plan 2000 and Policies CC6, BE6 & C4 of The South East Plan RSS 2009 and PPS1 Delivering Sustainable Development.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with Policies ENV28 & ENV45 of the Maidstone Borough-Wide Local Plan 2000 and Policies CC6, BE6 & C4 of The South East Plan RSS 2009 and PPS1 Delivering Sustainable Development.

5. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers in accordance with Policies ENV28 & ENV45 of the Maidstone Borough-Wide Local Plan 2000 and Policies CC6, BE6 & C4 of The South East Plan RSS 2009 and PPS1 Delivering Sustainable Development.

6. The development shall not commence until, full details of the following matters have been submitted to and approved in writing by the Local Planning Authority:-

a) New internal joinery in the form of large scale drawings.

b) New external joinery in the form of large scale drawings.

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

Reason: To ensure the appearance and the character of the building are maintained in accordance with Policy BE6 of The South East Plan RSS 2009 and advice contained within PPS5 Planning and the Historic Environment .

7. The development shall not commence until, a detailed schedule of repairs and alterations and a method statement detailing how such repairs are to be carried out has been submitted to and approved in writing by the Local Planning Authority. The repair works shall be carried out in accordance with the approved details

Reason: No such details have been submitted and to ensure the appearance and the character of the building are maintained and in accordance with Policy BE6 of the South East Plan 2009 and advice contained within PPS5 Planning and the Historic Environment.

8. The development shall not commence until, full details of the new roof structure and eaves treatment, in the form of large scale drawings have been submitted to and approved in writing by the Local Planning Authority.

Reason: No such details have been submitted and to ensure the appearance and the character of the building are maintained and in accordance with Policy BE6 of the South East Plan 2009 and advice contained within PPS5 Planning and the Historic Environment.

9. All bat mitigation measures recommended within the Bat and Barn Owl Survey Report received on 12 April 2011 shall proceed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure the maintenance of the population of this protected species in accordance with Policy NRM5 of The South East Plan RSS 2009 and the Central Government policy contained in PPS9 Biodiversity and Geological Conservation.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Classes A - F 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 in accordance with Policies ENV28 & ENV45 of the Maidstone Borough-Wide Local Plan 2000 and Policies CC6, BE6 & C4 of The South East Plan RSS 2009 and PPS1 Delivering Sustainable Development.

11. The driveway and parking area shall be surfaced in accordance with the details shown on drawing number 1642/05A received on 10/12/10 unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and ensure the rural setting the building is maintained, in accordance with Policies ENV28 & ENV45 of the Maidstone Borough-Wide Local Plan 2000 and Policies CC6, BE6 & C4 of The South East Plan RSS 2009 and PPS1 Delivering Sustainable Development.

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

Drawing No.s 1642/02/Rev A, 03/Rev C, 05/Rev B and 07/ Rev A

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with in accordance with Policies ENV28 & ENV45 of the Maidstone Borough-Wide Local Plan 2000 and Policies CC6, BE6 & C4 of The South East Plan RSS 2009 and advice contained PPS1 Delivering Sustainable Development and PPS5 Planning and the Historic Environment.

13. The development shall not commence until a report outlining the BREEAM level that will be achieved by the development has been submitted to and approved in writing by the Local Planning Authority. The report shall be produced by a competent person and should aim to achieve a 'Very Good' level for the development unless it can be evidenced that such a level is not achievable for sound practical or viability reasons. The development shall thereafter be constructed strictly in accordance with the details subsequently approved before it is occupied.

Reason: To ensure a sustainable and energy efficient form of development in accordance with policies CC1 and CC4 of the South East Plan 2009 and PPS1.

### **Informatives set out below**

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

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and

between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

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

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

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.





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RADFORD'S  
REAL ESTATE  
SALE

15.09.2011



44

15.09.2011

45

LOW

15.09.2011



49

WINDY  
FRESH AIR  
100% NATURAL

15.09.2011



47

15.09.2011



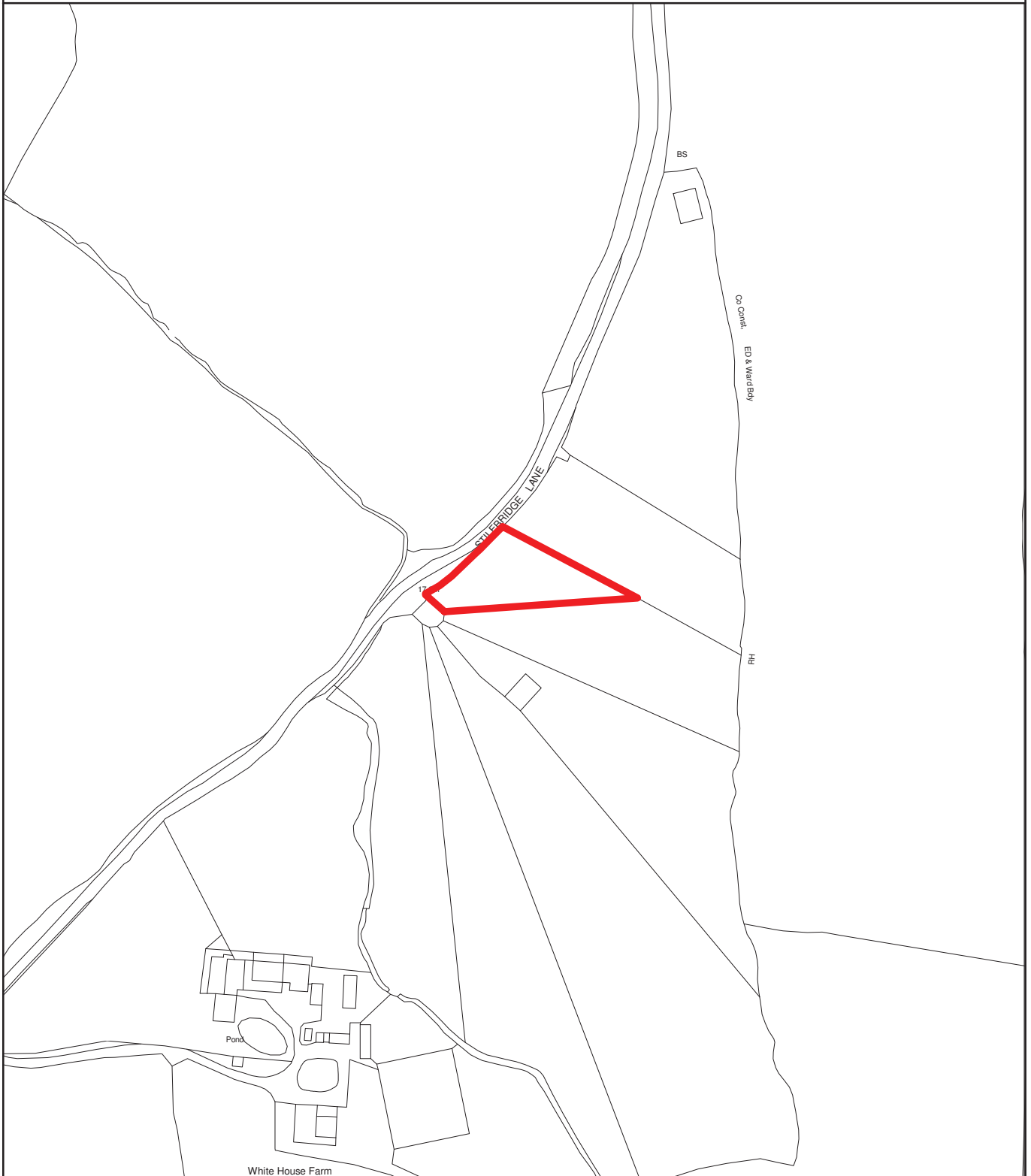
# Agenda Item 15

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/11/0055

GRID REF: TQ7648

STILEBRIDGE STABLEYARD,  
STILEBRIDGE LANE, LINTON.



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**Rob Jarman**  
**Head of Development Management**

APPLICATION: MA/11/0055 Date: 15 January 2011 Received: 12 May 2011

APPLICANT: Ms C. Powell

LOCATION: STILEBRIDGE STABLEYARD, STILEBRIDGE LANE, LINTON, KENT

PARISH: Boughton Monchelsea, Linton

PROPOSAL: Change of use of land for the stationing of 3 caravans for residential use of which at least two will be touring caravans, erection of a utility block, hardstanding, fencing, installation of septic tank and keeping of horses as shown on drawing numbers 1135/10/1, 1135/10/2 and 1 unnumbered drawing received on 17/1/11 and 18/1/11 as amended by additional supporting information received on 12/5/11.

AGENDA DATE: 22nd September 2011

CASE OFFICER: Peter Hockney

The recommendation for this application is being reported to Committee for decision because:

- it is contrary to views expressed by Linton and Boughton Monchelsea Parish Councils

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28
- South East Plan 2009: CC1, CC6, C4, H4, NRM5
- Government Policy: PPS1, PPS3, PPS7, PPS9, Circular 01/2006

## **2. HISTORY**

None directly relevant to this application. There is a substantial planning history but that involves a series of applications for agricultural/equestrian usage by a previous owner, where the applicant Mr Wilson owned a much larger area of land than the current application site.

A site approximately 40m further north along Stilebridge Lane was recently granted permanent consent for 2 mobile homes and 2 touring caravans for residential occupation by gypsies under reference MA/10/1555 known as Stilebridge Paddock.

### 3. **CONSULTATIONS**

**Linton Parish Council** wishes to see the application REFUSED and request that the application be reported to Planning Committee for the following reasons:-

- The development is contrary to Policy ENV28 and 'flies in the face of' Policies CC1, CC6 and C4 of the SE Regional Plan 2009. If granted this development will have an adverse effect on the countryside and the local community.
- Concern that the development is retrospective and the site is now established.

**Boughton Monchelsea Parish Council** wishes to see the application REFUSED and request that the application be reported to Planning Committee for the following reasons:-

- There would be significant and irreversible visual harm to the character and appearance of the area and contrary to ENV28.
- The development is a departure from the Development Plan and gypsy sites on countryside land are not appropriate.
- Circular 01/2006 should be given limited weight as it is non-statutory and is to be revoked.
- The applicant moved on without communicating with the Council or local community.
- There would be unjustified additional traffic onto a rural lane.
- A negative impact on ecology.
- Concern that the applicant may not be a gypsy.
- No decision should be made until planned provision of gypsy sites has been provided.
- Flood risk for the site.

**MBC Environmental Health Manager** raises no objections to the application subject to a caravan site being granted and the conditions being complied with.

**KCC Ecology** have considered the application and raise no objections stating that there is "minimal potential for the site to be suitable for protected species.

We require no further information to be submitted.

The key principles of PPS9 are not only to avoid, mitigate or compensate for harm to biodiversity but also to incorporate ways to enhance and restore it. The site is proposing to include native planting on the new hedgerows – while this is welcomed further consideration should be to enhancing the site for biodiversity, suggestions include the creation of an area of rough grassland along the edge of the hedge."

#### **4. REPRESENTATIONS**

**5 Letters** of objection have been received on the following grounds:-

- Loss of a view of the countryside.
- Increased disturbance from noise from generators and lights.
- Increased number of sites.
- Concern about a business use from the site.
- Visual impact on the character and appearance of the countryside.

**CPRE Maidstone** raise objections to the application on the following grounds:-

- The development is new residential units in the countryside.
- The necessary gypsy status may not be complied with.
- Harm to the character and appearance of the countryside.
- An adverse impact on community harmony.
- Disagrees with the applicant's submission that the Government's intention to abolish the regional strategies is not a material consideration.

#### **5. CONSIDERATIONS**

##### **5.1 Site Description**

5.1.1 The application site is located in open countryside (wholly within Linton Parish) off the east side of Stilebridge Lane approximately 475m east of the junction with the A229. The land here is not the subject of any particular landscape designation. The site is roughly triangular in shape and, before development commenced, involved simply a vehicular access at the southern end onto a shared bell mouth with other plots that have been split and are in different ownerships. The application site is separated from the carriageway of Stilebridge Lane by a highway verge that includes an existing wedge of Blackthorn hedgerow that varies between 2 and 4 metres in width that runs for approximately three quarters of the site frontage. There is no pavement or footpath between the site and the carriageway. The site was a grassed paddock. Land hereabouts is gently undulating farmland.

5.1.2 The application site is approximately 0.17 hectares in area. The development has already commenced with caravans on site at present on a hardstanding of roadstone at the northern end of the site in a restricted area with grassed amenity area for the remainder of the site. There are well-established hedgerows to the road frontage of the application site. Open agricultural land lies to the east, with paddocks to the south and the lane to the west. A site approximately 40m further north along Stilebridge Lane was recently granted permanent consent for 2 mobile homes and 2 touring caravans for residential occupation by gypsies under reference MA/10/1555, known as Stilebridge Paddock.

## **5.2 Proposal**

- 5.2.1 The application proposes a change of use of agricultural land to the establishment of a caravan site for occupation by a gypsy family. This involves a 5m by 4m utility block, a mobile home and two touring caravans within an area of hardstanding.
- 5.2.2 The site would be occupied by Mr Thomas Dunn and his partner Charlene Powell and their five children. Mr Dunn is a horse dealer who travels to the main horse fairs, including Stow, Appleby, Barnet, Reading, Ballinasloe (Ireland) and Horsemonden in addition he carries out general garden work with other members of his family all over Kent and Essex, Ipswich and to Southport. Ms Powell does not work and looks after the couple's five children. Mr Dunn's mother lives at Bramblewood Stables in Pitt Road and Ms Powell's parents live on a site in Lenham Heath.

## **5.3 Principle of Development**

- 5.3.1 There are no saved Local Plan policies that relate directly to this type of development. Policy ENV28 of the Local Plan relates to development in the countryside stating that:

"Planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers"

- 5.3.2 ENV28 then outlines the types of development that can be permitted. This does not include gypsy development: this was previously formally covered under housing policy H36 but was not 'saved'.
- 5.3.3 There is no specific gypsy accommodation policy in The South East Plan 2009 although Policy H4 makes reference to providing accommodation for gypsies and therefore there is no need to advertise this application as a departure from the Development Plan. Policy CC1 concerns sustainable development and ensuring the physical and natural environment of the South East is conserved and enhanced. Policy CC6 outlines that actions and decisions associated with the development and use of land should respect, and where appropriate enhance, the character and distinctiveness of settlements and landscapes. Policy C4 concerns landscape and countryside management, essentially outlining that outside nationally designated landscapes, positive and high quality management of the region's open countryside will be encouraged, protected and enhanced, securing appropriate mitigation where damage to local landscape character cannot be avoided.

- 5.3.4 PPS7: Sustainable Development in Rural Areas outlines at paragraph 15 that:

“Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced.”

5.3.5 PPS4 is also considered relevant, as whilst it relates to economic development, it provides the Government’s most recent stance on the protection of the countryside at Policy EC6 –

“Local Planning Authorities should ensure that the countryside is protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all.”

5.3.6 Also key in the determination of this appeal is Central Government Guidance contained within Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites. This places a firm emphasis on the need to provide more gypsy sites, supporting self-provision and acknowledging that sites will need to be found in rural areas. Whilst the Government has indicated that this guidance is to be withdrawn, it remains in place and must be given significant weight.

5.3.7 Work on the Local Development Framework is progressing; however there is, as yet, no adopted Core Strategy. Now that the Government intends to abolish the South East Plan, local authorities have the responsibility for setting their own target for the number of pitches to be provided in their areas. The Core Strategy will set the target pitch figure for the Borough for the period 2006 to 2016. The Core Strategy will contain a gypsy and traveller policy to assess any windfall sites. The initial Core Strategy public consultation has just begun, which includes the agreed Cabinet target of 71 pitches for the period 2006 to 2016.

5.3.8 The Local Development Scheme Priority Documents were considered by Cabinet on 8<sup>th</sup> June. In relation to the Gypsy and Traveller Pitch Allocations DPD, Cabinet agreed to no longer pursue this as a specific DPD but instead to merge it with, and allocate pitches within the overall Land Allocations DPD (under a new title of Development Delivery DPD). (The Land Allocations DPD will allocate the specific sites for residential and non-residential development, as well as dealing with landscape designations and village boundaries). A revised Local Development Scheme is being reported to the Task and Finish Panel on the 20 September 2011 with a revised timescale for the adoption of documents. This indicates that the Development Delivery DPD is scheduled for adoption in March 2015.

5.3.9 Issues of need are dealt with below but, in terms of broad principles, Development Plan Policy and Central Government Guidance clearly allow for gypsy sites to be located in the countryside as an exception to the general theme of restraint.

## **5.4 Gypsy Status**

### 5.4.1 Circular 01/06 defines gypsies and travellers as:-

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such.”

5.4.2 I am satisfied that the family complies with the above definition. The application documentation includes details of Mr Dunn’s horse dealing and gardening work (outlined earlier in para 5.2.2). They would seem to have a nomadic existence in terms of their employment. Both Mr Dunn and Ms Powell have family connections on gypsy sites within the Borough.

## **5.5 Need for Gypsy Sites**

5.5.1 Clearly there is a requirement for the Council to provide gypsy accommodation and this is set out in Government Guidance in both PPS3 and in Circular 01/2006. To ensure that the Council provides adequate gypsy accommodation a Gypsy and Traveller Accommodation Assessment (GTAA) was commissioned to assess the level of need for gypsy accommodation.

5.5.2 The GTAA concluded that there was a need for gypsy accommodation and quantified that with a figure of 32 new pitches for Maidstone over the five year period from April 2006 to April 2011.

5.5.3 However, the pitch requirement revealed in the GTAA assumed that 6 pitches on local authority owned sites across the four authority areas would become available each year through genuine vacancy. For Maidstone Borough, this would assume that 3 pitches/year would become available on the two sites the Council owns totalling 15 pitches over the five years. In fact only 3 genuine vacancies have occurred since April 2006. In the circumstances the overall pitch requirement became 44 pitches for the whole 5 year period.

5.5.4 Since April 2006 the following permissions for pitches have been granted (net):

- 44 Permanent non-personal permissions
- 9 Permanent personal permissions
- 8 Temporary non-personal permissions
- 26 Temporary personal permissions



Therefore a net total of 53 permanent planning permissions have been granted since April 2006.

- 5.5.5 The Council has agreed its public consultation draft pitch requirement for the period 2006 to 2016 for inclusion in the draft Core Strategy as 71 pitches so there is currently a shortfall of 18 pitches.
- 5.5.6 In terms of unauthorised pitches, based on the January 2011 count and according to the Council's database at the time of writing this report, there are 86 unauthorised mobile homes and 69 touring caravans on 52 sites (including this site). However, 28 of these mobile homes are 'tolerated' at a large site known as Plumtree Bottom in Stockbury. Here 15 sites were served enforcement notices in 1999 which in effect allow a set number of mobile homes on each plot (total of 34). As such, I consider the number of unauthorised mobile homes is 58.
- 5.5.7 Numerous Inspectors at appeal consider that the level of unauthorised mobiles is an indication of general need; however, I do not consider this to be currently overriding.
- 5.5.8 It is considered that the Council has met the identified need for the period 2006 to April 2011 through the Development Management process. However, the need for pitches continues beyond April 2011.

## **5.6 Visual Impact**

- 5.6.1 The application is a relatively small plot with a comparatively large frontage of approximately 45m onto Stilebridge Lane. There would be views of the site from Stilebridge Lane and this would cause an element of visual harm.
- 5.6.2 Due to the lack of significant depth to the site the development of the utility block and the area of hardstanding and location of the caravans would be in close proximity to Stilebridge Lane. There is a proposal for landscaping including a row of poplar trees along the Stilebridge Lane frontage in addition to the existing Blackthorn hedgerow with a depth of between 2 and 4 metres and a double staggered hedgerow along the northern boundary of the site. Although this landscaping scheme would help to screen the development, it would in itself appear out of place by creating a small plot in an area characterised by large open paddocks and agricultural fields. The boundary treatments would be a 1.8m close boarded fence to the front of the site set behind the row of Poplar trees with all other boundaries delineated by post and rail fences. The vehicular access to the site exists and is lawful and there are no proposals to either widen it or create a new access. Therefore the integrity of the frontage planting would remain undamaged.

- 5.6.3 It is my view that the proposal would result in significant visual harm on the character and appearance of the countryside in particular from short to medium views along Stilebridge Lane. The development is a change of use of land with minimal operational development in the laying of hardstanding and the erection of a utility block. This development is clearly reversible and could be removed at a future date.
- 5.6.4 There would be no significant views of the site from a public footpath, the nearest one being KM129 approximately 270m to the south of the application site.
- 5.6.5 Although there are other gypsy sites in the vicinity, they are sufficiently separated or well screened so that an over concentration in visual terms would not apply.
- 5.6.6 I consider that the development would cause visual harm from short to medium views and with the current policy position, the lack of alternative sites for the occupiers of this site and the future emergence of allocated sites it is appropriate that this site be granted a temporary planning position for 4 years to enable the site allocation process to occur and the adoption of the Development Delivery DPD, which is anticipated in March 2015.

## **5.7 Ecology and Landscaping**

- 5.7.1 The site is a relatively small parcel of land and the proposal involves a significant level of new landscaping including a mixed double staggered hedgerow incorporating hawthorn (50%), hazel (30%) holly (10%) and arrow wood (10%). There would be five new field maple trees planted in the north west corner of the site.
- 5.7.2 This additional landscaping would provide additional habitat for wildlife as well as assisting in screening the development.
- 5.7.3 The site is within 500m of the River Beult SSSI to the south. The views of the KCC Ecologist have been sought and she is happy that no ecological survey is required for the site based on the minimal potential for the site to be suitable for protected species.

## **5.8 Residential Amenity**

- 5.8.1 The site has no near neighbours and has no significant adverse impact on residential amenity. The nearest dwelling is approximately 250m away from the proposed siting of the caravans. Given the relative isolation of the site I am not

convinced that noise and disturbance from generators and children is so great as to warrant a refusal of this application.

## **5.9 Highway Safety and Sustainability**

- 5.9.1 The local highway network is considered acceptable in terms of accommodating the relatively low level of vehicle movements involved. On the issue of access, the point of access to Stilebridge Lane already existed prior to this development commencing and served the agricultural building. The case officer has examined the visibility at the point of access and considers it acceptable to serve the site. There is plenty of land available for parking and turning and such areas are properly surfaced in roadstone. The access gates are set back from the edge of the carriageway.
- 5.9.2 It is inevitable that gypsy traveller sites will be located beyond the bounds of settlements and within the rural area. In my view this site is not so remote from basic services and public transport opportunities as to warrant objection on the basis that this is not a sustainable location. The A229/Stilebridge Lane junction is only around 600m away to the south west of the site. The benefits of the settled location of the occupants and therefore access to health facilities and education opportunities for the children on the site, in this case, outweigh the countryside location of the site.

## **5.10 Other Matters**

- 5.10.1 There is no business use proposed on the site as part of the application and I recommend a condition be imposed to this effect.

## **6. CONCLUSION**

- 6.1 I consider that the development would cause visual harm from short to medium views and with the current policy position, the lack of alternative sites and the future emergence of allocated sites it is appropriate that this site be granted a temporary planning position for 3 years to enable the site allocation process to occur.

## **7. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

1. The use hereby permitted shall be carried on only by Mr Dunn and Ms Powell and children and shall be for a limited period being the period of three years from the date of this decision, or the period during which the premises are occupied by them, whichever is shorter.

Reason: The development would cause visual harm to the character and appearance of the countryside. However, due to the current status of the Council's Development Plan and the lack of alternative options for the applicant at this time, an exception has been made to provide accommodation solely for gypsies pursuant to Policy H4 of the South East Plan and in light of the circumstances of the applicant and family.

2. When the premises cease to be occupied by Mr Dunn and Ms Powell and children or at the end of three years, whichever shall first occur, the use hereby permitted shall cease, all materials and equipment brought onto the premises in connection with the use shall be removed, including the stable blocks, and the land restored to its former condition.

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted and in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.

3. This permission does not authorise the use of the land as a caravan site by any other persons other than gypsies, as defined in paragraph 15 of ODPM Circular 01/2006.

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted.

4. No more than one static residential caravan, as defined in Section 24(8) of the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 and two touring caravans.

Reason: To accord with the terms of the application and in the interests of the visual amenity in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and Policy C4 of the South-East Plan 2009.

5. Notwithstanding the provisions of Schedule 2, Part 4 of the Town and Country Planning (General Permitted development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land without the prior permission of the local planning authority.

Reason: To accord with the terms of the application and in the interests of the visual amenity in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and Policy C4 of the South-East Plan 2009.

6. All planting, seeding or turfing comprised in the approved details of landscaping shown on drawing number 1135/10/2 shall be carried out in the first planting and seeding seasons following the date of this permission and any trees or plants which within a period of five years from the completion of the development die, are

removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with policies ENV6 and ENV28 of the Maidstone Borough-Wide Local Plan (2000) and guidance contained in PPS9.

7. Within 2 months of the date of this permission full details of foul and surface drainage shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details;

Reason: To ensure adequate drainage is proposed and to prevent pollution in accordance with policies NRM1 and NRM4 of the South East Plan (2009).

8. No external lighting shall be erected on the site at any time unless previously agreed in writing by the Local Planning Authority;

Reason: To safeguard the character and appearance of the area and to prevent light pollution in accordance with policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan (2000) and policy C4 of the South East Plan (2009).

9. No commercial activities shall take place on the land, including the storage of materials;

Reason: To ensure a satisfactory appearance to the development and prevent an inappropriate use in the countryside in accordance with policies ENV28 of the Maidstone Borough-Wide Local Plan (2000).

10. The development hereby permitted shall be carried out in accordance with the following approved plans:  
1135/10/1, 1135/10/2 and 1 unnumbered drawing received on 17/1/11 and 18/1/11;

Reason: To ensure the quality of the environment is maintained in accordance with ENV6 and ENV28.

### **Informatives set out below**

The applicant is advised that, if they have not already done so, it will be necessary to make an application for a Caravan Site Licence under the Caravan Sites and the Control of Development Act 1960 within 21 days of planning consent being granted. Failure to do so could result in action by council under the Act as caravan sites cannot operate without a licence. The applicant is advised to contact the Environmental Health Project Manager on 01622 602145 in respect of a licence.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.



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2011/09/15



A paved driveway leads from the foreground towards a house in the distance. The driveway is flanked by trees and a fence. The house has a white roof and a satellite dish. The sky is blue with some clouds. The date 2011/09/15 is printed in the bottom right corner.

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2011/09/15

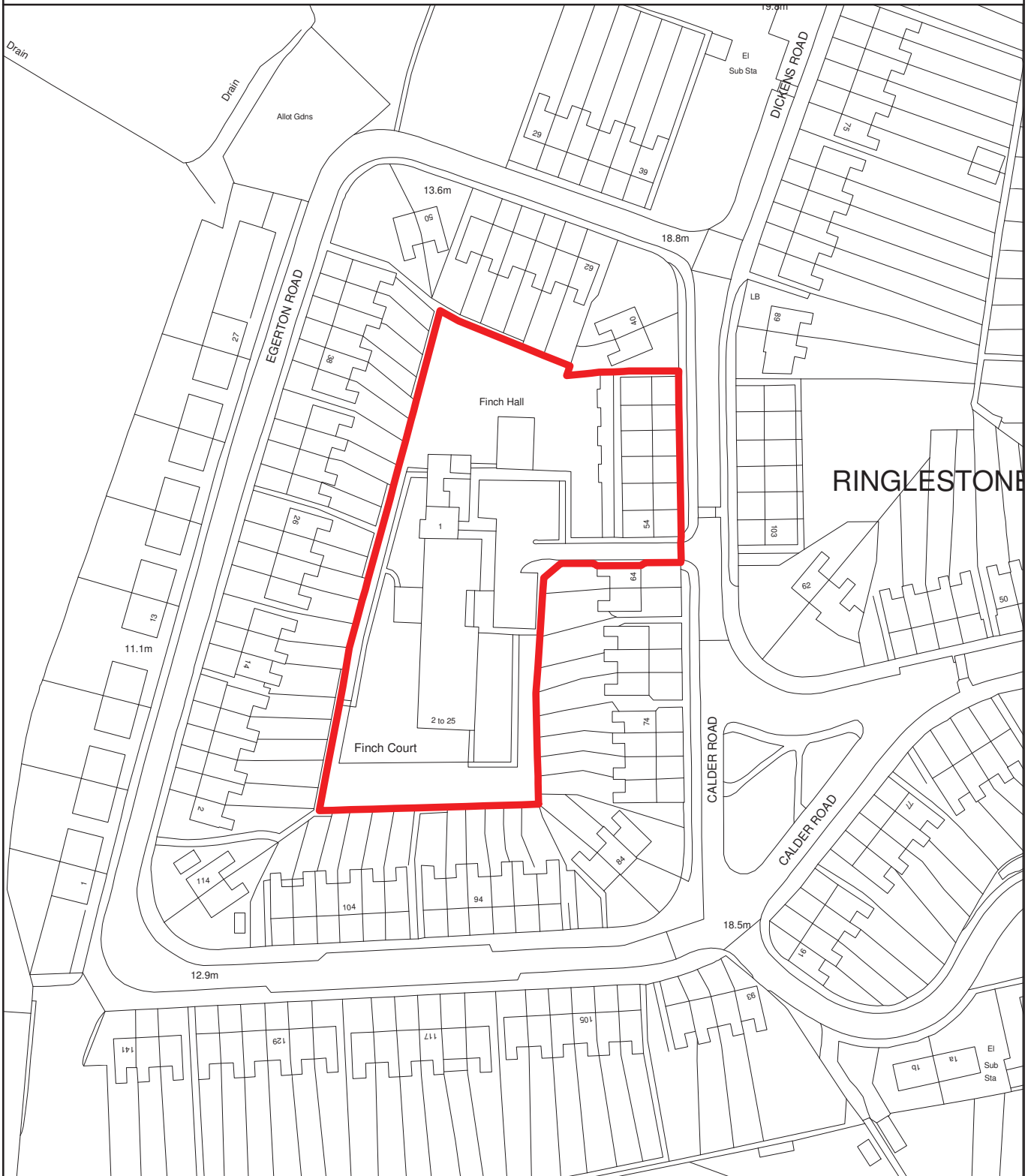
# Agenda Item 16

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/11/0205

GRID REF: TQ7557

FINCH COURT, DICKENS ROAD,  
MAIDSTONE.



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**Rob Jarman**  
**Head of Development Management**



APPLICATION: MA/11/0205 Date: 11 February 2011 Received: 14 February 2011

APPLICANT: Mr K Mandy, Golding Homes

LOCATION: FINCH COURT, DICKENS ROAD, MAIDSTONE, KENT, ME14 2QX

PARISH: Maidstone

PROPOSAL: Demolition of flats and common room and construction of 20 three bedroom houses with associated parking and landscaping in accordance with the plans numbered PL 100; PL 103; PL 105; PL 106; PL 107; PL 108; PL 110; PL 111; PL 112; PL 113; PL 114; PL 115; PL 116; PL 117; PL 118; arboricultural implications assessment; design and access statement; and code for sustainable homes pre-assessment received on the 14 February 2011, and plans numbered PL 102 and PL 120 received on the 31 May 2011, and financial appraisal submitted on 7 July 2011.

AGENDA DATE: 22nd September 2011

CASE OFFICER: Chris Hawkins

The recommendation for this application is being reported to Committee for decision because:

- Councillor Patterson has requested it be reported for the reason set out in the report

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, T13, CF1
- South East Plan 2009: CC4, NRM11, T4, CC1, T4, H5, W1, W6, BE1
- Government Policy: PPS1, PPS3, PPS9, PPG13

## **2. HISTORY**

2.1 There is no planning history relevant to this application.

## **3. CONSULTATIONS**

3.1 **Maidstone Borough Council Landscape Officer** was consulted (on 22 February 2011) and raises no objections subject to the imposition suitable conditions, as set out below. The comments are as follows:

'The arboricultural implications assessment identifies a number of trees to be removed, although it appears to have been commissioned following the

development of a site layout, rather than the site layout being developed following a tree survey, in accordance with the recommendations of BS5837(2005). This means that the reason for some of the tree removals proposed is because the trees are 'incompatible with development' rather than the recommendation relating to their condition or whether the trees have any value.

However, although the proposal includes the removal of a number of medium to large size trees, I do not consider that any of them have any significant amenity value, being largely hidden or partially obscured from public view by the surrounding houses. Of those proposed for removal, none are outstanding specimens or particularly suited to the character of the area. None of the trees are currently subject to a Tree Preservation Order. I do not consider that a refusal of the application on the grounds of the proposed tree removals would be sustained at appeal and raise no objection to the proposal on arboricultural grounds, subject to the submission of an arboricultural method statement being required by condition, to ensure that retained trees are not harmed during construction operations. I also recommend the use of a condition requiring compliance with the tree protection details contained within the submitted arboricultural implications assessment.

The application lacks a fully detailed landscaping scheme and I recommend the use of a standard condition requiring that one be submitted for approval, together with implementation and long term management details and replacement of failures within the first five years following completion of the development.

It is, therefore, recommended that on landscape and arboricultural grounds the application should be **APPROVED** with conditions as detailed above.'

- 3.2 **Maidstone Borough Council Environmental Health Officer** was consulted (on 22 February 2011) and raised no objections as they were content that there no noise, or contamination concerns at this application site.
- 3.3 **Maidstone Borough Council Parks and Open Space** were consulted (on 22 February 2011) and raised no objections to the proposal subject to contributions being made to address the additional strain placed upon the parks and open space within the locality. The sum requested is £31,500, and would be spent within Whatman Park, Midley Close play area and/or Dickens Road play area. At present it is indicated that the money would be spent on re-painting, and providing new additional play equipment.
- 3.4 **Southern Water** were consulted (on 22 February 2011) and raised no objection to this proposal in terms of drainage or capacity.

- 3.5 **The Environment Agency** were consulted (on 22 February 2011) and raised no objections to this proposal subject to the imposition of conditions relating to contamination within the site in order to safeguard water quality. No flooding issues were identified.
- 3.6 **Kent County Council Archaeology** were consulted (on 22 February 2011) and raised no objections subject to the imposition of a suitable safeguarding condition.
- 3.7 **Kent County Council Highway Services** were consulted (on 22 February 2011) and raised no objections to this proposal subject to the imposition of conditions and informatives covering the visibility splays, construction traffic, and the removal of pd rights. These matters are considered within the main body of the report.
- 3.8 **Kent County Council Education (Mouchel)** were consulted (on 22 February 2011) and raised no objections to this proposal. They have sought no contributions for this site as this is an affordable housing development.
- 3.9 **Kent Police** were consulted (on 22 February 2011) and made no comment on this application.
- 3.10 **UK Power Networks** were consulted (on 22 February 2011) and raised no objections to the proposal.
- 3.11 **Scottish Gas** were consulted (on 22 February 2011) and raised no objections to the proposal.
- 3.12 **West Kent Primary Care Trust (PCT)** were consulted (on 22 February 2011) and raised no objections to the proposal subject to contributions being made to address the additional strain being placed upon the health care provision within the locality. This request is for a sum of £12,096.00 to be spent at the Marsham Street surgery, which is the surgery closest to the application site, and would be likely to be used by the residents of this development. It should be noted that the previous residents of the site would have been registered at local GPs.

#### **4. REPRESENTATIONS**

- 4.1 Neighbouring properties were notified and 3 letters of objection have been received. A summary of these letters is set out below:
- The loss of light to neighbouring properties;
  - Loss of privacy;
  - Overshadowing of neighbouring properties;
  - Impact upon the existing residents;
  - Additional vehicle movements;

- Only one escape route in an emergency;
- The properties should have been refurbished rather than replaced.

4.2 **Councillor Patterson** requested that the application be brought before Members as it is of local significance, and would have an impact upon the existing local residents.

4.3 Pre-application discussions were held with Ward Members prior to the submission of the application, with the main issues covered being the design of the proposal, and the sustainability of the development.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

5.1.1 The application site is location within Ringlestone estate, sited within the urban confines of Maidstone, and is not identified for any specific allocations within the Maidstone Borough Wide Local Plan (2000). The central part of the site formerly contained residential units provided by Golding Homes (or Maidstone Housing Trust as they were previously known). This part of the site has now been demolished aside from the community hall that remains on site. The front part of the site currently contains properties that would be demolished as part of this proposal.

5.1.2 The land level changes significantly within the application site by approximately 3metres, with the land falling rapidly from east to west as one enters the site. At present much of the site is boarded up, so views in are restricted from the public domain.

5.1.3 The site contains the footings of the previous development, surrounded by grass. The trees around the boundaries of the application site have all been retained, and these are of varying species and quality. There is an area of hardstanding that is used for car parking to the south of the community hall, which remained in use at the time of my site visit.

5.1.4 The site is surrounded by residential properties within Calder Road, and Egerton Road, many of which remain within the ownership of Golding Homes. These properties are two storey, and are provided within good sized rear gardens (approximately 15-20metres in length). The properties within western part of Egerton Road are at a significantly lower level than those within Calder Road.

5.1.5 The site lies approximately 1km from the town centre of Maidstone, with the urban boundary some 30metres to the west (with an area of Local Landscape Importance beyond).

## **5.2 Proposal**

- 5.2.1 This proposal is for the erection of 20 new terraced houses within the area previously accommodating Finch Court – which was a block of 37 flats, which has already been demolished, as well as existing properties (in a relatively poor state of repair) in Calder Road. Five new properties would be erected along the Calder Road frontage, with the remaining fifteen located internally, within the application site. Of the twenty houses, eight are to be provided for affordable housing.
- 5.2.2 The five properties facing on to Calder Road would be a terrace of two storey dwellings, which would be set back from the highway by approximately 7metres. These properties would have a width of approximately 6metres, and a depth of 11metres. The properties would have a maximum height of 8.8metres. The back gardens of these properties would be approximately 10metre in length, and would be supported by a retaining wall at their western most point (with 1.1metre fence above). The properties would be constructed of brick, with render at first floor level. Roofs are shown to be constructed of tiles and slate.
- 5.2.3 Access into the site would be through a new point of entry (that has been repositioned approximately 2metres further north) which is served off Calder Road. This access point has a steep gradient that falls approximately 2.5metres as one enters into the site. It is proposed that parking spaces be provided on the northern side of this access (with tree planting) and a hedge with tree planting on the southern side.
- 5.2.4 Within the site, it is proposed that 15 dwellings be erected, built in three rows of five. These are all of a similar form and design. The three rows would be positioned effectively at right angles to one another, with the access road the main focal point.
- 5.2.5 As one enters the site, there would be a terrace of five immediately opposite, creating an end-stop. Each property here would be provided with a single parking space. Four trees are planted in front of these five houses, between these parking spaces. The properties would be of a similar design/scale to those described along the Calder Road frontage. Three of the units within this terrace would be made available for affordable housing.
- 5.2.6 To the south of these units would be a further terrace of five, with the two end units projecting forward. These units would be for private sale. Again, each unit would be provided with a minimum of 1 parking space (the two end units having two spaces each). The design and form (height, width and depth) of these units are identical to those fronting Calder Road. To the front of these properties would be a shared surface private drive, with two trees planted at either end of

the terrace. To the rear of these units, the gardens would have a depth of at least 13metres.

- 5.2.7 Within the northern portion of the site would be the remaining terrace of five. These would be for private sale. The terrace is staggered at this point to ensure that each property has a decent size garden, and also to provide a further visual 'end stop' from within the turning circle. The properties would have a garden depth of between 13metres and 23metres.
- 5.2.8 The applicant has submitted an arboricultural report identifying that the majority of the trees are to be retained within the development. Specific details of the tree planting has been submitted, and is addressed within the 'landscaping' section of the report.
- 5.2.9 Whilst this is an application submitted by Golding Homes, who are a provider of affordable housing, the application is for both private sale and affordable provision. They have also identified that a minimum of 40% of the units would be provided for affordable housing. Whilst the previous site was owned by the operator, and was for wholly 100% affordable provision, there is no policy requirement to retain this percentage, as long as the development achieves a minimum of 40% - as per the Council's adopted DPD.
- 5.2.10 There would be a total of 28 parking spaces within the development, with each property provided with an off-street parking space, and visitor parking also provided. Each property would also be provided with a bin storage area to the front, which would be screened from view by soft planting (a hedge). The applicant has also demonstrated that the development would achieve level 4 of the code for sustainable homes. Southern Water raise no objections to the development being connected to the existing drainage network - that was previously utilised by the flats.

### **5.3 Principle of Development**

- 5.3.1 The site is previously developed land, and is within the urban area. There was previously a block of 37 flats on the site, which have now been demolished - hoardings surround the site. The site is however, previously developed land, and is within a sustainable location. The density of the proposal would be 38 dwellings per hectare, which whilst quite high, is a reduction on the previous levels of accommodation provided, and would not appear as cramped within the site, due to the layout proposed. The town centre can be reached on foot, and there is a good bus service that runs along Royal Engineers Road/Sandling Road into and out of Maidstone and the Medway Towns (approximately every 15minutes). I therefore consider that this site accords with the guidance set out within PPS3: Housing.

5.3.2 The site is not allocated for any specific purpose within the Maidstone Borough Wide Local Plan 2000.

5.3.3 I am therefore satisfied that the principle of residential development on the site is acceptable.

#### **5.4 Visual Impact**

5.4.1 The proposal has been the subject of pre-application discussions with Officers and Members prior to its submission. Much of the proposal would be set behind existing properties within Calder Close and Egerton Road, with significant soft landscaping provided around the boundaries of the site – there is significant tree planting, and beneath this low level shrubs long grass has developed. As such, the visual impact of the proposal is somewhat limited from the public domain. The six properties to the fronting Calder Road are particularly visible. These have been designed in such a way as to reflect the form of the existing properties, in a relatively contemporary manner.

5.4.2 The properties would have three strong gable projections, which reflect the gables within the vicinity. Each property would also have a recessed element, which would ensure that the buildings are layered, and also create a strong rhythm, as one would expect within a row of terraced properties. This rhythm is further enhanced with the provision of tree planting to the front of each property. This also provides further vertical emphasis that contrasts with the horizontal nature of the terrace.

5.4.3 The materials used would be required to be of a high standard, with the use of natural slates for example, to ensure a good finish to the development. Materials are given within the planning application form, and consist of brick, natural slate, tile and render. I am satisfied with these materials, but nonetheless will require samples to be submitted prior to the development taking place. I consider these properties to be well designed, and to enhance the character and appearance of the street.

5.4.4 The properties are of the same form and design within the centre of the application site. Again, I consider these to be of a high standard, and to respond positively to the character and appearance of the locality. I therefore raise no objection to these properties. Whilst this is a backland development, I do not consider that this would run against the grain of development within the locality – and it must be borne in mind that there was previously a block of flats positioned to the rear, and as such, the principle of developing such land has previously been agreed.

5.4.5 With regards to the layout of the proposal the dwellings have been positioned in such a way as to be set off the boundary of the site – which allows for the retention of the majority of the existing trees. I am satisfied that this layout is

of a good standard, providing a good level of accommodation for any future residents. There would be a clear distinction between the public and private space within the site, and there would be a good level of soft landscaping. The properties would face onto the highway, with the rear of each property facing onto the boundary, and would therefore provide an active frontage to the development. There is sufficient distance from the front of the properties to the highway to ensure that a car can be parked, and bin storage provided, which would also ensure that there would also be a clear distinction between public and private space. Where there is a side facing elevation, care has been taken to ensure that there is a good level of detailing – i.e. the provision of fenestration/use of different materials – to ensure that there is some visual interest.

- 5.4.6 I am therefore of the opinion that the layout of the proposal would integrate well within the locality, with good spaces provided between the terraces, and a suitable level of landscaping provided. The car parking within the development would not dominate the layout, but would be well related to each property, and therefore would be likely to be used. I consider the design of the buildings to be of a high standard, for the reasons set out above. I therefore consider that the proposal would represent a high standard of design, and therefore meets the criteria of PPS1.
- 5.4.7 The applicant is proposing that the development achieve level 4 of the Code for Sustainable Homes (CSH), which I consider to be a high standard when compared with a number of other similar developments within the Borough. A strategy has been submitted with the application that would see the provision of features such as solar thermal water heating, SUDS, lifetime homes standards, and ecological enhancement of the locality. The applicant has demonstrated that PV cells would be provided on the south/west facing roofs of each property. I am satisfied that achieving level 4 of the CSH accords with the requirements of PPS1 to achieve a high standard of design.

## **5.5 Residential Amenity**

- 5.5.1 The proposal would be set behind a number of two storey residential properties, that front on to Calder Road and Egerton Road. These properties are all terraced or semi-detached, with gardens that range in length from approximately 10metres to 18metres. There is also a significant level of soft landscaping to the boundaries of the site – in particular the western boundary – much of which would be retained.
- 5.5.2 The proposal has been designed in such a way as to ensure that the back to back distances between the existing and proposed properties is no less than 22metres, and with many preserving a significantly greater distance. Whilst six of the properties proposed would face towards the rear of 64-70 Calder Road, due to the distance between the properties (approximately 30metres) and the



significant change in levels (approximately 3metres), I am satisfied that these properties would not directly overlook the rear gardens of the existing dwellings. I therefore consider that there is sufficient distance between the properties to ensure that there would be no significant overlooking, or the creation of overshadowing.

5.5.3 The new housing proposed facing on to Calder Road would be positioned in a similar manner to the existing housing that is to be demolished. I consider that these properties would give rise to any significant overshadowing of overlooking of the existing properties located side on to these due to the distances involved.

5.5.4 One of the concerns raised by a neighbouring occupier was the impact that the proximity of the access would have upon his private amenity space – in terms of noise and disturbance. It is acknowledged that the access road is in relatively close proximity to the boundary of 64 Calder Road, being 3metres to the north. However, this is further from the boundary than the existing access point (which is approximately 500mm from the boundary), and this proposal would also see the introduction of soft planting between the road and the boundary. It should also be noted that there would be no pedestrian footpath adjacent to this property. It is suggested by the objector, that this development would give rise to more vehicle movements than the previous residential use. Whilst this may be the case (and no evidence has been submitted to demonstrate either way), it is also acknowledged that the community facility within the site is also being lost – which itself would have generate some traffic. I do not consider that this proposal would result in a significant increase in vehicle movements. Any slight increase is mitigated by the repositioning of the access, and the additional landscaping provided.

5.5.5 I am therefore satisfied that the proposal has been designed in such a way as to ensure that there would be no detrimental impact upon the residential amenity that the existing occupiers currently enjoy.

## **5.6 Highways**

5.6.1 Kent Highway Services have raised no objections to this proposal. The properties facing on to Calder Road would all be provided with one off street parking space. Whilst it is acknowledged that these are family homes that might generate a requirement for more than one space, I am satisfied that there is sufficient on street parking space within the locality, to ensure that residents could park safely without impacting upon highway safety. At the time of my visit, the majority of the street was available for parking, and whilst this is likely to be more heavily parked at evening times, I am satisfied that there would continue to be space available. Moreover, PPG13 places the onus to set the level of parking that they wish, unless it can be demonstrated that there would be a detrimental impact upon highway safety.

- 5.6.2 With regards to the access point into the site, whilst this is to be slightly re-positioned, this would actually allow for better visibility splays to be provided to the south. The access would be constructed of permeable block paving and would be provided with a suitable turning head for refuse trucks/fire appliances.
- 5.6.3 Within the site, each property would be provided with a minimum of one car parking space. Visitor parking spaces are to be provided along this access road (six in total). Again, I am satisfied that this parking provision is sufficient, although it should be noted that there would be provision for parking within the shared surface area, without interfering with the turning head requested by the Highways Authority. I am therefore satisfied that there is no reason to object to this on highway safety grounds.
- 5.6.4 The Highways Authority requested that a sum of £3200 be contributed by the applicant to provide two new bus shelters and bus boarders/raised kerbs (a cost of £1000 per bus boarder and £600 per shelter). The Highways Authority was then requested to identify where these would be located, and to demonstrate that they were necessary in order for this application to be deemed acceptable. Both the 155 and 101 buses run along the Chatham Road – a service every 15-20 minutes, and these were the identified places for improvements.

## **5.7 Landscaping**

- 5.7.1 The applicant has submitted an arboricultural implications statement with the application. This identifies the trees that would be lost as a result of this proposal. A specific landscaping scheme has also been submitted.
- 5.7.2 Additional tree planting (7 trees) is to be provided along the Calder Road frontage which would replace the hedge that is to be removed. Whilst the loss of the hedge is regrettable, this would, in part be replaced, and I am of the opinion that the planting of additional trees would enhance the character of the area, which at present does not contain a significant volume of tree planting. The species proposed along this road frontage is *Sorbus Aucuparia* 'Streetwise' – a small flowering tree. I consider this a suitable species for this relatively constrained part of the application site, which would provide colour into the autumn. I consider it appropriate to request that a hedge be re-introduced along the Calder Road frontage to screen the bin stores from view, and also to retain some of the existing character of the area.
- 5.7.3 On either side of the access road would be additional planting – with a new hedge and shrub planted on either side, and with two trees on the northern side, and three on the southern. These trees are proposed to be *Prunus Calleryana* Chanticlear – ornamental pear trees. I am of the opinion that this not only improves the appearance of the access, but also makes it more visible, by creating a more formal, and wide entrance.

- 5.7.4 Within the centre of the site, there would be a number of trees removed as a result of the proposal. However, the arboricultural report does identify that there would only be only one mature tree of a good standard to be lost as a result of this development. I am satisfied however, that of the trees lost, suitable mitigation can be provided within the development. The majority of the trees on or around the boundary of the site are to be retained, and those to be lost are generally set in from these boundaries – therefore the loss of these trees would not impact significantly upon residential amenity. Additional tree planting would also be provided around the boundary, three *Acer Campestre* (field maples), four *Betula Pendula Fastigiata* (birch) and two *Fraxinus Excelsior Aligold* (ash) and one *Quercus Robur Fastigiata* (Cypress Oak). I consider that these species are suitable for this application site, and would provide variation in form and colour within.
- 5.7.5 I do consider it appropriate to impose a condition requiring the wood from the felled trees to be retained on site, and positioned in suitable locations.
- 5.7.6 Whilst regrettable that a hedge to the front of the site, and trees within the site would be lost, I am of the opinion that the plans submitted demonstrate that the proposal would provide sufficient space to allow for additional planting to be provided that could more than mitigate for this loss. Furthermore, the majority of the trees that are sited on the boundary of the application site are to be retained. I am therefore satisfied that the proposal has the potential to improve the soft landscaping provision within the locality, and as such, the proposal complies with the Development Plan.

## **5.8 Heads of Terms**

- 5.8.1 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Act. This has strict criteria that sets out that any obligation must meet the following requirements: -
- It is:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- 5.8.2 Both central government, and subsequently this Authority has agreed that the provision of affordable housing is a priority. Indeed Maidstone has identified affordable housing and parks and open space as its joint number one priority. This proposal would see 40% of the residential units provided as affordable (social rented), with the other 60% for private sale. The Council's adopted DPD requires a minimum of 40% to be provided, and as such, this proposal accords with the Development Plan (whilst some concern has been raised that this proposal resulting in market housing where there was once housing associating

properties, there are no planning policy grounds to refuse an application on this basis). I am therefore satisfied that this proposal would meet the requirements of the

- 5.8.3 The Primary Care Trust (PCT) has requested that a contribution of £12,096 be made to provide suitable enhancements of the Marsham Street surgery. This surgery is within the town centre, but is one of the closest to the application site. The PCT have submitted detailed calculations as to how they have arrived at this figure. I consider that it is necessary to ensure that the development does address the additional strains placed upon the health service, and that the request is related to the development. I consider the request to be of a reasonable scale. However, the applicant has submitted a full financial appraisal of the development that demonstrates that the development would not be viable should such contributions be sought. The applicant has identified in particular that the construction costs of completing the development to level 4 of the Code for Sustainable Homes has effectively 'tipped the balance,' and that the development would not be profitable should any additional contributions be sought. Whilst this is unfortunate, Members should be reminded that up until recently, the application site did contain 37 residential units. The loss of these units has resulted in a short term decrease in demand for doctors surgeries, libraries etc. I therefore consider this very much a balancing exercise, in terms of providing a high quality development that would ensure long term sustainability, or providing contributions. In this case, because there was previously a large residential development that would have had a significant resource implication for the PCT, I consider the provision of a more sustainable form of development to be appropriate, and therefore to agree to there being no provision of financial contributions.
- 5.8.4 Maidstone Borough Council Parks and Open Space Department have requested that a sum of £31,500 be provided to address the impact that the proposal would have upon the nearby parks and open space. It has been identified that the money would be spent within three parks within the vicinity of the application site - Whatman Park, Midley Close play area and/or Dickens Road play area. At present it is indicated that the money would be spent on re-painting, and providing new play equipment. The Council's adopted Development Plan Document relating to parks and open space refers to contributions being made, where no open space is provided within the development. However, as above, the applicant has identified that there would be no funds available to provide such a contribution. For the reasons set out above, I am satisfied that no contributions in this instance should be sought.
- 5.8.5 Kent County Council Highways Authority have requested that a contribution of £3,200 be made to improve the bus stops within the locality, to encourage the residents to use of public transport, and to improve access to the buses for any mobility impaired residents. Whilst it would be beneficial to provide these improved bus stop facilities, I do not consider them to be completely *necessary*

to make this development acceptable. As this fails the first test of the regulations, I do not consider it appropriate to request that this contribution be made.

## **5.9 Other Matters**

5.9.1 The applicant has not submitted any details within regards to ecology/biodiversity within the site. However, due to the previous use of the application site for residential, and the amount of hardstanding retained within the centre of the site, I consider it unlikely that there would be a significant level of biodiversity within the centre. As previously state, the planting around the edge of the site, which is more likely to contain habitats of ecological value, is to be retained. As no information about enhancements has been submitted, I would suggest that a condition requiring the following to be provided be imposed:

- Bat boxes and swift bricks;
- Cordwood to be retained within the site;
- Fence panels to be raised 60mm off the ground to allow for movement of species.

Should the above be provided, I am satisfied that steps would have been made to address the requirements of PPS9.

5.9.2 The proposal would result in the loss of an existing 'community facility.' However, having spoken to the operators, and to the local Ward Members, it is apparent that this is only used on an informal basis, and was originally a communal room for the residential development. Its loss is to be absorbed elsewhere within the locality. I therefore raise no objection to its loss.

## **6. CONCLUSION**

6.1 It is therefore concluded that this is a well designed proposal that would respond positively to the character and appearance of the locality. The proposal would not have a significant impact upon the existing residents of the locality, and would not be to the detriment of highway safety. I am also satisfied that the proposal would be constructed in a sustainable manner, and would include features that would ensure that they would be relatively sustainable to operate in the medium/long term.

6.2 I therefore recommend that, subject to the receipt of a suitable S106 agreement, and the conditions set out below, Members should give this application favourable consideration and grant delegated powers to the Head of Development Management to approve.

## **7. RECOMMENDATION**

Subject to a Section 106 legal agreement for the following matters:

- 1) A minimum of 40% affordable housing.

The Head of Development Management be delegated powers to GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces (which shall include a dark stock brick, natural slate and render) of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a high quality of design in accordance with PPS1.

3. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter;

Reason: To ensure a high quality appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers in accordance with PPS1.

4. The development shall not commence until, details of the colour of the render to be used upon the buildings have been submitted to and approved in writing by the Local Planning Authority. The approved colour scheme shall be fully implemented before the first occupation of the buildings and thereafter maintained;

Reason: To ensure a high quality finish to the development in accordance with PPS1.

5. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as

amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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.

6. No development shall take place until the applicant has secured and had implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority;

Reason: To enable the recording of any items of historical or archaeological interest pursuant to PPS5.

7. The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a high quality external appearance to the development pursuant to PPS1.

8. The development shall not commence until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To prevent light pollution in the interests of the character and amenity of the area in general pursuant to Policy ENV49 of the Maidstone-Wide Local Plan 2000.

9. No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;

i) Details of the roof overhangs and eaves.

ii) Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm).

- iii) Details of the soldier courses.
- iv) Details of the balcony railings.

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

Reason: To ensure a satisfactory external appearance to the development in the interests of the visual amenity and character of the surrounding area in accordance with PPS1.

10. The development shall not commence until details of foul and surface water drainage have been submitted to and approved by the local planning authority. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design features. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution and flood prevention pursuant to PPS23.

11. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The submitted scheme shall include the following;

- i) details of all existing trees and hedgerows on the site clearly indicating those to be removed and those to be retained,;
- ii) details of the retention and location within the site of a proportion of the cordwood arising from the felling of any trees;
- iii) details of the species, size, density and location of all new planting within the site;
- iv) a minimum of six native trees along the Calder Road frontage
- v) a hedge to be provided (where possible) along the Calder Road frontage
- vi) details of the provision of bird and bat boxes and the provision of bat and swift bricks within the development.
- vii) Details of the fence panels to be raised a minimum of 100mm from ground level.

Reason: No such details have been submitted and to ensure a satisfactory visual appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000 and in the interests of biodiversity and ecology pursuant to PPS9.

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or



diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

13. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development pursuant to PPS1 and PPS9.

14. The dwellings shall achieve a minimum of Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that a minimum of Code Level 4 has been achieved.

Reason: to ensure a sustainable and energy efficient form of development in accordance with Kent Design 2000 and PPS1.

15. The development shall be carried out in accordance with the plans numbered PL 100; PL 102; PL 103; PL 105; PL 106; PL 107; PL 108; PL 110; PL 111; PL 112; PL 113; PL 114; PL 115; PL 116; PL 117; PL 118; unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a high standard of development in accordance with PPS1.

### **Informatives set out below**

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at [www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)

The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.

In order to minimise the threat of dust pollution during site clearance or construction works, the developer shall ensure that all measures are undertaken (including a watering regime during dry weather) under their control. This shall continue until the works have been completed on site.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

No vehicles may arrive, depart, be loaded or unloaded within the general site, and plant and machinery shall not be operated, that would generate noise beyond and boundary of the site, except between the hours of 0800 hours and 1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays (and at no time on Sundays or Bank or Public Holidays).

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

The provision of 'swift bricks' on the external faces of the buildings should be employed in the interest of nature conservation and biodiversity enhancement.

There shall be no burning of waste materials on site.

The developers shall provide adequate space within the application site for the parking/turning/unloading of contractors vehicles before any works commence on site. Such space shall thereafter be maintained during the construction process where practicable.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

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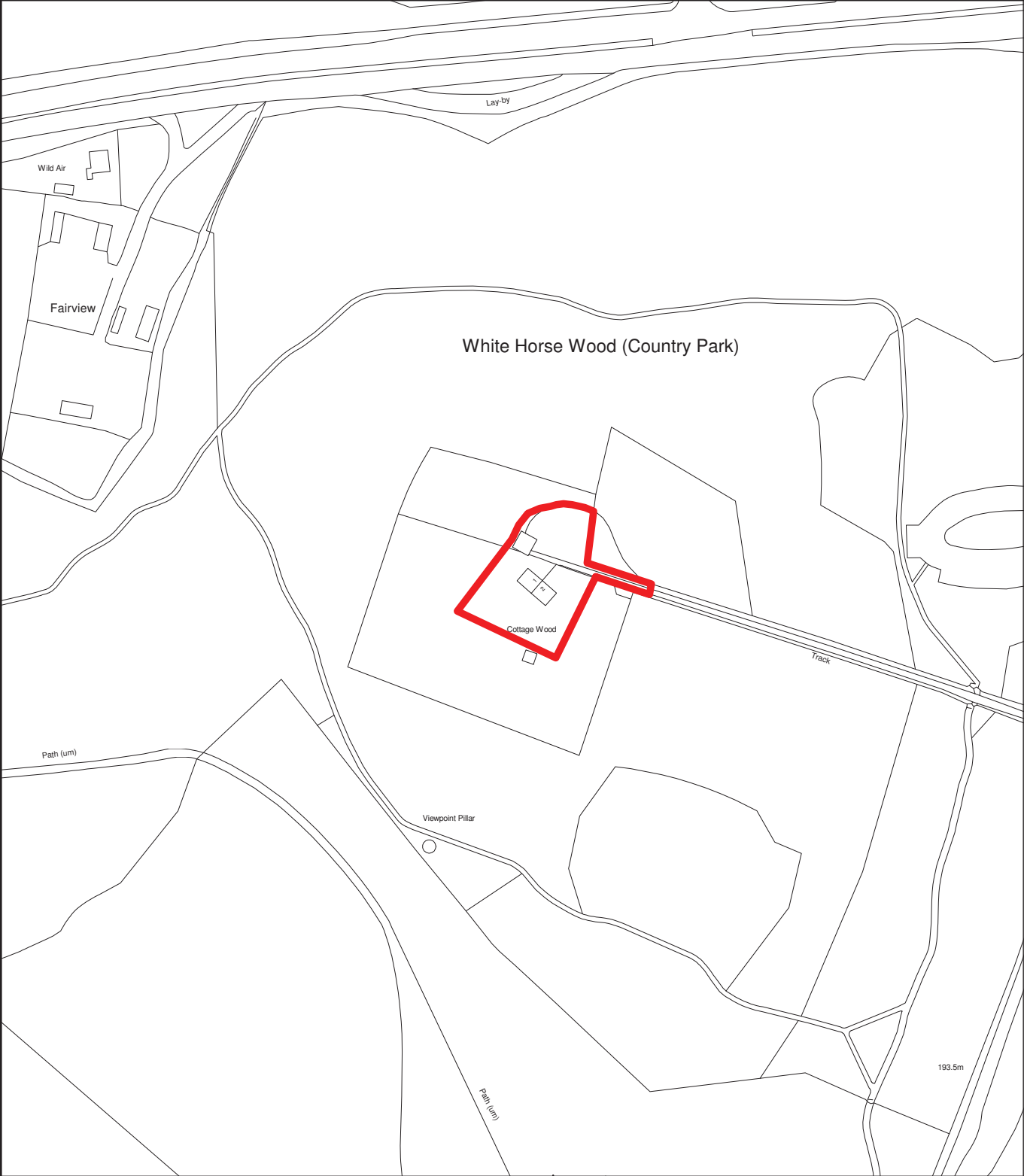
01.03.2011

# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/11/0506

GRID REF: TQ8058

1 AND 2 COTTAGE WOOD,  
CASTLE HILL, THURNHAM.



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**Rob Jarman**  
**Head of Development Management**

APPLICATION: MA/11/0506 Date: 31 March 2011 Received: 1 April 2011

APPLICANT: Mr A Archer

LOCATION: 1 AND 2 COTTAGE WOOD, CASTLE HILL, THURNHAM, MAIDSTONE, KENT, ME14 3JE

PARISH: Thurnham

PROPOSAL: Alterations to facilitate conversion of two dwellings to a single dwelling, being erection of a porch to the north elevation, erection of a conservatory and balcony to the south elevation, replacement of existing roofs with hipped roof of increased ridge height and featuring solar panels, re-cladding of exterior with brick slips and weatherboarding and alterations to fenestration as shown on drawing numbers 11/0391 received on 31/03/11 & 11/0390A received on 06/09/11.

AGENDA DATE: 22nd September 2011

CASE OFFICER: Angela Welsford

The recommendation for this application is being reported to Committee for decision because:

- it is contrary to views expressed by Thurnham Parish Council;
- Councillor Horne requested determination by Planning Committee if the recommendation is one of approval.

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: H33, ENV28, ENV31, ENV33, ENV34
- The South East Plan RSS 2009: CC1, CC2, CC4, CC6, C3, C4, NRM11, NRM15
- Government Policy: PPS1, PPS7, PPS22
- Other: Maidstone Local Development Framework, Residential Extensions Supplementary Planning Document 2009.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 MA/07/1141 – Demolition of existing two houses and replacement with two four-bedroom detached dwellings – REFUSED, APPEAL DISMISSED
- 2.2 MA/00/1450 - Erection of a two storey side extension to No 1 Cottage Wood, Castle Hill, Thurnham – APPROVED

- 2.3 MA/92/1623 - Erection of a two storey side extension to No 2 Cottage Wood, Castle Hill, Thurnham – APPROVED

### **3. CONSULTATIONS**

- 3.1 THURNHAM PARISH COUNCIL: “although we have no objections to the single dwelling in principal, we do have concerns with regards to its architectural features. We feel that these are inappropriate for the location and out of character with the surrounding area. We believe that the increase in the roof height and the solar panels would have an adverse impact on the AONB. We would wish to see this application determined by the planning committee where our views can be heard.”
- 3.2 COUNCILLOR JOHN HORNE: This site lies within the North Downs Area of Outstanding Natural Beauty and Special Landscape Area and the strategic gap between Maidstone and Medway. The retained policies of the Maidstone Borough Wide Local Plan protect this area from inappropriate development.

Again, it must be pointed out that the site lies within the special woodland of the White Horse County Park. This forms the millennium project for the county of Kent by the Kent County Council. It should be noted that contribution to the Park has been made by other authorities. Within the precincts of this country park lie the remains of Thurnham Castle, a listed ancient monument.

English Heritage has additionally underlined the importance of the protection of this landscape and the inherent features.

The special landscape setting and impact of this area was recognised by the Inspector at the recent public inquiry into the KIG road/rail terminal upon land adjacent to Junction 8 of the M.20. He upheld the effect upon the wider landscape of the castle setting.

Again, this area is within the continuum of the other historical ruins adjacent to the A249 in Detling, Thurnham and Stockbury.

It is against that background that the immediate application must be judged.

Whilst there is no objection to the merging of two dwellings, the various additions to the footprint do give concern. There is an increased ridge height; there is the addition of a non rural balcony.

The material question is do these alterations enhance the setting of the Country Park in an environmentally very sensitive part of the county. Again, do the proposed alterations coalesce and merge into a dynamic synergy with the

sculptural and artistic theme of the White Horse Country Park which forms the radius to these two dwellings. I retain concerns in this matter.

Accordingly, if you are minded to approve the plans as submitted then I would wish the application to be called in to the Planning Committee.

#### **4. REPRESENTATIONS**

4.1 NEIGHBOURS: No response received to date.

4.2 CPRE MAIDSTONE: Does not raise objection. The following summarised points are raised:-

- The site is in a very sensitive part of the Borough, strongly protected from inappropriate development;
- The proposal reduces the number of dwellings on site and the additions to the footprint would not overwhelm the existing structure;
- The balcony would be a suburban feature and should be re-examined;
- Although the raised ridge height may appear more imposing, the development will be set against tall trees to the north;
- The improvements to exterior walls, windows and doors should be secured by condition;
- Development should achieve Level 3 of the Code for Sustainable Homes.

#### **5. CONSIDERATIONS**

##### **5.1 Site and Surroundings**

5.1.1 The application site contains a pair of two storey, semi-detached dwellings and is located in an isolated position on the top of the North Downs. The nearest dwellings to the north and west are at least 200m distant and those to the south are estimated to be approximately half a mile away.

5.1.2 The site falls within the Kent Downs Area of Outstanding Natural Beauty and the North Downs Special Landscape Area, and is designated as part of the Strategic Gap on the Maidstone Borough Wide Local Plan 2000 proposals map. The scarp of the Downs, to the south, is largely open, with fine views, and the White Horse Wood Country Park predominantly surrounds the site. A long, straight, unmade access track leads westwards from Castle Hill serving the pair of cottages, which are set in a generous curtilage.

5.1.3 The existing cottages have rendered walls under a low pitched, slate roof with some applied timber detailing and are in a fairly poor state of repair. They are served by a detached garage to their frontage, plus there are a couple of other single storey outbuildings within the site.

## 5.2 The Proposal

5.2.1 It is proposed to convert the two cottages to a single dwelling, although it should be noted that that, in itself, does not constitute development as the number of residential units on the site would be reduced and the use would not change. Consequently planning permission is not required for this part of the proposal.

5.2.2 However, planning permission is required for the various alterations that would facilitate the conversion. These are as follows:-

*-Erection of a porch to the north elevation.* This would have a footprint of approximately 4m wide by 2.3m deep, and feature a pitched roof with weatherboarding to the gable;

*-Erection of a conservatory and balcony to the south elevation.* The conservatory would have a footprint of approximately 4m deep by 10m wide, and would have fully-glazed elevations on a dwarf brick wall. The balcony would run right across the rear elevation (above the conservatory) and have a depth of approximately 1.6m. It would be constructed from sustainable hardwood on oak posts.

*-Replacement of existing roofs with hipped roof of increased ridge height and featuring solar panels.* The existing roofs have a ridge height of 6.327m. They are in a poor state of repair and have flat sections on top. The proposal would simplify the roof form, resulting in a fully-hipped roof with a ridge height of 7.152m. The overall increase in height would therefore be 0.825m. Two pairs of Baxi Solarflo in-roof solar collector panels would be installed on the southern elevation.

*-Re-cladding of exterior with brick slips and weatherboarding.* The ground floor would be clad with brick slips and the first floor with dark-stained sustainable timber weatherboarding. As well as covering up previous and proposed alterations, this will allow improvements to be made to the insulation value of the walls.

*-Alterations to fenestration.* The window positions and design would be revised to give greater uniformity, and all windows and doors would be replaced in sustainable hardwood.

## **PLANNING CONSIDERATIONS**

### **5.3 Visual Impact**

- 5.3.1 I consider the key issues to relate to the visual impact of the proposals on the character of the building and the resultant impact on the sensitive rural area within which it is set. As mentioned in paragraph 5.2.1, the use of the building as one single dwelling does not require planning permission. The proposals must therefore simply be assessed as extensions/alterations to a domestic rural property.
- 5.3.2 Local Plan Policy H33 deals with extensions to dwellings in the countryside. Its criteria broadly seek to ensure that proposals are well-designed, preserve the original form of the building, are of appropriate scale and generally do not harm the character or appearance of the countryside. Policy ENV33 requires priority to be given to the conservation of the natural beauty of the landscape over other planning considerations in the Kent Downs Area of Outstanding Natural Beauty; and Policy ENV34 reinforces this with respect to its scenic quality and distinctive character in Special Landscape Areas. Policy ENV31 precludes proposals which would significantly extend development within the Strategic Gap.
- 5.3.3 The Maidstone Local Development Framework, Residential Extensions Supplementary Planning Document (adopted May 2009) is also relevant. This states that extensions to rural dwellings should be “modest” and sets out three indicators against which proposals should be assessed in this respect – the impact on the character of the countryside; the impact on the form and appearance of the original building; and the scale of the extension.
- 5.3.4 It is my view that the existing building is of unattractive appearance and no architectural merit. It does nothing to enhance the character of the sensitive and important area of countryside within which it is set. The proposed alterations to the walls, windows and roof will give it a more traditional appearance which, although significantly altered, in my opinion, will be an improvement. I do not consider that any harm will arise, in fact, quite the reverse. The conservatory and balcony, though perhaps less traditional elements, are nevertheless lightweight structures that would largely be viewed against the backdrop of the more solid two-storey building, and as such would not appear prominent or harmful. Moreover, although the site is predominantly surrounded by the publicly-accessible White Horse Wood Country Park, the building is set some 50m or more from the northern boundary of this with the applicant’s land and views are further interrupted by some mature trees and a large dilapidated outbuilding behind the cottages, and conifer hedge planting along the boundary of the applicant’s land.



- 5.3.5 In terms of scale, whilst both cottages have previously been extended by approximately 60% and the proposals would therefore result in a greater increase above the 50% guideline set out in the adopted residential extensions SPD, it is my view that, due to the lightweight nature and the position of the conservatory and balcony where they would largely be viewed against the backdrop of the more solid two-storey building, the intervening screening and the distances involved, these elements would not result in any material harm to the openness of the countryside. They would not significantly increase the spread of the built form across the site, which was a major concern in relation to the proposal for two detached replacement dwellings which was dismissed at appeal (MA/07/1141). Similarly, given the distance over which public views of the building can be gained, the small increase to the ridge height is not considered significant and again would not harm the openness of the countryside nor render the building obtrusive in the landscape. The porch would be a small addition, subordinately sited in terms of public views of the building, and would not cause any harm.
- 5.3.6 Central Government policy set out in PPS22 actively encourages micro-generation energy installations in the interest of sustainability. There should be a presumption in favour of such development therefore unless it would cause material harm. In my view the proposed solar panels would not have a significant visual impact on the countryside or surrounding area and would not cause material harm. They would not increase the bulk of the building in any way, and would be seen at a distance of approximately 50m or more against the backdrop of the slate roof. They are a type of installation that is becoming more common and would not appear out of keeping with the host dwelling. Due to their small scale and number, I do not consider that they would result in a significant amount of glare such that they would appear obtrusive or harmful to the character of the surrounding countryside.
- 5.3.7 In summary, therefore, it is my view that the visual impact of the proposals would be acceptable. They would significantly improve the appearance, efficiency and sustainability of the building and would not result in any harm to the character of the sensitive countryside setting. The natural beauty, scenic quality and distinctive character of the landscape in the Kent Downs Area of Outstanding Natural Beauty and North Downs Special Landscape Area would be preserved, and the proposals would not significantly extend development within the Strategic Gap. I therefore conclude that the visual impact of the proposals on the host dwelling and the countryside is acceptable.

#### 5.4 **Other Matters**

- 5.4.1 Given that the degree of separation from neighbouring dwellings is in excess of 200m, the proposals would not have a detrimental impact on the residential amenity of their occupiers.

- 5.4.2 There is currently ample parking/turning provision within the site and, furthermore, the number of residential units would be reduced, so, in my view, there are no highways impacts to consider.
- 5.4.3 Given the nature, scale and location of the proposals, it is not considered that there would be any significant loss of habitat for protected species. Indeed, the conservatory and porch would be constructed on areas that are currently respectively occupied by hard-surfaced patios and a shed. I do not therefore consider any ecological measures to be necessary in this case. I do, however, consider the proposal to clad the exterior with natural timber weatherboarding in place of the existing pebble-dashed render to be an enhancement in terms of the ecological value of the building.
- 5.4.4 No part of the development would come beneath the canopy of any of the trees on the site, and it would be sufficiently separated from them to avoid any harm or prejudice to their health or longevity.
- 5.4.5 The Code for Sustainable Homes does not apply to conversions of existing buildings, and consequently this matter cannot be conditioned. However, I understand that one of the applicant's aims is to significantly increase the efficiency and sustainability of the building through the renewable technologies outlined in the Design and Access Statement with a view to exceeding the equivalent of Level 3 of the Code. This is whole-heartedly supported and I consider an informative should be attached to encourage the applicant in this aim.

## **6. CONCLUSION**

- 6.1 I have considered all other relevant planning matters, including any raised as a result of public consultation, and taking all of the above into account, conclude that the proposals comply with Development Plan Policy, the aims of the Council's adopted residential extensions guidelines and Central Government Guidance. Consequently I recommend that Members grant planning permission subject to conditions as set out below.

## **7. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

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

Reason: In accordance with the provisions of Section 91 of the Town and Country

Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

11/0390 received on 31/03/11 and 11/0391A received on 06/09/11;

Reason: To ensure the quality of the development is maintained in accordance with Policies ENV28, ENV33, ENV34 & H33 of the Maidstone Borough Wide Local Plan 2000 and C3 & C4 of The South East Plan RSS 2009.

3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall be as set out in section 11 of the application form received on 31/03/11 unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development in accordance with Policies ENV28, ENV33, ENV34 & H33 of the Maidstone Borough-Wide Local Plan 2000 and C3 & C4 of The South East Plan RSS 2009.

### **Informatives set out below**

You are encouraged to aim for this development to achieve the equivalent of at least Level 3 of the Code for Sustainable Homes.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

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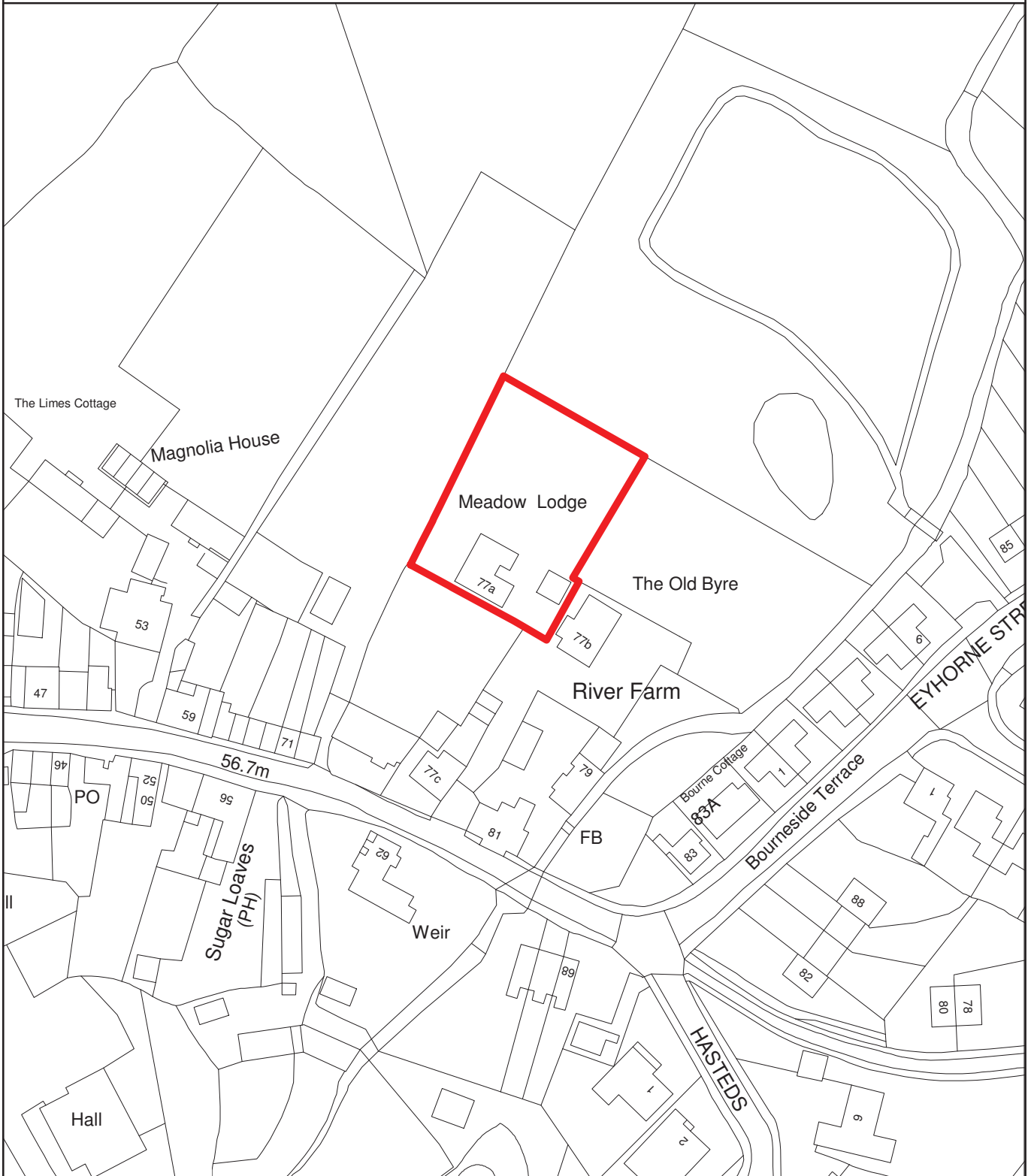


# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/11/0972

GRID REF: TQ8354

77A EYHORNE STREET,  
HOLLINGBOURNE.



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**Rob Jarman**  
**Head of Development Management**

APPLICATION: MA/11/0972 Date: 11 June 2011 Received: 24 June 2011

APPLICANT: Ms Nicola Manning as deputy for, William Scott

LOCATION: 77A, EYHORNE STREET, HOLLINGBOURNE, MAIDSTONE, KENT, ME17 1TS

PARISH: Hollingbourne

PROPOSAL: Erection of a single storey conservatory at the rear of the existing house as shown on drawing nos. 1014-0000, 6000, 6016, 6017, 6018 received on 13/6/11.

AGENDA DATE: 22nd September 2011

CASE OFFICER: Geoff Brown

The recommendation for this application is being reported to Committee for decision because:

- Hollingbourne Parish Council wishes to see the application refused and requests that the application be reported to Planning Committee.

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: H27, ENV34, H18
- The South East Plan 2009: CC1, CC6, BE6
- Government Policy: PPS1, PPS3, PPS5
- Residential Extensions SPD 2009

## **2. HISTORY**

The relevant planning history is as follows:

MA/11/0419 - Single storey extension to occupational therapy swimming pool enclosure approved under MA/10/0763 - Approved

MA/10/0763 - Planning application for erection of single storey extension to provide occupational therapy facilities and erection of pool enclosure - Approved

MA/10/0653 - Section 73A application for the construction of swimming pool and changing room building within existing residential curtilage and change of use of amenity land to residential curtilage - Approved

MA/01/1006 - Demolition of existing industrial building and erection of 1 no. 5 bed chalet bungalow with integral garage - Approved

### **3. CONSULTATIONS**

HOLLINGBOURNE PARISH COUNCIL wishes to see the application refused and comments:

"There have been a number of applications for this site (mostly relating to provision for a child with disabilities). On this occasion the conclusion of the submission states that the proposed conservatory "represents an appropriate response to the nature of the site" .... and "provides the opportunity to improve the amenity value of the house and garden". The Parish Council does not hold that either of these statements is valid and furthermore the total building area of the property has already been significantly enlarged."

THE MBC CONSERVATION OFFICER states that, given its location, this extension would have no significant impact on the character of the Conservation Area.

### **4. REPRESENTATIONS**

None received.

### **5. CONSIDERATIONS**

#### **5.1 Site Description**

5.1.1 The application site is located at the head of a private drive that leads northwards from Eyhorne Street. The property is partly within the village envelope of Eyhorne Street and partly the countryside beyond that envelope, the boundary running approximately along the northern side of the existing house so that the garden beyond that north side is in the defined countryside. The site accommodates a large two storey dwelling in the southern part of the land with a double garage to its eastern side with a parking area in front of it. There is a sizeable rear garden with a tree/hedge line at its northern boundary. The entire site is within The North Downs Special Landscape Area, whilst the Eyhorne Street Conservation Area lies beyond the southern boundary of the application site.

5.1.2 A single storey extension on the north side of the house linking the house and garage, with a new detached building to form a swimming pool enclosure was approved under reference MA/10/0763 (subsequently amended under reference MA/11/0419) and those works are under construction.

## **5.2 Proposal**

5.2.1 The application proposes a single storey conservatory extension onto the western side of the dwelling. This would be a dual pitched roof construction of brickwork and glazing with a covered, open-sided section at its northern end. The overall structure would measure approximately 10.7m by 4m, with a ridge height of 4m. The conservatory would be approx. 6m from the western boundary and 2m from the southern boundary.

## **5.3 Principle of Development**

5.3.1 As stated above, part of the overall application site is within the village boundary and the majority outside. However, the precise site for the proposed conservatory is actually within the village boundary where Development Plan Policy, Central Government Guidance and the Council's adopted residential extensions guidelines allow for residential extensions without the general level of restraint that would apply to the defined rural area. There is therefore no objection in principle to a development of this nature. It should be noted that the previously approved extensions/outbuilding (the main element of the planning history being MA/10/0763) were assessed in the light of countryside policies due to the location of those developments to the north of the dwelling.

## **5.4 Visual Impact**

5.4.1 The conservatory would be essentially tucked away in the well concealed area to the west of the dwelling where the house itself, the walling to the southern boundary and the vegetation and fencing to the western boundary would mean that the proposed conservatory would only be visible within the grounds of the house. There are no long or medium range views of this portion of the site. In any event, the conservatory is of acceptable proportion and design. Against this background I do not consider that the development would have any negative impact on the character of the area. I agree with the Conservation Officer that the proposals would have no impact on the Conservation Area which lies beyond the southern boundary of the application site; and there would be no adverse effects on the Special Landscape Area which 'washes over' the whole of the Eyhorne Street settlement and environs.

## **5.5 Residential Amenity**

5.5.1 The extension is modest, single storey and well divorced from neighbouring dwellings. The land beyond the western and southern boundaries of the application site is the extensive gardens of properties fronting Eyhorne Street to the south rather than sensitive private areas. I conclude that the proposals would have no significant impact on the residential amenities of neighbours as a result of loss of light, loss of outlook and loss of privacy.

## **5.6 Highways**

5.6.1 I do not consider that the erection of a conservatory has any significant implications for highway safety. The property has the benefit of a garage and open parking within its bounds.

## **5.7 Landscaping**

5.7.1 The application site is well landscaped, particularly in terms of trees and bushes to the north and west boundaries. There are two trees of modest size and amenity value close to the proposed conservatory but there is no intention to remove those (or any other) trees. This is a modest extension on garden land and no significant ecological issues arise.

## **5.8 Other Matters**

5.8.1 The Parish Council appear to object on the basis of the cumulative impact of this and other permitted extensions. Whilst I appreciate that this would be a significant issue if open countryside was potentially affected, I see no justifiable reason for refusal in this case, particularly when the conservatory would be located within the village envelope.

## **6. CONCLUSION**

6.1 I do not consider the proposals would have any negative impact on the character, amenity and functioning of the area. The scheme is in tune with policy, guidance and the Council's adopted residential extensions guidelines and I recommend that planning permission be granted.

## **7. RECOMMENDATION**

PLANNING PERMISSION BE GRANTED subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
drawing nos. 1014-0000, 6000, 6016, 6017, 6018 received on 13/6/11;

Reason: To ensure the quality of the development is maintained and to prevent

harm to the residential amenity of neighbouring occupiers in accordance with the advice in PPS1 and PPS3.

3. 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 building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development. This in accordance with Policy CC1 of The South East Plan 2009.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.



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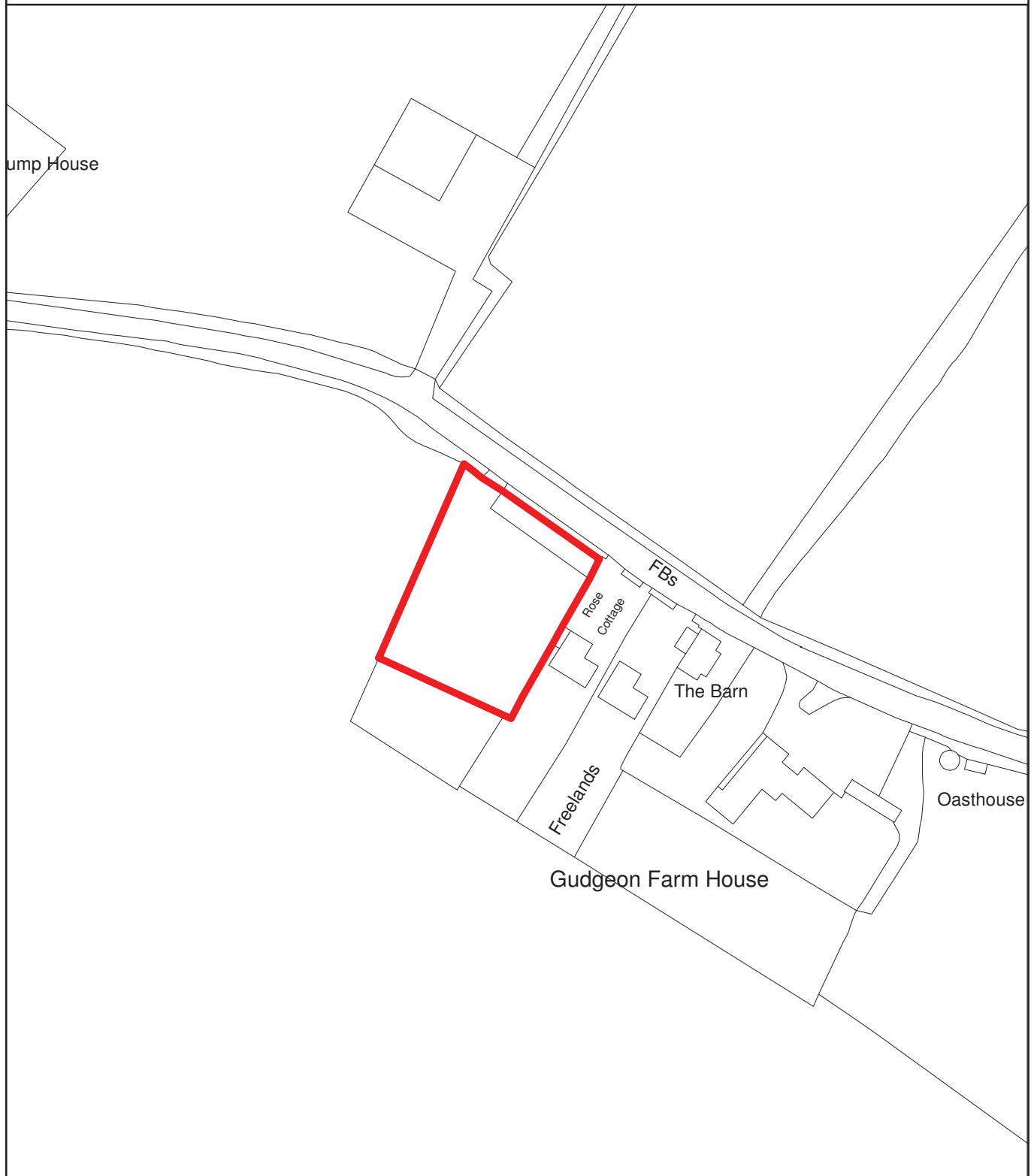
# Agenda Item 19

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/11/1110

GRID REF: TQ7149

THE BEAST HOUSE,  
WEST STREET, HUNTON.



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**Rob Jarman**  
**Head of Development Management**

APPLICATION: MA/11/1110 Date: 4<sup>th</sup> July 2011 Received: 29<sup>th</sup> June 2011

APPLICANT: Mr & Mrs A. Bishop

LOCATION: THE BEAST HOUSE, WEST STREET, HUNTON, KENT, ME15 0SA

PROPOSAL: Change of use and conversion of former agricultural building to a live-work unit as shown on site location plan, drawing nos. 778/LA, 778(897)-1 & 2A, Design & Access statement, Viability Assessment, Viability Report, historic report, Flood Risk Assessment and Protected Species Survey received 04/07/11.

AGENDA DATE: 22<sup>nd</sup> September 2011

CASE OFFICER: Kathryn Altieri

The recommendation for this application is being reported to Committee for decision because:

- It is contrary to views expressed by Hunton Parish Council

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV44, ENV45, T13
- South East Plan 2009: CC1, CC4, CC6, RE3, C4, BE6, T4, NRM4
- Government Policy: PPS1 - Delivering Sustainable Development, PPS3 - Housing, PPS4 - Planning for Sustainable Economic Development, PPS5 - Planning for the Historic Environment, PPS7 - Sustainable Development in Rural Areas, PPS9 - Biodiversity and Geological Conservation, PPS25 - Development and Flood Risk, PPG13 - Transport

## **2. HISTORY**

- MA/10/0376 - Change of use and conversion of former agricultural building to a live/work unit - refused
- MA/09/1338 - Change of use and conversion of former agricultural building to a live/work unit - refused
- MA/08/2479 - Change of use and conversion of building to tourist accommodation - approved/granted with conditions
- MA/90/1559 - Conversion of redundant agricultural building to a dwelling - refused (dismissed at appeal)

- MA/90/0080 - Conversion of redundant agricultural building to a dwelling – WITHDRAWN
- MA/81/0174 - Outline application for conversion of existing beast house into three bedroom residential unit – refused (dismissed at appeal)
- MA/79/1705 - Outline application conversion of beast house to three bedroom dwelling – refused

### 3. **CONSULTATIONS**

- Hunton Parish Council;

#### **Comments received on the 13<sup>th</sup> August 2011:**

*"Hunton Parish Council wishes to see this application approved, **but do not request** the application is reported to Planning Committee. The Parish Council supports the application and abides by previous comments made, as follows:*

*As a Parish Council we are keen to see this building put to a sustainable and viable use. The Beast House is a building of local character and very prominent along the road. It forms part of the village group known as Gudgeon Farm and is in an accessible location on a bus route and no more than 300 metres from the village school.*

*National planning policy supports sustainable economic development including in rural areas. The Beast House is in an accessible location. It appears to be in very good structural condition. We as the Parish Council consider a mixed use of a building as an office with use as a residential space tied to the office use by condition to be entirely sustainable in this location.*

*We feel it is essential to the economic and social well being of a rural village such as Hunton, that sensible economic development of suitable scale should take place. This is a suitable small scale development of an existing, sound building.*

*There is no known local objection to this proposal. On the contrary, local opinion is of the view that this proposal makes common sense, meets a number of important objectives and should be allowed. The Borough Council should encourage this form of enterprise which will add to, rather than detract from, the character of the area."*

#### **Comments received on 26<sup>th</sup> August 2011:**

*"On a point of clarification, Hunton Parish Council strongly support this application for the reasons set out in our e-mail of 13 August to the case officer. We do not wish to see this application refused, and **did not** request the application be reported to Planning Committee, because we consider it should be approved without the need to report again. However, we urgently request that it is reported to Planning Committee if refusal at officer level is being contemplated. I look forward to hearing from you."*

- Maidstone Borough Council's Conservation Officer: Wishes to see the application refused;

*"The proposal does not overcome grounds 2 and 3 of the previous refusal and my comments remain unchanged from those expressed in relation to that application (MA/10/0376) in respect of the building's historic and architectural interest.*

Recommendation

- on heritage/design\* grounds **OBJECTION IS RAISED** on the grounds that the building is of insufficient architectural or historic merit to justify its change of use given its rural and unsustainable location.

Previous comments for MA/10/0376:

*This is a finely balanced case. Although the applicant has shown that the building appears to have been originally erected in the first half of the 19th Century, it does seem to have been almost completely rebuilt after storm damage in recent years, albeit using the original bricks. Whilst it is prominent in the local landscape because of its proximity to the road and has some local interest, I am not convinced that it is of sufficient quality to satisfy the very high standard needed to justify departure from normal planning policy to resist residential development in the countryside, nor do I consider it to rank as an undesignated heritage asset. Especially given previous refusals at appeal for similar development of this building I therefore remain of the opinion that residential conversion is not justified. It is, therefore, recommended that on heritage/design grounds the application should be **REFUSED**."*

- Maidstone Borough Council's Corporate Property Manager:

*"Having considered the Viability Assessments provided by Lambert and Foster and Sibley Pares I can confirm that although consideration could be given to an enhanced rental value for the unit as a holiday letting and a slightly different method applied to the letting season, these amendments would not materially effect the end result, and such a proposal would still remain negative.*

*I have also considered conversion to B1 office for the entirety of the building and again the resultant value falls short of profit.*

*The live/work proposal is marginal and appears to only just break even."*

- Maidstone Borough Council's Landscape Officer:

*"Following our discussion on the above application, I confirm that having previously visited the site, there are no trees present on or adjacent to the site that merit protection. However, I note that the applicant intends to retain the Oak tree adjacent to the driveway. The entrance drive to the site passes within the root protection area of the Oak and I do not consider that the application details currently demonstrate that the Oak can be successfully retained. The use of no-dig construction and permeable surfacing should ensure the successful retention of the tree and I therefore recommend a*

*condition requiring details of this to be submitted, should you be minded to grant consent."*

- Maidstone Borough Council's Environmental Health Officer: Raises no objections subject to recommended condition and informatives;

*"Further to my original comments relating to MA/08/2479 which was granted in relation to converting the building for use as tourist accommodation, I note that two subsequent applications MA/09/1338 and MA/10/0376, for conversion of the building for use as a live-work unit have been refused.*

*The site is in a relatively quiet semi-rural area and traffic noise is not a problem. Any demolition or construction activities will definitely have an impact on local residents. The site was historically used as an abattoir, but other than that there is no indication of land contamination based on information from the Maidstone Borough Council's contaminated land database and historic maps databases. I do not consider that a contaminated land condition is warranted in this particular case.*

*As previously, the application form states that foul sewage will be dealt with via a "package treatment plant", but no details have been provided, (although the Design & Access statement does state that a "sewage treatment plant" and surface water storage unit will be installed). Environmental Health will need to see further details, plus the applicant should be advised that they should contact the Environment Agency with regards to the possible need for a discharge consent.*

#### **Condition regarding foul sewage**

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

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

*If a method other than a cesspit is to be used the applicant should also contact the Environment Agency to establish whether a discharge consent is required.*

#### **Recommended informatives**

*Hp02*

*Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the EHM regarding noise control requirements.*

*Hp03*



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

*Hp05*

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

*Hp06*

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

*Hp07*

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

*Storage of waste and recyclable materials;*

*Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager."*

- Kent Highway Services: Raises no objections subject to conditions;
1. *The proposed new post and rail guard at the access, as shown on drawing number 778(897).2A, should not be higher than 600mm in order to prevent visibility from the access being obscured.*
  2. *As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.*
  3. *The area shown on the submitted layout as vehicle parking space or garages shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.*
  4. *The area shown on the approved plan as vehicle loading, off-loading and turning space, shall be paved and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order*

1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land or in such a position as to preclude its use.

5. Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 5.5m from the carriageway edge.

- KCC Biodiversity Officer: Raises no objections;

*"We are satisfied that the Protected Species Survey report has adequately considered the potential for impacts on bats and barn owls as a result of the proposed development; the report concluded that there was minimal potential for either species to be present within the site. The photos highlighted that there is rubble stored within the building which can provide suitable habitat for reptiles or amphibians. From the aerial photos there appears to be minimal connectivity to the barn reducing the potential for any species to be utilising the rubble piles. In order to minimise the low potential of any species being injured or killed by the propose works the rubble must be removed by hand. If any species are found all work must cease and an ecologist must be contacted for further advice. If planning permission is granted this must be included as an informative.*

### **Bats**

Bats have been recorded within the surrounding area - lighting can be detrimental to roosting, foraging and commuting bats. The following recommendations (from the Bat Conservation Trust) should be considered (where applicable) when designing any lighting scheme:

- a) Low-pressure sodium lamps or high-pressure sodium must be used instead of mercury **OR** metal halide lamps where glass glazing is preferred due to its UV filtration characteristics.
- b) Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each light to direct the light and reduce spillage.
- c) The times during which the lighting is on must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to the minimum to reduce the amount of 'lit time'.
- d) Lamps of greater than 2000 lumens (150 W) must not be used.
- e) Movement sensors must be used. They must be well installed and well aimed to reduce the amount of time a light is on each night.
- f) The light must be aimed to illuminate only the immediate area required by using as sharp a downward angle as possible. This lit area must avoid being directed at, or close to, any bats' roost access points or flight paths from the roost. A shield or hood can be used to control or restrict the area to be lit. Avoid illuminating at a wider angle as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.
- g) The lights on any upper levels must be directed downwards to avoid light spill and ecological impact.
- h) The lighting must not illuminate any bat bricks and boxes placed on the buildings or the trees in the grounds

## **Enhancements**

*The key principles of PPS9 are not only to avoid, mitigate or compensate for harm to biodiversity but also to incorporate ways to enhance and restore it. The landscaping plan details that the proposed development will enhance the site for biodiversity through the planting of a native species hedgerow. These proposed enhancements are welcome however other enhancements can be included in the development – consideration should be given to including bat or bird boxes within the proposed development.”*

- Environment Agency: Raises no objection;

*“We have no objection to the application but would like to offer the following advice;*

### **Flood risk**

*The site lies within flood zone 3 and the existing agricultural building is classified as ‘less vulnerable’ and is appropriate for this area according to table D2 of PPS 25. The proposal is to convert this to a work-live unit, which will change the Buildings classification to ‘more vulnerable’.*

*Paragraph D15 of PPS 25 states “Applications for minor development and changes of use should not be subjected to the Sequential and Exception tests, but will still have to meet the requirements for FRA’s and flood risk reduction set out in table D1”.*

*We are satisfied that the FRA demonstrates the proposal will incorporate flood resilience techniques within the design as detailed on page 4 of the submitted FRA. However we would advise that, if feasible, floor levels are raised as high as possible and consideration be given to a mezzanine level for the sleeping accommodation, to help reduce the risk.*

*The LPA should be satisfied that safe access and egress is achievable should rescue operation need to be undertaken.*

### **Watercourses**

*The applicant should be aware that the watercourse within the boundary of the site would be classified as an ordinary watercourse and would not be maintained by the Environment Agency. In the absence of any express agreement to the contrary, maintenance is the responsibility of the riparian owners. Any culvert, diversion, dam weir or like obstruction to the flow of the watercourse requires consent from ourselves, under the Land Drainage Act 1991. For nature conservation reasons, we seek to avoid culverting and will not normally consent such works except for access. Applications for consent should be made to the Development and Flood Risk team at [dfrkent@environment-agency.gov.uk](mailto:dfrkent@environment-agency.gov.uk).”*

- Southern Water: Raises no objections;

*“The applicant is advised to consult the Environment Agency directly regarding the use of the package treatment plant which disposes of effluent to sub-soil irrigation. The owner of the premises will need to maintain the works to ensure its long term effectiveness. The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).*

*Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.*

*Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:*

- *Specify the responsibilities of each party for the implementation of the SUDS scheme*
- *Specify a timetable for implementation*
- *Provide a management and maintenance plan for the lifetime of the development*

*This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The Council's Building Control officers or Environment Agency should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development."*

#### **4. REPRESENTATIONS**

- No neighbour representations

#### **5. CONSIDERATIONS**

##### **5.1 Site description**

5.1.1 The application site relates to a generally square-shaped plot of agricultural land that is bordered to the south and west by separate parcels of land that are within the ownership of the applicants but not part of this submission. Within the site, there is a single storey building (known as 'The Beast House') situated along the northern boundary, parallel with West Street. The building is functional in appearance and is open to the front elevation (south) with seven bays of equal size. It is constructed of red brick with a tiled roof, and has been substantially reconstructed in the last twenty years following the strong winds of October 1987. The building measures some 27.75m wide and some 5m in depth and from its ridge to ground level, it stands some 3.8m in height. Its eaves height is some 2.2m from ground level. In addition to this structure there is a brick water tank located immediately to the south of the building and there is a five bar gate across the existing vehicular access to the site (to the west of the building).

5.1.2 There is a maintained grassed area immediately to the south of the existing building and then further south there is an un-kept orchard separated from the

rest of the site by a small earthwall, elevated by an estimated 1m from road level. There are a number of trees on the site including this area of orchard; and a mature oak tree to the west of the access, some 6.5m from the west elevation of the existing building. The south and west boundaries of the application site are hedgerows of native species.

- 5.1.3 The Beast House is located on the western margins of a group of buildings that include two mid-twentieth century dwellings, a former public house now in residential occupation (known as Gudgeon Farmhouse), a barn that is also in residential occupation, and the roundel of a former oast. The latter was granted planning permission at appeal for conversion to a B1 unit in 2008 (MA/08/0026) which has not been implemented, and was recently the subject of a planning application for a change of use to residential (MA/10/1021) which was approved subject to conditions.
- 5.1.4 The site is located within the open countryside and parish of Hunton and has no specific environmental or economic designations as shown by the Maidstone Borough-Wide Local Plan 2000, although West Street does represent the southern boundary of the Low Weald Special Landscape Area in this location. The site is also within in an area classified by the Environment Agency as being within Flood Zone 2/3.

## **5.2 The Proposal**

- 5.2.1 This application is a re-submission of a previously refused scheme MA/10/0376 for the conversion of the building to a "live/work unit". The proposed change of use would use the shell of the existing building and would include operational development comprising the enclosure of the south elevation and the division of the building into two units.
- 5.2.2 The eastern unit, comprising approximately two thirds of the total internal space (some 74.4m<sup>2</sup>), would provide residential accommodation comprising of a living area with kitchen space, two bedrooms and a bathroom. The western unit, comprising approximately a third of the total internal space (some 33.6m<sup>2</sup>), would form a single office space and toilet facilities. The proposal would also include the laying out of a vehicle parking/turning area (grassed surface with mesh reinforcement), the replacement of the roof with slates, the installation of a drainage system and low level post and rail fencing to the site's northern boundary with West Street. The land to the south of the building, including the orchard which is to be retained, would be utilised as garden land.
- 5.2.3 The application does include a unilateral undertaking to secure its use as a live/work unit and prevent the use of the building as a dwellinghouse, which is contrary to policy, as indicated by the previous refusals of planning permission.

5.2.4 This proposal is the same as the previously refused scheme (MA/10/0376), with the main difference being the addition of a marketing/viability report relating to the property being used as tourist/office accommodation.

### **5.3 Relevant planning history**

5.3.1 Two applications (MA/10/0376 & MA/09/1338) have been refused for a live/work unit at this site. The most recent refusal, MA/10/0376, was refused for the following reasons;

1. *An existing planning permission for the conversion of the building to tourist accommodation (holiday lets) has not been implemented. Whilst the applicant has submitted figures indicating that a business or tourism use would not be viable on this site, the level of detail of this is not considered to be convincing or demonstrate an attempt has been made to secure a suitable commercial re-use for the building. A key measure of such an assessment would be a marketing exercise, which has not been carried out. For these reasons it is not considered that every reasonable attempt has been made to secure an alternative use for the building, and that the proposal is contrary to policy ENV45 of the Maidstone Borough-Wide Local Plan 2000 and PPS1 Delivering Sustainable Development and PPS7 Sustainable Development in Rural Areas.*
2. *The existing building is not of quality and traditional construction, and is of insufficient architectural or historic merit to constitute a heritage asset or justify its retention or preservation for the proposed use. The principle of the conversion of the building for use as a live/work unit would therefore be contrary to policies ENV28 and ENV45 of the Maidstone Borough-Wide Local Plan 2000, Policy EC12 of PPS4 Planning for Sustainable Economic Growth and central government guidance in PPS1 Delivering Sustainable Development and PPS7 Sustainable Development in Rural Areas.*
3. *The residential element of the proposed conversion of the building is considered to represent inappropriate development in an unsustainable location contrary to policies ENV28 and ENV45 of the Maidstone Borough-Wide Local Plan 2000, and EC2 of PPS4 Planning for Sustainable Economic Development, and guidance in PPS1 Delivering Sustainable Development and PPS7 Sustainable Development in Rural Areas.*

5.3.2 Furthermore, previous applications for the conversion of the Beast House to a residential unit only have been unsuccessful, most recently under MA/09/1338. This application was refused on the grounds that an alternative business use for the premises had not been explored and because the building was of insufficient quality to justify conversion to residential use. This application was considered to represent inappropriate development in the open countryside.

5.3.3 The Beast House does have an extant permission for its change of use to tourist accommodation (MA/08/2479) which has never been implemented.

## **5.4 Planning Issues**

### Relevant policy and principle of proposal

- 5.4.1 This application is for the change of use to a 'live/work' unit. A 'Live/work' unit is a form of accommodation providing combined living and working space that is normally the product of the conversion of an existing building.
- 5.4.2 With no adopted Development Plan policy defining exactly what a 'live/work' unit is, as opposed to a new dwellinghouse used for home working, a number of dismissed appeal decisions do largely point towards the ratio of employment to residential floor space to be between 40%:60% and 25%:75%. This proposal would fall within the remit of this established 'live/work' unit, in the absence of any adopted local standards.
- 5.4.3 As mentioned, there is no Development Plan policy relating to 'live/work' units in either rural or urban locations, although Central Government guidance and policy does encourage development that enables flexible working practices and reduces the need to travel, subject to assessment of the sustainability of harm caused by said development.
- 5.4.4 National planning document PPS4 seeks to attain the objectives of promoting sustainable economic growth whilst delivering sustainable patterns of development and protecting the open countryside. Whilst policy EC2 of PPS4 requires Local Planning Authorities to produce Development Plans that facilitate new working practices, including 'live/work', to date Maidstone Borough Council has not adopted any.
- 5.4.5 The key national policies applying to this application are EC6 and EC12 of PPS4.
- 5.4.6 Policy EC6 relates to planning for economic development in rural areas and states that the countryside should be protected for its intrinsic value. It also states that the conversion of "appropriately located" and "suitably constructed buildings", particularly those adjacent to or closely related to towns or villages, may be acceptable.
- 5.4.7 Policy EC12 relates to the re-use of buildings in the countryside for economic development purposes. Within this policy Local Planning Authorities should approve planning applications for the conversion and re-use of existing buildings in the countryside for economic development, particularly those adjacent or closely related to towns or villages, where the benefits outweigh the harm caused by what would otherwise be an unacceptable use.
- 5.4.8 In addition, policy EC11 requires Local Planning Authorities to weigh market and economic information alongside environmental and social information; take

account of longer term benefits and costs; and consider if proposals help to meet the wide objectives of the Development Plan.

- 5.4.9 'Live/work' units result in the creation of both commercial and residential floor space and are considered to be a 'sui-generis' use. The Development Plan does have saved policies relating to the conversion of rural buildings for commercial and/or residential use and so in the absence of any specific local policies relating to 'live/work' units, this proposal should also be assessed in terms of the criteria set out under Policies ENV44 (commercial/tourist use) and ENV45 (residential use).
- 5.4.10 The Beast House is not within a village envelope or built up area, but lies within the defined open countryside as designated by the Maidstone Borough-Wide Local Plan 2000 and so this proposal should also be assessed against Local Plan policy ENV28 (development in the open countryside). This policy restricts new development in the open countryside for which there is no Development Plan policy justification, to protect the countryside's intrinsic value, which is supported in national planning policy statements.
- 5.4.11 As already mentioned, there is an extant planning permission for the conversion of the Beast House to tourist accommodation (MA/08/2479). However, it should also be noted that the criteria for policies ENV44 (commercial/tourist use) and ENV45 (residential use) of the Development Plan are different. Indeed, under policy ENV45, every reasonable attempt has to have been made to secure a suitable business use for the building; and residential use should be the only means of providing a suitable reuse of a building of quality and traditional construction that contributes towards the character of the countryside or the historical development of the Kentish countryside. Under policy ENV44, a building of lesser quality may be considered acceptable for a commercial/tourist use, for the greater wider economic benefits of such a use.
- 5.4.12 The Core Strategy has not been adopted by the Council and so carries little weight in the determination of this application; and whilst the Draft National Planning Policy Framework (July 2011) encourages authorities to facilitate new working practices such as 'live/work' units, this too is a consultative paper only and carries little weight in the determination of this application.
- 5.4.13 Whilst there is no specific Development Plan policy or national policy relating to 'live/work' units, there are relevant policies (both locally and nationally) that I will consider this proposal against.
- 5.4.14 The principle of this development is unacceptable because it would create a new dwelling in the open countryside, contrary to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and PPS7, which in its self causes harm to the countryside.



### Assessment of alternative uses

5.4.15 The building has been the subject of a successful planning application for the change of use of the building to a holiday let (MA/08/2479), which has not been implemented and an application has never been submitted for the Beast House to be a solely commercial use, such as a B1 (business) use.

5.4.16 The applicant has submitted a viability assessment, a marketing report and a covering letter from 'Freedom Holiday Homes', who are purported to be agents with the most listings of holiday cottages in Kent and Sussex.

- *Summary of viability assessment/report undertaken by Lambert & Foster LLP -*

5.4.17 In response to the comments made by the Council's Corporate Property Manager for MA/10/0376, the omission of land value from the calculations is intentional and therefore assesses a simple return on the capital investment to bring about the conversion. The report also justifies that current market conditions should be considered and that it is inappropriate for a viability assessment to make judgement on potential future improvement of the economy.

5.4.18 For tourism conversion of the unit, the development would generate an £18,000 annual loss, assessed by outgoings being capitalised and set against income on an annualised basis.

5.4.19 For commercial (B1) use, this conversion would generate a loss in excess of £7,200 per annum between the net rental income and the capitalised outgoings of the Beast House. This would adopt a lower build cost of £120/ft<sup>2</sup>.

5.4.20 The report goes on to state that V.A.T would only exacerbate the projected direct losses by adding approximately £20,000 to the capital costs; and that the *Retail Price Index* has risen six points since October 2011, so in real terms this loss is greater than indicated (R.P.I being the measure of inflation published monthly by the 'Office for National Statistics').

5.4.21 The Beast House was also marketed on Lambert & Foster's commercial and residential website pages for nearly three months as a 'self-catering tourist accommodation development opportunity', with no interest.

5.4.22 The assessment concludes that;

*"The proposed conversion utilising comparable evidence of potential rental income reflected in the terms of a net present value, the proposed conversion to holiday let or business is not financially viable."*

- *Summary of letter from 'Freedom Holiday Homes' -*

*"Neither the immediate roadside location nor the outward appearance of the property are conducive to a successful holiday let. The drawbacks would necessitate marketing the property at significantly reduced rates to try to attract bookings. This would devalue our portfolio and I would not be happy to take the property onto our books. Annual income would not be profitable for either party, with running costs taken into consideration."*

5.4.23 Whilst an active marketing exercise of less than three months is usually not considered to be extensive enough (12-18 months is often requested), on balance, I consider the applicant has provided sufficient evidence that the Beast House would not be viable to run if converted into either holiday accommodation or solely as a commercial use. Therefore, after consultation with the Council's Corporate Property Manager, it is my opinion that the previous reason for refusal under MA/10/0376, on the grounds that insufficient evidence was submitted to demonstrate that the building could not secure a suitable tourism/commercial re-use of the building, has now been sufficiently shown. I no longer consider it justified to refuse this proposal on the grounds of part (A) of policy ENV45 of the Maidstone Borough-Wide Local Plan 2000.

#### Historic/architectural value of the Beast House

5.4.24 The submitted report of the history of the Beast House shows evidence of there being a building of some description on the site since 1743. The report assesses the value and significance of the building and concludes that although the building lost its roof and had to be "substantially repaired" following the hurricane of 1987, the building is an "excellent example of a former cow house" and that its loss would therefore be regrettable.

5.4.25 The Council's Conservation Officer is in agreement with this report, in that the storm of 1987 significantly damaged the building to the point that it had to be largely rebuilt. No further evidence has been submitted under this application, to suggest that this building is worthy of retention and the Conservation Officer continues to recommend refusal on the grounds that *"the building is of insufficient architectural or historic merit to justify its change of use given its rural and unsustainable location"*.

5.4.26 Indeed, the Conservation Officer reiterates his previous comments made under MA/10/0376 and considers that *"whilst it is prominent in the local landscape because of its proximity to the road"*, the Beast House is of limited architectural and historic interest and does not constitute a heritage asset in the terms of PPS5 (annex 2); and it is not of *"sufficient quality"* to justify a use for which there would be no other policy support.

5.4.27 The submitted report also makes much of the grouping of buildings on the south of West Street in this location and the importance of the Beast House in this context. The Council's records show that the main "farmhouse" was historically a public house and has only come into residential use in recent years following the grant of MA/04/0349. Whilst there is a barn and the remains of an oast to the east of the proposal site, these buildings and the former public house are separated from the Beast House by a pair of detached mid-twentieth century dwellinghouses of limited historical or architectural value (approved under 59/0003/MK3 and 59/0003A/MK3). These modern properties clearly separate the Beast House from the previously mentioned buildings of interest, diminishing the relationship between the application site and what remains of the purported farmstead.

5.4.28 This position is supported by the Planning Inspector who dealt with the unsuccessful appeal against the refusal of MA/90/1559 (conversion of redundant agricultural building (the Beast House) to a dwelling), who referred to "*insufficient historical background to justify retention of the building*"; and the "*absence of other agricultural buildings...and a lack of association with the remainder of the group*". The Planning Inspector went on to describe the Beast House as "*an agricultural type commonly found scattered throughout the countryside*", and concluded that it was of limited, if any historic or architectural interest; and furthermore that the loss of the building would not cause harm to the character of the countryside.

5.4.29 For these reasons the conversion of the building would not represent development necessary to conserve a heritage asset, and therefore would not represent a "benefit" in these terms. The proposal is therefore considered to be contrary to policy ENV45 of the Maidstone Borough-Wide Local Plan 2000 and PPS4 policy EC12.

#### Sustainability of proposal

5.4.30 I consider the application site to be unsustainable, as it does not offer a good choice of means of transport and is therefore likely to be accessed by private vehicles; and moreover, there are no local amenities (such as a convenience store or post office) within the village of Hunton. Whilst the village of Yalding is nearby, the location of the application site is such that a dwelling located here is likely to be dependant on travel by car.

5.4.31 The introduction of a 'live/work' unit at this site would remove the need for the owner of the business to travel to work. However, the journey to work is only one element of the travel demand generated by a typical household and there would be other frequent journeys for shopping, healthcare, leisure, and social purposes. At this point it should also be noted that there is only one GP surgery within two miles of the site and only one dentist within three miles of the site.

Consequently, the potential reduction in work-related trips is likely to be outweighed by additional trips for other reasons and I consider this to be a strong material planning consideration.

5.4.32 Furthermore, whilst policy EC2 of PPS4 is relevant, it is a plan making policy and it is down to individual Development Plans to apply it in a local context. At present Maidstone Borough Council does not have a Development Plan policy for 'live/work' units, so given this position, I consider the general support for 'live/work' units should not outweigh the specific guidance on occupational dwellings in the countryside contained in PPS7. It should also be noted that whilst there is national policy support for 'live/work' units in the open countryside, this could be achieved in other ways. For example, the conversion of an existing dwelling with a lawful residential use would avoid the establishment of a new residential unit for which there is no Development Plan policy justification.

5.4.33 In the case of nearby Gudgeon Oast (MA/08/0026 - conversion and adaptation of oast house to form a B1 office unit), the potential benefits of retaining the historically important building outweighed the possible harm caused by reliance on the car. This is not the case with the Beast House.

5.4.34 Overall, I consider the application site to be in an unsustainable location, where the occupants and any visitors would be over reliant on using private motor vehicles. Therefore, in my view, the remoteness of the site from shops, services and other facilities would outweigh any advantage from the retention and reuse of the building, and would be contrary to the advice in PPS7. I consider 'live/work' units should either be located within urban areas, or in, or adjacent to rural service centres or larger settlements where employment, housing, services and other facilities can be provided close to together as outlined under policy EC6 of PPS4.

#### Landscaping

5.4.35 Landscaping is shown on drawing number 778/LA, which shows most of the existing trees and boundary treatments on the site to be retained with some additional planting to be introduced to separate the parking area from the garden land. The most important specimen is the mature Oak tree located in the far north west of the site immediately adjacent to the existing access and proposed parking and turning area.

5.4.36 The entrance drive to the site passes within the root protection area of this Oak tree and it is the Landscape Officer's opinion that the details given do not currently demonstrate that it can be successfully retained. He also comments that the use of no-dig construction and permeable surfacing should ensure the

successful retention of the tree and that if this application was minded for approval, a condition should be imposed requiring details of this to be submitted.

5.4.37 I consider it reasonable that these concerns could be adequately dealt with by condition, and that they do not represent a ground for the refusal of the application.

#### Visual Impact

5.4.38 The proposal would have a limited visual impact as the frontage to West Street would remain unchanged apart from the erection of low level post and rail fencing, which is considered to be in keeping with the rural character of the surrounding area.

#### Residential Amenity

5.4.39 It is not considered that the proposal would result in any significant detrimental harm to the residential amenity of the occupiers of neighbouring dwellings; and nor would it provide unacceptable living conditions for future occupiers of The Beast House.

#### Highway implications

5.4.40 There is an existing vehicular access to the site and the KCC Highway Officer has raised no objection to the proposal subject to conditions.

#### Ecology

5.4.41 The Kent County Council Biodiversity Officer is satisfied that the protected species survey submitted as part of this application has adequately considered the potential for impact on bats and barn owls as a result of the proposed development, concluding that there was minimal potential for either species to be present within the site.

5.4.42 However, the Biodiversity Officer did raise concerns with regards to the rubble stored within the building that could provide a suitable habitat for reptiles or amphibians and recommended that this should be removed by hand. The applicant is also reminded that if any species are found, all work must cease and an ecologist must be contacted for further advice.

5.4.43 The Biodiversity Officer also goes on to give general advice with regards to bats and any lighting schemes to be used; and that consideration should also be given to the use of bat or bird boxes within the development. However, given my recommendation of refusal, I do not consider it necessary at this stage to go into more detail in terms of ecological enhancement and mitigation measures.

### Flood risk

5.4.44 The site is located in an area recognised as being within Flood Zone (2/3) and the proposal is considered to be "more vulnerable" on the grounds that the accommodation proposed includes permanent residential accommodation at ground floor level. However, a flood risk assessment has been submitted in support of the application which is considered to be adequate and the Environment Agency and Southern Water have raised no objection to the proposal.

5.4.45 Both the Environment Agency and Southern Water both did recommend certain procedures with regards to watercourses and the installation of a proposed SUDS scheme. However, given my recommendation of refusal, I do not consider it necessary at this stage to highlight these issues to the applicant any further.

### Other considerations

5.4.46 In addition to the considerations set out above, the two units share a party wall and a curtilage, and whilst the applicant has shown there to be no direct link as such between the dwelling unit and the office unit such as a door, it is likely that at some point in the future the two units would be connected internally, and the division between the two become lost, resulting in the establishment of a single unit in residential occupation. It is unlikely that this could be prevented through condition as it would be extremely difficult to enforce against, and therefore contrary to the requirements for conditions as set out in Circular 11/95. Such a change of use would be contrary to local and national planning policy and guidance.

5.4.47 To address this issue, the applicant has submitted a draft unilateral undertaking obligation to secure the live/work unit in perpetuity. In summary, the obligation would secure the following;

- *The residential accommodation shall only be occupied for residential purposes associated with the commercial use of the work accommodation.*
- *No persons other than the occupier of the work accommodation and their dependants shall occupy the residential accommodation of the associated unit.*
- *The work and residential accommodation of each unit shall be retained in one ownership and in one overall occupation and in one possession at all times.*
- *The work and residential accommodation of each unit shall be disposed of together and not separately.*
- *The work accommodation shall only be used for B1 use only.*

- *The work accommodation shall remain as such in perpetuity and shall not be converted to residential accommodation.*

5.4.48 Having assessed the agreement and based on legal advice, there would need to be a number of changes to the wording of the document. However, whilst it is acknowledged that this would be difficult to enforce, overall I consider that the obligation would secure the live/work use as far as is reasonably possible.

5.4.49 However, I still consider that the building is not worthy of retention for residential purposes and in an unsustainable location. This agreement would not override these issues.

## **6. CONCLUSION**

6.1 I have considered the other referred to planning applications, including near-by Gudgeon Oast (MA/08/0026 & MA/10/1021) and Tutsham Hall (MA/10/0839), and the information submitted by the applicant in support of this application, but this does not lead me to an alternative conclusion. Indeed each application must be considered on its own merits and in the case of Gudgeon Oast, the main difference between that site and the Beast House, is that Gudgeon Oast was recognised as a heritage asset.

6.2 It is therefore considered overall that the proposal has not overcome all of the previous reasons for planning refusal under MA/10/0376. Indeed, I acknowledge the applicant has explored other uses for the building including office and holiday let uses through planning application MA/08/2479 and the recent viability report. However, I still consider the Beast House to be of no historical merit and so unworthy of retention for residential purposes; and the site is still unsuitably located for this 'live/work' development, as future occupants and visitors would be reliant upon private vehicles. The proposal would not secure a sustainable pattern of development. Therefore, on balance, any benefits for retaining the building for economic purposes are considered to be outweighed by these issues.

6.3 I therefore recommend refusal of the application on this basis.

## **7. RECOMMENDATION**

REFUSE PLANNING PERMISSION for the following reasons:

1. The existing building is not of quality and traditional construction, and is of insufficient architectural or historic merit to constitute a heritage asset or justify its retention or preservation for the proposed use. The principle of the conversion of the building for use as a live/work unit would create a new residential unit in the countryside resulting in a harmful and unjustified development in the countryside contrary to policies ENV28 and ENV45 of the

Maidstone Borough-Wide Local Plan 2000, policy BE6 of the South East Plan 2009, policy EC12 of PPS4 - Planning for Sustainable Economic Growth and central Government guidance in PPS1 - Delivering Sustainable Development, PPS5 - Planning for the Historic Environment and PPS7 - Sustainable Development in Rural Areas.

2. The residential element of the proposed conversion of the building is considered to represent inappropriate development in an unsustainable location that would result in a harmful form of development removed from basic services. This would be contrary to policies ENV28 and ENV45 of the Maidstone Borough-Wide Local Plan 2000, policy CC1 of the South East Plan 2009, policy EC2 of PPS4 - Planning for Sustainable Economic Development and guidance in PPS1 - Delivering Sustainable Development and PPS7 - Sustainable Development in Rural Areas.





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# Agenda Item 20

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/11/1351

GRID REF: TQ8062

PURPLE HILL WORKS, WHITE HILL ROAD,  
DETLING, BREDHURST.



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**Rob Jarman**  
Head of Development Management

APPLICATION: MA/11/1351 Date: 9 August 2011 Received: 11 August 2011

APPLICANT: Mr N York, Weldrite UK Ltd

LOCATION: PURPLEHILL WORKS, WHITE HILL ROAD, DETLING, BREDHURST, KENT, ME14 3HH

PARISHES: Bredhurst and Detling

PROPOSAL: Redevelopment of existing commercial site to provide 4 dwellings as shown on drawing nos. Site location plan, Existing site layout, Volume of existing building 'A', Volume of existing building 'B', Volume of existing building 'C', Volume of existing building 'D', WG-BFH/SPL.01 (site layout), WG-BFH/P1-2.01 (Ground floor plots 1 & 2), WG-BFH/P1-2.02 (First floor plans plots 1 & 2), WG-BFH/P1-2.03 (Elevations plots 1 & 2), WG-BFH/P1-2.04 (Elevations plots 1 & 2), WG-BFH/Ga.01 (Garages plots 1 & 2), WG-BFH/P1-2.04 (Perspective illustration plots 1 & 2), WG-BFH/P1-2.01 (Plans and elevations plots 1& 2), WG-BFH/P3-4.01 (Ground floor plans plots 3 & 4), WG-BFH/P3-4.02 (First floor plans plots 3 & 4), WG-BFH/P3-4.03 (Second floor plans plots 3 & 4), WG-BFH/P3-4.01 (Floor plans plots 3&4) and unnumbered/unscaled perspective of house type on plots 3 & 4 received 09/08/2011 and unnumbered and unscaled perspectives of plots 3&4, floor plans and elevations of plots 3 & 4 received 11/08/2011 and Design and Access Statement, Arboricultural assessment and report, Planning Statement and Phase 2 Site Investigation Report received 09/08/2011.

AGENDA DATE: 22nd September 2011

CASE OFFICER: Steve Clarke

The recommendation for this application is being reported to Committee for decision because:

- Councillor de Wiggondene has requested it be reported for the reason set out in the report

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV31, ENV33, ENV34, T13, CF1
- South East Plan 2009: SP2, SP3, CC1, CC4, CC6, H4, H5, T4, NRM1, NRM4, NRM5, NRM7, C3, S6, AOSR6, AOSR7
- Government Policy: PPS1 PPS3 PPS7 PPS9 PPG13

## 2. **HISTORY**

- MA/11/1002: Redevelopment of existing commercial site to provide 9 units for B1 light industrial use: UNDETERMINED
- MA/11/1001: Redevelopment of existing commercial site to provide 4 dwellings: WITHDRAWN 03/08/2011
- MA/10/0559: Redevelopment of the site to provide 12 (no) light industrial units: REFUSED 09/08/2010
- MA/99/1149: Certificate of Lawful Development under s191 for 'Use as a fencing manufacturer within Class B2 with ancillary wholesale and retail sales of fencing and storage of fencing and timber': CERTIFICATE ISSUED 11/10/1999
- MK2/56/0095: An addition of fence assembly shop and office: APPROVED 14/05/1956
- MK2/53/0002: Provision for additional covered space for fence making: APPROVED 29/01/1953

## 3. **CONSULTATIONS**

- 3.1 **Detling Parish Council (received 13/11/2011):** 'The above planning application was considered by the Parish Council at its recent meeting, and members do not wish to raise any objections as we would favour a residential development over a commercial development. I trust this clarifies the views of the Parish Council.'
- 3.2 **Bredhurst Parish Council (consulted as an adjoining Parish Council on 17/08/2011):** Views awaited; any received will be reported to Members at the meeting.
- 3.3 **Environment Agency (received 26/08/2011):**
- 3.3.1 The Agency have considered the application and have stated that the development would only be acceptable if five conditions are imposed on any permission.
- 3.3.2 These conditions require:
- A regime of site investigation and contaminated land remediation to be submitted, approved and undertaken,
  - A verification report to confirm that any recommendations in a remediation strategy have been followed and the site certified clean
  - Works to cease if previously unidentified contamination is found, until such time



- as a revised remediation strategy is devised and agreed.
- No infiltration of surface water drainage into the ground unless it has been demonstrated that there is no unacceptable risk to groundwater.
- No piling on the site unless it has been demonstrated that there will be no risk to groundwater.

### 3.3.3 Specific comments are made on these areas as follows:

#### 'Land Contamination

The submitted Phase 2 Site Investigation Report, dated April 2010, makes reference to a number of potentially contaminative uses at this site, both current and historic. The intrusive investigation detailed within the report is extremely limited, for example it makes reference to the fact that areas such as the vehicle maintenance workshop, metal workshop, timber dipping tanks etc were not investigated due to access restrictions.

Considering such areas of the site were not investigated, it is not possible for us to agree with the conclusions that the risks to controlled waters is low to very low. We will therefore expect these areas to be fully investigated as part of any planning development at this location. We will also expect these further investigations to include the site's drainage system. Soil samples will need to be taken for all contaminants potentially associated with the site's previous uses, including creosote and other timber treatment chemicals.'

#### 3.3.4 'Piling

The Phase 2 Site Investigation Report makes reference to the possible use of piling. Due to the vulnerability of the groundwater at this location (because the site is underlain by the chalk principal aquifer and located within Source Protection Zone II/III), we will expect an environmental piling/foundation risk assessment to be undertaken in support of any proposal to pile at this location. The risk assessment should be in accordance with Environment Agency guidance; Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention and Piling into Contaminated Sites. The guidance is available on our website, under publications.'

#### 3.3.5 'Surface Water Drainage

We note the proposals to discharge surface water to ground via soakaways. Soakaways will only be permitted where it can be demonstrated that there will be no discharge into land impacted by contamination or land previously identified as being contaminated. There must also be no discharge to made ground. Providing these aspects can be achieved, then we will expect the soakaways to be as shallow as possible in order to maximise the distance between the base of the soakaways and the water table. If these aspects can not be adhered to, then we will object to the proposed use of soakaways at this location.

Considering the sites previous uses, the drainage strategy will need to be developed in close conjunction with the further intrusive investigation which is required.

Only clean uncontaminated water should drain to the surface water system. Roof water shall discharge direct to soakaway via a sealed down pipes (capable of preventing accidental/unauthorised discharge of contaminated liquid into the soakaway) without

passing through either trapped gullies or interceptors. Open gullies should not be used.'

### 3.3.6 'Foul Water Drainage

We note the proposals to discharge foul drainage to a Package Treatment Plant. It is considered probable that the applicant will wish for the outfall from the plant to discharge to ground. Under the Environmental Permitting (England and Wales) Regulations 2010, a person must not carry out a water discharge activity or groundwater activity unless it is- a. authorised by an environmental permit; or b. registered as an exempt facility

Therefore in accordance with these regulations, if you are going to make a discharge of sewage effluent to surface water (this includes rivers, streams, estuaries and the sea), or to groundwater (i.e. via an infiltration system), then you may need to apply for an environmental permit to make that discharge. Such approval may be withheld.

The comments made above relating to the surface water soakaways (i.e. no discharge into land impacted by contamination etc) will be applicable to any soakaway associated with the package treatment plant.'

### 3.4 **Kent Highway Services (12/09/2011):** No objections: Subject to conditions that ensure:

- Parking spaces are available prior to first occupation of the dwellings and subsequently maintained,
- An improved visibility splay to the south of the site access of 2m x 25m with no obstruction above 900m in height,
- Any gates to open away from the highway and sited a minimum of 5.5m from the edge of the carriageway,
- Measures to ensure parking and turning areas are properly drained
- A properly consolidated and surfaced access road to be constructed to each dwelling prior to first occupation.

An informative regarding the need to provide wheel washing facilities during the construction process to prevent deposition of mud on the highway.

### 3.5 **MBC Environmental Health (12/09/2011):**

'A phase 2 investigation of the site has been included with the paperwork. It is at first glimpse a comprehensive report, but on further examination it is confusing, as constant references to other sections are being made, this results in a lot of page turning before being made clear. Despite the title being a phase 2 assessment, the objectives section on page it is described as a combined phase 1 and 2 investigation. No clear conclusions are made without having to check other parts of the report, and it is evident that more work is needed to discharge a condition that would certainly be attached to this application. There are no results of samples taken on site in the report as no appendices have been included; for this reason I would therefore have to reject this report until it has been fully submitted and written in a more logical manner.

Recommendation: The application should be refused on land contamination grounds, for the reasons given above.'

## **4. REPRESENTATIONS**

4.1 **Cllr. De Wiggondene** has requested that this application is reported to the Planning Committee for the following reasons:

'Whilst this proposal would not ordinarily meet planning requirements for development, here I believe for reasons of sustainability and highway access it is the most appropriate use of this site.'

4.2 **Two** representations from Local residents have been received to-date both refer to the area being designated as an area of outstanding beauty and lying near to the last ancient woodland in Kent to which deer are returning. They state that the Garden of England is fast becoming a concrete jungle.

4.3 **Protect Kent-CPRE Maidstone** have also made representations.

- They express concerns regarding the application and the fact that it is in an area of highly protected landscape where residential development (unless to improve the efficiency of a land-based enterprise) is not usually permitted.
- They recognise the site's previous history and presume that it now classified as previously developed land under PPS3 housing. On the basis of this presumption, a high quality residential development would seem the most attractive option for the redevelopment and future of this site and this concept is therefore supported.
- They stress that the current application is unacceptable in terms of its scale and type.
- A smaller scale development that has better sustainable credentials of a traditional rural design with renewable energy provision, very good insulation and rainwater collection should be considered.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

5.1.1 The application site is located on the north eastern side of White Hill Road within the parish of Detling. The site access is located some 82m south east of the junction of White Hill Road with Kemsley Street Road and some 1km north east of Bredhurst village 'as the crow flies' and 1.5km by road.

5.1.2 The site amounts to approximately 0.687ha in area. It is located in open countryside outside a defined settlement, in an area which forms part of the Maidstone - Medway Strategic Gap and which is designated as part of the Kent Downs Area of Outstanding Natural Beauty (AONB) and the North Downs Special Landscape Area (SLA).

5.1.3 The site is currently occupied by a number of former industrial buildings together with a number of steel containers and other portacabins/temporary buildings

that have been brought onto the site in the past. It is in an untidy state and is overgrown in places. The site is bounded on all sides by hedgerows and trees. The land within the site falls gently from north to south.

5.1.4 To the north of the site lies a stable building and grazing land, to the north east orchards/young woodland, to the south and south east by woodland and a former quarry and to the west (on the opposite side of White Hill Road) by open agricultural land.

## **5.2 Proposal**

5.2.1 Full planning permission is sought to redevelop the site through the demolition and clearance of the existing buildings and the construction of 4 semi-detached and detached dwellings. The dwellings would be served by a newly constructed access road using the existing site access point off White Hill Road, the road would vary between 5.4m and 4.1m in width. There would be a turning head located outside the curtilage of plot 4 at the eastern end of the site. The development would be served by a new sewage treatment plant to be located within the site. The site layout plan indicates that a 6m wide woodland edge buffer zone to be planted with native species would be provided between the development and the existing woodland to the south and east.

5.2.2 On plots 1 & 2, the development comprises a pair of two-storey semi-detached 4-bedroom dwellings with detached double garages. They are located close to the site entrance off White Hill Road (approximately 28m). They are shown to be 10.25m in width (20.5m overall) and 10.1m in depth with an eaves height of 4.8m and a ridge height of 9m. They would have a brick plinth and be finished externally in weatherboarding under a slate roof.

5.2.3 This pair of dwellings has attempted, (according to the Design & Access Statement), to incorporate detailing and features redolent of a traditional Kentish barn. The front entrance on the west facing elevation serving the two dwellings is recessed and predominantly glazed with vertical timber panelling to the sides. Other fenestration on this elevation is limited in number and size, to one window serving a breakfast room in each dwelling, and a bathroom and bedroom at first floor level.

5.2.4 The main roof has a barn-hip to the northern end and a full-hip on its southern side, to the rear is a cat-slide roof dropping to an eaves height of 2.5m. This rear roof contains two full height glazed openings over ground and first floor levels with a mono-pitch roof feature over projecting from the cat-slide roof. The rear roof also incorporates 4 rooflights (serving bedroom two in each unit). A brick chimney has also been indicated projecting above the ridge and emerging through the rear roof.

- 5.2.5 The north and south elevations has opening for a doorway to the utility room and windows serving the dining room and kitchen on the ground floor together with windows at first floor level serving bedroom three and the en-suite to bedroom one.
- 5.2.6 The proposed detached garages are shown to be 6.5m deep and 6.4m wide and at 2.4m to eaves and 5.4m to ridge. Both incorporate a 1.2m wide by 3.3m long log-store incorporated into a cat-slide roof on the side elevation, with a lower eaves height of 1.5m. the same materials as the main dwellings are indicated. Two car parking spaces are shown located to the front of the garages resulting in a minimum of 4 spaces per unit, although there would be space to park further cars on the respective driveways.
- 5.2.7 Plots 3 and 4 are detached dwellings of the same proposed house type. These are located to the east of Plots 1 & 2 and accessed from a continuation of the internal site access road.
- 5.2.8 The dwellings are substantial 5-bedroom dwellings and comprise accommodation over three floors including the roof space. The dwellings are approximately 11.4m in height at their highest, with eaves height varying from approximately 2.8m to 5.7m. They are roughly 'L-shaped' in form, being approximately 24.8m in overall width and 25.8m overall in length. The roofs are a combination of an asymmetrical mono-pitch treatment to the glazed front elevation and more 'traditional' hipped and gabled pitched roofs to the remainder of the house.
- 5.2.9 The front elevations are entirely glazed to roof level. Elsewhere on other elevations, brickwork is proposed to the ground floor including a projecting plinth feature and boarding shown at first floor level with the exception of the rear elevation of the garage which is entirely brick. The roofs would be slate.
- 5.2.10 The dwellings have integral double garages with two car parking spaces shown to the front of the garages and two other indicated parking spaces within each curtilage. A total of 6 indicated parking spaces per plot are therefore shown, although the driveway arrangement would allow the parking of more cars than this.
- 5.2.11 The application was accompanied by a design and access statement, a planning statement, phase 2 site investigation report and an arboricultural assessment and report.

### **5.3 Principle of Development**

- 5.3.1 The site lies in open countryside outside a defined settlement within a strategic gap that seeks to prevent coalescence between Maidstone and the Medway Towns. The site lies within countryside designated as part of the Kent Downs

Area of Outstanding Natural Beauty and the North Downs Special Landscape Area.

5.3.2 Development Plan and government policy place emphasis on the protection or enhancement of the countryside. Both also require a higher level of protection to be given to countryside that is subject to a national designation such as an Area of Outstanding Natural Beauty as applies in this case.

5.3.3 Policy ENV28 of the Borough-wide Local Plan 2000 sets out a number of criteria within which development in the countryside may be acceptable. Residential development that is unrelated to any essential need to provide accommodation for any agricultural or forestry worker is not one of these.

The scheme proposals do not have any agricultural or forestry justification.

5.3.4 Policy C3 of the South East Plan states that in considering proposals within the AONB emphasis should be on small-scale proposals that are sustainably located and designed. Proposals that support the economies and social well-being of the AONBs and their communities will be encouraged provided that they do not conflict with the aim of conserving and enhancing natural beauty.

The scheme proposals do not support the economy or well-being of the AONB or any community within it.

5.3.5 PPS4 which, inter-alia, encourages sustainable economic development in the countryside usually centered on existing rural service centre's, specifically excludes housing development from the definition of economic development.

5.3.6 PPS7 encourages local planning authorities to strictly control new house building in the countryside away from established settlements or from areas allocated for housing in development plans.

5.3.7 Whilst some have argued that the proposed scheme would remove the current business use on the site and ensure its appearance is tidied-up, I do not consider that residential development is acceptable in principle, given that the site is located in a highly protected landscape and in an isolated and unsustainable location. The development would also not constitute an acceptable form of economic development that would contribute to the economy of the area.

## **5.4 Visual impact and design**

5.4.1 As stated earlier in the report, the applicants have sought to provide a design that reflects a converted traditional Kentish barn for the pair-of semi-detached units and to provide a design approach that combines contemporary and

traditional detailing for the detached units. To my mind, neither approach is successful in this case.

- 5.4.2 The units would be prominent from the highway and their setting and the layout of the site pays no respect to the more traditional form of farm layout. Converted buildings generally are grouped with other buildings on a holding. The proposed buildings are isolated and have no real context within which they are seen.
- 5.4.3 The detailing of the semi-detached units in terms of the glazing treatment to the front entrance, the prominent chimney feature and the treatment of the rear elevation also do not provide features that would be readily found on a barn that was considered worthy of conversion.
- 5.4.4 The detached units are of a significant scale and an awkward blend of the contemporary and traditional. Again, the design pays no respect to the context of the site and its location. The significant areas of hardstanding and parking for each unit add to the impression of the dwellings being 'over-scaled' for the site.
- 5.4.5 The length and form of the internal access road and the intervening boundary walls and walls with railings would result in my view in the site taking on a suburban/urban appearance, which does not reflect the constraints imposed by the sensitive and protected landscape into which the development would be inserted.

## **5.5 Residential Amenity**

- 5.5.1 There are no nearby dwellings that would be affected by the development. The nearest residential properties are located approximately 125m to the north, approximately 200m to the west and over 300m to the south.
- 5.5.2 Internally within the site, there would be adequate separation between plots 1&2 and the dwelling on plot 3 to the east at approximately 23m so as to ensure no unacceptable loss of privacy or overlooking is likely to occur. The relationship between plots 3 and 4 is also considered acceptable.

## **5.6 Highways**

- 5.6.1 The level of traffic generation from the site is likely to be less than that potentially generated by the lawful use of the site albeit that the site is currently derelict and underused. Members will have noted that Kent Highway Services have raised no objections to the proposals on highway grounds subject to a number of conditions and informatives including the requirement to improve visibility to the south side of the site access. If the proposals were considered

acceptable in principle, appropriate conditions could be imposed to secure the necessary requirements.

5.6.2 The site itself is in an unsustainable location that is not on or near any public transport route. The nearest public transport passes along The Street, Bredhurst some 1km to the west which is reached by a narrow, winding and unlit road that has no pavements. The occupiers of the dwellings will therefore be reliant on the use of the private car as the primary means of transport for day-to-day needs.

## **5.7 Landscaping**

5.7.1 The arboricultural assessment and proposed site layout plan indicates that the development would not have an adverse impact on or result in the removal of the existing boundary planting around the edges of the site.

5.7.2 The submitted layout plan indicates that a 6m wide buffer zone along the southern and eastern boundaries of the site, within the site, would be provided and planted with native species. No details of the planting scheme have been submitted however. Should the development have been considered acceptable in principle, a landscaping scheme could be secured though an appropriate condition.

## **5.8 Contamination**

5.8.1 Due to the site's previous and current uses and if it is to be redeveloped there will be a need to undertake a detailed and comprehensive contamination assessment to drive the preparation and implementation of a mitigation and remediation strategy. This is even more important to ensure that any drainage scheme and foundation design do not allow potential contaminants to pollute groundwater given the role of the underlying geology in the area as an aquifer.

5.8.2 If the principle of development was considered acceptable, these issues could be dealt with by means of appropriate conditions as recommended by the Environment Agency.

## **6. CONCLUSION**

6.1 The site is located in the open countryside outside a defined settlement within the Kent Downs AONB and North Downs SLA within the Maidstone-Medway Strategic Gap.

6.2 It is in an unsustainable location and its occupiers will need to rely on the use of the private car in their day-to-day occupation of the site given that there is no public transport in the vicinity.



- 6.3 Whilst the site's appearance might be improved through the removal of the existing structures and equipment, the proposed development would result in four substantial dwellings that would have their own visual impact on the character and appearance of the area.
- 6.4 I consider the proposed design of the dwellings to be inappropriate. Despite the statement set out in the Design and Access statement, the proposals do not provide an acceptable interpretation of a 'traditional Kentish barn' in the case of the semi-detached pair and in the case of the detached units provides a confused fusing together of a contemporary and traditional approach on a substantial scale, that pays no heed to the context of the site and its surroundings.
- 6.5 The following recommendation is therefore appropriate.

## **7. RECOMMENDATION**

REFUSE PLANNING PERMISSION for the following reasons:

1. The development would represent an unjustified and unsustainable form of residential development in open countryside outside of and unrelated to any settlement in an area that is additionally designated as part of the Kent Downs Area of Outstanding Natural Beauty and the North Downs Special Landscape Area, in an area that also forms part of the Maidstone-Medway Strategic Gap. The resulting unjustified development would cause harm to the character and appearance of the surrounding area and its occupants would need to predominantly rely on the use of the private car to meet their general day-to-day transport needs. To permit the development would therefore be contrary to policies ENV28, ENV31, ENV33 and ENV34 of the Maidstone Borough-wide Local Plan 2000, policies CC1, CC6, C3 and AOSR7 of the South East Plan 2009 and the advice in PPS3, PPS7 and PPG13.
2. The proposals by reason of the scale and un-cohesive and poorly detailed design of the dwellings together with the layout and likely form and appearance of the site, would result in an urbanising and visually intrusive form of development that has not appropriately taken into account the context of the site and area within which it is located resulting in harm to the character and appearance of the area. To permit the development would therefore be contrary to policies ENV33 and ENV34 of the Maidstone Borough-wide Local Plan 2000, policies CC1, CC6 and C3 of the South East Plan 2009 and the advice in PPS1, PPS3 and PPS7.

**Reference no: MA//1351**

### **Consultations**

**Bredhurst Parish Council (consulted as an adjoining Parish)** has made the following comments in a joint response to this application and application MA/11/1002.

'Bredhurst Parish Council discussed both these items at its meeting on 7<sup>th</sup> September 2011. The site in question is on the boundary between Bredhurst and Detling parishes and development of any kind will impact greatly on the residents of Bredhurst as the main access road is through Bredhurst.

Although within the AONB, the site in its current condition could most accurately be described as a landfill site. Previous owners over many decades have used the area to dump hundreds of tons of various waste material and the site in its present condition is not only an eyesore but also harmful to the environment. Whilst Bredhurst Parish Council would not support an application for residential dwellings on a green field site within the AONB, the site in question is a brown field site that has no attributes associated with AONB land. It is a commercial site which has fallen into a state of total dilapidation and the proposed housing development would be a distinct improvement that greatly improves the quality of the surrounding AONB.

Bredhurst Parish Council has been informed that, should the residential application fail, the current owners will have no option but to resume commercial activities at the site. This location is more suited to residential rather than commercial use. There are already residential dwellings along Kemsley Street Road, which is the main access road to the site. This is a narrow rural lane with sections of single track carriageway and blind bends which is heavily used by both walkers and horse riders. The access is totally unsuitable for HGV vehicles which would be inevitable if commercial use resumes.

For the above reasons, Councillors voted unanimously to object to the commercial application MA/11/1002.

For the residential application MA/11/1351 Councillors voted unanimously in favour of the application and would like to see it approved.

In addition, they requested that both applications are referred to the Planning Committee to allow the merits of the residential development over the commercial development to be publicly debated.'

### **Amendments to recommendation**

None

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High Voltage  
No Smoking  
No Naked Lights

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**THE MAIDSTONE BOROUGH COUNCIL**  
**PLANNING COMMITTEE – 22<sup>nd</sup> September 2011**

**APPEAL DECISIONS:**

1. – MA/10/1887 **AN APPLICATION FOR A CERTIFICATE OF  
LAWFULLNESS FOR EXISTING USE**

**APPEAL:** DISMISSED

FORMER POUNSTOP WAREHOUSE, CRISMILL LANE,  
BEARSTED, KENT, ME14 4NT

**Planning committee**

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2. - MA/10/1028 **AN APPLICATION FOR 4 NO. 3 BEDROOM HOUSES,  
7 NO. 2 BEDROOM FLATS AND 3 NO. 1 BEDROOM  
FLATS WITH ASSOCIATED PARKING AND  
LANDSCAPING**

**APPEAL:** DISMISSED

LAND AT, PENHURST CLOSE, GROVE GREEN, KENT

Planning Committee