

# PLANNING COMMITTEE MEETING

Date: Thursday 25 March 2021

Time: 6.00 pm

Venue: Remote Meeting - The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website

Membership:

Councillors Adkinson, Brindle, English (Chairman), Eves, Harwood, Kimmance, Munford, Parfitt-Reid, Perry, Powell, Spooner (Vice-Chairman), Vizzard and Wilby

*The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.*

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## **AGENDA**

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - Monday 29 March 2021
6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 25 February 2021 1 - 10
11. Presentation of Petitions (if any)
12. Deferred Items 11 - 12

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**Issued on Wednesday 17 March 2021**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

13.	19/504910/OUT - Former Syngenta Works, Hampstead Lane ,Yalding, Kent	13 - 51
14.	20/505707/FULL - Mote Road Car Park, Mote Road, Maidstone, Kent	52 - 99
15.	20/504416/FULL - 8 Tonbridge Road, Maidstone, Kent, ME16 8RP	100 - 118
16.	20/503651/FULL - River Wood, Chegworth Lane, Harrietsham, Kent	119 - 150
17.	21/500168/FULL - Loxley House, Gravelly Bottom Road, Kingswood, Maidstone, Kent, ME17 3NT	151 - 158
18.	20/503940/FULL - Amberlea, South Green, Sittingbourne, Maidstone, Kent, ME9 7RR	159 - 178
19.	20/506036/FULL - Vine Cottage, Pye Corner, Ulcombe, Maidstone, Kent, ME17 1EF	179 - 188
20.	20/506112/FULL - Lewis Court Cottage, Green Lane, Boughton Monchelsea, Maidstone, Kent, ME17 4LF	189 - 201
21.	20/505996/FULL - 1 Keepers Cottage, Mote Park, Maidstone, Kent, ME15 8DP	202 - 206
22.	20/505997/LBC - 1 Keepers Cottage, Mote Park, Maidstone, Kent, ME15 8DP	207 - 211
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## **PLEASE NOTE**

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

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

**For full details of all papers relevant to the reports on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection; please follow this link:**

**<https://pa.midkent.gov.uk/online-applications/>**

## **PUBLIC REPRESENTATIONS AND ALTERNATIVE FORMATS**

**In order to make a submission to the Committee, please call 01622 602899 or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 4 p.m. on Wednesday 24 March 2021. You will need to tell us which agenda item you wish to make representations on. Please note that slots will be allocated for each application on a first come, first served basis.**

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

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## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE REMOTE MEETING HELD ON 25 FEBRUARY 2021**

**Present:** Councillor English (Chairman) and  
Councillors Adkinson, Brindle, Eves, Harwood,  
Kimmance, Parfitt-Reid, Perry, Powell, Spooner,  
Vizzard and Wilby

**Also  
Present:** Councillor Garten

469. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillor Munford.

470. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

471. NOTIFICATION OF VISITING MEMBERS

Councillor Garten indicated his wish to speak on the reports of the Head of Planning and Development relating to applications 20/505195/OUT and 20/505182/REM (Land at Woodcut Farm, Ashford Road, Hollingbourne, Kent).

472. ITEMS WITHDRAWN FROM THE AGENDA

20/503651/FULL – CONSTRUCTION OF 6 NO. ONE BEDROOM TOURIST  
LODGES (RE-SUBMISSION OF 19/500305/FULL) – RIVER WOOD,  
CHEGWORTH LANE, HARRIETSHAM, KENT

The Development Manager sought the Committee's agreement to the withdrawal of application 20/503651/FULL from the agenda. The Development Manager explained that the Case Officer was looking into issues regarding the access and there had been procedural errors in sending out the Committee notification to the Parish Council. Although the Parish Council had sent in comments subsequently, it was considered that the application should be withdrawn from the agenda as the due process had not been followed.

**RESOLVED:** That agreement be given to the withdrawal of application 20/503651/FULL from the agenda.

Note: Councillor Eves joined the meeting during consideration of this item.

473. URGENT ITEMS

The Chairman said that, in his opinion, the updates to be included in the Officer presentations should be taken as urgent items as they contained further information relating to the applications to be considered at the meeting.

474. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

475. DISCLOSURES OF LOBBYING

Item 13.	20/505321/FULL - Stilebridge Caravan Site, Stilebridge Lane, Marden, Kent	Councillors Perry and Wilby
Item 14.	20/505195/OUT - Land at Woodcut Farm, Ashford Road, Hollingbourne, Kent	Councillors Adkinson, Brindle, English, Eves, Kimmance, Parfitt-Reid, Powell, Spooner, Vizzard and Wilby
Item 15.	20/505182/REM - Land at Woodcut Farm, Ashford Road, Hollingbourne, Kent	Councillors Adkinson, Brindle, English, Eves, Kimmance, Parfitt-Reid, Powell, Spooner and Vizzard
Item 19.	20/505312/FULL - Maplehurst Paddock, Frittenden Road, Staplehurst, Kent	Councillor Perry
Item 20.	20/503651/FULL - River Wood, Chegworth Lane, Harrietsham, Kent (withdrawn from the agenda)	Councillors Adkinson, Brindle, English, Eves, Kimmance, Parfitt-Reid, Powell, Spooner, Vizzard and Wilby
Item 21.	21/500117/HEDGE - Land South of Marden Road, Staplehurst, Kent	Councillor Perry

Note: Councillor Perry joined the meeting during consideration of this item. Councillor Perry said that he had no disclosures of interest.

476. EXEMPT ITEMS

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

477. MINUTES OF THE MEETING HELD ON 21 JANUARY 2021

**RESOLVED:** That the Minutes of the meeting held on 21 January 2021 be approved as a correct record and signed.

478. PRESENTATION OF PETITIONS

There were no petitions.

479. DEFERRED ITEMS

19/500271/FULL - CHANGE OF USE OF LAND FOR THE STATIONING OF 18 HOLIDAY CARAVANS WITH ASSOCIATED WORKS INCLUDING LAYING OF HARDSTANDING AND BIN STORE - OAKHURST, STILEBRIDGE LANE, MARDEN, TONBRIDGE, KENT

20/504386/FULL - CHANGE OF USE OF THE LAND FOR THE SITING OF 3 NO. STATIC CARAVANS AND 3 NO. TOURING CARAVANS FOR GYPSY/TRAVELLER OCCUPATION (REVISED SCHEME TO 18/506342/FULL) - THE ORCHARD PLACE, BENOVER ROAD, YALDING, KENT

The Development Manager advised Members that he had nothing further to report in respect of these applications at present.

480. 20/505182/REM - APPROVAL OF RESERVED MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) FOR PHASE 1 BEING LANDSCAPING, INFRASTRUCTURE WORK REQUIRED TO CREATE DEVELOPMENT PLATFORMS ACROSS THE SITE AND 22,884SQM OF FLEXIBLE USE CLASS B1(C)/B8 EMPLOYMENT FLOORSPACE COMPRISING OF 7 NO. UNITS ON PLOT A TOTALLING 5,444SQM (UNITS A3-A9) AND 4 NO. UNITS ON PLOT B TOTALLING 17,440SQM (UNITS B1-B4) PURSUANT TO 17/502331/OUT (OUTLINE APPLICATION FOR A MIXED COMMERCIAL DEVELOPMENT COMPRISING B1(A), B1(B), B1(C) AND B8 UNITS WITH A MAXIMUM FLOOR SPACE OF 45,295 SQUARE METRES (ACCESS APPROVED)) - LAND AT WOODCUT FARM, ASHFORD ROAD, HOLLINGBOURNE, KENT

The Committee considered the report of the Head of Planning and Development.

In presenting the application, the Principal Planning Officer advised the Committee that since the publication of the agenda, further representations had been received from local residents, but they did not raise any new material planning issues.

The Chairman read out a statement on behalf of Dr Jenkins, an objector.

Mr Berry addressed the meeting by video link on behalf of the applicant. Mr Berry's presentation covered this application and application 20/505195/OUT.

Councillor Garten (Visiting Member) addressed the meeting on this application and application 20/505195/OUT.

**RESOLVED:**

1. That the reserved matters details be approved subject to the conditions set out in the report with the amendment of condition 1 (Approved Plans) or an additional condition to ensure that the Solar PV panels shown on the approved plans are provided.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended/additional conditions and to amend any other conditions as a consequence.

Voting:        12 – For        0 – Against        0 – Abstentions

481. 20/505195/OUT - SECTION 73 APPLICATION FOR VARIATION OF CONDITION 3 TO ALLOW BUILDINGS ON THE EASTERN PART OF THE SITE TO HAVE A FOOTPRINT UP TO 10,000SQM AND VARIATION OF CONDITION 4 TO ALLOW BUILDINGS ON THE WESTERN PART OF THE SITE TO HAVE A FOOTPRINT UP TO 4,800SQM, A RIDGE HEIGHT UP TO 10.5M AND TO REMOVE THE REQUIREMENT FOR BUILDINGS TO BE ORIENTATED END-ON TO THE M20 MOTORWAY PURSUANT TO APPLICATION 17/502331/OUT (OUTLINE APPLICATION FOR A MIXED COMMERCIAL DEVELOPMENT COMPRISING B1(A), B1(B), B1(C) AND B8 UNITS WITH A MAXIMUM FLOOR SPACE OF 45,295 SQUARE METRES (ACCESS APPROVED)) - LAND AT WOODCUT FARM, ASHFORD ROAD, HOLLINGBOURNE, KENT

The Committee considered the report of the Head of Planning and Development.

In presenting the application, the Principal Planning Officer advised the Committee that since the publication of the agenda, further representations had been received from local residents, but they did not raise any new material planning issues.

The Chairman read out a statement on behalf of Mr Macro, an objector.

Mr Berry had already addressed the Committee on this application and application 20/505182/REM by video link on behalf of the applicant.

Councillor Garten (Visiting Member) had already addressed the meeting on this application and application 20/505182/REM.

**RESOLVED:**

1. That subject to:
  - A. The prior completion of a legal agreement in such terms as the Head of Legal Partnership may advise to secure the Heads of Terms set out in the report; and

- B. The conditions and informative set out in the report with the amendment of condition 8 (Landscaping Scheme) to require the planting of native evergreen trees within the development,

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

Voting: 9 – For 3 – Against 0 – Abstentions

482. 21/500117/HEDGE - HEDGEROW REMOVAL NOTICE - TEMPORARILY FULLY REMOVE A 6M SECTION OF HEDGEROW, PARTLY ADJACENT TO THE SOUTHERN SIDE OF MARDEN ROAD AND PARTLY FROM AN ADJOINING TRACK WITH ASSOCIATED PERIPHERAL HEDGEROW PLANTS TO ENABLE TEMPORARY CONSTRUCTION ACCESS - LAND SOUTH OF MARDEN ROAD, STAPLEHURST, KENT

The Committee considered the report of the Head of Planning and Development.

The Chairman read out a statement on behalf of Staplehurst Parish Council.

The Chairman also read out a statement which had been submitted by Dr Smith on behalf of residents of the Dickens Gate development in support of the application.

Contrary to the recommendation of the Head of Planning and Development, which was to raise no objection to the proposal, the Committee agreed that a Hedgerow Retention Notice should be issued on the grounds that the hedgerow is considered to be important and the Council is not satisfied that the circumstances justify its removal as proposed.

**RESOLVED:** That a Hedgerow Retention Notice be issued on the grounds that the hedgerow is considered to be important and the Council is not satisfied that the circumstances justify its removal as proposed.

Voting: 12 – For 0 – Against 0 – Abstentions

483. 20/505321/FULL - REFURBISHMENT OF THE EXISTING CONCRETE BLOCK WASH-ROOM FACILITIES ON EACH PLOT AND OVERCLADDING IN EXTERNAL WALL INSULATION WITH A RENDERED FINISH. RENEWAL OF THE MAINS WATER AND MAINS ELECTRICAL SERVICES FOR DIRECT BILLING AND REPAIR OF THE FOUL WATER DRAINAGE SYSTEM. REPLACING THE LIGHTING COLUMNS - STILEBRIDGE CARAVAN SITE, STILEBRIDGE LANE, MARDEN, KENT

The Committee considered the report of the Head of Planning and Development.



In presenting the application, the Principal Planning Officer advised the Committee that reference was made in the report to the proposed development being Community Infrastructure Levy (CIL) liable. However, because there was no net gain in floor area, CIL would not be payable on this scheme.

**RESOLVED:**

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

An additional condition requiring the installation of Solar PV panels within the development;

An additional condition requiring the provision of electric vehicle charging points for 5% of the parking spaces; and

An additional informative advising the applicant that the biodiversity enhancements referred to in condition 6 should include the incorporation of bat tubes and bee bricks within the amenity blocks.

2. That the Head of Planning and Development be given delegated powers to finalise the wording of the additional conditions and informative and to amend any other conditions as a consequence.

Voting:      12 – For      0 – Against      0 – Abstentions

484. 20/505274/FULL - EXTENSION TO EXISTING GYPSY SITE, INCLUDING RETENTION OF 1 NO. STATIC MOBILE HOME (AS APPROVED UNDER MA/97/0349) AND SITING OF 3 NO. ADDITIONAL RESIDENTIAL STATIC MOBILE HOMES FOR A GYPSY FAMILY AND ERECTION OF DAYROOM - TWO ACRES, PARK LANE, BOUGHTON MONCHELSEA, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning and Development.

In presenting the application, the Development Manager reminded the Committee that the Strategic Planning and Infrastructure Committee had agreed recently that the Boughton Monchelsea Neighbourhood Development Plan should proceed to local referendum. The post-examination Plan was now a significant material consideration in the determination of this application.

The Chairman read out a statement on behalf of Boughton Monchelsea Parish Council.

**RESOLVED:**

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

The amendment of condition 6 (Hard and Soft Landscaping) to (a) specify that the landscaping scheme shall exclude the planting of Sycamore trees and (b) require the use of non-plastic tree guards;

The amendment of condition 8 (Biodiversity Enhancements) to specify that the biodiversity enhancements shall include the incorporation of bird, bat and bee bricks within the dayroom building; and

An additional condition requiring the installation of Solar PV panels on the south facing roof of the dayroom.

2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended and additional conditions and to amend any other conditions as a consequence.

Voting: 12 – For 0 – Against 0 – Abstentions

485. 20/505422/FULL - CHANGE OF USE OF EXISTING BUILDING TO HOLIDAY LET WITH ERECTION OF DETACHED GARAGE (PART RETROSPECTIVE) - MASONS BARN, QUEEN STREET, PADDOCK WOOD, TONBRIDGE, KENT

The Committee considered the report of the Head of Planning and Development.

In introducing the application, the Development Manager advised the Committee that since publication of the agenda, Yalding Parish Council had indicated that provided recommended condition 10 (Occupation of the Development for Bona Fide Holiday Purposes Only) was attached to any planning permission, it would withdraw its request that the application be refused.

The Chairman said that the agent for the applicant had submitted a statement to be read out at the meeting, but essentially it addressed the points raised by the Parish Council which had now provisionally removed its objection.

**RESOLVED:**

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

The amendment of condition 2 (Landscaping Scheme) to (a) specify that the landscaping scheme shall exclude the planting of Sycamore trees and (b) require the use of non-plastic tree guards; and

The amendment of condition 4 (Biodiversity Enhancements) to specify that the biodiversity enhancements shall include the installation of bat tubes and bird boxes on the garage building and also provision for bees.

2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended conditions and to amend any other conditions as a consequence.

Voting: 12 – For 0 – Against 0 – Abstentions

486. 20/505546/FULL - CONSTRUCTION OF A FIRST FLOOR SIDE EXTENSION. (RE-SUBMISSION OF 20/504292/FULL) - 10 MEADOW VIEW ROAD, BOUGHTON MONCHELSEA, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning and Development.

In presenting the application, the Planning Officer advised the Committee that reference should have been made in the report to the Boughton Monchelsea Neighbourhood Development Plan. The Strategic Planning and Infrastructure Committee had agreed recently that the Plan should proceed to local referendum. The post-examination Plan was now a significant material consideration in decision making and would be given full weight following a successful referendum.

The Chairman read out a statement on behalf of Boughton Monchelsea Parish Council.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission on the grounds that the first-floor side extension will create a terracing effect in a row of semi-detached houses contrary to policy DM9 of the Maidstone Borough Local Plan 2017 and the Residential Extensions Supplementary Planning Document 2009 and will result in an incongruous form of development which is harmful to the character and appearance of the street scene.

Prior to the vote being taken, the Development Manager advised the Committee that, in his view, the argument that the first-floor side extension will create a terracing effect would be difficult to defend as a gap would be retained. Also, the argument that the proposal will result in an incongruous form of development which is harmful to the character and appearance of the street scene was not one, in his view, that could be substantiated as it would be set down from the original apex and set back.

**RESOLVED:** That permission be refused for the following reason:

The first-floor side extension will create a terracing effect in a row of semi-detached houses contrary to policy DM9 of the Maidstone Borough Local Plan 2017 and the Residential Extensions Supplementary Planning Document 2009 and will result in an incongruous form of development which is harmful to the character and appearance of the street scene.

Voting: 6 – For 5 – Against 0 – Abstentions

Note: Councillor Wilby was not present for all of the discussion on this application and did not participate in the voting.

487. 20/505312/FULL - ERECTION OF 2 NO. DAYROOMS TO SERVE MOBILE HOMES APPROVED UNDER 20/502182/FULL - MAPLEHURST PADDOCK, FRITTENDEN ROAD, STAPLEHURST, KENT

The Committee considered the report of the Head of Planning and Development.

In introducing the application, the Planning Officer clarified where the proposed dayrooms would be positioned on site.

The Chairman read out a statement on behalf of Staplehurst Parish Council.

**RESOLVED:**

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

The amendment of condition 9 (Biodiversity Enhancements) to specify that the biodiversity enhancements shall include the incorporation of bat and bee bricks within the dayroom buildings; and

An additional condition requiring the installation of Solar PV panels on the dayrooms.

2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended and additional conditions and to amend any other conditions as a consequence.

Voting:      6 – For      5 – Against      1 – Abstention

488. 21/500488/TPOA - TPO APPLICATION FOR 1 X (T1) ACER CAMPESTRE (FIELD MAPLE), SHORTEN SCAFFOLD LIMBS BY UP TO 40% OF CURRENT LENGTH (4.5M TO 2.7M) - 40 ALKHAM ROAD, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning and Development.

**RESOLVED:**

1. That subject to consideration being given to any further representations made up to the expiry of the site notice on 9 March 2021, the Head of Planning and Development be given delegated powers to grant permission subject to the condition and informatives set out in the report with the replacement of the proposed informative relating to cordwood with a condition requiring that the cordwood be retained on site, near to the tree.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the additional condition.

Voting:      10 – For      0 – Against      2 – Abstentions

489. 20/503651/FULL - CONSTRUCTION OF 6 NO. ONE BEDROOM TOURIST LODGES (RE-SUBMISSION OF 19/500305/FULL) - RIVER WOOD, CHEGWORTH LANE, HARRIETSHAM, KENT

See Minute 472 above.

490. APPEAL DECISIONS

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

On behalf of the Committee, the Chairman thanked all those involved for the Council's ongoing success at appeal.

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

491. DURATION OF MEETING

6.00 p.m. to 9.35 p.m.

## MAIDSTONE BOROUGH COUNCIL

### PLANNING COMMITTEE

**25 MARCH 2021**

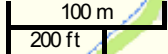
### **REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT**

#### **DEFERRED ITEMS**

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

<b>APPLICATION</b>	<b>DATE DEFERRED</b>
<p><u>19/500271/FULL - CHANGE OF USE OF LAND FOR THE STATIONING OF 18 HOLIDAY CARAVANS WITH ASSOCIATED WORKS INCLUDING LAYING OF HARDSTANDING AND BIN STORE - OAKHURST, STILEBRIDGE LANE, MARDEN, TONBRIDGE, KENT</u></p> <p>Deferred to seek:</p> <ul style="list-style-type: none"> <li>• Details of the design of the caravans;</li> <li>• Details of electric vehicle charging points; and</li> <li>• A detailed landscaping plan.</li> </ul>	26 November 2020
<p><u>20/504386/FULL - CHANGE OF USE OF THE LAND FOR THE SITING OF 3 NO. STATIC CARAVANS AND 3 NO. TOURING CARAVANS FOR GYPSY/TRAVELLER OCCUPATION (REVISED SCHEME TO 18/506342/FULL) - THE ORCHARD PLACE, BENOVER ROAD, YALDING, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> <li>• Negotiate a reconfiguration of the site layout to achieve better landscaping of the pond/woodland area to enable ecological and flood amelioration; and</li> <li>• Seek the advice of the Environment Agency specifically relating to this site.</li> </ul> <p><u>Note:</u> The Development Manager confirmed that when the application is reported back to the Committee the additional conditions recommended by the Officers and the suggestions made by Members during the discussion regarding (1) the provision of (a) bin and cycle storage and (b) bug hotels and bat tubes in the eaves of the wooden</p>	17 December 2020

buildings and (2) the exclusion of Sycamore trees from the landscaping scheme and the use of non-plastic guards for trees and hedgerows will be included.	
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<b>REFERENCE NO - 19/504910/OUT</b>		
<b>APPLICATION PROPOSAL</b>		
Outline application for the redevelopment of the former Syngenta works site to provide a new business park of up to 46,447 sqm (500,000 sq.ft.) of B1(c), B2 and B8 accommodation with associated access, parking and infrastructure works. (Access only being sought).		
<b>ADDRESS</b> Former Syngenta Works, Hampstead Lane, Yalding, Kent		
<b>RECOMMENDATION – APPROVE WITH CONDITIONS</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>		
<ul style="list-style-type: none"> <li>• The site is allocated for employment (B use classes) under policy RMX1(4) in the Local Plan subject to criterion.</li> <li>• The application proposes B use classes and the proposals overwhelmingly comply with policy RMX1(4) apart from criterion 4 but this conflict does not render the development unacceptable.</li> <li>• There would be a low level of harm to the landscape and so a minor conflict with policy SP17 of the Local Plan but this would be localised and the impact suitably reduced through landscaping. Importantly, the site allocation in principle allows for employment development across the site which would inevitably have some impact and thus conflict with policy SP17. The low level of harm to the landscape is acceptable based on the site being allocated for development and when balanced against the economic benefits through new jobs associated with the development.</li> <li>• Part of the site falls outside the area allocated for development and upon land defined as an 'ecological mitigation area' under the Local Plan Proposals Map. Development in this area would not result in any significant landscape or visual impacts above the allocated part of the site, and there would still be the amount of land required under the site policy (13ha) to the south that would be used for ecological mitigation and enhancement.</li> <li>• The application complies with all other relevant Development Plan policies.</li> <li>• No objections have been raised by any consultees and matters of flood risk and contamination are acceptable subject to mitigation which is secured by conditions.</li> <li>• Permission is therefore recommended subject to conditions and a legal agreement.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE</b>		
Councillor Burton has requested the application be considered by Planning Committee for the reasons set out below.		
<b>WARD</b> Marden and Yalding	<b>PARISH COUNCIL</b> Yalding	<b>APPLICANT</b> Mr Nick Young (Yalding Enterprise Ltd) <b>AGENT</b> DHA Planning

<b>DECISION DUE DATE:</b> 23/04/21	<b>PUBLICITY EXPIRY DATE:</b> 26/01/21	<b>SITE VISIT DATE:</b> 02/04/20	
<b>PLANNING HISTORY</b>			
Numerous planning applications dating from the 1960's relating to the former use of the site for the formulation of agrochemicals, and applications associated with the decontamination and remediation of the site after 2003.			
19/504783	Renovations and upgrade of the former Syngenta Office building to provide additional floor space, refurbished flexible office and ancillary accommodation with associated access and parking.	APPROVED	31/03/20
07/1148	Outline application for a mixed-use redevelopment comprising: Employment development B1/B8 use (up to a maximum 29,265 sqm.); Residential Development (up to a maximum 350 dwellings); small retail convenience store; recreation area for formal sports activities (to the north of Hampstead Lane); additional area of informal open space; dedicated area for nature conservation; minor re-grading of an adjoining field (to the west) to alleviate wider flooding concerns. With access to be decided at this stage and all other matters reserved for future consideration.	WITHDRAWN	25/04/08
06/1397	A consultation with Maidstone Borough Council by Kent County Council for remediation of the decommissioned Syngenta Works leaving the site contoured for future development (future development not part of application)	NO OBJECTIONS (KCC GRANTED CONSENT 15/12/06)	11/10/06
99/1355	Hazardous Substances Consent for the storage of pesticide raw materials, blending/mixing of raw materials to produce bulk agrochemical formulations, bottling and packing of formulations, and storage and distribution of finished goods.	DEEMED CONSENT VALID	06/09/99

## **1.0 DESCRIPTION OF SITE**

1.01 The application site has an area of approximately 15.1ha, is to the south and west of Hampstead Lane, and just under a kilometre west of Yalding village. It is bounded on the east side by existing trees and a canalised section of the

River Medway; the south boundary is made up of a belt of trees with a number of residential properties beyond to the southeast and the 'Hale Street Ponds and Pasture' Local Wildlife Site (part of which falls within the applicant's ownership); vegetation and a railway line runs along the west boundary; and to the northwest and north are residential properties and Yalding train station. There are two Grade II listed buildings, one to the northwest and one to the southeast which will be discussed in the assessment below. The site falls within Flood Zone 3. Twyford Bridge to the southeast on Hampstead Lane is a Scheduled Ancient Monument.

- 1.02 The site makes up part of the former 'Syngenta Works' site which comprised of major plant and buildings used for the formulation, mixing and packing of agrochemicals. The site included a mixture of storage, manufacturing, office and laboratory uses. In 2003 the works were closed and most of the decommissioning work on the pesticide manufacturing, warehousing and laboratory facilities had taken place. This included the removal of hazardous raw materials and finished products, and the decontamination of the easily accessible plant, machinery, buildings and structures. Between 2003 and 2005 the site required further investigations, decontamination of structures and demolition of buildings in order to understand the extent of the contamination affecting the site. These works informed the design, strategy and execution of the remediation strategy for the site, which was approved in 2006 under the Kent County Council waste consent for remediation of the site to leave it in a state suitable for future development. The primary remediation works were completed in 2008 with appropriate completion certificates issued by Maidstone Council & Kent County Council. Monitoring of the secondary remediation works remained ongoing, and it is not until recently that the site could be considered suitable for redevelopment.
- 1.03 The application site is clear of all buildings associated with the former use apart from an office building in the northwest corner which is not within the application site and an electrical substation near the north boundary. There are two existing access roads off Hampstead Lane and a mix of hardstanding and loose stone at the north end by the entrance and office building. The site is relatively flat with levels falling gently towards the northern boundary with Hampstead Lane and there is very little vegetation. The site is considered to be 'previously developed land' for planning purposes on the basis that the site was occupied by significant buildings and infrastructure until relatively recently and some buildings remain on site as do the access points and hardstanding. The site has also been in a state of decontamination and remediation which is ongoing. On this basis the site is considered to be brownfield land.
- 1.04 The site is referred to as a brownfield site and allocated for either employment (B use classes) or leisure use under policy RMX1(4) in the Local Plan subject to criterion. Part of the application site in the southeast corner is outside the allocation and falls within an area defined as an 'ecological mitigation area' under the Local Plan Proposals Map which extends to the south and this will be discussed in more detail in the assessment below.
- 1.05 Permission was granted in March 2020 for external works to the office building outside the site in the northwest corner and a new car park.

## 2.0 PROPOSAL

2.01 This application seeks outline permission for a combination of B1(c) (light industry) (now use class E(g)(iii)) and/or B2 (general industry), and B8 (storage and distribution) floorspace up to 46,447m<sup>2</sup> in total, with two access points access off Hampstead land in a similar location as those existing at the north end of the site. The proposal is for the site to able to run 24 hours a day, 7 days a week and the floorspace proposed is broken down as follows:

B1(c) or B2 Use (or a combination of both)	Up to 21,655m <sup>2</sup>
B8 Use	Up to 24,792m <sup>2</sup>
Total	46,447m <sup>2</sup>

2.02 All other matters such as the location and layout of the internal roads and buildings, their design and heights, and landscaping would be determined under a future reserved matters application(s). However, parameters/limits on some of these aspects may need to be set by conditions at the outline stage and these are discussed in the assessment.

2.03 As such, the local planning authority is being asked to consider whether the principle of this amount and type of employment floorspace with accesses off Hampstead Road is acceptable at this stage.

2.04 The applicant has provided numerous assessments to support the proposals to demonstrate how the site can suitably accommodate the development and accord with policy RMX1(4).

2.05 The application was submitted in September 2019. Following this the applicant responded to consultee and third-party responses into spring 2020. The application had originally used the previous use and floorspace of the Syngenta site as it was in 2003 as the baseline for comparing the transport impacts but was advised by the LPA in summer 2020 that this was not possible because the site has been cleared of buildings and not been in use for a considerable time. This has been the main reason for the delay in determining this application. Since summer 2020, the applicant has prepared new transport evidence to support the application and re-consultation was carried out in January 2021.

## 3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP11, SP16, SP18, SP21, SP23, RMX1, RMX1(4), DM1, DM2, DM3, DM4, DM5, DM6, DM8, DM21, DM23
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- MBC Air Quality Guidance

#### **4.0 LOCAL REPRESENTATIONS**

**4.01 Yalding Parish Council:** Make the following (summarised) comments:

- The main entrance should be constructed to prevent HGVs traffic through the village as per the drawings. The smaller entrance and leading to it should have height restriction barriers.
- Signs should be erected on the M20 before J6 northbound and J4 southbound advising of the lorry route to Yalding Enterprise Park from J4.
- Advance notice of 7.5 ton weight restriction through Yalding should be signposted at the junction of the A229 and Old Tovil Road.
- Would like to see the contingency plan for traffic at times of the level crossing being closed due to fault or maintenance.
- Development should provide financial support to extend the bus service from the village to the site/Yalding station.
- A layby/pull over and turning circle should be provided in order for buses to pick-up/drop off at the site.
- Disabled access and CCTV should be considered at Yalding Station to encourage use of the rail service.
- Agree with conditions recommended by the Environment Agency.
- If 24 hour working is agreed wish to see a condition with early closure on Saturday and no working on Sundays or bank holidays.
- Deliveries should only take place between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 on Saturdays. No deliveries on Sundays or bank holidays.
- Landscaping of indigenous species should be implemented early on and existing tree buffers need to be enhanced and screening introduced between the site and 'Yalding Fen' to the south.
- External lighting should be directed into the site with as little as possible escape outside of the boundary.
- Noise pollution must be kept to a minimum with the introduction of a noise awareness scheme for all employees.
- Agree with conditions recommended by KCC Ecology.
- The natural habitat directly to the south of the development known locally as 'Yalding Fen' should be preserved and would wish to see a condition to protect and preserve this area.
- Is there room for a footway/cycle way with regard to the proposed introduction of the right turn into Hampstead Lane.

**4.02 (Neighbouring) Nettlestead Parish Council:** Raises objections for the following (summarised) reasons:

- No pavements down Hampstead Lane or Station Road – the nearest bus stop is on the B2015 Maidstone Road, and it will not be safe to expect potential employees to walk from the B2015 to the new site.
- There are no alternative routes for pedestrian access to the site as the footpaths linking the B2015 to the site are unsuitable.

- Traffic generation – there will be many more cars/HGVs on Hampstead Lane/Station Road.
- Lack of evidence of previous traffic movements.
- Hampstead Lane is not suitable for heavy HGV traffic and Station Road is not a suitable alternative.
- Junction between Hampstead Lane and the B2015 will need to be improved significantly.
- Flood Zone 3 – Hampstead Lane floods regularly and the road is often closed and there is no suitable diversion for HGV's. Additionally vehicle use when the road is partially flooded will push the flood waters onto the properties in Hampstead Lane.
- Will exacerbate flooding.
- Hampstead Lane is in the Green Belt.
- Lack of CIL Levy proposed with the application.
- Excavations below the existing decontamination levels with result in a spread of contamination to Blumer Lock and other properties in Nettlestead and possibly into the River Medway – this will cause damage to the wildlife.
- The Kenward Pumping Station takes water from the River Medway to Bewl water where it is used as drinking water – this could become contaminated.
- Dust pollution during construction.
- Light Pollution.

**4.03 Local Residents:** 70 representations received raising the following (summarised) points:

- Increased traffic and congestion.
- Highway safety from increased HGVs using roads.
- Hampstead land is too narrow to allow two HGVs to pass one another and be safe for all users.
- Train crossing gates will cause problems for HGVs when closed.
- Station Road is too narrow for HGVs.
- Link road from the A228 should be provided.
- Travel Plan is flawed.
- No evidence that the former site operated 24/7.
- Lack of evidence of previous traffic movements and baseline.
- Hypothetical calculations for 'baseline' traffic.
- The site has been 'abandoned' and so the previous use cannot be used as a baseline for assessment.
- Ex-workers have confirmed that the previous site did not operate 24/7 and movements were around 80 per day.
- Traffic movements would be far more than previous use.
- Traffic survey is flawed.
- Unsustainable site.
- Parsonage Lane must not be used for access.

- Disagree with KCC Highways advice.
- Existing bus services are poor.
- Will aggravate flood risk.
- Increased flood risk to Bulmer Lock properties.
- General flood risk.
- The flood conveyance could aggravate contamination.
- Roads are frequently closed due to flooding limiting access to the site.
- Development will increase existing pollution risk to water quality in the River Medway.
- Air quality impacts.
- Noise, smell and disturbance.
- Light pollution to nearby properties.
- Noise assessment is flawed.
- Impact upon Great Crested Newts.
- Split of uses is unclear.
- Hours should be restricted.
- Use of land to the south would result in a loss of privacy.
- Numerous gaps and inaccuracies.
- Question viability of development in view of work changes under the coronavirus pandemic.
- Residents are not given the same amount of time as the applicant to respond to matters or given the opportunity to meet with the LPA.
- Some views in support of the application are made by a person with a vested interest and do not live near to the site.
- Network Rail have not been given enough time to respond.
- Support for the development as it would bring jobs; significant economic and social benefits; improve the appearance of the site; provide bus turning; and improve biodiversity.
- Residual contamination is normal on brownfield sites and can be dealt with by conditions.
- Safety record on Hampstead Lane is very good.
- Site operated for a significant time without traffic issues so it can again.
- Been waiting for this site to come forward for far too long.
- Site is allocated in the Local Plan.

4.04 Representations have been received from a Solicitors on behalf a local resident raising matters relating to the baseline/fall-back position, pollution risk to land and water, surface water drainage, flood risk, and transport impacts. In summary it considers that there is no baseline/fall-back position for the development, the issues listed have not been properly resolved or the development is not acceptable in relation to those matters, and disagreement with statutory consultees advice. It is accompanied by assessments from geological/geotechnical/hydrogeological/hydrological and transport consultants.

4.05 **Councillor Burton:** Has requested that Planning Committee consider the application due to concerns regarding working hours and highways issues.

4.06 **Tunbridge Wells BC: No objections.**

## **5.0 CONSULTATIONS**

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

5.01 **Natural England: No objections.**

5.02 **Environment Agency: No objections** subject to conditions.

5.03 **KCC Highways: No objections** subject to conditions and a financial contribution of £14,344 towards the Wateringbury Crossroads junction improvement.

5.04 **KCC SUDs: No objections** subject to conditions.

5.05 **KCC Ecology: No objections** subject to conditions.

5.06 **MBC Conservation Officer: No objections.**

5.07 **MBC Environmental Health: No objections** subject to conditions.

5.08 **MBC Landscape Officer: No objections.**

5.09 **Southern Water:** Advises that upgrades to the sewer network will be required and request a condition.

5.10 **Health & Safety Executive: No objections** subject to condition.

5.11 **Network Rail: No objections** subject to condition.

## **6.0 APPRAISAL**

6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that,

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

6.02 The Local Plan allocates the site for potential suitable uses including employment use under policy RMX1(4) subject to 10 criterion covering matters relating to design and layout, access, ecology, drainage, contamination, highways and transportation, and minerals. The policy states that, *"The council will support the redevelopment of the brownfield former Syngenta Works site, provided that a comprehensive scheme of flood*



*mitigation which addresses the identified flood risk will be delivered in association with the development."*

6.03 This is an outline application for employment use so the principle of developing the site for such use is accepted under Local Plan policy RMX1(4). It needs to be assessed as to whether the proposals comply/can comply with the policy criterion and any other relevant Development Plan policies, and that any outward impacts of the development are acceptable, or can be suitably mitigated.

6.04 As stated above, a small proportion of the application site falls outside the allocation and upon land defined as an 'ecological mitigation area' under the Local Plan Proposals Map.

6.05 Therefore the key issues for the application, which are centred round site allocation policy RMX1(4) are as follows:

- Design & Layout
- Landscape and Visual Impact
- Highways Impacts and Connectivity
- Flood Risk & Surface Water Drainage
- Contamination
- Noise & Disturbance
- Ecology
- Other matters including Air Quality, Heritage, Residential Amenity, Minerals, Hazardous Substances Consent, and EIA

#### Design & Layout

6.06 Policy RMX1(4) requires:

- 2. The significant landscape belt which lies to the south of the development area is retained and enhanced to provide a clear boundary to the developed parts of the site, to act as a buffer to the Local Wildlife Site and to screen views of development from the attractive countryside to the south and from the properties in Parsonage Farm Road.**
- 3. The retention and enhancement of the landscape belts along the western boundary of the site, on both sides of the railway line, and along the eastern boundary adjacent to the canalised section of the river, to screen and soften the appearance of the development.**

6.07 This is an outline application with the layout of the site, design/height of buildings, and landscaping not being determined at this stage. However, the applicant has submitted an illustrative Site Plan and a 'Constraints Plan' which shows potential development areas with retained and proposed landscaping areas. This demonstrates that the significant landscape belt to the south of the site is retained and a landscape buffer ranging between approximately 10-14m can be provided. It is considered that such a buffer is

appropriate to comply with the site policy, and in addition to the tree belt to the south of the site, would ensure any development is suitably screened/softened from the south. It is therefore appropriate to secure this buffer with reference to the Constraints Plan via a planning condition to set a parameter on any outline consent and guide any layout/landscaping details.

- 6.08 On the western boundary the Constraints Plan shows retention of the landscape belt with new planting to fill gaps with a buffer ranging between 7-9m. Whilst the applicant does own land on the west side of the railway line, which is outside the site, the existing vegetation on either side of the railway line together with the proposed buffer serves to sufficiently screen/soften the development so no additional planting is necessary. Again, a condition can secure this.
- 6.09 On the eastern boundary the Constraints Plan shows retention of the landscape belt with new planting to fill gaps with a buffer ranging between 12-15m which can be secured by condition.
- 6.10 More generally the illustrative site plan shows how the site could be developed. This demonstrates that sufficient landscaping can be provided around the boundaries of the site as discussed above, together with a large corridor of green space through the centre of the site. This corridor would provide flood conveyance and ecological benefits and will be discussed below. It is therefore considered that up to 46,447m<sup>2</sup> of employment floorspace could be provided at the site whilst still ensuring an acceptable environment and setting to the development. The precise details of the layout of buildings, roads, parking areas, and landscaping would be considered at the reserved matters stage.
- 6.11 The proposals can therefore be suitably accommodated at the site and the outline application complies or can comply with the site allocation requirements. This is in accordance with policy RMX1(4).
- 6.12 The design and appearance of buildings or materials are not being considered but it is considered appropriate to set some parameters to provide a high-quality development. This includes using sensitive colours; active frontages on prominent buildings (for example near the site entrance and on the main spine road); the use of materials and articulation to break up the massing of buildings; the use of ragstone in either buildings or boundary treatments; and high-quality surface materials.

#### Landscape and Visual Impact

- 6.13 The site will be predominantly covered by new commercial buildings but as outlined above landscape buffers can be provided that would screen or soften the development. Whilst precise building heights would be considered at the reserved matters stage the applicant has indicated that the maximum ridge heights for the warehouse buildings would be around 14m which is fairly typical for modern business needs. Other buildings would be expected to be lower. The buildings would have to be raised around 2-2.5 metres above the site levels for flood resilience reasons which will be discussed in detail below.

So the tallest buildings are likely to be around 16-16.5m above existing ground levels.

6.14 The applicant has carried out a Landscape and Visual Appraisal which considers the Council's Landscape Character Assessment (2013) (LCA) and Landscape Capacity Study (2015) (LCS). Referring to the area the site falls in (Nettlestead Green Farmlands), the Council's LCA considers the condition of the landscape is incoherent, where the few traditional elements are fragmented by much recent infill development and other visual detractors. It refers in particular to the application site as very extensive where all attributes of the physical landscape have been removed which has obviously been through its necessary clearance and decontamination. The LCS concludes that, "*Nettlestead Green Farmlands is assessed as low overall landscape sensitivity and is tolerant of change.*"

6.15 The applicant's appraisal has carried out a more localised assessment of the site and states as follows:

*"The site is formed by a previously developed brownfield site which is enclosed on its boundaries by fencing and a mixture of established native hedgerows and mature trees creating a degree of visual and physical separation from the adjacent Public Rights of Way, residential dwellings and transport corridors. It is noted that some gaps are present within the existing vegetation associated the site's boundaries which allows for some glimpsed/partial views over the site. Overall, the combination of the previously developed nature, the boundary features and existing residential/commercial development within the immediate landscape provide an urbanising influence which results in the Site having a peri-urban character."*

6.16 It is considered that this is an accurate appraisal of the site and I agree with the assessment that the previously developed and brownfield nature of the site offers little in the way of landscape value. There is development within the vicinity of the site, a railway line adjacent, and the site is brownfield land with a semi-urban appearance. The wider landscape is not sensitive to change and on this basis it is considered that the introduction of development of the site would not cause harm to the value of the wider landscape.

6.17 In terms of the visual impact, this would localised being visible from Hampstead Lane to the north and through gaps in trees from the east, and some broken views by trees and vegetation from the PROW to the south and west. There are no prominent medium or long-distance views of the site.

6.18 With the landscape and visual impact taken together, it is considered that there would be a low level of harm but this would be very much localised. A low level of harm represents some conflict with policy SP17 of the Local Plan, however, the site is a brownfield site where importantly the site allocation in principle allows for employment development which would inevitably have some impact and thus conflict with policy SP17.

6.19 I consider the retention and strengthening of the landscape buffers around the edges of the site as outlined in the 'Design & Layout' section above would

serve to soften/screen the development and reduce the landscape impact of the development even further.

- 6.20 As outlined above, a small proportion of the application site falls outside the allocation and upon land defined as an 'ecological mitigation area' under the Local Plan Proposals Map. This area is generally well contained in the southeast corner and development of this area would not result in any significant landscape or visual impacts above the rest of the site.

#### Highways Impacts & Connectivity

- 6.21 Policy RMX1(4) states:

**8. Development will contribute, as proven necessary through a Transport Assessment, to requisite improvements to the highway network.**

#### *Access*

- 6.22 Two access points are proposed off Hampstead land in a similar location as the existing access points. The east access would be 'in only' and the west access being 'out only'. The entrance would have a moveable height barrier so large HGVs can only access from the west and not from Yalding village, and the exit would have a height barrier and be engineered to prevent large HGVs turning right and exiting towards the village. This is considered appropriate as the narrow roads/bridges to the east mean that it would be problematic for large HGVs accessing the site from this direction. The applicant cannot control individual lorry drivers to the site but this is a reasonable measure to deter this. The applicant has submitted a framework 'Delivery Route Management Plan' which includes measures to reduce/deter any large HGVs movements through the village which is another reasonable measure and is proposing a review of the 'black lorry' industrial estate signs on the A228, B2162, and Hunton Road/Pattenden Lane to ensure appropriate routes are signposted and 'no HGV access' signs near Yalding village. These measures are reasonable and necessary and can be secured by condition.

- 6.23 The applicant has submitted an independent safety audit of the access arrangements and all issues raised by the auditor have been overcome to the satisfaction of KCC Highways. The access arrangements are therefore safe, and no objections have been raised. Conditions will be required to secure the access points and the entry/exit arrangements.

#### *Traffic Impact*

- 6.24 The applicant has assessed the traffic impact based on it being a 'nil use' site. Trip generation forecasts from the 'TRICs database' (which is the accepted method of calculating traffic movements), have been agreed with KCC Highways as have the location of the junction assessments.

#### *Maidstone Road/Hampstead Lane Junction*

- 6.25 The applicant's Transport Assessment (TA) capacity assessments indicate that this junction to the west of the site will operate well within capacity

during the AM peak in 2025. In the PM peak it will still be within theoretical capacity at 99% but queues would increase on Maidstone Road from the south as right turning vehicles into Hampstead Lane would block through movements. The applicant considers that because this junction is important to the operations of the site (it being the sole route for HGVs routing to and from the site), mitigation is appropriate and has proposed a junction improvement introducing a right turn lane on Maidstone Road. This has been subject to an independent safety audit with all raised issues addressed. KCC Highways consider that the junction improvement would adequately mitigate the development and is necessary and raise no objection in terms of safety. There is no set point at which mitigation of a junction is necessary but based on the impact taking one arm of the junction just under capacity (99%); this arm being the main access for HGVs to the site; and KCC highways advice, the mitigation is considered to be necessary, directly relevant to the development, and reasonable and so a condition securing the improvement will be attached. It is also noted that the Council's Infrastructure Development Plan 2020 identifies improvements at the Maidstone Road/Hampstead Lane junction as necessary to support the site allocation.

*Lees Road/Benover Road/High Street Junction in Yalding Village*

- 6.26 For this junction in the village, the TA shows that it currently operates over capacity (115%) on the High Street arm (Yalding Bridge) in the AM peak with queues of up to 41 vehicles. In 2025 this would increase to 61 vehicles (125%) even without the development and with the development would increase to 95 or 135% capacity. There is little if any scope for improvements at this junction it being bounded tightly by private properties, listed buildings, within a Conservation Area, and close to a Scheduled Monument (Yalding Bridge).
- 6.27 KCC Highways are not raising objections to the traffic impact at this junction which is in part based on mitigation being provided at the Watringbury crossroads signalised junction. They consider that queues on the High Street arm would be expected to be reduced following implementation of their planned improvement scheme at Watringbury crossroads as the route via the B2015 will become more attractive due to reduced journey times.

*Watringbury Crossroads*

- 6.28 The assessment of the Watringbury crossroads shows that it currently operates over capacity (max 109.5%) on all but one arm and that this will remain the case in 2025 (max 118.8%). The development will create a further impact in 2025 with the queue on the eastern Tonbridge Road arm increasing from 55 vehicles to 64 vehicles in the AM peak and the development projected to increase the overall delay at the junction by 21.8 seconds in the AM peak and 23.4 seconds in the PM peak. The impact of the development itself is not substantial but it does worsen the impact at a junction already over capacity. Whilst I do not consider the additional traffic will result in an unacceptable impact upon highway safety or residual cumulative impacts on the road network that could be regarded as 'severe' (in the context of paragraphs 108 and 109 of the NPPF), above the predicated situation without the development, the junction's capacity would still be at a

level that warrants a contribution towards mitigation. KCC Highways consider that mitigation is required as a direct result of increased traffic at the junction but as stated above, also in part to ensure this route is more attractive so it could mitigate some traffic impact at the High Street junction in Yalding.

6.29 KCC Highways have developed an improvement scheme for the junction which includes: a dedicated left turning lane on the B2015, Bow Lane arm; additional left and ahead lane on the A26, Tonbridge Road Arm; and a dedicated light and right turning lane in the centre of the crossroads to prevent turning traffic blocking through traffic. This scheme has reached the detailed design stage and is ready for implementation, subject to the funding being secured with the anticipated cost being approximately £326,000.

6.30 On this basis, mitigation in the form of a s106 financial contribution is appropriate (as the development is not CIL liable) but this must be proportionate to the impact of the development. The applicant suggested a contribution based on the forecasted traffic increase at the junction from the development as a percentage of the overall traffic at the junction (1.3% in the AM peak, and 1% in the PM), which is considered to be an appropriate approach.

6.31 KCC Highways are satisfied with this approach but consider the predicted vehicle movements routing via Yalding village on the High Street should also be taken into account as these would be expected to use the crossroads as a more attractive route. It may not be the case that all vehicles would not route via Yalding but the A26 would become a more attractive route and so this is not an unreasonable approach. This would mean a potential increased traffic impact of 4.4% in the AM peak and 4.1% in the PM at the crossroads. This percentage impacts translates into a contribution of £14,344 (4.4% of total cost) which is proportionate and directly related to the impact of the development in accordance with the legal tests. It is not considered necessary or reasonable to apply a pre-occupation condition for the junction improvement as whilst it would serve to mitigate the impact of the development, the improvement scheme is being proposed by KCC mainly to mitigate the existing situation at the junction, and the impact without the wider junction works would not be unsafe or 'severe' to warrant refusal of the application without it. It will also be subject to alternative sources of funding and so it would not be reasonable for the occupation of the development to be held back until the full funding is secured. KCC Highways have not requested a pre-occupation condition.

6.32 All other local junctions (Hampstead Lane/Station Road; Station Road/Maidstone Road; Seven Mile Lane/Maidstone Road/Boyle Way/Hale Street Roundabout; and Twyford Bridge) would be within capacity and do not require any mitigation.

#### *Highway Safety on Hampstead Lane*

6.33 Some representations have referred to large HGVs getting stuck on Hampstead Lane due to the width of the road in places and safety issues at the level crossing. As KCC Highways comment, Hampstead Lane ranges in width from 7m at the development frontage to as narrow as 5.2m. In

addition, parts of the road have limited forward visibility, particularly within the proximity of the road's S bend. Widening is not possible at the S bend due to the lack of highways owned land. KCC Highways has assessed this matter and state, *"in the absence of widening, there is the potential for increased incidences of hazardous conflicts between two opposing HGV's on the S-bend. In view of the good personal injury record KCC Highways do not consider that a highway safety-based objection relating to this short section of Hampstead Lane would be sustainable in this instance."* On this basis, this is not considered grounds for objection.

6.34 In terms of the level crossing where vehicles obviously have to stop, KCC Highways have not raised any issues with safety. Network Rail have been consulted and have raised no objections subject to securing the proposed 'Delivery & Route Management Plan' which will include measures to manage the egress of long vehicles at the site including signage to ensure they do not pose a safety risk at the crossing, and a new yellow box junction painted across the level crossing. These measures will be secured by condition.

6.35 Overall KCC Highways are raising no objections to the traffic impact or safety of the proposals subject to conditions and a financial contribution, and I agree with this conclusion. It will be necessary to limit the floorspace by condition as this is what has been assessed under the application. For these reasons it is considered that the proposals are in accordance with policy DM21 of the Local Plan.

#### *Public Transport*

6.36 The site is on the doorstep of Yalding train station and new pavements and crossing points are proposed to provide safe access. Potential improvements to the station and costs have been investigated with 'Southeastern' to encourage use by future employees and the following improvements would be secured under a s106 agreement:

- New shelter and seat on Platform 1 - £17,000
- New shelter on Platform 2 - £13,500
- LED lighting upgrade on station - £9,100

6.37 These measures would directly encourage use of the station by future employees and visitors to the site and the costs have been justified. On this basis they would promote public transport use for this major development in accordance with policy SP23 of the Local Plan and are necessary, directly related to the development and reasonable. This is in accordance with the legal tests for planning obligations.

6.38 Buses do not run past the site but in view of the excellent location of the train station which offers more frequent services to a greater range of destinations, a bus service is not considered to be necessary here. The applicant has designed the site access to provide a combined HGV/bus stop waiting area which would provide the site with the capability of being directly served by bus services should they run to the site in the future. A Framework Travel Plan has also been submitted to promote the use of sustainable transport to employees and visitors and reduce the number of single

occupancy trips made to and from the site. This is in accordance with policy DM21 and can be secured by condition.

#### *Connectivity*

6.39 Policy RMX1(4) states:

**4. Development should secure public rights of way improvements, including providing an alternative to the 'at grade' pedestrian footpath crossing the railway.**

6.40 At the moment pedestrians crossing the railway to the west of the site by Yalding Station have marked walkways either side of the road. It is unclear what this criterion is seeking, and I would assume that the alternative to 'at grade' crossings would be some form of bridge. This is not considered reasonable or necessary because future employees of the development would not need access to the west of the crossing as there are no services or amenities in this direction and no pavements. Nor is there any need to provide a better link from the west as there are only a small number of properties. Network Rail have also not requested any changes to the crossing. On this basis, any changes to the crossing are not considered reasonable or necessary.

6.41 Kent Highways have raised the issue of connectivity to Yalding village and how this is not continuous or surfaced to provide pedestrian and cycle access. There are roadside pavements with some breaks and a public right of way across a field from the village which stops at Twyford Bridge. This historic bridge is only wide enough for one lane of traffic and so is signalised and does not have dedicated pavements. It is also a 'Scheduled Monument' so it is not possible or appropriate to alter the bridge to provide dedicated pavements but there are passing places where pedestrians can wait. Once over the bridge there are pavements alongside Hampstead Lane all the way to the site access. I consider some employees may want to access the shop in the village and if employees live in the village they would want to walk or cycle to the site but this is likely to be low numbers of people. Whilst the current pavement/path route is not continuous, it is not possible to overcome this and is not so bad to deter pedestrian or cyclists, nor is it unsafe.

6.42 There is a public footpath (KM186) to the south of the site which could be used as a link to access the south part of the site although this is not proposed. The majority of this runs over a hard surfaced lane but there is a section which is not surfaced and is relatively narrow with two stiles. It is considered that formalising/improving this path would urbanise an otherwise rural character and any benefits would not outweigh this impact. Pavements along Hampstead Lane provide sufficient access to the site and the route could still potentially be used in summer months if the site owners wished.

6.43 For the above reasons, the conflict with criterion 4 in not providing an upgraded railway line crossing or public right of way improvements are not considered objectionable or grounds to refuse the application.

#### Flood Risk & Surface Water Drainage



6.44 Policy RMX1(4) requires:

***6. Measures are secured to ensure adequate site drainage, including through the implementation of sustainable drainage measures.***

***9. A connection is provided to the local sewerage system at the nearest point of adequate capacity, in collaboration with the service provider.***

6.45 The site falls within high-risk Flood Zone 3 and the site and local area is prone to significant flooding. The site is allocated for development in the Local Plan and commercial development is classed as a 'less vulnerable' development under national guidance and can be allowed in Flood Zone 3. The principle of the development is therefore acceptable, and the applicant must demonstrate the development will be safe from flooding without increasing flood risk elsewhere.

6.46 The applicant has submitted a Flood Risk Assessment (FRA) which seeks to demonstrate how flood risk to the development and to others will be managed now and in the future. Flood risk modelling has been carried out including allowances for climate change. The applicant has also held extensive pre-application discussions with the Environment Agency on flood risk.

6.47 The FRA compares the impact of the development against the land levels as they were in 2005. This is acceptable because these levels, albeit in a different contoured land-form, are permitted under the 2006 KCC waste consent, which was implemented at the site to carry out decontamination and remediation. The remediation document under that application states that following the completion of the remediation work the surface levels of the site will in general be returned to their original levels. This is understandable so as not to materially affect flood risk. The applicant has stated that levels currently on site are lower than those approved but material has been and is continuing to be brought on site. As there is an extant permission for the previous levels/volumes, implementation of which has been carried out and can continue, that is a realistic fallback development (should this current application fail) and consequently a comparison is acceptable.

#### *Flood Risk On-Site*

6.48 As outlined earlier in the report the buildings are proposed to be raised above existing ground levels as would the forecourt areas and access roads, and voids would be used beneath buildings to allow for flood conveyance. Finished floor levels of buildings would be set 450mm above the modelled flood level and the forecourt areas and roads adjacent to the buildings would set 100mm above and this can be secured by condition. The roads in the centre of the site would be lower and would experience flooding in the worst-case scenario but safe refuge areas would remain around the raised building areas in the unlikely event that the site is not evacuated in time. The site owners would sign up to the Environment Agency's flood alert and make these services

known to site occupants and a Flood Evacuation Plan would be developed for the site.

*Flood Risk Off-Site*

- 6.49 The applicant is proposing a 'flood conveyance channel' which is an integral part of the development and will slope from south to north to enable flood water to flow in a controlled manner through the centre of the site. This would be via a large channel which would serve to direct flood water away from the operational areas of the site (forecourts, roads and commercial units). A basin would also be incorporated into the layout of the site at the downstream (northern) end of the flood conveyance channel, making use of the existing depression here. There are culverts beneath Hampstead Lane which are currently blocked and chambers which connect to the former mill race under Hampstead Lane which are currently sealed. These would be re-opened to allow for the flow of flood water.
- 6.50 The FRA demonstrates that in the worst-case scenario, and taking into account climate change, there would be less than a 2mm change in flood levels as a result of the development beyond the previous levels (permitted under the waste consent) and so I agree with the FRA that flooding does not increase materially because of the development or result in unsafe conditions.
- 6.51 Since the site was cleared new houses have been built to the north at 'Blumer Lock'. The finished floor levels of these properties as approved under the planning application (13.36 AOD) would remain above the predicted worst-case flood levels (13.22 AOD) and so there would not be any increased flood risk to those properties. In more frequent lower impact flood events, the FRA demonstrates that the development would have a positive impact on flood risk in the area when compared to waste consent levels mainly due to the flood conveyance channel through the site and voids beneath buildings which allow better flows than the previous development.
- 6.52 The Environment Agency have been consulted on the application, have assessed the FRA and are not raising any objections subject to conditions. They comment as follows:
- "We are satisfied with the flood conveyance channel being included with this application which has benefits for the wider community and reduces flood risk to the area.*
- We are pleased to see the use of voids under the commercial units, and the reinstatement of the five culverts and two chambers which will aid the flood water flow through the site during a flood event."*
- 6.53 They request conditions that require the development to be carried out in accordance with the FRA and with finished floor levels secured. On this basis it is considered the development is acceptable from a flood risk perspective subject to conditions and this is in accordance with site policy RMX1(4) and policy DM1 of the Local Plan, the NPPF and national advice.

### *Surface Water*

- 6.54 The surface water drainage has been assessed based on the greenfield nature of the site and not on its previously developed state. It is proposed to have infiltration through permeable hard surfaces and use the flood conveyance channel through the middle of the site. If the underlying strata is not suitable for infiltration, then attenuation tanks on-site with controlled outflow rates to the flood conveyance channel and beyond would be used. KCC LLFA have no objections to the principles to deal with surface water and should testing show that infiltration is not workable they accept proposals for controlled outflow subject to conditions requiring the fine detail. This is in accordance with site policy RMX1(4).
- 6.55 Third-party representations from consultants instructed by a local resident relating to flood risk and surface water have been sent to both the Environment Agency and KCC LLFA. They have fully considered the representations and confirmed these have not changed their positions in relation to flood risk and surface water drainage being no objections subject to conditions.

### *Foul Drainage*

- 6.56 Southern Water have confirmed that some improvements to the existing public sewer network will be required. This would be funded and provided under their separate legislation and timely provision is the responsibility of Southern Water.

### Contamination

- 6.57 Policy RMX1(4) requires:

***7. Demonstration that contamination of the site resulting from its previous use has been remediated to the satisfaction of the local authority and the Environment Agency.***

- 6.58 As outlined above, extensive decontamination and remediation has been carried out at the site since 2003 and as approved under the KCC waste consent from 2006. Remediation works started in 2006 and were completed in 2008 and were designed to allow for potential commercial development. In summary, this involved excavation of the top layers of the site with deeper excavations in specific areas or where necessary to achieve acceptable conditions; assessment of the excavated materials with either thermal treatment so it could remain on site or removed off-site where not; and then backfilling with either treated materials, validated material or crushed concrete produced from the demolition works. A permeable reactive barrier was also installed at the north end of the site to collect and treat any residual contamination within groundwater. Monitoring has occurred since 2008 through sampling of adjacent waterways by the site owners and the Environment Agency. This continues and has not revealed any pollution that the Environment Agency are concerned with.

- 6.59 The applicant's contaminated land assessment recommends that the existing permeable reactive barrier be retained with continued monitoring, the use of shallow foundation designs and precluding the use of piling (unless further ground investigation is carried out and a method of installation used that minimises risk is agreed) and adopt surface water drainage to infiltrate over a wide area.
- 6.60 Environmental Health have reviewed the report and confirm the remediation was completed to a commercial end use standard in respect of human health and both the Environment Agency and Maidstone Borough Council were satisfied that it had been concluded. The most sensitive receptor at that time and while the site was vacant were controlled waters and the Environment Agency were satisfied with the remediation and the ongoing monitoring of the permeable barrier (that is to be left in situ and refreshed post development). In terms of human health, Environmental Health advise that the type of development proposed presents a relatively low risk in that the majority of it will be hardstanding thus providing a barrier. They state that care will need to be taken so groundworks do not cause mobilisation of contaminants or exposure of any receptors and this will need to be controlled by condition and verified when the development is completed. No objections are raised subject to conditions.
- 6.61 The Environment Agency considers that the previous use of the site presents a medium risk of residual contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because the proposed development site is located upon a secondary aquifer adjacent to surface waters and near to watercourses. They state the reports submitted in support of the application provides them with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information is requested before development is undertaken and so conditions are recommended. They conclude that the proposed development will be acceptable subject to conditions which would cover the matters raised by Environmental Health.
- 6.62 Some representations have questioned whether the flood conveyance channel could aggravate contamination in the ground. The applicant has responded to this outlining that the site has been entirely remediated in some cases to depths in excess of 6m and because of the extensive remediation that was undertaken the applicant does not expect any incidence whereby the conveyance route is likely to encounter or mobilise any contaminants within the soil. The applicant also considers that notwithstanding this, the permeable barrier would intercept any potential contamination. The Environment Agency have reviewed the representations relating to this issue and advise that, *"providing barriers and gates are maintained until agreed otherwise we have no objection to development.... we would reiterate any systems put in on the development site would not be agreed if they were to increase contamination mobilisation."* They maintain no objection to the proposals and Environmental Health have not raised this as an issue.
- 6.63 Third-party representations from consultants instructed by a local resident relating to pollution/contamination have been sent to the Environment

Agency. They have fully considered the representations and confirmed these have not changed their position in relation to pollution/contamination being no objections subject to conditions.

6.64 For the above reasons and subject to the conditions required by the Environment Agency, the proposals would not pose a risk to human health or pollution of the environment in accordance with the site policy and policy DM3 of the Local Plan.

#### Noise & Disturbance

6.65 The proposed B2 and B8 uses have the potential to generate noise and disturbance through processes operating from the units themselves but the main impact is likely to be through noise and disturbance from vehicles and activity around the site outside normal working hours. The applicant is seeking permission to operate the site 24/7 and there are houses close to the site to the northwest, north, east, and southeast that could be impacted by the development.

6.66 The applicant has submitted a noise assessment and additional information/clarification has been provided on the back of requests from the Environmental Health section. The noise assessment shows that during daytime hours (defined as 7am to 11pm) any noise or disturbance from traffic, lorry reversing alarms, running engines etc. would have a low impact and levels are unlikely to be above the background noise levels. Overnight (11pm to 7am) the assessment concludes that for most residential properties there would be a low impact but for residential properties to the east (houses and the 'Little Venice' site) noise levels would be slightly above background noise levels and so noise would be perceptible. Mitigation of this impact and of general noise and disturbance from the site is therefore proposed including a 'Delivery Management Strategy'. As this is an outline application the exact details of the site layout are unknown but measures including the following have been put forward:

#### *Design Measures*

- Appropriate layout of unloading bays, HGV access routes and service yards such that the building units they serve acoustically screen them as far as reasonably possible from surrounding noise sensitive receptors. Where necessary, use of acoustic barriers as part of boundary treatment would be utilised to reduce impacts further;
- Position units which are to be more extensively used, more centrally within the site away from noise sensitive receptors;
- Units will have dock level access and internal loading where appropriate to reduce noise impacts associated with unloading;
- HGVs will be directed to use alternative routes away from Yalding specifically towards Maidstone Road/A228;
- Estate lorry parking to be provided within the development away from receptors to reduce indiscriminate parking/idling outside.

### *Operational Measures*

- Deliveries outside of the main gate opening hours of 07:00 - 19:00 will require scheduling and coordinating with the gate house security in order for the gates to be opened in advance and thereby minimising noise impacts associated with engine idling, braking and acceleration;
- Once stationary, engines of delivery vehicles will be turned off;
- Use of reversing beepers should be minimised where possible through minimising reversing;
- Drop heights should be reduced to their lowest practicable levels;
- Lorry tail lift flaps should be carefully lowered;
- Plastic (ideally rubber) wheels should be used on trolleys; and
- All staff (including delivery drivers) will be made aware of the necessity to keep noise to a minimum and enforced through the Developer and Estate Management Company.

6.67 Following clarification of some matters with the applicant, Environmental Health are satisfied with the noise assessment and agree with its conclusions. They are satisfied that the development could be permitted on a 24/7 basis subject to conditions that secure the mitigation measures outlined in the assessment and that it is incorporated into the design of the development. Measures to deal with any odour or fumes can also be required by condition to mitigate any potential impact from any processes operating at the site. On this basis, I do not consider the proposed uses at the site would result in unacceptable living conditions to any nearby residential properties subject to mitigation. This is in accordance with policy DM1 of the Local Plan.

### Ecology

6.68 Policy RMX1(4) requires:

- 1. Within the site boundary, an area of land to the south (13ha) is to be retained as a nature conservation area.**
- 5. The site lies adjacent to the Hale Ponds and Pastures Local Wildlife Site. A survey which assesses the site's ecological potential must be submitted. Development proposals must provide for the delivery of appropriate habitat creation and enhancement measures in response to the survey findings including the creation and enhancement of wildlife corridors, and, if required, mitigation measures.**

6.69 As outlined above, part of site (approximately 2ha) proposed for development falls upon the land defined as an 'ecological mitigation area' under the Local Plan Proposals Map. However, there would still be approximately 13ha of land to the south in the applicant's ownership, part of which falls within the 'Hale Ponds and Pastures Local Wildlife Site', that is proposed to be enhanced and used as a receptor site to support reptiles and Great Crested Newts (GCN). So, the 13ha area to the south required under criterion 1 would be retained and enhanced in the interests of biodiversity and this will be secured by condition.

- 6.70 The site and surrounding areas contain a number of standing water bodies and habitats that support GCN and reptiles. Detailed survey work was carried out for these species in 2019. The previously cleared areas forming much of the development site area remain largely devoid of vegetation and for this reason the survey report considers these areas are unlikely to represent significant foraging habitats for GCN. The survey has confirmed the presence of small numbers of GCN in three ponds with breeding activity and a low/medium population. The development would result in the loss of one of these ponds (which is man-made) in the southwest corner of the site and some suitable terrestrial habitat. In terms of reptiles, common lizards (low population), grass snakes (low population), and slow worms (good population) are present at the site and would be impacted by the development. Mitigation is therefore proposed through using the 13ha of land to the south which would provide a receptor area and be enhanced through the creation of new ponds designed specifically for GCN and reptiles. There is nothing to suggest that a licence, if needed, would not be granted to translocate any protected species. Within the site and in addition to the 13ha to the south, enhancement would be provided through replacement/compensatory habitats for use by GCN and reptiles within the proposed central flood conveyance channel which would be landscaped and include buffer habitats including new wetland areas, ponds, and grassland habitats.
- 6.71 KCC Ecology are satisfied with this approach and recommended conditions requiring a detailed mitigation strategy; timetable for the creation of on-site habitat; and a detailed management plan. The site is adjacent to the Local Wildlife Site to the south which is likely to be used by badgers and foraging bats. As such the applicant has acknowledged that a sensitive lighting strategy is necessary, and this can be guided by a condition as recommended by KCC Ecology.
- 6.72 On the basis that the vast majority of the site currently has relatively low ecological value, as much of it is relatively barren from the remediation works, the new habitat creation on-site and the enhancements measures off-site would provide proportionate enhancements and net gains for biodiversity in accordance with the NPPF.
- 6.73 For the above reasons the proposals would be acceptable in terms of their impact upon biodiversity subject to mitigation and enhancements, and they would ensure that 13ha of land to south would continue its role as a local wildlife site with appropriate enhancements in accordance with the site policy and policy DM3 of the Local Plan.

#### Other Matters

##### *Air Quality*

- 6.74 The site is not within an AQMA with the closest being the Wateringbury crossroads within Tonbridge and Malling Borough around 2.3km north of the site. There are residential properties nearby and receptors on the roads leading to the site have been assessed. An air quality assessment has been

provided which concludes that the air quality impacts from traffic are not considered to be significant as there are no predicted exceedances of the relevant air quality objectives at any nearby receptors, and any impacts upon the Waterbury crossroads would be negligible. Any impacts from construction are considered to be low.

- 6.75 Mitigation of air quality impacts is proposed in the form of electric vehicles charging infrastructure within parking areas, lorry trailer plug-ins and cycle parking. This is considered a proportionate response based on the limited impact the development would cause and can be secured by condition. I consider a construction management plan is appropriate in this case due to the length of time the development could be under construction and the proximity of some residential properties. Environmental Health have reviewed the assessment and raise no objections.

#### *Sustainable Design*

- 6.76 In line with policy DM2 of the Local Plan a BREEAM Very Good standard will be required for the development and this can be secured by condition to guide the reserved matters.

#### *Heritage*

- 6.77 There are Grade II listed buildings to the northwest (Station House and Hawthorne Cottage) and southeast (Parsonage Farmhouse). Station House is approximately 20m from the site boundary and separated by the railway line. Due to the existing intervening vegetation and that proposed it would not be clearly seen in the context of the proposed development so its setting would not be harmed. Hawthorne Cottage is further away (around 110m) and for the same reasons its setting would not be harmed. Parsonage Farmhouse is around 65m away and separated by existing trees and those proposed and so would not be clearly seen in the context of the proposed development and its setting would not be harmed. Other listed buildings are further away and would not be affected by the proposals.

- 6.78 The Yalding Conservation Area is around 280m to the southeast and at this distance and with the intervening vegetation, the proposal would not harm its setting.

#### *Minerals*

- 6.79 Policy RMX1(4) states:

***10. The site falls within the Minerals Safeguarding Areas as shown on the policies map and therefore development proposal will be required to undertake a minerals assessment to assess the viability and practicability of prior extraction of the minerals resource.***

- 6.80 Very limited parts of the site in the southwest corner and north end fall within safeguarding areas for 'sub-alluvial river terrace deposits' under the Kent Minerals and Waste Local Plan (KMWLP). To avoid sterilisation of minerals, policy DM7 of the KMWLP states that permission will only be granted for



development where certain exceptions are met. Notwithstanding that the areas are very limited, in view of the complex remediation process that has occurred at the site and the measures still in place, and the proximity of residential properties, it is considered that extraction of any minerals is not appropriate or practicable. The site is also allocated in the Local Plan for development. It is therefore considered that criterion 2 of policy DM7 is satisfied.

#### *Residential Amenity*

6.81 Issues of noise and disturbance have been assessed in detail earlier in the report. In terms of impacts upon privacy, outlook or light, the nearest houses are 36m to the northwest with proposed landscaping and the railway line between, 42m to the north with Hampstead Lane between, 41m to the northeast with proposed landscaping, the canal, and Hampstead Lane between, and 40m to the southwest with proposed and existing landscaping between. Based on this, development at the site would be a sufficient distance from any nearby residential properties such that no unacceptable impacts upon privacy, outlook or light would occur.

#### *Environmental Impact Assessment*

6.82 The proposals are 'Schedule 2 development' under the EIA Regulations 2017 and above the 0.5ha threshold for 'industrial estate development projects' and so require 'screening' under the Regulations.

6.83 In screening this development, the scheme is for B1(c), B2 and B8 uses rather than any complex form of development, and it is not considered that the characteristics or size of the development are such that significant impacts on the environment are likely to arise from these uses or development. The only other existing or approved developments which are relevant to consider for potentially cumulative impacts for the purposes of Schedule 3(1)(b) of the Regulations are the former Syngenta office building development adjacent to the application site which was approved last year and the 16 dwellings opposite the site at Blumer Lock which were granted permission between 2016-2018 and have been completed in the last 2 years. The development would not have any significant impacts on the environment, whether taken by itself or cumulatively, in terms of natural resources, land, soil, water, biodiversity, or the natural environment, nor would it result in any significant production of waste or pollution or create any risk of any major accidents. Through the submissions and consultee responses any risks to human health from contamination can be effectively mitigated. The location of the site is not in or within the setting of any 'sensitive areas' as defined under the Regulations or is so sensitive in its own right to require an EIA. These conclusions are also borne out through the assessments that have been carried out and the responses from consultees where no objections are raised subject to conditions. The impacts of the development taken alone or cumulatively would essentially be at a 'local' level and not of scale likely to have any significant impacts upon the environment. This includes the impacts generated by traffic. Having regard to EIA Regulations, in particular Schedule 3, and to the NPPF/NPPG, it is not considered that the development would be

likely to lead to significant environmental effects of a nature that require an EIA.

#### *Hazardous Substances Consent*

- 6.84 The site benefits from a deemed Hazardous Substances Consent (HSC) for the storage of pesticide raw materials, blending/mixing of raw materials to produce bulk agrochemical formulations, bottling and packing of formulations, and storage and distribution of finished goods. This was consented in 1999 and runs with the land so remains in place and in theory could be used once the site is developed. The HSE advise that for safety reasons a suitably worded condition should be included to prevent the development from being occupied until the HSC has been formally revoked.
- 6.85 The LPA has the power to revoke a HSC (under its hazardous substance function) where it is expedient to do so and in certain circumstances including where none of the hazardous substances have been present at the site for at least 5 years, which is the case here. In view of the advice from HSE relating to this planning application and as there have been no hazardous substances at the site for some time, I see no reason why the LPA (under its hazardous substance function) would not make a revocation order. This must be confirmed by the SoS and would be carried out under a separate process and the relevant procedures.
- 6.86 For the purposes of deciding this application, I consider the suggested condition by the HSE is appropriate in that the HSC was a 'deemed consent' (similar to a lawful use), where the relationship with nearby uses could not be assessed. New houses have also been built opposite the site since then and so I consider a condition which prevents any occupation until the HSC is revoked by the LPA is necessary. Although this is not within the control of the applicant, there is a reasonable expectation the LPA will apply to revoke the HSC and that this would be successful, and so this is also reasonable.

#### *Representations*

- 6.87 Representations on the application concerning material planning considerations relate to matters in the assessment above and so have been fully considered. Consultation/notification in line with legal requirements and the Council's procedures has been carried out.

#### *Conditions*

- 6.88 The list of conditions includes a definition of 'Site Preparation Works' to allow some works (limited demolition, vegetation clearance, safety measures) to take place in advance of discharging some pre-commencement conditions. These works do not need to be held back prior to the discharge of these conditions and are also arguably not part of the proposed development itself but this provides clarity that they can take place.

## **7.0 CONCLUSION**

- 7.01 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 7.02 The site is allocated for employment (B use classes) under policy RMX1(4) in the Local Plan subject to criterion. The application proposes outline permission for B use classes and the proposals comply with the policy apart from criterion 4 but this conflict is not considered grounds to refuse permission.
- 7.03 There would be a low level of harm to the landscape and so a minor conflict with policy SP17 of the Local Plan but this would be localised and the impact suitably reduced through the landscape buffers. Importantly, the site allocation in principle allows for employment development across the site which would inevitably have some impact and thus conflict with policy SP17. The low level of harm to the landscape is acceptable based on the site being allocated for development and when balanced against the economic benefits through new jobs associated with the development.
- 7.04 Part of the site falls outside the area allocated for development and upon land defined as an 'ecological mitigation area' under the Local Plan Proposals Map. Development in this area would not result in any significant landscape or visual impacts above the allocated part of the site, and there would still be the amount of land required under the site policy (13ha) to the south that would be used for ecological mitigation and enhancement.
- 7.05 No objections have been raised by any consultees subject to conditions/mitigation and matters of flood risk and contamination are acceptable subject to mitigation which is secured by conditions.
- 7.06 All representations received on the application have been fully considered in reaching this recommendation.
- 7.07 It is concluded that the development is acceptable and overwhelmingly complies with policy RMX1(4) and all other relevant Development Plan policies. The minor conflict with policy SP17 and development beyond the site allocation is acceptable, and so permission is recommended subject to the legal agreement and conditions as set out below.

## **9.0 RECOMMENDATION**

Subject to:

The conditions set out below, and the prior completion of a legal agreement to secure the heads of terms set out below, the Head of Planning and Development **BE DELEGATED POWERS TO GRANT PLANNING PERMISSION** (and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee).

### **Heads of Terms**

1. £14,344 to be used towards capacity improvements at the A26/B2015 Wateringbury crossroads junction to mitigate the impact of the development.
2. £17,000 to be used towards a new shelter and seat on Platform 1 at Yalding Train Station.
3. £13,500 to be used towards a new shelter on Platform 2 at Yalding Train Station.
4. £9,100 to be used towards an LED lighting upgrade at Yalding Train Station.
5. £2,500 Section 106 monitoring fee.

### **Conditions**

#### *Time Limit*

1. No phase of the development hereby approved shall commence until approval of the following reserved matters has been obtained in writing from the local planning authority for that phase:

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

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

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

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

#### *Access*

2. The access points hereby permitted shall be carried out in accordance with drawing no. C11101 RevG including installation of the height barriers which shall be retained thereafter, and the visibility splays kept free of obstruction above a height of 1 metre. The eastern access shall only be used as an entrance to the site and the western access shall only be used as an exit except in times of emergency.

Reason: In the interests of highway safety.

#### *Parameters/Compliance*

3. The layout details submitted pursuant to condition 1 shall show no built form upon the areas defined as 'proposed new and enhancement planting zones',

'existing tree buffers', 'ecology zone', and 'conveyance route' as shown on the approved Constraints Plan (Drawing No.4092/SK04b).

Reason: To ensure the development accords with the site allocation policy, protects and enhances biodiversity, and provides a high-quality design.

4. The details of appearance submitted pursuant to condition 1 shall include:
- a) Non-reflective materials and sensitive colouring.
  - b) Active frontages on prominent buildings.
  - c) The use of materials and articulation to break up the massing of buildings.
  - d) The use of vernacular materials including ragstone on either buildings or in boundary treatments.
  - e) High quality surfacing materials.

Reason: To ensure a high-quality appearance to the development.

5. The layout and appearance details submitted pursuant to condition 1 shall be designed to minimise the impact of any noise to nearby residential properties and shall demonstrate how they achieve that.

Reason: In the interest of residential amenity.

6. The landscape details submitted pursuant to condition 1 shall provide the following:

- New native tree and shrub planting within the 'proposed new and enhancement planting zones', and 'existing tree buffers' around the boundaries of the site as shown on the approved Constraints Plan (Drawing No.4092/SK04b).
- Native tree and shrub planting within the development areas to soften buildings and parking areas.

Reason: To ensure the development accords with the site allocation policy and to provide an appropriate setting.

7. The details submitted pursuant to condition 1 shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by JBA Consulting, (Final Report dated September 2019 including the Model report dated August 2019) and include the following mitigation measures:

- a) Finished floor levels of any commercial buildings shall be set no lower than 13.70mAOD.
- b) Provision of the flood conveyance channel including details and final levels.
- c) Floodable voids beneath buildings.

Reason: To reduce the risk of flooding to the proposed development and off-site.

### *Pre-Commencement*

8. No development shall take place until a detailed ecological mitigation and enhancement strategy for the 13ha of land to the south of the site has been submitted to and approved in writing by the Local Planning Authority which shall include the following:
- a) Updated phase 1 survey.
  - b) Updated specific species surveys (if the current surveys are no longer valid).
  - c) Overview of mitigation to be implemented.
  - d) Detailed methodology to implement mitigation.
  - e) Maps identifying the receptor site and areas for the creation of new ponds designed specifically for GCN and reptiles.
  - f) Details for the creation and enhancement of wildlife corridors and hibernacula.
  - g) Details of interim management required until the site-wide management plan is implemented.
  - h) Details of on-going monitoring.
  - i) Timings of proposed works commensurate with any construction works.
  - j) Details of long-term management.

The strategy must be implemented as approved.

Reason: In the interest of biodiversity protection and enhancement.

9. No development shall take place until a Construction Management Plan and Code of Construction Practice has been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- a) An indicative programme for carrying out the works.
- b) Measures to minimise the production of dust on the site(s).
- c) Measures to minimise the noise (including vibration) generated by the construction process.
- d) Measures to minimise light intrusion from the site(s).
- e) Management of traffic visiting the site(s) including temporary parking or holding areas.
- f) Provision of off-road parking for all site operatives.

Reason: In view of the scale of the development and in the interests of highway safety and local amenity.

10. No development, except for site preparation works, shall take place until a phasing plan for the whole site (development and landscaping) has been submitted to the Local Planning Authority and agreed in writing. The

approved phasing plan shall be followed unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a suitable development of the site.

11. No development, except for site preparation works, shall take place until a monitoring and maintenance plan in respect of groundwater and the PRB gate sampling points, including a timetable of monitoring and submission of reports has been submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, 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 that the site does not pose any further risk to human health or the water environment by managing any on-going contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 170 of the NPPF.

12. No development shall take place on any phase of development, except for site preparation works, until details of the proposed slab levels of the buildings and roads together with the existing site levels relating to that phase have been submitted to and approved in writing by the Local Planning Authority, and the development shall be completed strictly in accordance with the approved levels.

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

13. No development shall take place on any phase of development, except for site preparation works, until a detailed sustainable surface water drainage scheme site has been submitted to and approved in writing by the local planning authority for that phase. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

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

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

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

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

14. No development shall take place on any phase of development, except for site preparation works, until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority for that phase. This strategy will include the following components:
  1. A preliminary risk assessment which has identified all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination at the site.
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved and any changes to these components require the written consent of the LPA.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework (NPPF).

#### *Pre-Slab Level*

15. No development above slab level of any phase shall take place until a scheme of noise mitigation measures specifically in relation to delivery, loading and unloading has been submitted to and approved by the local planning authority for that phase. The scheme shall be designed to mitigate against the potential impact specified by a realistic assessment. The scheme shall include a noise management plan which shall include but not be limited to the following:



- a) Delivery locations.
- b) Measures to prevent vehicle idling.
- c) Measures to minimise the use of reversing beepers.
- d) Measures relating to the lowering of lorry tail lift flaps.
- e) The use of plastic or rubber wheels for trolleys.
- f) Measures to control the behaviour of operatives on site.
- g) Complaint contact and recording details.
- h) A review period for the noise mitigation and management measures.

The acoustic assessment approved in the outline planning application shall be revisited as the detailed application progresses to ensure that it remains valid and mitigation is incorporated into the design of the facility. Once approved the mitigation scheme shall be retained and maintained to the satisfaction of the local planning authority.

Reason: In the interest of residential amenity.

16. No development above slab level of any phase shall take place until specific air quality mitigation measures, which shall include the type and location of electric vehicle charging infrastructure within parking areas, lorry trailer plug-ins, and cycle parking, have been submitted to and approved in writing by the local planning authority for that phase. The development shall be carried out in accordance with the approved details.

Reason: In the interests of limiting impacts upon air quality.

17. Within 3 months of the completion of the flood conveyance channel, a habitat creation plan for the 'ecology zone' as shown on the approved Constraints Plan (Drawing No.4092/SK04b) shall be submitted to and approved in writing by the Local Planning Authority, which shall include the following:
  - a) Map showing the habitats to be created.
  - b) Methodology to create and establish the habitats.
  - c) Timetable to create the habitats.
  - d) Details of who will be carrying out the works.
  - e) Details of how the habitats will be protected during construction.

The habitat creation plan must be implemented as approved.

Reason: In the interest of biodiversity enhancement.

18. Within 3 months of the completion of the flood conveyance channel, a long-term site-wide management plan for both the 'ecology zone' and for the 13ha of land to the south of the site shall be submitted to and approved in writing by the Local Planning Authority, which shall include the following:
  - a) Map showing area to be managed.
  - b) Overview of management to be implemented including aims and objectives.
  - c) Detailed management timetable to meet the aims and objectives.
  - d) Monitoring & review programme.

- e) Details of who will be implementing management.

The habitat creation plan must be implemented as approved.

Reason: In the interest of biodiversity protection and enhancement.

#### *Pre-Occupation*

- 19. The development shall not be occupied until a final 'Delivery & Route Management Strategy' with the aims of deterring and reducing the potential for any large HGV movements through Yalding village centre and to manage long vehicles exiting the site in the interest of safety at the nearby level crossing has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority and Network Rail. It shall include details of the following:

- a) A review of the 'black lorry' industrial estate signs on the A228 (to encourage vehicles to use the Maidstone Road), the B2162 (to keep heavy goods vehicles on the A21/A228), and Hunton Road/Pattenden Lane (to keep vehicles on the A229), to ensure that any large HGV movements through Yalding village centre are reduced/deterred and appropriate routes are signposted including any proposed changes to the signs.
- b) Appropriate 'no HGV access' signs to the south and east of Yalding village centre to ensure that any large HGV movements through Yalding village centre are reduced/deterred and appropriate routes are signposted.
- c) Site Access Signage - to direct all heavy goods vehicles westbound onto the Maidstone Road.
- d) Site Access Signage – clearly stating 'no right turn for HGV's' exiting the site.
- e) Measures to manage long vehicles exiting the site in the interest of safety at the nearby level crossing.

Reason: In the interests of highway safety and congestion.

- 20. The development shall not be occupied until a final site-wide 'Delivery Management Strategy' with the aim of minimising any noise and disturbance during night-time hours has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of minimising any impacts of noise to nearby residential properties.

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

- a) Capacity improvements to the Maidstone Road/Hampstead Lane junction as shown on drawing no. 14949-H-01 RevP3.

- b) The tactile paved crossing points as shown on drawing no. C11101 RevG.
- c) Box junction markings at the level crossing.

Reason: In the interest of pedestrian and highway safety and mitigating traffic impacts.

22. The development shall not be occupied until site-wide Travel Plan for the development which follows the principles of the Framework Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Reason: To promote sustainable transport use.

23. The development shall not be occupied until the extant hazardous substances consent at the application site has been formally revoked.

Reason: In the interests of protecting human health.

24. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

25. No phase of the development shall be occupied until a verification report demonstrating the completion of works set out in the approved contamination remediation strategy and the effectiveness of the remediation for that phase has been submitted to and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the NPPF.

26. No building on any phase of the development hereby permitted shall be occupied until details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used have been submitted to and approved in writing by the Local Planning Authority for that phase. The development shall be carried out in accordance with the approved details. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

Reason: In the interests of residential amenity

27. No building on any phase of the development hereby permitted shall be occupied until details of measures to deal with the emission of dust, odours or vapours arising from the building/use has been submitted to and approved in writing by the Local Planning Authority for that phase. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first use of the premises and shall be operated and retained in compliance with the approved scheme.

Reason: In the interests of residential amenity

28. No phase of development shall be occupied until a detailed lighting plan has been submitted to and approved in writing for that phase, which shall demonstrate it has been designed to minimise impact on biodiversity and is meeting the lighting principles set out in the Technical Briefing Note; Aspect Ecology; November 2019. The lighting plan must be implemented as approved.

Reason: In the interest of biodiversity protection.

29. No phase of the development involving operational buildings/uses shall be occupied until details of flood evacuation plans have been submitted to and approved in writing for that phase. The development shall be carried out in accordance with the approved details.

Reason: In the interests of safety.

#### *Restrictions*

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

Reason To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the NPPF.

31. No new infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority in consultation with the Environment Agency. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the NPPF.

32. Foundation designs using deep penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority in consultation with the Environment Agency, which may be given for those parts of the site where it has been demonstrated by a foundation risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the NPPF.

33. No lighting should be used within the flood conveyance/open space corridor or vegetated boundary buffers, which shall form light exclusion zones or 'dark corridors' to allow nocturnal/crepuscular fauna to move around the site.

Reason: In the interests of biodiversity protection.

34. The details submitted pursuant to condition 1 shall not exceed the following floorspace limits:

B1(c)/Class E(g)(iii) or B2 – no more than 21,655m<sup>2</sup> combined  
B8 uses – 24,792m<sup>2</sup>

Reason: To comply with the floorspace amounts assessed under the application.

35. All buildings shall achieve a Very Good BREEAM UK New Construction 2014 rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that at a Very Good BREEAM UK New Construction 2014 rating has been achieved within 6 months of the first occupation of any building.

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

36. Any buildings and associated land shall only be used for B1(c)/Class E(g)(iii), B2 or B8 uses and for no other purpose (including any other purpose under

Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) or permitted under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)) or any statutory instrument revoking and re-enacting those Orders with or without modification;

Reason: To comply with the floorspace types assessed under the application and as other Class E uses may not be suitable at the site.

37. The development hereby permitted shall be carried out in accordance with drawing no. C11101 RevG (Site Entrance) and 4092/P100 (Site Location Plan).

Reason: For the purposes of clarity.

38. For the purposes of the above conditions, 'Site Preparation Works' means the following:

Demolition – Which means removal of Headwalls, Bunds, Culverts, Substation, Water Channels and the Eastern Fire Lagoon Structure.

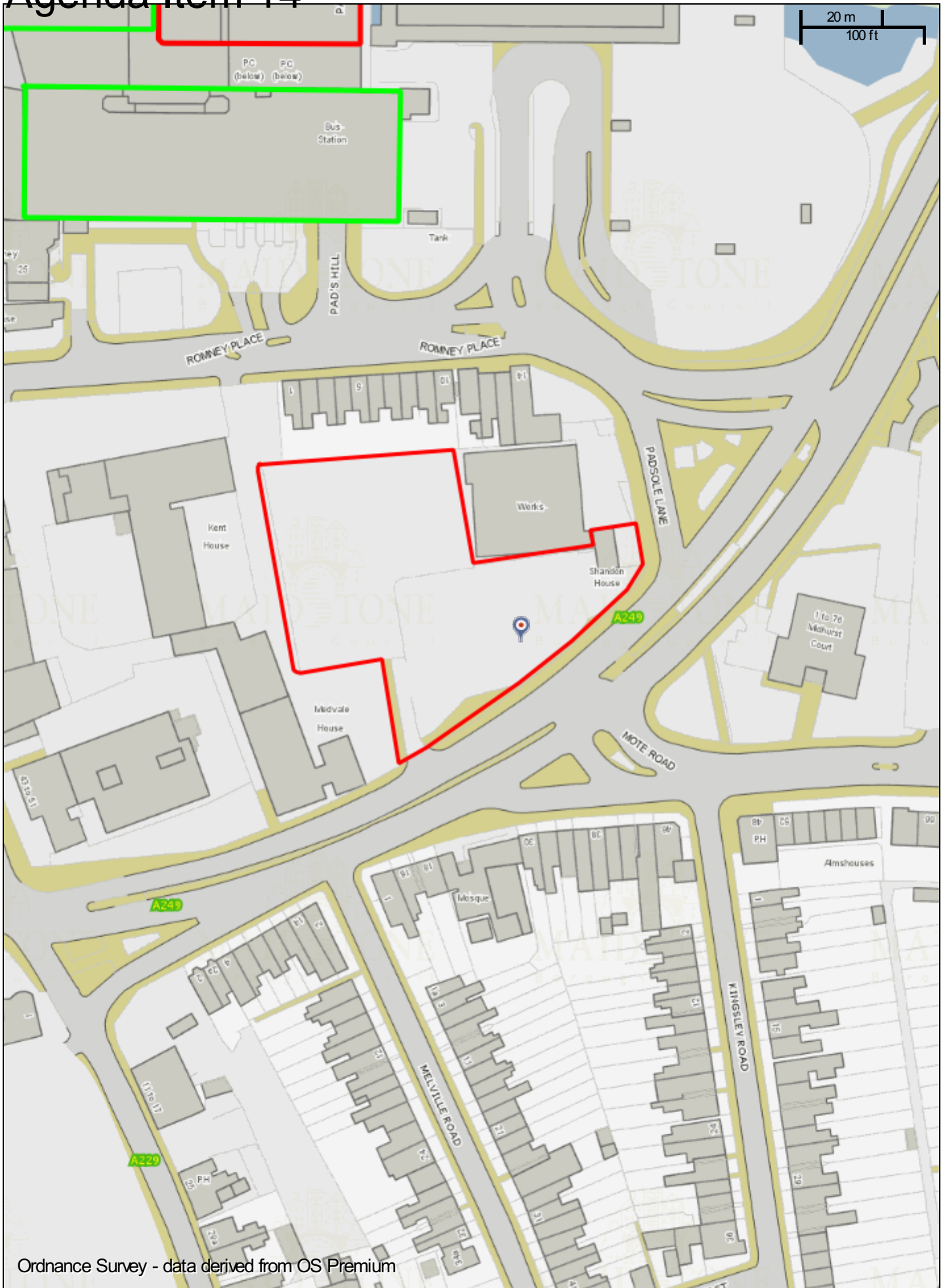
Site Clearance – Which means removal of vegetation excluding that within the 'proposed new and enhancement planting zones', and 'existing tree buffers' around the boundaries of the site as shown on the approved Constraints Plan (Drawing No.4092/SK04b).

Formation of Haul Roads – Which means the laying of mats to run lorries and construction traffic over.

Safety Works – Which means the erection or enhancement of security fencing, hoarding, CCTV poles and any other HSE matters.

Reason: For the purposes of clarity

# Agenda Item 14



Ordnance Survey - data derived from OS Premium

<b>REFERENCE NO - 20/505707/FULL</b>	
<b>APPLICATION PROPOSAL</b>	
Demolition of Shandon House and redevelopment of the site and adjacent private car park with two buildings comprising of 172no. residential apartments and 1,169sq.m of commercial space, public realm and landscaping, new access and 47no. parking spaces, drop off bays, service/delivery bay and cycle parking with associated ground works.	
<b>ADDRESS</b>	
Mote Road Car Park and Shandon House, Mote Road/ Wat Tyler Way, Maidstone.	
<b>RECOMMENDATION</b>	
That Committee delegate approval to Officers to grant conditional planning permission subject to the completion of a s106 agreement with the heads of terms and conditions listed below.	
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>	
<p>The Application Site is allocated for residential-led mixed-use development in the adopted Local Plan under Policy RMX1(6) and is the subject of an Opportunity Site Planning Brief that has been approved by the Council’s SPI Committee.</p> <p>The overall site has been under-utilised for a number of years and the mix of uses proposed will contribute positively towards the vitality of the town centre and make a significant contribution to housing needs on a highly sustainable brownfield site that has good access to public transport and a wide range of local services.</p> <p>The proposed development now before Committee has been formulated through a lengthy pre-application process with both MBC and KCC Officers and was subject to a constructive Member briefing in 2020.</p> <p>The scale of the proposed buildings has regard to the wider townscape setting, with their massing reduced to respect the setting of the listed terrace to the north. The detailed design and the quality of proposed materials is considered to be of a high quality and appropriate for what will be a prominent town centre development.</p> <p>A detailed tree planting and landscaping scheme will significantly enhance this section of Mote Road, not only delivering public realm and biodiversity enhancements, but also providing a high quality setting for commercial occupiers and residents, who will also benefit from private balconies, a communal terraced courtyard and significant roof gardens.</p>	
<b>REASON FOR REFERRAL TO COMMITTEE</b>	
The Planning Application relates to an identified town centre opportunity site, the proposed scheme for which merits Committee consideration as it is a proposal of significant scale.	
<b>WARD</b> High Street	<b>APPLICANT</b> Appin (Maidstone) Ltd
	<b>AGENT</b> Robinson Escott Planning
<b>TARGET DECISION DATE</b> 12/04/21	<b>PUBLICITY EXPIRY DATE</b> 07/01/21



**RELEVANT SITE HISTORY:**

Until the mid C20th the site was occupied by a chapel with gardens / orchards and housing. These had been cleared by the 1960's, by which time the site contained a number of commercial uses. During the same period, traditional low rise housing to the east was cleared and taller buildings such as Midhurst Court were built.

By the 1980's the site was laid out as a car park, by which time the current alignment of Mote Road and Wat Tyler Way were also established.

Throughout the 1990's the site was the subject of a number of proposals for small scale commercial uses.

Most significantly, in 2003 under application reference 02/2210, planning permission was granted for the erection of a 9 storey office development of 7,867 sq.m (84,680 sq.ft) with multi-level parking for 420 cars.

Indicative images of the 2003 office scheme.



From the Len 'Bridge'



From Mote Road

## **MAIN REPORT**

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

1.01 The site lies on the southern fringe of the town centre. It is irregular in shape and measures circa 0.4ha. The principal road frontage is to Wat Tyler Way and the junction with Mote Road. The site lies very close to the heart of the town centre with its wide range of retail and service uses and has very good accessibility to a range of public transport options.

#### Site Location



1.02 The majority of the site is laid out as private car parking. It was previously let to occupiers of adjacent office buildings, but has had limited use in recent years as they are being converted to residential. The eastern-most part of the site is occupied by Shandon House, a small office building fronting Padsle Lane. Generally the site in its current form is considered to detract from the character and appearance of the area.



**Main Car Park (looking north)**



- 1.03 The surrounding area contains a mix of uses, although with the conversion of former office buildings through permitted development rights, the balance has more recently shifted towards residential.
- 1.04 There are no heritage assets on the site, although immediately to the north lie 1-10 and 11-14 Romney Place; two terraces of offices that are Grade II listed. The site is not within a conservation area, although the Town Centre Conservation Area lies circa 55metres to the east. The relationship of the proposal to these and other heritage assets is assessed in Section 6 below.



11-14 & 1-10 Romney Place



R/O 1-10 as viewed from Application Site

- 1.05 Further north beyond Romney Place lies the bus station with multi-storey car park above and the large surface car park for the Sainsbury store. A low rise depot building abuts the application site to the northeast.
- 1.06 To the east and west of the site lie a cluster of taller buildings, including Miller House (12 storey), Kent and Medvale House (8) and Midhurst Court (14).



Medvale House and Kent House



Midhurst Court (below)



- 1.07 Mote Road marks a change in both land use and scale/grain between the former commercial areas of the town centre to the north and the residential hinterland to the south, where buildings are typically 3 storeys in height.



View east from site entrance across the Mote Rd / Wat Tyler Way junction

- 1.08 Due to the wide nature of Wat Tyler Way, where it widens to 5 - 6 lanes adjacent to the site, the closest buildings facing across it have separation distances of between circa 30 - 50metres.
- 1.09 The existing site frontage is currently screened by advertisement hoardings and security fencing that do not add positively to the character of the area and which, together with the inactive frontage, offer a poor quality environment for pedestrian movement.



Site Frontage to Wat Tyler Way

## 2. THE PROPOSALS

2.01 Planning permission is sought for a residential-led mixed use development comprising, in summary:

- 172 Residential apartments
- 1,169 sq.m Office space capable of flexible subdivision
- 47 Car parking spaces (including 10 disabled)
- Car club bay
- 200 Secure cycle spaces for residents
- Secure cycle parking area for the commercial occupiers
- 4 Delivery and service bays

2.02 New open space is provided in the form of:

- 924 sq.m Publicly accessible public realm
- 883 sq.m Residents communal garden
- 736 sq.m Residents communal roof terraces
- 688 sq.m Private balconies (4 sq.m for each unit)
- 3,231 sq.m Total (site area measures 4,000 sq.m)

In addition to the above accessible amenity areas, the roof levels will also provide:

- 293 sq.m Biodiverse green roof

2.03 Vehicular access will be from Mote Road in the same location as the existing car park access; with a ramp down to the lower ground floor level to the parking and service areas for both the residential and commercial units. The lower ground floor level will also include delivery access, refuse/recycling areas and plant rooms. Four separate delivery / taxi / drop off bays are provided, including larger bays designed for vans. Secure delivery stores are provided in order to to reduce delivery dwell time.

2.04 As well as secure good quality indoor cycle storage areas that are designed to encourage cycle use, the scheme will also provide space to accommodate bicycle trailers and mobility cycles. Stands for cycling visitors will be located within areas of the ground floor public realm that are well supervised and monitored



2.05 Access is also provided through the development to the parking spaces to the rear of 1-10 Romney Place, which it is understood have a right of way across the application site.



2.06 From ground level upwards the development comprises two adjacent buildings. Block A is 12 storeys, stepping down to 6 / 7 storeys in height to the north. Block B is 12 storeys in height.

2.07 Both buildings provide office accommodation at ground and first floor levels, each unit being capable of further subdivision, thus offering flexible space for up to 4 separate units. The commercial space will front onto new areas of public realm, enhancing and animating the street scene for both visitors and passers-by.



2.08 The residential accommodation will be accessed from the landscaped central public realm (or lower ground parking areas) via three separate dedicated lobbies. Each core will be served by two lifts and a staircase. All apartments are designed to national space standards and exceed minimum Building Regulation standards in terms of accessibility and energy performance. All apartments have been space-planned to provide internal storage areas and have access to a private balcony.



### 3. POLICY AND OTHER CONSIDERATIONS

3.01 The following 2017 Maidstone Borough Local Plan (MBLP) policies are considered to be relevant to the consideration of this application:

- SS1 Spatial strategy / SP4 Maidstone town centre – the town centre is considered to be the priority regeneration area where development should respond positively with quality design that also respect heritage.
- SP19 Housing mix – in supporting the delivery of mixed communities, the mix within housing development should reflect local needs.
- SP20 Affordable housing – the Council will seek the delivery of 30% affordable housing within the urban area unless demonstrated through a viability appraisal and site specific circumstances that this is not possible.
- SP21 Economic development – the Council’s commitment to supporting the economy will be reflected in site allocations.
- Policy RMX1(6) Mote Road Site Allocation – residential-led development with a minimum of 2,000 sq.m of offices (unless addressed through a viability assessment) subject to; respecting the historic setting of Romney Place, creating frontage development to Wat Tyler Way; whilst ensuring that the impacts of noise, air quality and potential contamination are addressed.
- DM1 Design quality – new development should, inter alia, respect local character in terms of, for example, height and scale; improve the public realm; create developments which are accessible to all; orientate buildings to respect natural light, seek biodiversity enhancement opportunities.
- DM2 Sustainable design – promotes a fabric first approach.
- DM4 Development affecting heritage assets – development should conserve and where possible enhance the significance and setting of heritage assets and be informed by an appropriate level of assessment and understanding.
- DM5 Brownfield land – development of sites within the urban area should make effective and efficient use of land subject to respecting existing character and densities.
- DM6 Air quality – development should consider the potential to mitigate any negative impacts on air quality.
- DM12 Density – within the town centre densities should respect character and may be up to 170 dph.
- DM16 Town centre uses – uses such as offices should principally be located within the town centre.
- DM19 Open space – new development should seek to meet identified quantitative requirements for open space – financial contributions may be sought where it is not practicable to provide on-site.
- DM21 Transport impacts – new development should be designed to minimize any impacts on the highway network.

- DM23 Parking standards – the level of on-site parking should reflect, for example, accessibility to non-car modes and accessibility to local services.

3.02 Supplementary guidance is provided in the form of the Mote Road Planning Guidelines, which were approved by the SPI Committee in 2019 and published in January 2020. Whilst not adopted as formal SPG, they are a material planning consideration and illustrate the Council's aspirations for this site. Relevant objectives of the guidance include:

- Creating a mixed-use residential and office development
- Enhancing the public realm and quality of Mote Road / Wat Tyler Way
- Creating opportunities for new planting
- Provide a cluster of medium to high rise buildings (up to 13 storeys) that reflect the massing of adjacent buildings
- Creating a continuous frontage and sense of enclosure to Wat Tyler Way
- Respecting and enhancing the setting of Romney Place
- Ensuring that a viable development solution is identified
- Optimising densities subject to quality of amenity and design
- Providing undercroft parking to maintain an active street scene
- Creation of a good living environment for residents, with good quality landscaping, including roof terraces
- Reduced parking provision to respect the town centre location.

3.03 The National Planning Policy Framework (NPPF) introduces a number of relevant considerations, including:

- An overarching objective of delivering sustainable development that meets economic, social and environmental objectives (paras 7-10)
- A presumption in favour of sustainable development (11)
- Approaching decision making in a positive way (38)
- Making best use of the pre-application process to engage and using PPA's where appropriate (39)
- Determining applications in accordance with the Development Plan (47)
- Ensuring an adequate housing supply and meeting identified housing needs (59-76)
- Supporting the vitality of town centres by allocating sites for mixed-use development (85)
- Promoting sustainable transport by focussing development within accessible areas with a choice of non-car modes and optimising densities in accessible locations (102+/108+)



- Setting parking requirements that reflect a location's accessibility by other modes, encouraging reduced car ownership levels and the use of low emission vehicles (105-106)
- Promoting the effective use of land, promoting the redevelopment of under-utilised land to meet housing needs and the use of airspace above other uses (117+)
- Encouraging an optimal density of development subject to local circumstances and quality of design / place (122-123)
- Placing weight upon the quality of buildings and places and encouraging innovative or sustainable approaches (124-132)
- Taking opportunities to address climate change, for example, efficient building design and the use of renewable energy sources (149+)
- Consider opportunities to address air quality issues (181)
- Respecting and protecting historic environments (184+)

National Planning Practice Guidance (NPPG) supplements and where necessary, provides detailed guidance on the application of NPPF policies.

In addition to the above, guidance on design is provided at both local level with BfL 12 and at national level, with an increasing emphasis upon design quality.

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

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

- 4.01 Over 400 surrounding residents and businesses were consulted. No comments were received from any residents within the immediate neighbourhood, although one resident from Weaving commented that:
- the wider area has inadequate parking
  - queries whether there is adequate educational infrastructure
- 4.02 One neighbouring business within the adjacent Romney Terrace has objected on the following grounds:
- inadequate car parking provision and likely impacts on neighbouring business premises from overspill parking
  - adverse impacts on air quality
  - construction impacts could adversely affect their operation by way of noise, pollution and dust vehicular access
  - right of way over the application site and 24 hour access is required
- 4.03 Rights of way are not a material planning consideration and therefore cannot be taken into account in the determination of this application. Nevertheless, the submitted drawings do show a right of access for Romney Terrace through the development. The other matters raised are discussed in the detailed assessment below.

## 5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with, where necessary, the response discussed in more detail in Section 6)

### Historic England

5.01 Do not wish to offer any comments

### KCC Archaeology

5.02 No objection subject to a standard condition requiring further investigations as necessary.

### MBC Heritage Officer

5.03 (Officer Note – detailed heritage comments are incorporated into the assessment in Section 6 below). In summary:

- The development will impact upon the listed terrace at Romney Place. However, the site in its current vacant condition detracts considerably from the listed buildings' setting, and the proposed development and landscaping would provide enhancements in this regard. The siting, scale and design of the proposed blocks has taken account of the presence of the listed buildings and sought to minimise harm.
- With regard to Hunters Almshouses and Romney House, whilst there is a dramatic difference in scale between these listed buildings and the development, this is not considered harmful as there is an established group of tall buildings here, and the setting would be improved by replacing vacant land/hoardings for new buildings with active ground floors and much-improved landscaping to the frontage.

### KCC Biodiversity

5.04 Following liaison with the Applicant's landscape advisors, KCC have submitted updated comments:

- The proposed development has limited potential to result in ecological impacts and as such we are satisfied that there is no requirement for an ecological survey to be submitted as part of this application.
- Note the provision of green roofs, but consider there is further scope for native planting and biodiversity enhancement.
- Suggest an updated landscaping plan with wildlife friendly planting

(Officer Comment – the Applicant has subsequently provided the additional information requested in the form of a detailed landscape / planting schedule / biodiversity enhancement scheme.)

### MBC Landscape

5.05 The landscape strategy and proposed landscape planting plans are acceptable in general terms, except I am very much opposed to the use of artificial turf. (Officer Note – the artificial turf is limited to certain areas of the roofs and is in lieu of what would be hard landscaping). However, I would want to see additional implementation details which are specific to the constraints of the site but these can clearly be covered by standard landscape conditions.

MBC Parks and Open Spaces

- 5.06 Consider that the development should provide 3.83 hectares of meaningful on-site public open space (Officer Comment – the site as a whole only measures only 0.4 ha). Recommend financial contributions to, for example, Mote Park enhancement. (Officer Comment – on-site open space and potential off-site opportunities are discussed in the assessment below).

Southern Water

- 5.07 No objections raised. Standard operational comments regarding foul and surface water connections.

KCC LLFA

- 5.08 No objection to surface water drainage and storage proposals subject to standard planning conditions and a number of advisories.

Mid Kent Environmental Protection

- 5.09 No objections, subject to conditions

Contamination – Note the findings of the ground investigation report and recommend conditions for both construction and occupation phases.

Noise – Recommend mechanical / acoustic ventilation system.

Air Quality – Note that the submitted AQA Report predicts that future occupants will not be exposed to pollutant concentrations above the relevant annual or hourly air quality objectives. Support the Applicant's proposed measures such as car club for occupiers, EV charging points (20% of the proposed car parking spaces with cabling and ducting to allow easy conversion of other spaces, secure cycling parking and travel packs for residents).

KCC Highways

- 5.10 No objection subject to conditions (see detailed assessment in Section 6 below). The Applicant has successfully demonstrated that the likely traffic impact of this proposed development would not constitute a "severe" impact in the context of the existing traffic on the local highways network.

- 5.11 The sustainability of the site, from a transport perspective is supported by the quantity of services and facilities within a reasonable walking distance of the site, which further reduces the likely impact these proposals would have on highway capacity.

- The application has been subject to detailed pre-application discussions
- The trip generation methodology is robust, whilst there would be a small net increase above existing levels (as the car park is currently under-utilised) the impacts would not be severe.
- The existing access has a good road safety record. Suitable dimensions and visibility sight lines are proposed at the access, concern around the visibility to the west subsequently addressed within a Road Safety Audit.
- Parking provision accords with standards. Local Traffic Regulation Orders, in conjunction with the proposed on-site controls, provide

sufficient reassurance that this degree of parking provision would not generate inappropriate parking elsewhere on the highway network.

- Adequate cycle parking is proposed.
- 20% EV provision with passive provision for the remainder is appropriate within the AQMA.
- Adequate service vehicle provision is provided.
- With a range of services, facilities and sustainable transport infrastructure within a reasonable walking distance, the site has high potential of achieving reduced motor vehicle trips by having high levels of pedestrian trips.
- To accommodate the increase in pedestrian movements, it is recommended that the Applicant should be required to enter into a s278 agreement provide a new pedestrian crossing facility (a zebra crossing) towards the western end of Romney Place.
- The submitted travel plan framework is acceptable, but should be followed up with a full Travel Plan.

#### Kent Police

- 5.12 Acknowledge that the Applicant has engaged with Kent Police throughout the process. No objection from a CPTED aspect subject to identified measures being adopted such as, CCTV, lighting, vehicle and cycle security, appropriate access controls for residents and visitors.

## **6. APPRAISAL**

### **Main Issues**

- 6.01 The key issues for consideration by Members relate to:

- The Principle of Development
  - Commercial
  - Residential
  - Affordable Housing
- Townscape / Landscape / Open Space
- Climate Change
- Biodiversity
- Heritage
- Highways and Sustainable Travel
  - Trip Generation
  - Access
  - Parking
  - Sustainable Transport
- Surface Water / Flood Risk
- Living Conditions / Neighbouring Amenity / Commercial Neighbours

- Air Quality
- Ground Conditions
- Other Matters

### **The Principle of Development**

- 6.02 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. It is a core principle that the planning system is plan-led. The MBLP 2017 is the principal Development Plan Document and in the context of these proposals it is up-to-date and must be afforded significant weight.
- 6.03 The National Planning Policy Framework (NPPF) provides the national policy context and is a material consideration in the determination of the application. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this again means approving development that accords with the development plan.
- 6.04 The NPPF also places an emphasis upon the use of brownfield land, it also states that .... *"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities "* It is therefore clear that good design is an essential requirement of any scheme that seeks to deliver sustainable development.
- 6.05 Policy SS1 of the Local Plan sets out the broad sustainable development strategy for the Borough and states that the Maidstone urban area will be the principle focus for development, with the best use made of available sites. It also states that the town centre will be the focus for regeneration. (The site falls within the town centre as defined under policy SP4.)
- 6.06 Policy SP1 seeks to respect and deliver the '*Spatial Vision*' set out in the Local Plan. The Spatial Vision states that sustainable growth should be delivered alongside, where relevant:
- protection of the Borough's built assets, including heritage assets
  - creating an enhanced and exceptional urban environment
  - securing high quality sustainable design and construction
  - ensuring that development is of a high quality design and makes a positive contribution to the area.
- 6.07 The Local Plan's vision for the town centre, which is reinforced through Policy SP4 sets out a number of objectives to which the proposed scheme responds positively, including:
- providing enhanced public realm
  - ensuring that development is of a high quality design and makes a positive contribution to the character and function of an area.
- 6.08 In response to this overarching sustainable development framework, the site is located within a highly sustainable location with pedestrian and cycle access to a wide range of services and amenities. The location also offers

access to a range of public transport options, with the Bus Station in particular being in very close proximity and all three rail stations within a reasonable walk.

- 6.09 As an under-utilised brownfield site, the Application Site is a priority for regeneration, as reflected in both the site allocation policy RMX1(6) and the Council's 'Opportunity' site brief. The principle of a development that follows the site allocation policy and respects the above principles is therefore in accordance with the development plan and the NPPF.

#### Commercial Uses

- 6.10 It is recognised that the quality of the office stock in Maidstone town centre has been in decline for a number of years and that there is very limited availability of modern, sustainable, good quality premises; particularly those suited to smaller enterprises. The 'Business Terrace' has proved popular and notwithstanding the current Covid impacts on working patterns and the occupation of business premises, it is considered that there will be a positive long term requirement for office accommodation of this type.
- 6.11 Both the site allocation policy and the site brief seek to target a minimum of 2,000sq.m of office space, but in doing so recognise that this may be subject to site specific and deliverability constraints.
- 6.12 The proposal incorporates commercial elements in both blocks that are located on ground and first floors. The accommodation is designed to have a strong visible presence to Mote Road / Wat Tyler Way and with associated public realm enhancements, offers an attractive setting for future occupiers (see images at 2.07 above).
- 6.13 The units are designed so that they could be occupied in a number of configurations, ranging between one and four units. They are also designed to enable co-working, which has become an increasingly popular format in the town centre. This flexible configuration is likely to assist small businesses seeking accommodation and is welcomed.
- 6.14 Applying standard floorspace:worker ratios for accommodation of this type, the proposed commercial space could generate over 100 jobs.
- 6.15 In addition to this, the increased local population arising from this number of new homes will contribute significantly to spending in the town centre and the vitality of other business and services.
- 6.16 In summary, whilst there are constraints to the overall level of office accommodation proposed, it is considered that the scheme has optimised the available opportunity and that this element of the scheme represents a positive response to the Local Plan's site specific aspiration and will make a positive contribution to the overall vitality of the town centre.
- 6.17 Whilst acknowledging the flexibility that the Government seeks to permit within the new Use Class E, but also recognising the weight that is afforded to the provision of office accommodation in the site allocation policy, it is proposed that a condition is imposed that prioritises the delivery of office accommodation over other Class E uses.

### Residential

- 6.18 The delivery of new homes to meet local needs is both an MBC and Government priority. The site allocation forms part of the adopted Local Plan's housing delivery strategy. The site allocation policy does not set a specific minimum or maximum housing target for the site and therefore the principle of optimising the site, subject to design and other environmental considerations, is welcomed.
- 6.19 The principle of residential development and the optimisation of the site therefore accords with policy SS1 and will make a valuable contribution to the Council's sustainable spatial strategy.
- 6.20 The town centre is identified as a location that is suited to smaller household sizes. The proposed unit mix is:
- |                            |       |
|----------------------------|-------|
| • 1 bedroom (1 person)     | 8 No. |
| • 1 bedroom (2 person)     | 70    |
| • 2 bedroom (3 & 4 person) | 84    |
| • 3 bedroom (5 person)     | 10    |
| Total                      | 172   |
- 6.21 Allowing for the fact that housing need varies by location, for example, demand for family accommodation in the central area of the town is lower than the wider urban area and villages, it is considered that the mix proposed is appropriate for this location and will make a positive contribution to the overall housing mix sought under Policy SP19.
- 6.22 As detailed above, where possible the units will exceed the Building Regulation requirements in terms of accessibility (Part M4(2)). All apartments will have dual lift access and level thresholds throughout the building and appropriate movement spaces. The units are also designed to be adaptable to meet future needs.

### Affordable Housing

- 6.23 As part of its overall sustainable development strategy the NPPF seeks the creation of "*strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations*". Consistent with the NPPF, the Local Plan makes clear the type and level of affordable housing that will be expected from new development. Within the urban area, Policy SP20 identifies a target of 30% affordable housing.
- 6.24 Where there is a potential departure from affordable policy requirements, the NPPF advises that "*It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment (VA) at the application stage*" whilst "*The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case...*".
- 6.25 As clarified by the NPPG, VA is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. The process includes looking at the key elements such as the final development value,

development / build costs, land value, landowner premium, and developer return. The aim of the process is to strike a balance between, for example:

- The aspirations of developers in terms of returns against risk
- The aims of the planning system to secure maximum public benefits through the grant of planning permission

In this case, a number of considerations are available to the LPA when considering whether to accept a viability assessment, for example:

- Is the development otherwise compliant with the development plan?
- Does it deliver specific development plan objectives
- Would it contribute positively to achieving sustainable development?
- Are there other public benefits arising?

6.26 Following discussion on affordable housing at the Members briefing the applicant submitted a VA as part of the pre-application process that sought to assess the potential to deliver affordable housing. This VA has been independently assessed by the Council's consultants 'RedLoft'.

6.27 To remind Members of the terminology that is used in VA's:

Existing use value – (EUV) is the value of the land in its existing or lawful use (not necessarily the price paid).

Benchmark land value – (BLV) represents the existing use value (EUV) of the land, together with a premium for the landowner. The premium reflects the minimum return at which it is considered a reasonable landowner would be motivated to sell the land.

Residual land valuation – (RLV) is the process of valuing land with development potential. It seeks to identify the sum of money necessary to purchase the land and is calculated by estimating the value of the completed development (apartment sales income) and then subtracting the costs of development (build costs, finance costs, professional fees, planning policy requirements, CIL contributions and profit).

If the RLV falls below the benchmark land value, then it is unlikely that the developer would be incentivised to deliver the scheme.

6.28 The Applicant's VA identified a benchmark land value of £1.4 million and even with no affordable housing provided, estimated a residual land value of (minus) -£5.37 million which represents an overall deficit of £6.77 million below the benchmark land value.

6.29 The Council's independent consultants 'RedLoft' reviewed the submitted VA. In doing so, they tested the Applicant's calculation of, for example, the site's existing and benchmark land values. They also tested inputs such as profit margins, build costs, fees, sales income etc.

6.30 Within their initial assessment the Council's advisors suggested a number of variations to the Applicant's assumptions, namely:

- Reduced benchmark land value
- Reduced build costs



- Higher value to the commercial accommodation
- Reduced marketing costs
- Higher s106 contributions
- Lower profit levels

Nevertheless, after further review of build costs, they concluded that there would still be a significant deficit of circa -£5.2million versus the Applicant's suggestion of -£6.77m. The consultant's conclusion is therefore

*As evidenced, our revised assessment generates a residual land value below the benchmark land value. Accordingly, we maintain our conclusion made within the review, and consider that an affordable housing contribution cannot viably be provided by the proposed scheme in the current market.*

*We recommend that a review mechanism is included within the Section 106 agreement, in order to account for any changing market conditions across the scheme's development programme.*

- 6.31 On the basis that the application fails to deliver the affordable targets set out in the Local Plan, we return to the tests set out in 6.24 above, for example:
- is the development otherwise compliant with the development plan?
  - does it deliver specific development plan objectives
  - would it contribute positively to achieving sustainable development?
  - are there other public benefits arising?
- 6.32 It is acknowledged that sales values in Maidstone Town Centre are presently constrained, therefore imposing challenges on the viability of development. This is recognised in the planning brief for the site which acknowledges the need for a viable and deliverable solution for the site. It is intended that the forthcoming Town Centre Action Plan will provide a framework for the environmental improvement of the Town Centre and measures to enhance its viability. However, it is important that early investment in the Town Centre is encouraged and 'opportunity' sites represent such an opportunity for early delivery. Weight should therefore be applied to any such schemes which come forward in the short-term.
- 6.33 This development site has specific constraints, such as; the need to retain a right of way to Romney Place, the requirement for ground excavation, which do add to complexity and costs. Throughout the pre-application period the Council has placed an emphasis upon the need for a very high quality of design and materials, to which the Applicant has responded positively, but these do raise the overall build costs significantly. The requirement for a proportion of office space also impacts upon overall profitability. Further, the requirement to reduce scale adjacent to the listed Romney Terrace constrains the development capacity of the site.
- 6.34 The development will deliver a significant number of new homes and jobs in a highly sustainable location and make material contributions to Local Plan targets. It is considered to be of a high quality design that will encourage further investment and regeneration in the Town. Having regard to the

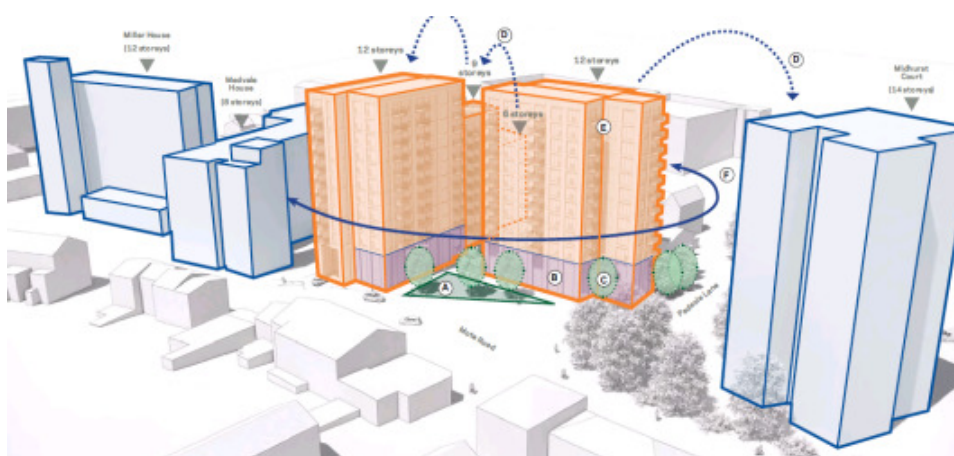
substantial contributions that this scheme will make, it is considered that there are overarching benefits that could be achieved in granting planning permission for a scheme, despite the absence of affordable housing. For the reasons outlined in this report, it is considered that having regard to the exceptional circumstances of this site, the viability constraints and the wider benefits arising, this approach is justified in this site specific instance.

- 6.35 Whilst the imposition of an affordable housing review mechanism can potentially detract from the scheme's funding and timing of delivery, in this instance, it is suggested that a s106 clause be imposed requiring a viability review only if the scheme has not been 'substantially commenced' within two years of the grant of planning permission.

## **Townscape / Landscape / Open Space**

### Townscape

- 6.36 In the context of both a national and local policy emphasis upon delivering high quality design, the 'Opportunity Site Brief' for the site highlights the Council's aspirations to, inter alia:
- create a contemporary landmark building,
  - create a series of medium to high rise buildings with heights of up to 13 storeys towards the eastern part of the site,
  - a strong built frontage to Wat Tyler Way and
  - enhanced public realm along Mote Road and Wat Tyler Way.
- 6.37 The detailed design has evolved through a pre-application process over a circa 18 months. Whilst at the workshop last year Members advised that they would consider options for taller buildings; the Applicant has capped the height to 12 storeys, which is within the overall height parameters suggested in the Council's brief. Although the overall massing is greater than the planning brief suggested, the brief is not meant to be prescriptive and the true test is how well the proposed development responds to the site's context, its impact upon or contribution to townscape and the quality of the design response.



Indicative Massing Diagram Showing Adjacent Buildings

- 6.38 The proposals create a transition in the main street scene between the existing buildings of Miller Heights at 12 storeys and Midhurst Court at 14 storeys.
- 6.39 The application was accompanied by a townscape and landscape impact assessment. This considered the scheme in the context of both longer distance and local views of the site, including views across the Medway Valley. This study demonstrates that the proposal would not adversely impact on longer or medium distance views, with the exception of one view northwards from Kingsley Road (view 8), where the alignment of the road is directly towards the site and where the proposal would screen part of existing longer distance view towards the Downs. However, this is a narrow viewpoint from what is not a significant part of the PRow network. The impact is not considered to be so harmful as to warrant refusal, as the building will still be seen in the context of existing taller buildings.
- 6.40 The townscape assessment concludes that the principal visual changes are therefore views from the immediate vicinity, eg, Wat Tyler Way, Mote Road and from gaps through Romney Place. The site can also be seen from the rooftop of the Mall Car Park (and the case officer's desk!). The degree of change is inevitably significant as the change is one from an open surface level car park to buildings rising up to 12 storeys. However, again, in these views the proposed building is viewed in the context of a cluster of existing tall buildings.
- 6.41 To a great extent the proposal will complete this section of the streetscape and subject to site landscaping and detailed design treatment, the principle of developing buildings of this scale is considered to be acceptable.
- 6.42 To the rear, Block A steps down in height through two separate 3 storey reductions, so that at the rearmost part it is lower in height than the adjacent Kent House to the west. In doing so it also respects the lower height of the listed Romney Terrace to the immediate north.



6.43 The application proposes a landmark building, an opportunity identified in the Council’s brief; and as this image demonstrates, this has been well executed, with a tall slender elevation facing towards the east.



6.44 During the pre-application process Members requested that the development should not seek to mimic the 1960’s/70’s form of the adjacent buildings and that it should also add interest to both townscape and importantly, the town centre’s overall roofscape.

6.45 The design responds to this in a number of ways. Firstly, whilst both buildings have an upper limit of 12 storeys, their footprints are stepped, the effect of which is to create the impression of a series individual elements which, when read from street level offer quite a dynamic elevation and roofline – again as illustrated in these images.



6.46 In addition the elevations incorporate details such as vertical brick piers and the use of differing brick tones and panels to add further interest. Although a contemporary design, the materials to be used are contextual, with brickwork predominating, together with the use of Ragstone for key features at ground level and within the landscaping.

6.47 There are some further design details that Officers would like to see incorporated in terms of the detailing of the base and upper level of the building and it is suggested that these are sought through a condition and delegated powers.

6.48 The proposed approach to the balconies is considered to be interesting, in that rather than trying to create artificial colours, which has been unsuccessfully employed in other recent schemes; the balconies employ grey and brass metal screens that reflect historical paper weaves. The density of the weave is greater at lower levels where privacy is more relevant and gradually lightens up the facades, adding a further layer of interest to the elevation detailing.

**7.8 Balcony Treatment**

The balustrades to the balconies use the patterns of the laid and wove moulds applied to architectural meshes. The Juliet balconies have a 'wove' mesh, and the projecting balconies a 'laid' mesh. The meshes become increasingly dense as they come down the building providing greater screening and more privacy, where they are more visually exposed. This works on both a functional level, but also adds additional visual interest and provides additional verticality to the building, drawing ones eye up the building.



6.49 Overall it is considered that the approach to the buildings siting, footprints, their massing and the detailed architectural treatment and materials will result in a development that will have a significantly positive impact upon the townscape.

Landscape & Open Space

6.50 Despite the site's dense urban setting, landscaping is a key element of the overall design approach for the site. The principles of the scheme's landscape strategy are:

- to create new areas of public realm and introduce new tree planting to enhance the street scene and pedestrian environment of this part of the town centre
- to create an attractive setting for commercial occupiers and a pleasant and safe pedestrian arrival for residents
- to provide good quality communal and semi-private amenity areas for residents at ground level/s
- to introduce green roof terraces to provide communal areas with good levels of natural light away from road noise
- to offer biodiversity enhancement opportunities.

6.51 As identified in 2.02 above, whilst the site area is only 4,000 sq.m (0.4ha), by utilising appropriate roof areas, the accessible public realm and

communal open spaces amount to a little over 2,500 sq.m; equivalent to almost two thirds of the site area.

- 6.52 Including the private balconies, which are provided to each apartment, this raises the overall useable percentage of external space to an equivalent of 81%. For a small site in a town centre location this is considered to be a positive level of open space that will add to the quality of life for residents and enhance this area of the town centre as a whole.
- 6.53 In addition there will be 293 sq.m of dedicated habitat areas at roof level and utilisation of vertical faces at lower levels to create green walls.
- 6.54 In terms of Policy DM19, it is difficult to apply traditional amenity/open space standards to a high density development that is not capable of providing, for example, allotments, semi-natural open space and sport pitches on-site.
- 6.55 For a development of 172 units, Policy DM19 would require circa 2,900sq.m of amenity green space. In response, in addition to a private balcony for each unit (totalling 688sq.m), the scheme provides 1,610sq.m of communal space for residents and 924sq.m of public realm, much of which lies adjacent to the building entrances and is available to residents to use.
- 6.56 Having regard to the central urban location of the site, its irregular shape and the high density of development, it is considered that the quantum of open space provided for residents is appropriate, but it is suggested that, subject to viability, a financial contribution be sought to open space or public realm enhancements in the vicinity. Turning to the quality of open space:

6.57 Ground Level Planting

In addition to new street tree planting at the site frontage, further new trees, hedgerow and borders will be created around the site boundaries to both enhance the setting of the application site (and its neighbours), but to also create new habitat.

The development is split into two separate blocks in order to allow open views through the site and to improve the setting and daylighting of the new public realm.

A green corridor runs through this space, which transitions from public realm on the southern street frontage, through to a semi-private space that both residents and workers in the commercial units can use.



Beyond this a series of terraced areas are dedicated to residential occupiers, which will incorporate integrated play features and a quiet garden to the rear. Wherever possible the landscaping scheme will incorporate biodiversity habitat friendly planting and design.



### 6.58 Roof Gardens

At roof level a series of communal roof gardens are proposed.

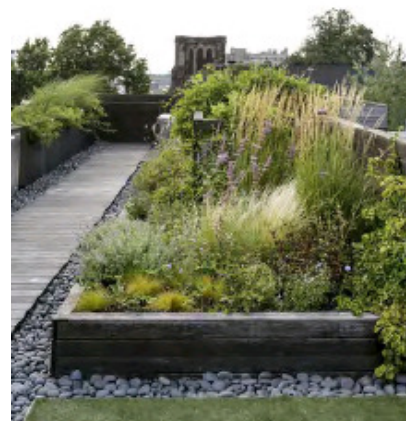
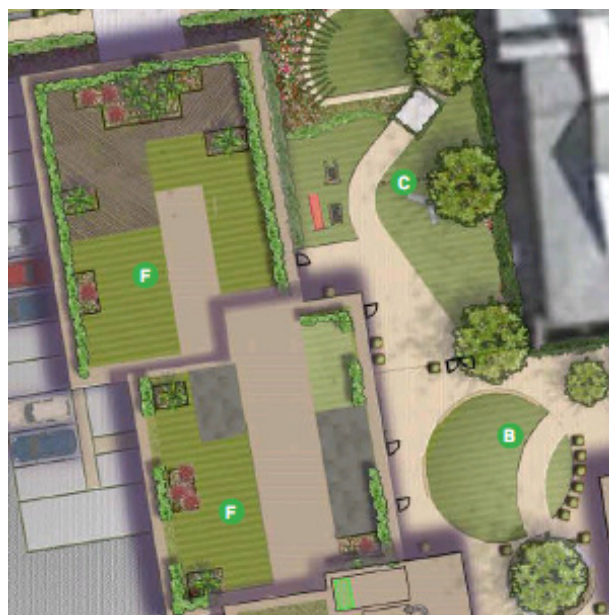
Following the submission of the original application this strategy has been expanded to include each of the four separate roof areas.

These gardens will provide further amenity spaces for residents.

As with the ground level planting, these areas will be landscaped to include native species borders/beds and areas of grass meadow.

In addition, two dedicated areas of habitat will be created at roof level, with wildflower planting, together with accommodation for the three B's, plus swifts.

As well as providing a biodiverse habitat and good quality amenity space, these roof areas will also add further interest to the tiered roofscape of the development.



- 6.59 A detailed planting scheme has now been submitted that shows the use of native species that will further enhance habitat opportunities.
- 6.60 To conclude, it is considered that the Application provides significant public realm enhancements in accordance with the site allocation and planning brief. The landscaping scheme will provide a positive setting for residents, employees and visitors, as well as enhancing to the overall contribution of the scheme to the town centre's townscape / landscape.
- 6.61 However, having regard to the level of population generated by the scheme and the additional pressure on existing open space infrastructure that will be generated, it is considered that further contributions to off-site public realm/open space enhancements are necessary and these will be sought through a s106 agreement.

### **Climate Change**

- 6.62 The Government's sustainable development strategy is based upon a number of overlapping principles, including:
- protection of the environment
  - prudent use of natural resources
  - wherever possible blending the often competing requirements of the economy, social needs such as housing and the environment, so as to minimise land-take requirements
  - optimising the use of land
  - maintaining and enhancing the viability and vitality of urban centres
  - increasing the use of renewable or low carbon technology
  - promoting development that is 'lean, mean and green'
- 6.63 By virtue of its central urban location, the development is sustainably located. Residents will have good access by foot and cycle to a wide range of services and amenities. Residents and employees will also have good access to an extensive network of public transport options. As such, the development will not only reduce the need to travel, thus achieving demand reduction, but will reduce dependency upon the private motor vehicle.
- 6.64 100% of the parking spaces will be enabled with passive EV charging infrastructure, with 20% installed with active charging points from day one. This approach allows the owner to respond to demand and also to adapt to rapidly changing charging technology.
- 6.65 In addition, the developer proposes a car club scheme, which will encourage car sharing, seek to limit usage to necessary rather than desirable journeys and encourage a reduction in likely car ownership levels amongst residents.
- 6.66 The development re-utilises vacant urban land. The optimisation of the site, whilst ensuring that environmental and other impacts are avoided, represents an efficient use of land.



- 6.67 The building has been designed to optimise a number of passive design measures, for example, minimising the number of single aspect north facing dwellings, thus optimising natural daylight levels and thus reducing the electricity demands.
- 6.68 The building fabric is designed to reduce air (and thus heat) leakage in winter, with a target of 60% greater efficiency than the Building Regulations require. The construction system will also seek to reduce the adverse impacts of thermal bridging. Where noise and air quality conditions permit, the units will be designed to allow natural rather than mechanical ventilation.
- 6.69 Space heating demand will be supplied by a communal air source heat pump network, rather than gas boilers. The building's electricity supply will be sourced from a green provider.
- 6.70 The predicted net reduction in emissions resulting from energy efficiency and other measures is predicted to be 38% below permissible emissions levels. In addition, the building's lean design will achieve a further 8% reduction.
- 6.71 In terms of water usage, the apartments are designed to meet the 110litre p/day p/person target through measures such as; efficient taps and cisterns, low output showers, flow restrictors and water metering.
- 6.72 Sustainable drainage measures such as green roofs and podium planting will also provide a positive benefit in terms of managing surface water run off.
- 6.73 To conclude, it is considered that the scheme represents a positive response to the principles set out in the NPPF and policy DM2. Whilst, with the emphasis upon amenity space and biodiversity, there is no capacity for roof level PV, the scheme is designed to minimise energy use through efficiency and will utilise, low carbon solutions for heating.

### **Ecology / Biodiversity**

- 6.74 KCC Ecology acknowledge that the site in its existing form has no ecological value and therefore an ecological impact assessment was not required. Following liaison with KCC, the proposed landscaping scheme has been further developed. As well as the benefits of introducing a significant amount of new planting that will attract wildlife and provide habitat, key features include connected networks around the site perimeter comprising:
- tree canopies maximised (circa 40 new trees planted, including common maple, silver birch, hornbeam, acer, flowering cherry and lime)
  - mixed native hedges (2-4m in height) and shrub planting
  - wildflower meadow planting
  - nectar rich climbers and fruit / berry bearing trees
  - trailing edges / climbers on vertical surfaces

- dedicated biodiverse roof areas
  - circa 20 No. Bird, swift and bat boxes, bee hotels and log piles.
- 6.75 It is considered that despite the site's central urban location, the scheme will deliver a significant biodiversity gain and therefore respond positively to the aspirations of MBLP DM3 and the NPPF. To further respond to the opportunity to enhance biodiversity opportunity in the town centre, a contribution to off-site schemes in the town centre, including the River Len have also been agreed.

## **Heritage Considerations**

### Built Heritage

- 6.76 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon decision makers to have special regard to the desirability of preserving the setting of a listed building. Section 72 of the Act also places a duty on decision makers, to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area.
- 6.77 The NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal including their setting and take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.78 The NPPF also requires that when considering the impact of a proposal on a heritage asset, the Council should first consider whether the development has sought to minimise any impacts through its design, before considering what the residual level of harm may be.
- 6.79 The proposed development would affect the setting of a number of grade II listed buildings, most directly affected is the listed Georgian and Victorian terraces of 1-10 Romney Place and 11-14 Romney Place. The significance of these buildings is principally derived from their terraced form and the contribution that they make to the streetscape of Romney Place. The siting, scale and design of the proposed blocks has taken account of the presence of the listed buildings and sought to minimise harm by, for example, significantly reducing massing on the northern part of the site. In views from the north, east and west of the listed terraces their context and backdrop would be greatly altered due to the overall scale and massing of the proposed development on what is currently undeveloped, open land. However, the setting of the listed terrace already contains the substantial mass of adjacent tall buildings, thus reducing the net impacts of change. In addition, the Application Site in its current vacant condition detracts considerably from the setting of the listed buildings and the proposed development and landscaping would provide enhancements in this regard.
- 6.80 The setting of Hunter's Almshouses on Mote Road and 64-70 Mote Road would also be affected, with the development appearing in the immediate

context of the listed buildings when approaching from the east. Their significance principally relates to their historic function and architectural quality, but their setting has been significantly altered over time as the area has been redeveloped and roads widened.

- 6.81 The difference in scale between these listed buildings and the proposed development, whilst dramatic, is not considered harmful as there is an established group of tall buildings in this location and their overall setting would be improved by replacing vacant land / hoardings with new buildings with active ground floors and much-improved landscaping to the frontage.
- 6.82 The development would also be seen in the context as the grade II\* listed Romney House when viewed from the Romney Place/Lower Stone Street Junction, albeit in the backdrop of existing tall buildings. This listed building is already experienced in the context of the modern buildings of Kent House and Sussex House, the car park and the Mall complex and it is not considered that there would be a directly harmful impact upon the setting and significance of the listed building.
- 6.83 The setting of listed buildings on Lower Stone Street, Upper Stone Street, Gabriel's Hill and Knightrider Street is not affected due to the presence of intervening developments. Where the development is glimpsed in the background of these heritage assets in certain views, for example along Knightrider Street, this is not considered to be harmful.
- 6.84 The development would be seen from various points within Maidstone Centre Conservation Area and Maidstone Ashford Road Conservation Area. The supporting assessment indicates that views of the development from the Mansion or registered landscape of Mote Park would be very limited (or non-existent from most parts). If glimpsed in views from these locations it would be in the context of an established separate cluster of tall buildings and so would not have a harmful impacts on these heritage assets.
- 6.85 There are potentially sensitive views through and from Maidstone All Saints Conservation Area where the important grouping of medieval buildings front the river. The Landscape and Visual Assessment identifies that the development would have a minimal presence in such views, where it would be only glimpsed between the Church and College buildings. There would be some cumulative impact with Miller Heights where the buildings are seen together and are only partially screened by a mature yew tree which might not provide long-term screening. In these views, ensuring rooftop terraces and plant are carefully arranged and screened would help to minimise any visually intrusive new elements on the skyline.
- 6.86 In summary it is considered that there would be a low level of 'less than substantial harm' to the setting and significance of 1-10 and 1-14 Romney Place due to the scale and proximity of the proposed development. However, there are benefits associated with the development and landscaping which would improve their setting and are likely to mitigate this harm. While the development would be seen in the context of numerous other heritage assets across the town centre, it is not considered there would be any additional harmful impacts.
- 6.87 The NPPF advises that "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this*

*harm should be weighed against the public benefits of the proposal ...”* This requirement is echoed by policy DM4 of the MBLP. The NPPG sets out that public benefits should be of a scale and nature that benefit the public at large. They may involve direct heritage benefits or wider considerations such as the delivery of housing to meet local needs or other economic or social benefits.

- 6.88 Having regard to the significant benefits identified above, including the creation of significant new employment opportunities, a material contribution to housing delivery, the regeneration of a key town centre site, public realm enhancement and a highly sustainable form of development; these significant public benefits are considered to outweigh the relatively low level of heritage harm that arises.

#### Archaeology

- 6.89 Both the NPPF and MBLP Policy DM4 require that where development has the potential to affect heritage assets with archaeological interest, LPAs should require developers to submit an appropriate desk-based assessment.
- 6.90 Whilst the site lies outside the historical area of the town’s development and the immediate area has experienced significant clearance and excavation to allow for the adjacent buildings and new highway construction, the site has the potential to contain some post-medieval findings. Whilst the proposed scheme involves some excavation, KCC’s archaeologist raises no objection subject to further surveys and monitoring during the early stages of site preparation.

#### **Highways and Sustainable Travel**

- 6.91 The NPPF advises that in allocating sites for development and when assessing planning applications, LPA’s should seek to ensure that, for example:
- opportunities are taken to promote sustainable travel
  - impacts on the highway should be minimised and permission only refused if impacts are severe and cannot be mitigated
  - priority is given to pedestrian, cycle and public transport use and that places are attractive to pedestrians and cyclists
  - where necessary acceptable servicing facilities should be provided
  - provision should be made to enable the charging of low emission vehicles.
- 6.92 As detailed above, the site is considered to be a highly sustainable location with good access to services and public transport and its location should encourage occupiers to use alternatives to the private car.
- 6.93 A car club is proposed, with free membership proposed for residents, together with EV charging provision. In addition the development is accompanied by a travel plan.

- 6.94 The site is currently laid out as a car park, with circa 158 parking spaces. Although under-utilised in recent years, this lawful use has the potential to be fully reinstated and the site could thus attract a significant number of vehicle movements. Despite this, KCC undertook a robust assessment based upon a benchmark of the current low level of usage, which also took account of the fact that properties in Romney Terrace gain access through the site to their own parking.
- 6.95 Compared to the existing peak hour trip generation of 21 trips in the AM and PM peaks, KCC conclude that the net trip generation impact of these proposals is 24 and 34 trips in the AM and PM peaks, respectively. Whilst KCC consider that this would represent an increase of vehicular trips on to the highway they conclude that the congestion impacts of these proposals cannot be considered "severe".
- 6.96 MBC Officers again consider that greater weight should be afforded to the lawful use and potential capacity of the site as a car park, in which case the number of vehicles entering the site / highway network following development would be materially lower than the lawful use of the site. The proposals therefore accord with Policy DM21 in terms of no adverse impacts from trip generation.
- 6.97 Car parking is provided in the forms of 45 residential spaces and two commercial spaces. 10 bays will provide disable parking and 10 bays (21%) will incorporate EV charging from first occupation, with the remainder passive, ready for installation upon demand. A car club bay will also be provided, which will encourage lower levels of car ownership.
- 6.98 Parking spaces will be assigned to residents upon application, ie, leased to car users rather than being sold and potentially not being used. This will reduce the pressure for residents parking in the surrounding area.
- 6.99 The developer has offered to accept a clause restricting residents from applying for an on-street permit and if necessary to increasing restrictions on surrounding roads. However, KCC consider the level of parking provision accords with policy, whilst being at a level sufficient to ensure that overspill parking does not adversely affect the surrounding area. Considering the sustainable location of the site, the level of parking provision is considered to be appropriate and in accordance with Policy DM23.
- 6.100 The submission shows that adequate provision has been made for service vehicles such as refuse to access and service the site without obstructing the highway. KCC have suggested that they would wish to see this shown for even larger vehicles such as removals, however, this is not considered to be appropriate as in practice, removal companies, deliveries of very large goods would assess the accessibility of the site and allocate an appropriate vehicle. It would therefore not be appropriate to seek to design a town centre site to accommodate the largest possible scenario.
- 6.101 A framework travel plan proposes a number of measures, including:
- providing residents with an information pack highlight local services and public transport options
  - highlighting cycle routes

- promoting EV's and the use of the car club
- creating a specific website for the scheme with updated resident information on bus routes, timetables, ticketing options etc

6.102 To conclude, this is a sustainable location and the development responds with appropriate measures to reduce the potential impact of car ownership / usage.

### **Surface Water / Flood Risk**

6.103 The site is not located within an area of risk of flooding, being within FZ1.

6.104 The existing car park site is currently 100% hard surfaced, with no measures to manage surface water run off. In contrast the scheme incorporates significant areas of green roof and podium/ground level planting. The proposed SuDS scheme allows for predicted 1:100 events plus 40%, with off-site flow rates limited to the Qbar greenfield runoff rate.

6.105 Neither KCC LLFA nor Southern Water raise any objections.

### **Living Conditions / Residential Amenity**

#### Existing Neighbours

6.106 Adjacent residential buildings (incl' emerging conversions) include Kent/Medvale House, Midhurst Court and properties facing the site across Mote Road. Potential impacts to consider include overlooking/loss of privacy, daylighting and noise or disruption (excluding construction stages).

6.107 The proposed building provides sufficient separation from neighbouring buildings to ensure that privacy is not reduced to unacceptable levels. Inevitably, introducing buildings on an open site will lead to a material change in the setting of neighbours and their outlook, but the resulting conditions are considered to be appropriate having regard to the site's urban setting.

6.108 By its nature, the land use mix proposed is compatible with residential neighbours, so would not generate levels of activity that would give rise to nuisance. The proposed car parking mirrors parking on the adjacent sites, so will not introduce adverse levels of activity or noise.

6.109 In terms of natural light to neighbours, the potential impacts in terms of both sunlight and daylight have been assessed. In terms of daylight, BRE Guidelines advise that where the retained VSC is 27% or greater, or where the retained VSC has not reduced to less than 80% of its former value, then the reduction in daylight is unlikely to be material.

6.110 The Applicant's assessment identifies that a small number of windows in Midhurst Court would experience minor transgressions, but this is principally due to their inset balcony nature (where in effect they sit in their own shadow). In terms of the properties facing across Mote Road, there are a number of windows that will receive either a minor or moderate

impact, but none major. These levels of change do not necessarily indicate that unacceptable levels of light will be received and the degree of change is in-part an affect of the existing site being entirely open, an unusual characteristic in a central urban area.

- 6.111 It is recognised that the BRE guidelines were drawn up in the context of principally suburban development and are not ideally suited to central urban areas. In this instance, whilst there will be some properties that experience a noticeable reduction in daylight, this is not considered to be unacceptable having regard to the central urban context of the site.
- 6.112 Impacts on Kent / Medvale House are greater than other properties, but again there are mitigating circumstances. Firstly, these buildings were not designed for residential use, are located closer to the site boundary than might have been permitted for a residential scheme and again, they currently enjoy an aspect over open land. As such their existing daylight values are greater than might be expected for a central urban area and whilst the net reduction is significant, the levels that they will enjoy is not necessarily unacceptable having regard to their location.
- 6.113 In terms of sunlight impacts, the BRE guidelines only consider windows that are within 90 degrees of due south. Kent House is the only building affected, with only 2 out of 36 windows (both bedrooms where the application of standards is less significant) falling below the nominal annual levels, but 25% falling below the winter tests. The assessment identifies that the majority of these windows are either partly shadowed by the structure of Kent House itself, or at lower levels where, in an urban area, it is more likely that sunlight will be obscured by an urban grain defined by taller buildings and reduced spacing.
- 6.114 In the context of this town centre location, where even low buildings can result in transgressions due to the low height of the sun, it again is relevant to note that Kent / Medvale House enjoy current levels of sunlight primarily because the car park is open. As before, it is recognised that within urban areas the BRE standards have to be applied with a degree of flexibility, otherwise much regeneration would be stifled by poorly designed neighbouring sites. Nevertheless, it is considered that the levels of impact are not significant and do not warrant a reduction in the massing of the scheme.

#### Future Occupiers

- 6.115 It is an expectation that new developments will deliver acceptable amenity levels for future occupiers. As identified above, the design of the buildings seeks to limit the number of north facing single aspect apartments, thus optimising levels of natural light; which is a benefit from both an amenity and energy use perspective.
- 6.116 In terms of daylight the submitted analysis identifies that the vast majority of rooms will exceed recommended values, but that inevitably, within a large development there will be some rooms on the lower floors that have less daylight. However, the number is small and typically relates to rooms that are shared living / dining / kitchen areas, where the lower daylight levels relate to that part which is laid out as kitchen. Otherwise the report

concludes that the overall provision of natural daylight for the scheme as a whole is acceptable.

- 6.117 In terms of the proposed external amenity areas, the layout of the development, with the open area between the buildings and a reduction of height to the rear, ensures that they receive the levels of sunlight recommended by BRE.
- 6.118 The impact of traffic is also a consideration in terms of noise impacts upon the quality of life for future residents. Both daytime and evening noise surveys were conducted in order to assess conditions. The highest levels are naturally experienced on the Mote Road frontage, where ambient daytime levels of 68dB and evening levels of 60 dB were recorded.
- 6.119 Guidance advises that internal levels of 35-40dB daytime and 30 at night should be achieved. The report assesses the building specification and advises that reductions of 40dB are achievable by walls and 31-37 from windows, such that acceptable internal levels can be achieved. However, on the advice of the EHO a condition will require submission of details.
- 6.120 In addition, to ensure that cooling can be achieved without the need to open windows, mechanical ventilation will be sought on necessary facades.

#### Commercial Neighbours

- 6.121 Privacy is not a factor applied to commercial buildings, nor strictly speaking is natural light. However, it is noted that as the development is set well back from Romney Place, the rear facing rooms in these office buildings will receive reasonable levels of light. The proposed uses of residential and offices are compatible with the neighbouring existing office uses and so would not undermine their continued viability.
- 6.122 One neighbouring office occupier has raised concerns regarding construction impacts. Noise and associated construction activities are a matter for separate legislation. Nevertheless as part of the air quality mitigation measures proposed, the impacts of dust etc will be mitigated as far as possible, although inevitably, as with most construction projects, there will be a degree of temporary impact.
- 6.123 A hire depot abuts the site to the north east and this has recently been granted permission for a range of Class B and hire uses. It is not considered that the proposed development would adversely affect the continued commercial use of this building. Within the proposed scheme, the lower two levels are to be commercial and these would not be adversely affected. The residential accommodation from second floor upwards would be sufficiently separated to ensure no adverse impacts are experienced.

#### **Air Quality**

- 6.124 Having regard to the site's proximity to the adjacent road network and associated traffic, the site is vulnerable to the potential impact of vehicular emissions on the quality of air. In such circumstances, both the NPPF and



Policy DM6 of the Local Plan require the impact of development upon and its potential vulnerability to air quality to be assessed.

- 6.125 The site is partly located within an AQMA, but is a location where traffic volumes and their impacts on AQ are predicted to reduce. Nevertheless worst case modelling was undertaken to predict the levels of exposure of future residents. In terms of NO<sub>2</sub>, the modelling indicates positive results in that levels will be below the Air Quality Objective level of 40 ug/m<sup>3</sup>, the highest predicted concentration being 36.6. The front facing balconies were also tested and the results suggest that their use would not be constrained in terms on AQ grounds.
- 6.126 It should be noted that these results related to the lowest level floors and that AQ improves significantly with height.
- 6.127 In terms of PM<sub>10</sub> concentrations, even at ground level, these would fall below the Air Quality Objectives.
- 6.128 The conclusion is therefore that future occupants would not be exposed to pollutant concentrations above the relevant objective levels.
- 6.129 With regard to the potential impact of the operational phase of the development on air quality levels, the Applicant's modelling allows for predicted traffic impacts from the development on air quality and considers this to be negligible. This takes account of a number of proposed AQ mitigation measures including:
- Setting buildings back from the road where possible
  - Constrained levels of on-site parking
  - Provision of a car club to enable car sharing and reduce ownership levels
  - Provision of EV charging for 20% of the scheme from start-up with capacity for retro-fitting the remainder on demand.
  - Provision of good quality cycle stores to exceed standards
  - Provision of green infrastructure throughout the development, including biodiverse roofs and tree planting, to absorb pollution and increase deposition rates;
  - Inclusion of Tobermore AirClean paving to help reduce ambient NO<sub>2</sub> concentrations through photocatalytic concrete technology.
- 6.130 Due to the dense nature of the surrounding area, adjacent sites are at risk of constructions impacts, specifically dust, but also on-site machinery (noise and emissions). The assessment identifies the risk as medium and as such mitigation measures are proposed. These will be enforced through a condition and include:
- Engagement with potentially effected neighbours in advance of works commencing.
  - Preparation of construction management and dust mitigation plans.
  - On-site management and complaints procedure
  - Monitoring

- Dust suppression measures
- Where possible locating plant and machinery away for boundaries.

### **Ground Conditions**

- 6.131 The Application was accompanied by a ground investigation report. This identified a limited likelihood of contamination beyond isolated areas. The EHO accepts the findings of the report and suggests conditions to monitor during construction.
- 6.132 As such the development of the site would not lead to conditions detrimental to surrounding or future occupiers.

### **Other Matters**

- 6.133 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after. Although CIL contributions cannot be afforded weight in the decision-making process, it is estimated that for this scheme they are potentially in the region of £1.23 million.
- 6.134 Having regard to the scale and density of development and the constraints upon the site to deliver full on-site mitigation, in order to ensure that the impacts of the development are adequately mitigated, it is considered that a number of relevant off-site mitigation measures should be secured through a s106 agreement. These are namely:
- Contributions to open space and public realm enhancement
  - Biodiversity enhancement measures
  - Sustainable transport
- 6.135 These are measures that would not necessarily be funded by the CIL contributions that the scheme would generate and relate directly to the impacts of the development. In considering financial contributions, regard also has to be had to the viability of the development and the wider potential benefits that it generates, which might be lost if s106 demands rendered the development unviable.
- 6.136 In terms of off-site open space, based upon an assessment of Policy DM19 the Parks and Open Space Team estimated a requirement for 3.83 ha of open space (for a 0.4ha site) the majority of which, 2.66 ha related to semi/natural open space. They requested a contribution of £270,900 to be used for:-
- 50% Mote Park – Inclusive Play, habitat maintenance and management including access improvements and signage, maintaining and enhancing sports facilities

- 10% Collis Millennium Green - towards maintaining and improving play facilities, habitat maintenance and management
- 25% South Park – maintaining and enhancing sports
- 5% River Len Local Nature Reserve – access improvements, natural erosion management, habitat management (Officer note – this should also be expanded to include reference to the daylighting scheme)
- 5% Trinity Park – planting and habitat management Maidstone Borough Council Parks & Open Spaces
- 5% Square Hill allotments - paths, entrance and water supply improvements.

6.137 However, that request did not take account of the quantum of useable open space that the scheme is providing, which, as identified in Sections 2 and 6 above, meets a material element of the scheme’s residential amenity space requirement of circa 0.29 ha. Elements such as sports and allotments and semi-natural clearly cannot be met on-site by a town centre scheme with a very small footprint.

6.138 There is no set formula for assessing the net impact and cost of residents using wider facilities, but allowing for the % of open space met on-site, it is suggested that a contribution of £61,000 towards one or more of the above off-site open spaces would assist in managing some of the pressures generated by this development on wider amenity areas and is justified by Policy DM19.

6.139 In terms of biodiversity enhancement, the scheme delivers a number of benefits, but due to the physical constraints of the site, there are limited on-site opportunities. Policy SP1(2) (iv) requires town centre development to positively contribute to the biodiversity of, inter alia, the River Len. Policies DM3(1)(iv) and DM3(4) further allow for enhancement to take place off-site.

6.140 The Council is progressing the scheme to daylight the River Len within the town centre. This is a scheme that has the potential to deliver both public realm enhancements and biodiversity gain in close proximity to the site. It is suggested that a minimum of £30,000 of the above open space contribution be ring-fenced to this scheme (or wider Len enhancements should this daylighting element not proceed).

6.141 In addition, it is suggested that a further £7,500 be sought towards biodiverse planting/habitat creation within and adjacent to the scheme.

6.142 Encouraging sustainable modes of transport are woven into the NPPF. The scheme adopts measures to reduce the use of the private car and to encourage sustainable modes. These include cycle provision for residents and employees. However, the scheme will attract a material number of visitors to both the residential and commercial elements. It is important that alternatives to car travel are available and that the travel mode behaviour of visitors matches the aspirations for occupiers of the scheme.

6.143 Both the Local Plan’s town centre vision and Policy SP23(2) reflect this objective. The town centre cycle hire scheme and an emerging E-bike

strategy are central to schemes that the Council is evolving for the town centre. The town centre hire scheme represents a relatively low cost opportunity to raise the profile of cycling in the town centre and will provide the opportunity for people arriving in Maidstone to continue their journey by cycle within the town centre and surrounding urban area. This provides the opportunity to encourage visitors to choose a non-car mode to travel to the town, as well as providing opportunities for residents and occupiers of the development who may not own a cycle.

6.144 It is therefore suggested that a contribution of £10,000 towards this scheme be sought in order to offset what is a significant generator of trips and visitors within the town centre.

6.145 In their representations, KCC requested contributions to a pedestrian crossing on Romney Place. When the principle of redeveloping this site was originally considered, it was hoped that permeability directly through the site could be achieved, thereby creating a direct route from Mote Road to Romney Place. However, due to third party land issues, this has not been possible and therefore it is not considered that this request is now justified, as pedestrian movements between the site and the main retail area/bus station are likely to be dispersed around existing pavements.

## **PUBLIC SECTOR EQUALITY DUTY**

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

## **7. CONCLUSION**

7.01 The Application Site represents a highly sustainable town centre site that well located to services and public transport. It is both a Local Plan Site Allocation and an identified regeneration priority. The early delivery of the scheme will assist in developing further interest in the town centre.

7.02 The proposed development responds positively to both the Site Allocation Policy and the Council's subsequent planning brief.

7.03 The level of office floorspace falls below the target, but it has been demonstrated that this has been optimised having regard to the physical constraints of the site, viability considerations and the need to ensure that other site specific aspirations are secured in a balanced manner.

7.04 Nevertheless, the proposed commercial space is well designed and would accommodate a significant number of new jobs, potentially in excess of 100.

7.05 The proposed apartments will deliver good quality accommodation and the mix will make a significant contribution to the need identified for this area.

7.06 The design is of a high quality and there are significant benefits in terms of improvements to the public realm and new town centre tree planting and landscaping. The landscaping scheme has been design to optimise the

biodiversity potential of the site and will make further significant contributions to nearby schemes.

- 7.07 The building incorporates low carbon technology for heating and cooling and the building design and fabric aim to significantly exceed Building Regulation requirements.
- 7.08 Measures to reduce dependency on traditional car use include a car club, EV charging and travel plan.
- 7.09 There will be less than significant harm to the listed Romney Terrace, but this is considered to be outweighed by the significant public benefits arising from the development. Other modest impacts identified in the preceding assessment can be mitigated through conditions and s106.

## **8. RECOMMENDATION**

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject:

- Delegated powers to resolve design detail listed in para 6.47 / condition 7
- The prior completion of a legal agreement to provide the following (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee):

### **S106 Heads of Terms**

- A contribution to off-site open space / public realm enhancement measures of £61,000, with £30,000 ring-fenced to River Len enhancements within the vicinity of the town centre
- A contribution of £7,500 towards biodiverse planting/habitat creation in the River Len, with a priority given to the Palace Avenue daylighting scheme
- A contribution of £10,000 towards sustainable transport improvements in the town centre, with priority given to the proposed cycle hire / e-bike scheme
- An affordable housing viability review clause should the development have not been substantially implemented within 24 months of the date of planning permission

## **Proposed Conditions**

### Time Limit

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

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

### Plans

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

6755\_D1000 Site Location Plan  
6755\_D1100 Existing Site Plan  
6755\_D1101 Shandon House, Existing Plans and Elevations

6755\_D2099 Proposed Lower Ground Floor Rev 01  
6755\_D2000 Proposed Ground Floor Rev 01  
6755\_D2001 Proposed 1st Floor Rev 01  
6755\_D2002 Proposed 2nd - 5th Floor Rev 01  
6755\_D2006 Proposed 6th - 8th Floor Rev 02  
6755\_D2009 Proposed 9th - 11th Floor Rev 02  
6755\_D2012 Proposed Roof Plan Rev 02

6755\_D2199\_A Blocks A & B, Proposed LGF Plan, Sheet 1 of 2 Rev 01  
6755\_D2100\_A Block A, Proposed Ground Floor Plan Rev 01  
6755\_D2101\_A Block A, Proposed First Floor Plan Rev 01  
6755\_D2102\_A Block A, Proposed 2nd - 5th Floor Plan Rev 01  
6755\_D2106\_A Block A, Proposed 6th - 8th Floor Plan Rev 02  
6755\_D2109\_A Block A, Proposed 9th - 11th Floor Plan Rev 02

6755\_D2199\_B Blocks A & B, Proposed LGF Plan, Sheet 2 of 2 Rev 01  
6755\_D2100\_B Block B, Proposed Ground Floor Plan Rev 01  
6755\_D2101\_B Block B, Proposed First Floor Plan Rev 01  
6755\_D2102\_B Block B, Proposed 2nd - 11th Floor Plan Rev 01

6755\_D2500 Section AA Rev 01  
6755\_D2501 Section BB  
6755\_D2502 Section CC Rev 01

6755\_D2700 North and South Proposed Elevations Rev 02  
6755\_D2701 East and West Proposed Elevations Rev 02  
6755\_D2702 East Elevation (Block A), West Elevation (Block B) Proposed Elevations Rev 02

Topo Survey Drg 01 June 2019

HW&Co Landscape Masterplan Issue 9 Nov' 2020  
0276-20-B-1A LPP Ground Floor Landscaping

0276-20-B-2D LPP Roof Landscaping

Redmore Environmental Air Quality Assessment Reference: 3144r2 23/11/20

Sharps Redmore Acoustic Planning Report Rev D 25/11/20

GEA Desk Study & Ground Investigation Report J19176 Issue 2 November 2020

GTA Civils Flood Risk Assessment & Drainage Strategy v3 06/11/20

Blue Sky Ultd Sustainability & Energy Statement 24/11/20

Reason: To clarify which plans and technical / environmental details have been approved.

#### Archaeology

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

i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

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

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

#### Contamination

- 4) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved by the Local Planning Authority:

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

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

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall thereafter be implemented as approved.

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

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

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

#### Use

- 6) Unless the prior written approval of the Local Planning authority has been obtained pursuant to this condition, the commercial uses at ground and first floor of the buildings hereby approved shall only used for purposes defined as offices and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification).

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

#### Elevation Details

- 7) Notwithstanding the drawings hereby approved, the construction of the development shall not commence above slab/podium level until further details of the ground floor façade treatment and upper floor levels of the buildings hereby permitted have been submitted to and approved by the Local Planning Authority. The details shall include an increased emphasis upon Ragstone to the commercial facades and a more robust upper level/s elevation.

Reason: To ensure a satisfactory appearance to the development.

#### Material Samples

- 8) The construction of the new build apartment blocks shall not commence above slab/podium level until written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved by the Local Planning



Authority. The development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

#### Energy

- 9) Prior to the first occupation of the scheme, a verification report shall be submitted to and approved by the LPA confirming the installation of the energy performance measures set out in the [insert name of report]. The report shall confirm the physical details and energy performance of air source heat pumps and building fabric specification and any other measures that minimise energy use All renewable energy systems shall thereafter be retained and maintained in a working order.

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

#### EV Charging

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

10 active

37 passive

All Electric Vehicle chargers provided for homeowners shall be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wi-Fi connection).The electric vehicle charging points as approved shall be installed prior to first occupation of the related buildings hereby permitted and shall thereafter be retained and maintained in accordance with the approved details.

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

#### Hard Landscaping

- 11) The works shall not commence above slab/podium level until details of hard landscape works (where possible virtual samples) have been submitted for approval by the Local Planning Authority. The hard landscape works shall be carried out in accordance with the approved details before first occupation.

Reason: To ensure a satisfactory appearance to the development.

#### Soft Landscape Scheme

- 12) All planting, seeding and turfing specified in the approved landscape details shall be completed no later than the first planting season (October to February) following first use or occupation. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or

become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the Local Planning Authority gives written consent to any variation.

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

#### Biodiversity

- 13) The development hereby approved shall not commence above slab level until further details of the biodiversity enhancement measures outlined in the approved landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

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

#### Acoustic Protection

- 14) The development hereby approved shall not commence above slab/podium level until a scheme has been submitted to and approved by the Local Planning Authority to demonstrate that the internal noise levels within all proposed residential units (both new build and listed building conversion) will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, Local Planning Authority. The scheme shall be carried out as approved prior to the first occupation of the relevant residential unit and be retained thereafter.

Reason: In the interests of aural amenity and to ensure that the development does not prejudice the ongoing viability of nearby entertainment and leisure venues.

- 15) The development hereby approved shall not commence above slab/podium level until, details of measures to provide mechanical ventilation to the habitable rooms fronting highways (and any other elevations as may be necessary) has been submitted to and approved by the local planning authority. Such measures shall demonstrate that clean air can be drawn in and served to the relevant rooms. Such equipment shall be maintained to an operational standard thereafter.

Reason: The front elevation lies within an air quality management area where natural ventilation would not deliver an acceptable quality of air or amenity for future occupiers.

#### Parking/Turning Implementation

- 16) The approved details of the cycle parking and vehicle parking/turning areas shall be completed before the first occupation of the buildings hereby permitted and shall thereafter be kept available for such use. No

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

Reason: In the interests of road safety.

#### External Lighting Strategy

- 17) Any external lighting installed on the site shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interest of visual amenity

#### Plant and Ducting Systems

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

Reason: In the interests of visual and aural amenity.

#### Air Quality

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

The calculation should include:

- Identifying the additional vehicular trip rates generated by the proposal (from the Transport Assessment);

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

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

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

#### Travel Plan

- 20) Prior to occupation a Travel Plan and a timetable for its implementation shall be submitted for approval by the Local Planning Authority. The approved Travel Plan shall be registered with KCC Jambusters website ([www.jambusterstpms.co.uk](http://www.jambusterstpms.co.uk)). The applicant shall implement and monitor the approved Travel Plan as approved, and thereafter maintain and develop the travel plan to the satisfaction of the Local Planning Authority. Monitoring requirements should only cease when there is sufficient evidence for all parties to be sure that the travel patterns of the development are in line with the objectives of the Travel Plan. Completed post occupation survey forms from all new dwellings/occupants on the site will be required to be submitted on the final monitoring period

Reason: In the interests of environmental sustainability.

#### Car Club

- 21) Prior to the first occupation of the development the proposed car club shall be brought into operation in accordance with details previously approved by the local planning authority. Such details to include, but not limited to:
- location of car club bay
  - details of operator (including fallback)
  - vehicle/s type
  - contract length,
  - membership scheme,
  - charging structure /discounts, etc

Reason: In the interests of environmental sustainability.

#### Access

- 22) The approved details of the access point to the site shall be completed before the commencement of the use of the relevant land or buildings hereby permitted and, any approved sight lines shall be retained free of all obstruction to visibility above 1.0 metres thereafter.

Reason: In the interests of highway safety.

### SUDS

- 23) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Flood Risk Assessment and Drainage Strategy report by GTA Civils (November 2020). The submission will also demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.
- 24) The drainage scheme shall also demonstrate (with reference to published guidance):
- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
  - appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

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

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 25) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets

and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

#### Construction Management

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

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

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

Case Officer: Austin Mackie

# Agenda Item 15



Ordnance Survey - data derived from OS Premium

<b>REFERENCE NO - 20/504416/FULL</b>	
<b>APPLICATION PROPOSAL</b> Demolition of the existing building and erection of a four storey building consisting of 19no. residential units, together with associated access, parking cycle store and infrastructure.	
<b>ADDRESS</b> 8 Tonbridge Road Maidstone Kent ME16 8RP	
<b>RECOMMENDATION</b> Grant permission subject to the s106 Heads of Terms and Conditions set out below.	
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The site is allocated for residential development in the Local Plan. The site is highly sustainable, being located close to the town centre and with good access to public transport. The scale of development proposed is acceptable and the design is considered to be of an acceptable quality. The Council's consultants have confirmed that the site cannot deliver affordable housing. An agreed approach has been reached for off-site mitigation in respect of open space, biodiversity and sustainable transport.	
<b>REASON FOR REFERRAL TO COMMITTEE</b> Ward Councillor call-in.	
<b>WARD</b> Bridge	<b>APPLICANT</b> Drake & Fletcher <b>AGENT</b> DHA Planning
<b>TARGET DECISION DATE</b> 30/04/21	<b>PUBLICITY EXPIRY DATE</b> 29/10/20

### Relevant Planning History

90/0318 - Outline application for demolition of existing and erection of new offices with associated parking – Approved - 14.06.1994

01/1310 – Access onto Tonbridge Road – Approved 13.09.2001

01/1771 - Amendments to allow vehicles to enter and exit the car park via the rear entrance at all times without restriction – Approved 14.01.2002

13/1199 - Change of use of part of first floor from storage use to leisure (class D2) – Approved 21.11.2013

In addition to the above applications, the site was allocated for residential development in the 2017 Local Plan




## **MAIN REPORT**

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

- 1.01 The site lies on the western fringe of the Town Centre close to Maidstone West Railway Station. This is considered to be a highly sustainable location with good access on foot or cycle to a range of services. A large number of bus services are accessible within a short walk from the site and National Cycle Route 17 passes just to the north of the site.
- 1.02 The surrounding area contains a mix of uses, including commercial, retail, leisure, healthcare and residential. The site itself is very small at circa 0.12 ha and currently comprises a retail store (Bathstore) at ground floor with a fitness use at first floor. A surface car park provides some 28-30 un-marked spaces for staff and customers, with access directly off Tonbridge Road; which at this location is one-way westbound.



- 1.03 Opposite the site residential developments are under construction at both Nos. 3 and 5 Tonbridge Road, the former rising to 6 storeys.
- 1.04 The existing building is not considered to make a positive contribution to the character or appearance of the area. The forward part is utilitarian in appearance with a modern shopfront and visually dominant signage.
- 
- 1.05 The surrounding area is characterised by a wide range of building forms with no dominate style. The better buildings are the traditional brick 'houses' that lie to the immediate west of the application site, with some much poorer buildings opposite, including those under construction.

## 2. THE PROPOSAL

- 2.01 The proposal seeks to demolish the existing retail/leisure building and erect a part three part four storey building to provide 19 apartments, with 14 parking spaces, two of which will be EVC from first occupation. 20 cycle parking spaces are proposed within a secure store area. Access will be from Tonbridge Road, via an alteration to the existing crossover.
- 2.02 The proposed unit mix is 6 No. 1-bed apartments and 13 No. 2-bed apartments.
- 2.03 The broad form of development follows the existing, with the building frontage located on the forward, eastern part of the site. The proposal building will cover a greater portion of the site frontage than currently exists and move the parking spaces to the rear where they are screened.
- 2.04 The proposed building will reinstate the street frontage with it's scale designed to respect neighbours, whilst managing what is a relatively steep gradient up the hill.

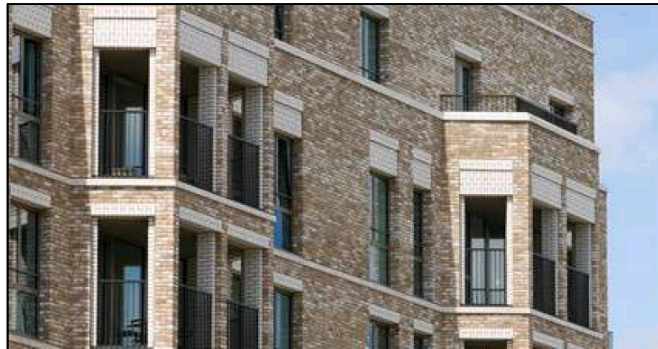


- 2.05 The proposed design (by Maidstone based architects GDM) is contemporary, but takes strong traditional references in terms of both form and materials. Brickwork will have a predominantly brown tone, which has been successfully executed on new houses opposite at No.5. The roof is set back with a light grey zinc finish. White stone strike courses and detailing provide further interest to the elevation detail.



Architects Proposed CGI

- 2.06 The design and access statement identifies a number of design references for the scheme, including this image.



South Gardens, Elephant Park by Maccreanor Lavington Architects

Members who attended the 2019 design tour to London will recall that the South Gardens scheme at Elephant Park was well received in terms of overall detail and quality of finish.

- 2.07 The proposed site layout reflects the site's existing urban context. The existing tree in the rear corner of the car park is retained, whilst planting beds are suggested to both the front and rear.
- 2.08 Officers did seek to explore the scope to set the building back and provide tree planting to the front, however, it was agreed that this would result in a less successful resolution of the existing street edge.

### 3. POLICY AND OTHER CONSIDERATIONS

- 3.01 The following 2017 Maidstone Borough Local Plan (MBLP) policies are considered to be relevant to the consideration of this application:
- SS1 Spatial strategy / SP4 Maidstone town centre – the town centre is considered to be the priority regeneration area where development should respond positively with quality design.
  - SP19 Housing mix – in supporting the delivery of mixed communities, the mix within housing development should reflect local needs.
  - SP20 Affordable housing – the Council will seek the delivery of 30% affordable housing within the urban area unless demonstrated through a viability appraisal and site specific circumstances that this is not possible.
  - Policy H1(15) - 6 8 Tonbridge Road Site Allocation – residential development of circa 15 units.
  - DM1 Design quality – new development should, inter alia, respect local character in terms of, for example, height and scale.
  - DM2 Sustainable design – promotes a fabric first approach.
  - DM5 Brownfield land – development of sites within the urban area should make effective and efficient use of land subject to respecting existing character and densities.
  - DM6 Air quality – development should consider the potential to mitigate any negative impacts on air quality.
  - DM12 Density – within the town centre densities should respect character and may be up to 170 dph.

- DM19 Open space – new development should seek to meet identified quantitative requirements for open space – financial contributions may be sought where it is not practicable to provide on-site.
- DM21 Transport impacts – new development should be designed to minimize any impacts on the highway network.
- DM23 Parking standards – the level of on-site parking should reflect, for example, accessibility to non-car modes and accessibility to local services.

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

- 4.01 No representations were received from local residents or businesses.
- 4.02 Councillor Purle requested that the application be referred to Committee should officers be minded to recommend on the grounds that *"As you might imagine, the good people of Maidstone Bridge are particularly concerned about the loss of their historic 'bathstore'. And more flats."*

#### **5. CONSULTATIONS**

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

##### KCC LLFA

- 5.01 No surface water drainage strategy has been provided for the proposed development. We would therefore recommend the application is not determined until a complete surface water drainage strategy has been provided for review.

##### MBC Parks and Open Spaces

- 5.02 As the proposed site contains 19 residential dwellings there would be a requirement of 0.29 hectares of meaningful on-site open space within this development. As the application documents do not indicate any on-site open space, it is requested that a contribution of £1,575 per property is made for off-site improvements or maintenance to existing open space. 19 units x £1,575 per unit = £29,925.00 off-site contribution.

##### Kent CC

- 5.03 Highlighted the financial contributions that would have been sought were CIL not in place.

##### Scotland Gas / Southern Water

- 5.04 No material comments

##### Mid-Kent EHO

- 5.05 No objection subject to conditions

Air Quality

MBC has undertaken diffusion tube monitoring at this location for a number of years and has not measured any exceedance of the NO2 annual mean objective. We would therefore expect air quality on site to be suitable for residential purposes and this is confirmed by the air quality assessment submitted with the application.

Nevertheless, the development is in a town centre location and is partially within an AQMA. The height of the building will, to some extent, prevent pollution from the road dispersing. Whilst this would not be disastrous, we would advise that if the applicant were able to move the position of the proposed block further back from the road, even a short distance, this would be beneficial both for the residents of the new development and to help to minimise the impact of the building on the surrounding area.

We would also request conditions for EV charging points and low NOx boilers

#### Noise

The acoustic assessment submitted with the application has shown that in order for the relevant noise standards to be met, a noise mitigation scheme including mechanical ventilation will be required. We would therefore recommend the attachment of a noise condition to any consent given to this application.

#### Kent Police

- 5.06 Confirm that if certain Secure by Design / CPTED requirements listed below are formally secured by Planning Condition then we, on behalf of Kent Police have no objection to its approval.

#### KCC Highways

- 5.07 Detailed representations were submitted, the major element of which queried the Applicant's assessment of the existing lawful use and associated trip generation (Officer Note – whilst the existing use is as a non-food retail showroom, the site benefits from open retail use, therefore the Applicant was correct to outline the worst case potential use of the existing site.) Nevertheless, KCC Highways advise that subject to conditions, no objection is raised:

Trip Generation - the likely impact on trip generation from these proposals is forecasted as no change in the AM peak and a net reduction of 15 two-way vehicle trips in the PM peak. It can therefore be reasonably concluded that these proposals would not result in any significant detriment to highway capacity.

Access – the applicant demonstrates that suitable visibility splays can be achieved. Segregated pedestrian and cycle access is welcomed.

Parking - provision of less than one space per unit is acceptable, and even encouraged, in town centre locations where there is a high propensity towards sustainable and active transport modes and relatively high levels of congestion on the local highways network. This is because it encourages reduced levels of car ownership and therefore reduces the impact of development on congestion, road safety and pollution.

Manoeuvring – details of a typical van turning were requested (Officer note – these have since been provided)

## **6. APPRAISAL**

### **Main Issues**

6.01 The key issues for consideration by Members relate to:

- The Principle of Development
  - Residential
  - Affordable Housing
- Design / Open Space / Amenity
- Highways and Sustainable Travel
  - Trip Generation, Access, Parking, Sustainable Transport
- Surface Water / Flood Risk
- Other Matters

### **The Principle of Development**

- 6.02 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. It is a core principle that the planning system is plan-led. The MBLP 2017 is the principal Development Plan Document and in the context of these proposals it is up-to-date and must be afforded significant weight.
- 6.03 At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this again means approving development that accords with the development plan.
- 6.04 Policy SS1 of the Local Plan sets out the broad sustainable development strategy for the Borough and states that the Maidstone urban area will be the principle focus for development, with the best use made of available sites.
- 6.05 Policy SP1 seeks to deliver the 'Spatial Vision' set out in the Local Plan and states that sustainable growth should seek to ensure that development is of a high quality design and makes a positive contribution to the area.
- 6.06 It is considered that the site is located within a highly sustainable location with easy non-car access to a wide range of services and amenities. The location also offers access to a range of public transport options, with both bus and rail connections in close proximity to the site.
- 6.07 The site allocation for housing under H1 (15), which recognises that this is a sustainable brownfield site and thus the principle of a development that follows the site allocation policy and respects the above principles is therefore in accordance with the development plan and the NPPF's principles of sustainable development.

### Residential

- 6.08 The delivery of new homes to meet local needs is both an MBC and Government priority. The site allocation, although modest in scale, forms part of the adopted Local Plan's housing delivery strategy. The site allocation policy does not set a specific minimum or maximum housing target for the site and therefore the principle of optimising the site, subject to design and other environmental considerations, is welcomed.
- 6.09 The principle of residential development and the optimisation of the site therefore accords with policy SS1 and will make a meaningful contribution to the Council's sustainable spatial strategy. The proposed mix of one and two bedroom units is considered to be appropriate to this location.

### Affordable Housing

- 6.10 The Local Plan reflects the expectations in the NPPF that housing development will contribute to the needs of the area and states that within the urban area (Policy SP20) a target of 30% affordable housing is sought.
- 6.11 Where there is a potential departure from affordable policy requirements, the NPPF advises that "*It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment (VA) at the application stage*" whilst "*The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case...*".
- 6.12 As clarified by the NPPG, VA is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. The process includes looking at the key elements such as the final development value, development / build costs, land value, landowner premium, and developer return. The aim of the process is to strike a balance between, for example:
- The aspirations of developers in terms of returns against risk
  - The aims of the planning system to secure maximum public benefits through the grant of planning permission

In this case, a number of considerations are available to the LPA when considering whether to accept a viability assessment, for example:

- Is the development otherwise compliant with the development plan?
  - Does it deliver specific development plan objectives
  - Would it contribute positively to achieving sustainable development?
  - Are there other public benefits arising?
- 6.13 The Applicant has submitted a VA which suggests that the scheme cannot sustain affordable housing.
- 6.14 To remind Members of the terminology that is used in VA's:
- Existing use value – (EUV) is the value of the land in its existing or lawful use (not necessarily the price paid).

Benchmark land value – (BLV) represents the existing use value (EUV) of the land, together with a premium for the landowner. The premium reflects the minimum return at which it is considered a reasonable landowner would be motivated to sell the land.

Residual land valuation – (RLV) is the process of valuing land with development potential. It seeks to identify the sum of money necessary to purchase the land and is calculated by estimating the value of the completed development (apartment sales income) and then subtracting the costs of development (build costs, finance costs, professional fees, planning policy requirements, CIL contributions and profit).

If the RLV falls below the benchmark land value, then it is unlikely that the developer would be incentivised to deliver the scheme.

- 6.15 The Council's consultants note that the Applicant suggests that even with no affordable housing, the development generates a residual land value of (minus) -£513,581 which is suggested to be £1,113,581 (the deficit) below the Benchmark Land Value (BLV) of £600,000.
- 6.16 Our advisors reviewed the submitted VA and suggested a number of variations to the principal assumptions, for example:
- The private residential values were adjusted in accordance with market evidence.
  - Build costs were adjusted in line with current BCIS averages and reduced external and associated works costs.
  - Disposal fees were reduced to reflect industry standard assumptions.
  - A lower benchmark profit level for the private element of the scheme was set at 17.5%, reflecting the relatively low risk of this development..
- 6.17 The Consultant's concluded that the scheme as appraised with 0% affordable housing would generates a residual land value of -£94,457, which is £694,457 (the deficit) below the BLV of £600,000.
- 6.18 The Council's Assessment is therefore that whilst an affordable housing contribution cannot viably be provided by the proposed scheme in the current market, our view is that there is a circa £421,000 variance from the Applicant's figures.
- 6.19 Whilst the Council recognises that affordable housing review clauses can potential adversely impact upon regeneration schemes, in this instance, with the potential for future market conditions to change positively, a review mechanism should be included within a Section 106 agreement, in order to account for any changing market conditions across the scheme's development programme.



### **Design / Open Space / Amenity**

- 6.20 The NPPF recognises that good design is a key aspect of sustainable development. Recent Government announcements have sought to raise the importance of design and therefore support the aspirations of MBLP DM1.
- 6.21 Whilst this is in effect a small 'infill' site, the quality of building design proposed and the detail in the materials is considered to be very good and would enhance the contribution of this site to the character and appearance of the area.
- 6.22 The scale and massing is considered to be acceptable in terms of the street scene as a whole and will not detract from the setting of adjacent buildings. There are no heritage assets whose setting would be affected.
- 6.23 The landscape and open space offer from the scheme is somewhat limited. Officers have investigated options with the Applicant, for example, altering layout to allow further street frontage planting or reducing car parking to allow more open space to the rear. However, it was agreed that due to the small scale nature of the site and the preference for a strong building frontage, on-site opportunities for open space would be limited. For example, reducing the level of car parking to provide a small increase in open space would not necessarily generate amenity space that would be attractive or beneficial to residents, nor offer other meaningful environmental benefits
- 6.24 As a central urban and small site with limited flexibility, the preference is to manage open space needs through the enhancement of open space off-site. The Parks and Open Spaces team have identified potential opportunities for off-site enhancement and these are identified below. The Applicant has agreed to fund these.
- 6.25 The site in its present form offers no ecological value. Due to the small scale nature of the site and the limited capacity for landscaping, opportunities for biodiversity enhancement on-site are limited. That said, the response of the application to biodiversity enhancement is somewhat lacklustre with reference to generic bird, bee, bat boxes etc. Again, whilst the opportunity of the site is limited due to its size and location, a condition is proposed seeking a more imaginative biodiverse approach to the on-site landscape areas.
- 6.26 Further, as with open space, it is considered that this site offers the opportunity to make a more effective biodiversity enhancement off-site and this would be appropriate recognising that the application delivers a sustainable site allocation.
- 6.27 Within the amenity 'envelope' and having regard to the central urban location of the site and the level of traffic passing the site, both noise and air quality are relevant considerations, specifically in terms of their potential impact on the quality of the proposed residential accommodation.
- 6.28 In terms of air quality, both the NPPF and Policy DM6 of the Local Plan require both (i) the impact of development upon and (ii) its potential vulnerability to air quality to be assessed.

- 6.29 The site frontage lies within the wider AQMA that covers the principal highway routes from the Town Centre. The Application is accompanied by an AQ assessment. This assessment identifies that NO<sub>2</sub> limits will not be exceeded in this location and PM<sub>10</sub> only twice per annum compared to the permitted 35 exceedances in any one year.
- 6.30 A damage cost calculation has been carried out which estimates a 5 year cost of £14,103. This identifies the level of mitigation that should be provided. Measures to reduce particle generation include, EV charging provision, use of renewable energy generation, a travel plan and measures to encourage cycling. On this basis, adequate measures will be employed to manage potential AQ impacts such that no adverse impacts would arise.
- 6.31 The EHO raise no objection but suggest that mechanical ventilation is sought on the front elevation, which will be secured through condition. As detailed above, the EHO's suggestion of setting the building further back from the road was considered, however the AQ benefits would not have been significant and this approach would have resulted in other compromises to the scheme which would have outweighed the negligible benefit.
- 6.32 With regard to potential noise impacts, which in this location relate principally to traffic and nearby commercial uses, the assessment identifies that the proposed building and glazing specification will be sufficient to mitigate impacts, but that mechanical ventilation will be required in order that residents do not have to rely upon opening windows.
- 6.33 In summary, it is considered that despite the site's urban location, with the application of suitable mitigation, acceptable living conditions can be achieved in accordance with Policy DM1.

### **Highways and Sustainable Travel**

- 6.34 The NPPF advises that in allocating sites for development and when assessing planning applications, LPA's should seek to ensure that, for example:
- opportunities are taken to promote sustainable travel
  - impacts on the highway should be minimised and permission only refused if impacts are severe and cannot be mitigated
  - priority is given to pedestrian, cycle and public transport use and that places are attractive to pedestrians and cyclists
  - where necessary acceptable servicing facilities should be provided
  - provision should be made to enable the charging of low emission vehicles.
- 6.35 As detailed above, the site is considered to be a highly sustainable location with good access to services and public transport and its location should encourage occupiers to use alternatives to the private car.

- 6.36 The development manages the overall level of car parking to less than one space per unit and offers an initial EV provision. It is recommended that a condition is imposed ensuring latent provision across the whole scheme to ensure that residents are not deterred from purchasing EV.
- 6.37 The proposed cycle provision is acceptable for residents. In addition, the Applicant has agreed to provide a financial contribution to support the town centre cycle hire scheme and this is considered to be a positive element to enhancing the sustainability of the scheme.
- 6.38 KCC confirm that they accept the access and parking arrangements and the Applicant has responded to the request to reduce the level of parking by one space to ensure that adequate space is available on-site to allow service vehicles to manoeuvre.
- 6.39 To conclude, this is a highly sustainable location for new housing, the scheme raises no objections in terms of access and traffic impacts and is considered to comply with policies SP21 and 23. The contribution to the town centre cycle scheme will promote sustainable travel opportunities for both residents of and visitors the scheme.

### **Surface Water and Flood Risk**

- 6.40 Whilst KCC requested a strategy before permission were granted, having regard to the fact that this location is not identified as a flood risk area, that it is a fully developed site covered with buildings and hard surfacing, with no existing SUDS measures; it is considered appropriate that future sustainable surface water drainage can be managed through a condition.

### **Other Matters**

- 6.41 The applicant has agreed to condition seeking the installation of bird, bee, bat and swift accommodation and this will be sought through a condition. Similarly the Applicant has agreed to a condition seeking the installation of PV on the roof of the building, where it will not be visible from street level.
- 6.42 In order to mitigate the absence of useable on-site green amenity space for residents, as required by Policy DM19, the Applicant has agreed to make a contribution to both off-site and biodiversity enhancements. This site is considered to be an appropriate location where off-site enhancements would deliver greater net benefits.
- 6.43 In addition to local open space enhancements as suggested by the Parks, team, the opportunity exists to contribute to the daylighting of the River Len within the town centre. This is a scheme that has the potential to deliver both public realm enhancements and biodiversity gain in close proximity to the site. Policy SP1(2) (iv) requires town centre development to positively contribute to the biodiversity of, inter alia, the River Len. Policies DM3(1)(iv) and DM3(4) further allow for enhancement to take place off-site. The applicant has agreed to a joint open space and biodiversity contribution of £30,000 , allowing the Council to determine which schemes

this funds, but clearly the Len daylighting is an opportunity for this scheme to support alongside local recreational areas.

- 6.44 As part of the transport and air quality mitigation package, the scheme makes provision for on-site cycle storage, with provision of a little over one space per unit. Both the Local Plan's town centre vision and Policy SP23(2) encourage sustainable modes of transport in and around the town centre. The site is located close to Maidstone West, where a proposed hub for the town centre cycle hire scheme is proposed. The town centre cycle hire scheme is central to the Council's town centre strategy. The town centre hire scheme represents a relatively low cost opportunity to raise the profile of cycling in the town centre and will provide the opportunity for people arriving in Maidstone to continue their journey by cycle within the town centre and surrounding urban area. This provides the opportunity to encourage visitors to choose a non-car mode to travel to the town, as well as providing opportunities for residents and occupiers of the development who may not own a cycle.
- 6.45 The applicant has agreed a £2,500 contribution to this initiative as part of the overall package of AQ and transport mitigation.
- 6.46 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

### **Public Sector Equality Duty**

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

## **7. CONCLUSION**

- 7.01 The site is allocated for residential development in the Local Plan and the scheme accords with this objective. This is a sustainable location for residential development, with good access to services, amenities and public transport.
- 7.02 The design is good quality and will enhance the character and appearance of this part of the town centre.
- 7.03 Acceptable living conditions can be achieved and the scheme provides adequate mitigation to enhance local open space that will be accessible to residents.

## 8. RECOMMENDATION

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement to provide the following (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee):

### **S106 Heads of Terms**

- 1) A contribution to off-site open space / public realm enhancement measures and biodiverse planting/habitat creation of £30,000
- 2) A contribution of £2,500 towards sustainable transport improvements in the town centre, with priority given to the proposed cycle hire / e-bike scheme and the imposition of the conditions as set out below:

### **Proposed Conditions**

#### Time Limit

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

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

#### Plans

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

*[insert approved list and reports]*

Reason: To clarify which plans and technical / environmental details have been approved.

#### Contamination

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

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

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

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

#### Material Samples

- 4) The construction of the new build apartment blocks shall not commence above slab/podium level until written details and virtual samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved by the Local Planning Authority. The development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

#### Renewable Energy

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

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

#### Landscaping

- 6) The works shall not commence above slab/podium level until details of both hard and soft landscape works have been submitted for approval by the Local Planning Authority. The hard landscape works shall be carried out in accordance with the approved details before first occupation.

Reason: To ensure a satisfactory appearance to the development.

- 7) All planting, seeding and turfing specified in the approved landscape details shall be completed no later than the first planting season (October to February) following first use or occupation. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first

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

Biodiversity

- 8) The development hereby approved shall not commence above slab level until further details of biodiversity enhancement measures have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

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

Acoustic Protection

- 9) The development hereby approved shall not commence above slab/podium level until a scheme has been submitted to and approved by the Local Planning Authority to demonstrate that the internal noise levels within all proposed residential units (both new build and listed building conversion) will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, Local Planning Authority. The scheme shall be carried out as approved prior to the first occupation of the relevant residential unit and be retained thereafter.

Reason: In the interests of aural amenity and to ensure that the development does not prejudice the ongoing viability of nearby entertainment and leisure venues.

- 10) The development hereby approved shall not commence above slab/podium level until, details of measures to provide mechanical ventilation to the habitable rooms fronting highways (and any other elevations as may be necessary) has been submitted to and approved by the local planning authority. Such measures shall demonstrate that clean air can be drawn in and served to the relevant rooms. Such equipment shall be maintained to an operational standard thereafter.

Reason: The front elevation lies within an air quality management area where natural ventilation would not deliver an acceptable quality of air or amenity for future occupiers.

Parking/Turning Implementation

- 11) The approved details of the cycle parking and vehicle parking/turning areas shall be completed before the first occupation of the buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order

revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access thereto.

Reason: In the interests of road safety.

#### Air Quality

- 12) Prior to the first occupation, a verification report shall be submitted to and approved by the local planning authority detailing the mitigation measures and their respective costing in response to the Quality Damage Cost Calculations with the submitted [insert ref] report dated.....

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

#### Travel Plan

- 13) Prior to occupation a Travel Plan and a timetable for its implementation shall be submitted for approval by the Local Planning Authority. The approved Travel Plan shall be registered with KCC Jambusters website ([www.jambusterstpms.co.uk](http://www.jambusterstpms.co.uk)). The applicant shall implement and monitor the approved Travel Plan as approved, and thereafter maintain and develop the travel plan to the satisfaction of the Local Planning Authority. Monitoring requirements should only cease when there is sufficient evidence for all parties to be sure that the travel patterns of the development are in line with the objectives of the Travel Plan. Completed post occupation survey forms from all new dwellings/occupants on the site will be required to be submitted on the final monitoring period

Reason: In the interests of environmental sustainability.

#### Access

- 14) The approved details of the access point to the site shall be completed before the commencement of the use of the relevant land or buildings hereby permitted and, any approved sight lines shall be retained free of all obstruction to visibility above 1.0 metres thereafter.

Reason: In the interests of highway safety.

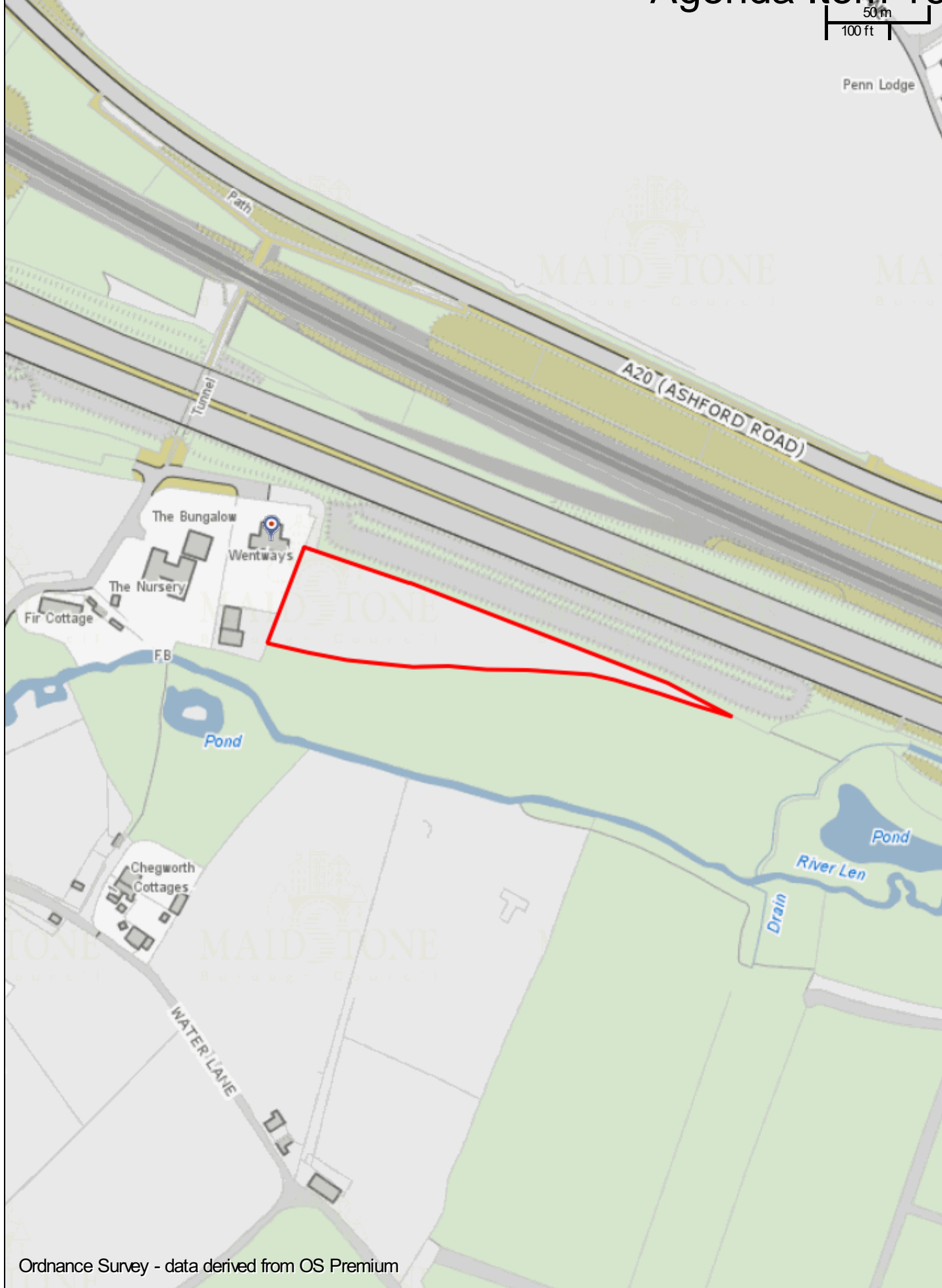
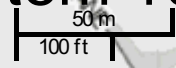
#### SUDs

- 15) The development hereby approved shall not commence above slab level until a surface water drainage scheme for the site based on sustainable drainage principles has been submitted to and approved by the local planning authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves to manage surface water on site. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design feature. The development shall thereafter be carried out in accordance with the approved details.



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

Case Officer: Austin Mackie



Ordnance Survey - data derived from OS Premium

<b>REFERENCE NO - 20/503651/FULL</b>			
<b>APPLICATION PROPOSAL</b> Construction of 6no. one bedroom tourist lodges (Resubmission of 19/500305/FULL).			
<b>ADDRESS</b> River Wood, Chegworth Lane, Harrietsham, Kent			
<b>RECOMMENDATION</b> – GRANT PLANNING PERMISSION subject to planning conditions			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>			
<ul style="list-style-type: none"> <li>• Adopted Local Plan policies and government guidance in the NPPF are supportive of the principle of holiday/tourism related development in rural areas such as the application site. The application site is well screened from public views by existing trees, hedgerows and woodland. Additional screening will be provided by the new proposed planting including new native species hedgerows that will be secured by planning condition.</li> <li>• The proposal would not have any harmful impact on the character and appearance of the surrounding area, the wider landscape, or the setting of listed buildings. The development is in accordance with adopted policies that aim to protect the landscape, the countryside, ecology and ensuring that development is of a good standard of design and fits in its surroundings.</li> <li>• With the measures outlined in this report (including the use of a sealed cesspit emptied off site), the potential for adverse impact on wildlife habitats both on the application site and within the adjoining woodland and Local Wildlife Site from the proposal is negligible. The application provides an opportunity to improve the adjacent Local Wildlife Site by re-introducing coppicing back into the adjacent woodland. With a proposed wildlife area at the eastern end of the application site, the proposal also provides an opportunity to introduce new wildlife habitat on to the application site and increase species diversity.</li> <li>• The proposed tourist lodge development is modest in scale, both in terms of the number and size of the units and the maximum number of guests that could be accommodated. Given this modest scale, the level of activity within the site and the use of the existing accessway is unlikely to result in unacceptable levels of noise and disturbance to neighbouring occupiers, with these neighbouring occupiers including the applicant.</li> <li>• The vehicle access arrangements to and from the site are suitable for the tourist lodge proposal with the widening of the pinch point secured by planning condition. The site layout makes suitable provision for vehicle parking and for vehicles to turn and enter and leave the site in a forward gear. These arrangements have been considered on two separate occasions by Kent Fire and Rescue and KCC Highways and found to be acceptable.</li> <li>• The application is in accordance with the relevant Government guidance in the NPPF (2019) and in accordance with the policies in the adopted Maidstone Borough Local Plan (2017). The grant of planning permission is recommended subject to the conditions.</li> </ul>			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
Harrietsham Parish Council wish to see the planning application refused and request the application be reported to committee if officers are minded to approve for the reasons set out in paragraph 5.01 of this report.			
<b>WARD</b> Harrietsham and Lenham	<b>PARISH/TOWN</b> Harrietsham	<b>COUNCIL</b>	<b>APPLICANT</b> Mr J Dixon <b>AGENT</b> Martin Potts Associates
<b>TARGET DECISION DATE</b> 02/04/21 (extended target date)		<b>PUBLICITY EXPIRY DATE</b> 04/11/20	

**Relevant planning history**

- 19/500305/FULL “Change of use of land for the erection of 6no. one-bedroom tourist lodges” refused planning permission (committee decision) on the 31 October 2019 for the following reasons:
  - 1) (character and appearance of the countryside) The proposed development, including security fencing, access and parking infrastructure, external lighting and other domestic accoutrements, would represent an incongruous form of development and cause harm to the character and appearance of the countryside and the Len Valley Landscape of Local Value contrary to policies SS1, SP17, DM30 and DM38 of the Maidstone Borough Local Plan 2017.
  - 2) (biodiversity value of the area) The proposed development by virtue of the activity of visitors, noise and disturbance and external lighting would have a harmful impact upon the biodiversity value of the area, in particular the adjacent woodland and designated Local Wildlife Site contrary to policies DM3 and DM8 of the Maidstone Borough Local Plan 2017.
  - 3) (quality of accommodation and amenity for future occupiers) The proposed development by virtue of noise and disturbance and air quality issues would provide poor quality of accommodation and amenity for future occupiers contrary to policies DM1 and DM6 of the Maidstone Borough Local Plan 2017.
- An appeal against the refusal of permission was considered by a Planning Inspector appointed by the Secretary of State. The appeal was allowed, with this decision made on the basis that there was a lack of sufficient information to assess the potential impact on ecology (further details below).
- The summarised conclusions of the Inspector in a decision letter dated 12 June 2020 are set out below (appeal decision letter also included as an appendix). The conclusions of the appeal Inspector are material to the consideration of this current planning application.

**Reason for refusal 1: Character and appearance of the countryside**

- *“...due to its secluded nature ..., it is not open to notable public views beyond more distant glimpses through woodland from a footpath. As such, the sensitivity of the site in wider landscape terms is relatively low...In visual impact terms, the proposed lodges and associated development would be relatively modest in scale”*(Paragraphs 4 and 5).
- *“...in light of the nature of the development and the site, it’s lack of impact on the wider landscape, and the potential for visual screening, a refusal of permission on the basis of its impact on the character and appearance of the area and the wider landscape is not justified and the proposed development is not judged to be contrary to the requirements of Policy SP17 of the Local Plan”* (Paragraph 6).
- *“Due to the secluded nature and screening provided by existing features on and close to the site, the proposal would not have wider landscape implications for the AONB, including on its setting”* (Paragraph 7).
- Inspector’s conclusion: impact on the character and appearance of the countryside not justified as grounds for refusal.

**Reason for refusal 2: Impact upon the biodiversity value of the area**

- *“The woodland adjoining the appeal site forms part of a locally designated wildlife site... Notwithstanding the appellant’s assessment that the site itself offers negligible wildlife and wider biodiversity value, by virtue of its position in relation to the woodland and the nature of the activity proposed, there is a likelihood that the development would have wider impacts on biodiversity, in particular local wildlife. It*

*is therefore important that the proposal is supported by adequate information to effectively evaluate the impacts and conclude on the likely effects" (Paragraphs 9 and 10).*

- *"...by virtue of its position in relation to the woodland and the nature of the activity proposed, there is a likelihood that the development would have wider impacts on biodiversity, in particular local wildlife. It is therefore important that the proposal is supported by adequate information to effectively evaluate the impacts and conclude on the likely effects" (Paragraph 11).*
- *"...the information provided does not demonstrate that the proposal would not have a harmful effect on biodiversity. Consequently, I find conflict with policies in the Local Plan, in particular Policies DM3 and DM8 which includes requirements to incorporate measures into new developments to avoid direct or indirect adverse effects on sites of importance for biodiversity and a presumption against external lighting proposals close to local wildlife sites" (Paragraph 16).*
- Inspector's conclusion: insufficient information available as part of the appeal submission to properly assess the impact on the biodiversity value of the area.

### **Reason for refusal 3: Quality of accommodation and amenity for future occupiers**

- Whilst the Inspector noted *"The Council's concerns relating to the standard of accommodation that would be provided given the proximity of the proposed development to the motorway..."*, the Inspector highlighted that *"...the proposed accommodation would be temporary"* (Paragraph 17).
- The Inspector concluded *"...the proposal would not have a harmful effect on future occupants of the proposed lodges in terms of noise disturbance and air quality. As such, I do not find conflict with policies in the Local Plan including DM1 and DM6 in relation to standards of accommodation and air quality"* (Paragraph 18).
- Inspector's conclusion: The reason for refusal on the grounds of air quality and noise and disturbance was unjustified due to the limited evidence available to support the Council's reason for refusal.

## **MAIN REPORT**

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

- 1.01 The application site is located in the countryside between Harrietsham (Harrietsham Primary School 0.5 miles to the east) and Leeds Castle (0.9 miles to the west). The triangular parcel of land, assessed via Chegworth Lane, is in a secluded location at the end of a single track, unsurfaced lane.
- 1.02 The site is located adjacent to a cluster of existing residential dwellings that include the applicant's home (The Nursery). The property called 'Wentways' is located immediately to the west of the application site with The Nursery immediately beyond 'Wentways'.
- 1.03 The 30 metre wide, M20 motorway embankment which is heavily planted with dense trees and shrubs is located along the northern application site boundary. The railway line and the A20 (Ashford Road) are located further north beyond the elevated M20 carriageway.
- 1.04 The application site itself is currently open in character consisting of mown grassland, there are no trees on the site. An area of woodland and the River Len running generally parallel to the application site boundary (between 24-68 metres from the boundary) are located to the south and east of the application site.

- 1.05 Whilst outside the red line application boundary, a large part of the adjoining woodland is in the applicant's ownership (blue line on the submitted site location plan). The applicant has advised that this land purchased from the Leeds Castle Estate in 2017.
- 1.06 The site is within the Len Valley Landscape of Local Value as defined in the Maidstone Borough Local Plan (Adopted 2017). Whilst the open application site is located outside, the woodland area including the River Len is a Local Wildlife Site (River Len, Alder Carr to Fairbourne Mill Meadows, Harrietsham). The application site is within the KCC Minerals Safeguarding Area.

Fig 1: Application site context



- 1.07 A listed building called Fir Cottage (Grade II) is located to the west of the site (94 metres) and there is a cluster of listed buildings to the south west of the site (224 metres all Grade II)).
- 1.08 The application site is within a ground source protection zone but not within an area at risk of flooding. There is a Public Right of Way located to the west of the site that runs between Fir Cottage and The Bungalow and then turns south, at the closest point the right of way is 45 metres from the site boundary.

## **2. PROPOSAL**

- 2.01 The application proposes six one-bedroom detached single storey tourist lodges at the western end of the 0.85 hectare application site.
- 2.02 The existing vehicle access in the north-western corner of the site from the track off Chegworth Lane is continued into the site along the southern edge of the embankment to the M20 motorway and northern edge of the site. The six detached tourist lodges are sited, west to east along the new access within the application site.
- 2.03 The insulated timber weatherboard clad one bedroom lodges have a 8 metre by 5 metre footprint, including a covered veranda to the southern side. The buildings incorporate a shallow pitched felt roof with an overall height of approximately 4 metres above ground level.
- 2.04 A total of nine parking spaces are proposed within the site for the six one-bedroom tourist lodges, with three of these parking spaces designed to accommodate those with disabilities. A vehicle turning facility is proposed at the eastern end of the accessway within the site.

- 2.05 The eastern part of the application site which is separated from the lodges by the new fence and hedge is to remain undeveloped as a new wildlife area. The submitted plans show the provision of new hedgerow planting and fencing to the northern boundary (railway embankment), to the eastern boundary (new wildlife area) and to the southern boundary (woodland and Local Wildlife Site) of the western section of the site where the proposed tourist lodges are located.
- 2.06 After the previous refused planning application (19/500305/FULL) and the dismissed appeal the following changes have been made to the proposal:
- The weld mesh fence and native hedge that was previously proposed at the foot of the motorway embankment to the north of the site has been extended. A weld mesh fence and native hedge are now additionally proposed to the east and southern site boundaries that will separate the site from the adjacent wildlife site.
  - Method of dealing with foul water has been revised. Foul water is now collected in a sealed cesspit and taken off site for disposal.
  - Vehicle tracking information has been submitted that shows access arrangements. After assessment by KCC Highways these details are satisfactory.
  - The resubmitted application is supported by a Preliminary Ecological Assessment (as opposed to the less detailed Walk Over Ecology Survey that was previously considered by members and the appeal Inspector).
  - Details of proposed lighting have been provided.
  - The application includes a noise impact assessment and air quality assessment. These assessments which have been considered by the environmental health team and found to be acceptable.

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

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough Local Plan 2017: Policies SS1, SP17, SP21, DM1, DM3, DM4, DM6, DM8, DM23, DM30, DM37, DM38  
KCC Minerals Plan  
Maidstone Landscape Character Assessment  
Kent and Medway Structure Plan 2006 Supplementary Planning Guidance (SPG4):  
Vehicle Parking Standards.

### **4. LOCAL REPRESENTATIONS**

#### **Local Residents:**

- 4.01 Three representations have been received from local residents raising the following (summarised) issues:

#### **Noise and air quality**

- The location is not considered an ideal holiday destination.
- Road and railway noise will negatively impact on the users of the cabins.
- Hundreds of local residents and the local MPs have asked for an assessment to be made of noise levels on the M20 between junctions 8 and 9.
- It is essential for a noise assessment and air quality assessment to be conducted in relation to the current planning application.

*(Officer comment: a noise assessment and air quality assessment have been carried out in support of this application. These assessments and their conclusions have been considered acceptable by the Council's Environmental Health Officer).*

#### **Wildlife impact – access to the local wildlife site**

- The Planning Inspector advised that the earlier proposal was not supported by adequate information on ecology and this has not been addressed in relation to the revised application and there is an onus on the applicant to provide this. The

- proposal is considered contrary to policies DM3 and DM8.
- It is accepted that the site itself may have limited value, but it joins highly valuable biodiversity habitat.
  - There are no detailed assessments relating to any of the protected species in the adjacent wildlife site and therefore the impact of this development remains unknown.
  - KCC Ecology have given some degree of support for the application based on enhancements the site owner will make yet does so on the basis that no visitors to the site will be able to enter the adjacent woodland. It is not clear to me how this will be prevented.
  - The design and access statement and the ecological assessment contradict each other in relation to the access to the local wildlife site.
  - It has been stated that the River Len is not fishable in these stretches, as it is too narrow.

*(Officer comment: The resubmitted application is supported by a Preliminary Ecological Assessment (as opposed to the less detailed Walk Over Ecology Survey that was previously considered members and the appeal Inspector). The applicant has confirmed that access will be restricted from the site by a metal fence and native hedge around the site of the lodges, and the submitted documents are now consistent on this point).*

#### **Wildlife impact – sewage**

- The 'sewage proposals' for the tourist accommodation including the discharge will have a harm impact on the River Len, on water quality, on fish, mammals and birds on the pond in Chegworth and on the Leeds Castle moat.

*(Officer comment: The submitted proposal has been revised and now includes a sealed cesspit which will be emptied by a specialist contractor with no foul water discharge from the proposed use)*

#### **Wildlife impact – lighting**

- The Planning Inspector advised that there is a presumption against external lighting proposals close to local wildlife sites.
- Policy DM8 of the Local Plan states that lighting proposals that are near enough to significantly affect wildlife sites will only be permitted in exceptional circumstances.
- The minor adjustments briefly referred to in the ecological appraisal are insufficient to overcome the Planning Inspector's findings, therefore this application still conflicts with Policy DM8 of the Local Plan.

*(Officer comment: The proposed lighting is not close enough to significantly affect the wildlife site and the lodges will be behind a native hedge (with measures in place to screen whilst the hedge is growing. The submitted proposal now includes details of proposed lighting that have been considered by KCC Ecology with no objection raised. A planning condition is also recommended in relation to securing suitable lighting on the site).*

#### **Wildlife impact – general**

- The applicant's previous actions demonstrate a poor approach to wildlife and the environment.
- The biodiversity enhancements proposed by the applicant are considered inadequate.

*(Officer comment: The proposed biodiversity enhancements have been considered by KCC Ecology and found to be adequate).*



**Aquatic Consultancy Service - Freshwater ecology and fisheries management (instructed by a nearby resident)**

- Preliminary Ecological Survey did not undertake a survey of species located on or near the site relying on a desk study of the species found in the area.
- The River Len in this area is unsuitable for large numbers of anglers. I note there is a pond in the area of the woods and must assume this is being developed for the recreational fishing.
- The proposed septic tank has no mechanism for phosphate removal and this will cause eutrophication in the aquatic environment, causing degradation of the water quality and frequently leading to Cyanobacterial (blue green algae) blooms, which are extremely toxic to mammals, including humans.
- There is potential for harm to the fish and other aquatic wildlife from ammoniacal contamination from the septic tank discharge.
- There is concern arising from the biological oxygen demand (BOD) and the suspended solids (s.s.) being discharged from the Klargester treatment unit.
- The Klargester treatment unit has no means of stripping the water of either prescription or recreational drugs.

*(Officer comment: the revised proposal does not include a septic tank or Klargester treatment unit that is referred to in these comments. Sewage will be stored in a sealed cesspit for collection by specialist contractors)*

- 4.02 The above matters raised by neighbours are discussed in the detailed assessment below.

**5. CONSULTATIONS**

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

**Harrietsham Parish Council**

- 5.01 Objection and wish to see the planning application refused for the following reasons:
- Important biodiversity issues have been overlooked or ignored and the submission does not demonstrate that there would not be any harmful effect on the biodiversity of the adjacent woodland.
  - It is considered that development will have an adverse impact on kingfishers and protected species recorded in the wildlife site including dormice and bats.
  - The application fails to provide the biodiversity information that the appeal inspector said was missing with no surveys completed with the onus on the applicant to provide this evidence.
  - The proposal conflicts with DM3 and DM8 of the local plan.
  - The adjacent wildlife site covering 17 acres is at risk as the applicant intends to provide recreational (for hunting, fishing and cycling) access to this area and there is a duty to protect this area.
  - It is considered that the suggested biodiversity enhancements are not adequate, and the enhancements agreed with KCC were not supported by the appeal inspector.
  - The application omits the fact that the outfall point is in the middle of the local wildlife site, not outside it.
  - The sewage outfall point directly opposite a neighbouring property would discharge 10 times the recommended maximum levels of ammonia into the river.
  - The application acknowledges the eutrophication risk to the River Len & Biological Oxygen Demand, without realising these levels are highly toxic to fish and all aquatic life around the river. Additionally, this risk extends to the Leeds Castle moat.
  - The appeal inspector notes that there is a presumption against external lighting proposals close to local wildlife sites in conflict with Policy DM8.

*(Officer comment: Following appeal inspector comments a number of changes have been made to the proposal (listed at para 2.06 of this report) including restricts to access to the adjacent wildlife site, the removal of onsite sewage treatment, the removal of the outfall pipe and further details of lighting).*

**Further comments from Harrietsham Parish Council (received 24.02.2021)**

5.02 Objection. The amended details of this application have been viewed and the parish council would still request that it be refused for the following reasons (the comments received from the parish council below are followed by the response from the case officer):

5.03 The six lodges are now surrounded by nine hardstanding parking spaces, including three new spaces for disabled visitors. However, the lodges themselves have not been re-designed for disabled use, they are raised above ground level resulting in access issues. The additional amendments that would be required have not been included in this application. Further clear detail is also required to show that the bathroom and kitchen areas of the chalets are suitable for disabled guests to use during occupation.

*Officer comment:*

- *The amended plans do not show any significant change to the car parking layout from that which was previously considered. The proposed layout does not show any of the lodges 'surrounded' by car parking. At most, the lodges have their own car parking to the front with car parking for a neighbouring lodge located to one side.*
- *The accessibility of new accommodation for those with disabilities is considered outside the planning system under the Building Regulations. The applicant is required to submit detailed internal plans for assessment as part of a Building Regulations application.*
- *The applicant has also stated "The lodges have always been intended to be fully DDA compliant in accordance with the building regulations in general, and part M in particular with a disabled bathroom and low level work surfaces in the kitchenette area. These lodges will be the subject of a building regulation application and therefore they will also be judged on access which again will have a small chair lift attached to the external handrail. The lodges will have low level plug sockets and switches. None of the above are normally required to be shown on a planning application they are for consideration by building control...".*

5.04 There is no clear detail for food preparation facilities in the chalets themselves and the site lacks a communal kitchen area. This will necessitate excessive daily vehicle movements offsite for food provisions, causing higher traffic levels on the substandard access and nearby narrow lines. As no food shops or any services are available in Chegworth itself, guests will have to travel between 3 and 5 miles by car either to the motorway services at Junction 8 of the M20 or to Harrietsham or Lenham villages.

*Officer comment:*

- *The revised plans on which the Parish Council are making comments do not include any alteration to the internal layout or access to the lodges from the plans previously considered as part of this application and the previous application. The layout shown is identical to that previously considered by members and the appeal Inspector with no issues raised.*
- *Holiday accommodation comes in a wide range of different shapes, sizes and styles, including camping, wigwams, glamping pods and shepherds' huts. Designed for temporary accommodation, they are generally not to the same standard as permanent accommodation. Notwithstanding this context, the lodges proposed here provide a better standard of accommodation than many*

*studio flats with separate sleeping and living areas. The submitted plans also show a food preparation area in the form of a kitchenette.*

- *The location of this tourist accommodation in a rural location outside a defined settlement is in line with Local Plan policy DM38 and the NPPF. With the nature of the accommodation being short stay tourist accommodation, trips to the supermarket are likely to be infrequent and also likely to be trips linked with other tourist related activities.)*

5.05 The narrow dogleg access road to the site is owned by Highways England and the width of the road is in dispute. The Parish Council has been advised that the road is not as stated and is too narrow for Emergency Services, refuse vehicles and sewage tankers to access. As access for the fire service is a requirement of Building Regulations 2010, this needs investigation by the relevant consultees.

Officer comment:

- *The width of the access road has been checked and confirmed by officers and is therefore not in dispute.*
- *The applicant has submitted a revised tracking diagram to reflect the amended access road dimensions. The revised tracking diagram showing the swept path of the largest potential vehicle to use the access has been considered by both Kent Fire and Rescue and KCC Highways with no objections raised).*

5.06 A large open drain ditch also runs alongside the access, which is not shown. This drains surface flood waters away from the M20 and drains into the River Len.

Officer comment:

- *Although not annotated, the drainage ditch is shown on the submitted plans and the revised vehicle tracking diagram takes account of this drainage ditch.*

5.07 With access to the woodlands stopped, the development is now totally surrounded by a 6ft high fence, with noise screens in front of the verandas and no views or adequate amenity space for the occupiers. The lodges have soundproofing and mechanical ventilation and, due to the content of the Noise Impact Assessment, the windows must remain closed. These measures result in the entire site resembles a prisonlike structure, rather than a rural relaxing holiday destination.

Officer comment:

- *The officer comments provided earlier in this report on the standard of this proposed temporary accommodation are highlighted.*
- *It is also highlighted that the standard depth of a domestic rear garden is 10 metres, and the standard height of a rear garden boundary fence is 2 metres (6 foot 6').*
- *The proposed layout shows that the boundary of the Local Wildlife Site is located between 12 and 24 metres to the rear (south) of the proposed lodges. The boundary with the Local Wildlife Site is marked with a new native species hedge. Whilst the hedge is growing, access to the woodland will be restricted by a green weldmesh fence close to the hedge. As shown in the two photographs below, this Weldmesh fence style is largely transparent, especially in circumstances as can be seen in the photograph where the fence is seen against the backdrop of vegetation.*
- *The proposal includes the partial enclosure of an area (4.7 metres deep) directly to the south of the proposed lodges with hedges (motorway is located to the north of the lodges). This area was also originally enclosed by an acoustic fence; however, this acoustic fence is no longer required following the conclusions of the noise impact assessment.*
- *The submitted Noise Impact Assessment specifically states that the windows of the accommodation "...should not be sealed, but openable for times when purge ventilation is required (examples given in Approved Document F including*

*purging of fumes from burnt food when cooking, or removal of fumes when painting)" (by emphasis) (Noise Impact Assessment Section 6, page 10). The assessment recommends that suitable mechanical ventilation should be provided for the accommodation at other times.*

Fig 2: Proposed Weldmesh fencing

Close up of proposed Weldmesh fence.



- 5.08 This intense, enclosed built form does not respond to the landscape or the historic character of the surrounding area and is not sustainable in planning terms. It contravenes Local Plan Policies DM1, DM12, DM30 and DM37 along with NPPF 17, 35 and 58. This application also fails to respect the amenities of the neighbouring properties".

Officer comment:

- *The consideration of the proposal against Local Plan policies DM1, DM37 and DM30 (and other relevant policies) and assessment of any potential impact on amenity are provided in the main part of this report.*
- *Policy DM 12 (Density of housing development) is not relevant to this proposal as the proposal relates to tourist accommodation. Paragraph 17 of the NPPF provides advice on strategic plan making, paragraph 35 relates again to plan making and examination of local plans and paragraph 58 relates to the functioning of planning enforcement. Paragraphs 17, 35 and 58 of the NPPF are therefore not relevant to the consideration of the current application.*

**Kent Wildlife Trust**

- 5.09 Objection to the application on the following grounds:

- The previous grounds for refusal have not been addressed.
- The proposal will lead to unacceptable visitor disturbance to the adjacent Local Wildlife with a measurable net loss of biodiversity in contravention of NPPF paragraphs 170 and 175.
- The sewage treatment arrangements will have an unacceptable detrimental impact on the water quality in the River Len and adjacent Local Wildlife Site
- The proposed mitigation measures will only maintain existing habitats and will not provide any net biodiversity gain.

*(Officer comment: The submitted proposal has been revised and now includes a sealed cesspit which will be emptied by a specialist contractor with no foul water discharge from the accommodation. The measures to provide a net biodiversity gain are outlined in this report).*

**Campaign to Protect Rural England (CPRE)**

- 5.10 Objection to the application on the following grounds:

- The submitted ecology survey does not overcome the Inspectors reason for refusal, particularly in relation to foul water disposal and as a result the proposal is contrary to NPPF paragraph 175.

- With the separation distance the proposal will cause light disturbance to the edge of the Local Wildlife Site.
- The noise and air quality effects must be considered. We would strongly suggest that measurements are arranged to be taken for both issues.

*(Officer comment: The proposal now includes a sealed cesspit. The applicant has provided details of lighting that have been assessed by KCC Ecology. The applicant has provided an air quality assessment and a noise impact assessment).*

### **Natural England**

- 5.11 No comments to make on the application.

### **KCC Ecological Advice Service**

- 5.12 No objection subject to conditions on the implementation of a sensitive lighting design, biodiversity method statement, ecological enhancement strategy, and ecological management plan with the following comments.
- The footprint of the proposed development site is regularly mown/grazed grassland and therefore there is limited potential for protected/notable species to be permanently present within that area.
  - The proposed development site is directly adjacent to the River Len Alder Carr, Harrietsham Local Wildlife Site and the submitted Preliminary Ecological Appraisal (PEA) has assessed the proposed development has the potential to impact the LWS due to the following:
  - Appropriate measures can be implemented to avoid or acceptably minimise impact in relation to *dust contamination during development and light disturbance*.
  - The recommendations from the Bat Conservation Trust and the Institution of Lighting Professionals, titled 'Guidance Note 8 Bats and Artificial Lighting', should be considered, when designing any lighting scheme for the proposed development. We advise that lighting is kept to a minimum and the adjacent LWS is not directly illuminated. We advise that these details are secured as a condition of any granted planning application.
  - *It is noted that* various measures are proposed to protect the adjacent Local Wildlife Site (LWS) from recreational disturbance during the operational stage of the development. These include the planting of hedgerows and installation of hedgerows as to prevent public access into the LWS. We accept that these measures will be achievable, however, recommend that the finer details (including type, location, species used etc.) are secured as a condition of any granted planning application.

### **Environment Agency**

- 5.13 No objection subject to a planning condition relating to dealing with any contamination that may be found during the construction phase and an informative on surface water drainage.

### **KCC Lead Local Flood Authority**

- 5.14 No objection – the development proposal is below the threshold where the LLFA would get involved and the development is considered low risk.

### **Environmental Health Officer**

- 5.15 No objection, subject to planning conditions to deal with any contamination that is encountered in the ground during construction works and on external lighting (to avoid harm to the wildlife site).
- 5.16 After consideration of the site context, the submitted air quality assessment and noise impact assessment, the submitted planning application is considered acceptable in relation to air quality and noise impact on the basis that the proposal provides holiday accommodation.

**KCC Highways**

- 5.17 No objection raised subject to conditions relating to the submission of a construction management plan, provision of measures to prevent the discharge of surface water onto the highway prior to commencement of work on site and for the duration of construction and the use of a bound surface for the first 5 metres of the access from the edge of the highway.

**Comments on revised access details**

- 5.18 No objection subject to the above planning conditions and an additional condition that requires the proposed access to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority. KCC Highways would also 'recommend' a second requirement for the applicant to enter into a private contract for refuse collection, to use smaller vehicles more easily able to manoeuvre through this constrained site.

**Highways England**

- 5.19 No objection raised subject to a condition requiring the metal fence shown on the plans to be in place prior to first occupation of the proposed buildings and retained thereafter.

**Kent Fire and Rescue**

- 5.20 No objection off-site access requirements of the Fire and Rescue Service have been met.
- 5.21 On-site access is a requirement of the Building Regulations 2010 Volume 1 and 2 and must be complied with to the satisfaction of the Building Control Authority who will consult with the Fire and Rescue Service once a building Regulations Application has been submitted.

**Comments on revised access details**

- 5.22 No objection.

**Network Rail**

- 5.23 No objection.

**6. APPRAISAL**

**Main Issues**

- 6.01 The key issues for consideration relate to:
- Provision of tourist lodges in the countryside,
  - Visual impact,
  - Ecology and biodiversity,
  - Residential amenity,
  - Access, parking and traffic,
  - Heritage

**Provision of tourist lodges in the countryside**

- 6.02 Government guidance in the National Planning Policy Framework (NPPF 2019) states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas. This is achieved both through conversion of existing buildings and well-designed new buildings.
- 6.03 The NPPF advises that planning policies should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
- 6.04 The NPPF advises that planning decisions should recognise that sites to meet local business needs in rural areas may have to be adjacent to, or beyond existing settlements, and in locations that are not well served by public transport. The NPPF

states that in these circumstances it will be important to ensure that development is sensitive to its surroundings and does not have an unacceptable impact on local roads.

- 6.05 Policy SP21 of the adopted Maidstone Borough Local Plan is supportive of proposals for the expansion of existing economic development premises in the countryside, including tourism related development, provided the scale and impact of the development is appropriate for its countryside location.
- 6.06 Local Plan policy DM37 sets out circumstances where planning permission will be granted for the sustainable growth and expansion of rural businesses in the rural area. These circumstances include where new buildings are an appropriate scale for the location and can be satisfactorily integrated into the local landscape. A proposal should not result in unacceptable traffic levels on nearby roads. New development should not result in an unacceptable loss in the amenity of the area, particularly with regard to the impact on nearby properties and the appearance of the development from public roads.
- 6.07 There is no adopted policy that directly relates to the type of tourist accommodation that is proposed as part of this application, however the requirements set out in policy DM38 (holiday caravans and/or holiday tents) are considered relevant.
- 6.08 Local Plan policy DM38 states that proposals for the stationing of holiday caravans and/or holiday tents outside of the defined settlement boundaries will be permitted in certain circumstances. These include where the proposal would not result in an unacceptable loss of local amenity, particularly with regards to the impact on nearby properties and the appearance of the development from public roads.
- 6.09 Policy DM38 requires a site to be unobtrusively located and well screened by existing or proposed vegetation and landscaped with indigenous species. The policy states that a holiday occupancy condition will be attached to any permission, preventing use as permanent accommodation.
- 6.10 As noted by the appeal Inspector the current application site is in a secluded location. The site is accessed by way of a single track access and is well screened by existing vegetation. The site is outside a defined settlement boundary, but to the west of the Harrietsham village settlement. Harrietsham is a designated rural service centre in the adopted Local Plan (just below Maidstone Urban Area in the sustainability hierarchy). Harrietsham village provides a range of key services and with good public transport connections to Maidstone and other retail centres.
- 6.11 In summary, holiday/tourism related development in the rural areas of the borough is generally supported by both national and local planning policy subject to a number of other criteria that are considered below.

**Visual impact**

- 6.12 Local Plan policy SP17 seeks to prevent harm to the character and appearance of the countryside and states that the distinctive landscape character of the Len Valley will be conserved and enhanced as a landscape of local value.
- 6.13 The application site is located at the end of a single track lane that forms a dogleg at the end of Chegworth Lane. It appears that the single track lane, which is owned by Highways England, was historically part of the A20 before the M20 was built.
- 6.14 The densely landscaped embankment on the southern side of the M20 motorway rises to the north of the open grassed application site. There is an area of woodland to the south and to the east of the red line application site boundary, with this

woodland mostly in the applicant's ownership. Trees and a hedgerow are along the boundary with the neighbouring residential property of 'Wentways' to the west of the application site.

Fig 3: Internal site view looking east, with M20 embankment on the left hand side.



- 6.15 There is a Public Right of Way located to the west of the application site. This Public Right of Way runs between Fir Cottage and 'The Bungalow' and then turns south. At the closest point, the Public Right of Way is 45 metres from the application site boundary. With intervening buildings, trees and boundary treatment the proposed tourist lodges will not adversely impact the views from the Public Right of Way.
- 6.16 As detailed above with the narrow access at the end of a single track lane, the woodland, other hedgerows on the boundary and landscaped embankment, the application site is enclosed and secluded. This situation is acknowledged within the landscape character assessment which advises that "*Views are generally restricted by intervening vegetation throughout this landscape...*" (Para 49.7).
- 6.17 There is a duty under section 85(1) of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of the AONB. The Kent Downs Area of Outstanding Natural Beauty (AONB) is 0.4 miles to the north east of the application site and to the north of the motorway embankment.
- 6.18 The application site is in a sheltered location and is screened by existing features on and close to the site, with the application proposal providing additional screening with the proposed hedging. In this context the proposal would not have wider landscape implications for the AONB, including on its setting.



- 6.19 In the consideration of the appeal made against the earlier decision to refuse permission the Inspector concluded that *"...due to its secluded nature..., it is not open to notable public views beyond more distant glimpses through woodland from a footpath. As such, the sensitivity of the site in wider landscape terms is relatively low...In visual impact terms, the proposed lodges and associated development would be relatively modest in scale"* (Paragraphs 4 and 5) and that *"Due to the secluded nature and screening provided by existing features on and close to the site, the proposal would not have wider landscape implications for the AONB, including on its setting"* (Paragraph 7).
- 6.20 The Inspector found that *"...in light of the nature of the development and the site, it's lack of impact on the wider landscape, and the potential for visual screening, a refusal of permission on the basis of its impact on the character and appearance of the area and the wider landscape is not justified and the proposed development is not judged to be contrary to the requirements of Policy SP17 of the Local Plan"*. (Paragraph 6).
- 6.21 In summary, it is concluded that the proposal is acceptable in relation to visual landscape harm. This conclusion is reached due to the modest scale of the proposal, the enclosed nature of the site which is well screened in views from the surrounding area by existing trees, hedgerows and woodland. The proposed additional hedgerow to the north, south and east of the lodges will provide further screening with the proposal found to be in accordance with policy SP17.

#### **Ecology and biodiversity**

- 6.22 The area of woodland to the south of the application site is a designated 'Local Wildlife Site'. This linear shaped Local Wildlife Site follows the River Len which runs east to west through the woodland roughly parallel with southern boundary of the application site. There is currently little to restrict access from the application site to the Local Wildlife Site with the boundary marked with sheep netting and a relatively low, barbed wire fence.
- 6.23 The main biodiversity and ecology issues for consideration in relation to the construction and future occupation of the proposed holiday accommodation are as follows:
- a) Potential impact regarding the loss of any habitat on the application site,
  - b) Potential impact on the adjacent local wildlife site.
  - c) Mitigation, enhancement and net biodiversity gain.
- 6.24 The three issues identified above as the main biodiversity and ecology issues are considered in detail below:
- a) Potential impact regarding the loss of any habitat on the application site
- 6.25 Policy DM3 of the Local Plan states *"...Where appropriate, development proposals will be expected to appraise the value of the borough's natural environment through the provision of an ecological evaluation of development sites and any additional land put forward for mitigation purposes to take full account of the biodiversity present, including the potential for the retention and provision of native plant species"*.
- 6.26 The resubmitted planning application is supported by a Preliminary Ecological Assessment carried out by a qualified and experienced ecologist. This assessment submitted with the current application is more detailed than the Walk Over Ecology Survey that was submitted with the earlier planning application and subsequently considered by members and the appeal Inspector.

- 6.27 The Preliminary Ecological Assessment includes details of a habitat survey of the application site. This is in accordance with policy DM3 which advises that 'where appropriate', *"Development proposals will be expected to be supported by an initial survey of on-site assets"*.
- 6.28 The habitat survey of the application site found no evidence of protected species on the application site or habitat that would support protected species. The Preliminary Ecological Assessment has been considered by the Council's specialist ecology consultee KCC Ecology. KCC Ecology consider that the extent of the Preliminary Ecological Assessment adequately assesses ecology matters.
- 6.29 In summary, the proposed tourist lodges are sited within an open field of regularly mown grassland. There is limited potential for protected or notable species to be present on the application site. This situation on the application site is confirmed in the submitted report from the qualified and experienced ecologist. The situation is confirmed in the consultation response from the Council's specialist advisors, the KCC Ecology team, and by the appeal Inspector when considering the earlier proposal.
- b) Potential impact on the adjacent local wildlife site.
- 6.30 Policy DM3 of the Local Plan states that *"...developers will ensure that new development protects and enhances the natural environment by incorporating measures where appropriate to...avoid damage to and inappropriate development considered likely to have significant direct or indirect adverse effects on...locally designated sites of importance for biodiversity (and)...enhance...(and) extend...designated sites of importance for biodiversity"*.
- 6.31 The proposed development has the potential to have an impact on the adjacent wildlife site through i) the construction phase, ii) access by future occupiers of the holiday accommodation, iii) artificial lighting and (iv) wastewater. These areas are considered in turn below.
- i) The construction phase.
- 6.32 The applicant has confirmed that during construction works, the application site will be isolated from the local wildlife site by Heras fencing which will prevent any physical access. The applicant has confirmed that a dust minimisation system will be used to reduce the risk of dust being blown from the application site.
- 6.33 It is considered that any potential impact on the adjoining woodland and Local Wildlife Site from the construction phase, can be appropriately controlled and minimised through the use of a planning condition. A planning condition is recommended seeking the submission and approval of a construction management plan that includes details of measures to restrict access and dust minimisation measures.
- ii) Access by future occupiers of the holiday accommodation
- 6.34 In contrast to the earlier proposal considered by members and the appeal Inspector, measures are now provided to protect the adjacent Local Wildlife Site from recreational disturbance during the future occupation of the proposed lodges.
- 6.35 These measures, preventing public access into the Local Wildlife Site, involve the planting of native hedgerows to the north, east and south of the lodges with the hedgerows strengthened by fencing. It is proposed that the hedgerows planted with native broad-leaves species (Hawthorn, Blackthorn, Hazel, Dogwood, Field Maple and Hornbeam) will be grown to a height of 2 metres. An updated Design and Access Statement is now consistent with the ecological assessment in relation to these arrangements.

- 6.36 The measures have been considered by KCC Ecology and found to be acceptable. In line with the KCC Ecology comments and normal landscape practice a planning condition is recommended seeking further hedgerow details including planting densities.
- iii) Lighting
- 6.37 Policy DM 8 advises that external lighting will be permitted where it can be demonstrated that the minimum amount of lighting necessary to achieve its purpose is proposed. Lighting proposals that are within, or are near enough to significantly affect Local Wildlife Sites will only be permitted in exceptional circumstances.
- 6.38 Lighting can be detrimental to roosting, foraging and commuting bats. In this context the recommendations from the Bat Conservation Trust and the Institution of Lighting Professionals, titled 'Guidance Note 8 Bats and Artificial Lighting', need to be considered, when designing a lighting scheme for the proposed development.
- 6.39 The boundary of the Local Wildlife Site is located between 12 and 24 metres to the south of the proposed lodges and the applicant has confirmed that there will be no lighting on the intervening land. As set out later in this report, the boundary with the Local Wildlife Site will be marked with a native hedge and a fence that will provide screening of the Local Wildlife Site.
- 6.40 No lighting information was provided with the earlier planning application that was considered by members and the appeal inspector. The ecological assessment submitted with the current application now includes the following information on the proposed lighting:
- Light fittings will be set back into the middle of the rooms to the rear of the buildings, avoiding fittings adjacent to windows.
  - Lighting installed within the parking areas (located to the north of the lodges) will be on timers/sensors to minimise the lighting within the development site and will consist of Zone E27 bollards fitted with 12 W LED lights. These should have a warm white spectrum (ideally <2700Kelvin).
  - The verandas of the lodges will be illuminated with Halbury E27 lanterns fitted with LED lights. These should have a warm white spectrum (ideally <2700Kelvin). These are fitted with movement sensors and timers set to illuminate paths for a maximum of 5 minutes after use.
- 6.41 In assessing the proposal against Policy DM8, the minimum amount of lighting that is necessary to meet safety and security requirements has been proposed. With the separation of the lodges from the Local Wildlife Site, and the design of the lighting scheme, the proposed lighting is not close enough to significantly affect the Local Wildlife Site in line with policy DM8. In line with the recommendation from KCC Ecology a planning condition is recommended seeking further details of all lighting to ensure that the lighting meets Bat Conservation Trust and the Institution of Lighting Professionals guidelines for this type of location.
- iv) Wastewater
- 6.42 Policy DM3 of the Local Plan states "...developers will ensure that new development protects and enhances the natural environment by incorporating measures where appropriate to...control pollution to protect ground and surface waters where necessary and mitigate against the deterioration of water bodies and adverse impacts on Groundwater Source Protection Zones". The proposed development site is within source protection zone 3 and as a result controlled waters are particularly sensitive in this location.

- 6.43 The original proposal included an onsite sewage treatment plant that would have discharged treated wastewater into the River Len, with an outfall pipe running through the Local Wildlife Site.
- 6.44 The proposal has been revised with the removal of the onsite sewage treatment plant and the outfall pipe. The foul water generated by the development will now flow into a sealed cesspit with collection by a specialist contractor.
- 6.45 These revised arrangements do not involve any works taking place in the Local Wildlife Site. With the sealed nature of this system it is not considered that there is any potential harm to the Groundwater Source Protection Zone. A planning condition is recommended to ensure that this system is provided.

d) Mitigation, enhancement and net biodiversity gain

- 6.46 The proposed tourist lodges are sited within an open field of regularly mown grassland. There is limited potential for protected or notable species to be present on the application site. This situation on the application site is confirmed firstly in the submitted report from the qualified and experienced ecologist, secondly in the consultation response from the Council's specialist advisors, the KCC Ecology team, and lastly by the appeal Inspector.
- 6.47 Paragraph 170 of the NPPF states "Planning...decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity...". The submitted application includes a significant length of new native hedgerow to the north, south and east of the proposed lodges. An area of land at the eastern end of the application site (currently mown grassland) and behind the new eastern hedgerow, will be set aside to provide ecology benefits.
- 6.48 As set out in the ecology assessment, other ecology enhancements proposed include the installation of ten Schwegler bird nest boxes and eight Schwegler bat boxes on the site. The submitted drawings show a gap at the bottom of the proposed fencing to allow the passage of wildlife. As set out earlier in this report and in line with the advice from KCC Ecology, with the outlined measures in place the submitted proposal will have a negligible impact on the adjacent Local Wildlife Site. Whilst the impact has been found to be negligible, paragraph 175 of the NPPF advises that "*...opportunities to incorporate biodiversity improvements in and around developments should be encouraged*".
- 6.49 The submitted ecology assessment sets out that woodland management will be carried out with alder carr coppiced on a 10-year rotation to produce a more species-rich ground-flora. In order to ensure that these ecological enhancements are secured long term, a condition is recommended seeking the submission of an ecological management plan.
- 6.50 In summary, the changes from the previous proposal considered by members and the appeal Inspector in relation to ecology are as follows:
- The weld mesh fence and native hedge that was previously proposed at the foot of the motorway embankment to the north of the site has been extended with a weld mesh fence and native hedge now proposed to the east and southern site boundaries that separate the site from the adjacent wildlife site .
  - Method of dealing with foul water has been revised with foul water now be collected in a sealed cesspit and taken off site for disposal.
  - The resubmitted application is supported by a Preliminary Ecological Assessment (as opposed to the less detailed Walk Over Ecology Survey that was considered by the appeal Inspector).
  - Details of proposed lighting have been provided.

- 6.51 The proposal has been designed to separate the proposed lodges from the Local Wildlife Site to avoid any direct impact from the application site. The proposal now includes details of lighting that has been designed to minimise any impact on wildlife on the adjacent site. The proposal includes biodiversity mitigation and enhancements that include both a net biodiversity gain on the application site and benefits to the Local Wildlife Site.

**Residential amenity**

- 6.52 The potential impact of the proposal on the amenities of neighbouring occupiers and the standard of the proposed accommodation are considered below.

Potential impact on existing neighbours

- 6.53 Policy DM1 of the adopted Local Plan advises that proposals will be permitted where they "respect the amenities of occupiers of neighbouring properties...by ensuring that development is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.

- 6.54 The proposed tourist lodges are adjoined to the west by the residential property called Wentways. The applicant occupies the property called 'The Bungalow' in Chegworth Lane which is immediately to the west of Wentways. Chegworth Lane from which the site is accessed runs past other neighbouring residential properties further to the west.

- 6.55 The application site is relatively well screened from the neighbouring residential property called Wentways by existing trees and hedgerow to the boundary. Further boundary hedgerow planting is indicated as part of the current application.

- 6.56 The proposal has been found to be acceptable in relation to residential amenity including in terms of noise and disturbance. The proposal is of modest scale in terms of the use and the buildings (six huts for a maximum of 12 people), the buildings are separate and screened from the neighbouring residential property and with existing and proposed trees and hedgerow planting.

Standard of the proposed accommodation

- 6.57 The proposed tourist accommodation is located adjacent to existing houses and within an enclosed site at the bottom of the motorway embankment. The grounds for the refusal of the earlier planning application stated "*proposed development by virtue of noise and disturbance and air quality issues would provide poor quality of accommodation and amenity for future occupiers contrary to policies DM1 and DM6 of the Maidstone Borough Local Plan 2017*".

- 6.58 Policy DM1 of the adopted Local Plan advises that proposals will be permitted where they "...provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise,...air pollution, activity or vehicular movements, overlooking or visual intrusion...".

- 6.59 Policy DM6 considers the impact of proposed development on the existing air quality in the vicinity of the application site (such as construction impacts, vehicle movements etc.) and not the standard of proposed accommodation in relation to air quality. The supporting text to policy DM6 (paragraph 6.45) does advise generally that "... planning can play an important role in improving air quality and reducing individuals' exposure to air pollutants".

- 6.60 After considering the Council's reason for refusal the appeal Inspector highlighted that "...the proposed accommodation would be temporary". The Inspector found

that the Council's reason for refusal on the grounds of air quality and noise and disturbance were unjustified due to the limited detailed evidence available to support this reason for refusal. The Inspector concluded "*...the proposal would not have a harmful effect on future occupants of the proposed lodges in terms of noise disturbance and air quality. As such, I do not find conflict with policies in the Local Plan including DM1 and DM6 in relation to standards of accommodation and air quality*" (Paragraph 18 - my emphasis).

- 6.61 In response to the separate comments made by the appeal Inspector regarding a lack of information, the current planning application is now supported by an Air Quality Assessment and a Noise Impact Assessment.
- 6.62 The Air Quality Assessment assessed data from an existing permanent air quality monitoring station located alongside the M20. The Air Quality Assessment considered the potential impact of the proposed development on air quality from the construction phase through to occupation of the accommodation.
- 6.63 The assessment concluded that the impact of the development on air quality would be 'negligible'. The assessment advising that "*...there are no air quality reasons to prevent the local planning authority from granting detailed planning permission for the proposed development*". In line with the advice in the air quality assessment and from KCC Ecology, condition 5 at the end of this report requires the submission and approval of a construction management plan prior to work commencing.
- 6.64 The Noise Impact Assessment states "*Appropriate external and internal noise criteria have been considered to minimise adverse impacts on health and quality of life as a result of the new development. Appropriate mitigation measures have been outlined including double-glazing and mechanical ventilation*". The assessment concludes that subject to these matters being considered there are no valid noise related grounds, on which to refuse planning permission. The mitigation measures are sought through condition 12 at the end of this report.
- 6.65 The Air Quality Assessment and Noise Impact Assessment have been considered by the Council's Environmental Health officer who has found that both the assessments and their conclusions were valid in relation to noise and air quality.
- 6.66 In the absence of any information at that time to support a refusal, the appeal Inspector found that the "*...proposal would not have a harmful effect on future occupants of the proposed lodges in terms of noise disturbance and air quality*". The two submitted assessments that have now been submitted and the environmental health officer have come to the same conclusions as the appeal Inspector.

**Access, parking and traffic**

- 6.67 The application site is accessed from the northern end of Chegworth Lane by way of an existing, single track, access lane. This access track also serves the neighbouring residential property at Wentways which is located to the west of the application site.
- 6.68 Following an officer site visit to confirm the dimensions of the access road, revised vehicle tracking plots for the largest vehicles likely to use the access were submitted by the applicant. These details have been considered by Kent Fire and Rescue who found the access arrangements acceptable. KCC Highways have also raised no objection to the proposal on the basis of planning conditions attached to any approval of planning permission. One of the conditions required by KCC Highways is a commonly used 'Grampian' condition. This condition requires the applicant to submit details of a widened access (by 60cm) for approval prior to work commencing on the new lodges and for these works to be in place prior to first occupation of the lodges.

- 6.69 Other conditions relate to the submission of a construction management plan, provision of measures to prevent the discharge of surface water onto the highway and the use of a bound surface for the first 5 metres of the access from the edge of the highway.
- 6.70 KCC Highways recommend that the applicant enters into a contract for private refuse collection from the site. The applicant has stated that it has always been the intention to use a private contractor for refuse collection and have provided a quote that they have obtained for the provision of this service. The stated benefits of a private contract are that the service is flexible to account for the temporary nature of the accommodation and that the service is provided by "*...small vehicles half the size of the standard waste vehicles, they are more manoeuvrable, and weigh only 3.5 tonnes*".
- 6.71 The access arrangements within the site make provision for vehicles to turn and enter and leave the site in a forward gear. A total of nine off street car parking spaces are proposed within the site for the six one-bedroom tourist lodges, with three of these parking spaces designed to accommodate those occupants with disabilities. The proposal includes cycle parking space on the veranda of each of the six lodges. This cycle and car parking provision is in accordance with the standards in the Kent and Medway Structure Plan 2006 Supplementary Planning Guidance (SPG4): Vehicle Parking Standards.
- 6.72 It is considered that the trip generation resulting from the development can be adequately accommodated on the local road network without harm to highway safety.
- 6.73 With appropriate conditions the proposal is acceptable in relation to access arrangements, off street parking, trip generation and highway safety. The proposals have been considered on two separate occasions by KCC Highways and Kent Fire and Rescue with no objections raised.

#### **Heritage**

- 6.74 The Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest. When making a decision concerning a listed building or its setting, the council must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.75 Policy SP18 of the Local Plan relates to the historic environment and requires that, inter-alia, the characteristics of heritage assets are protected, and design is sensitive to heritage assets and their settings. Policy DM4 of the Local Plan also relates to development affecting designated heritage assets and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.
- 6.76 Fir Cottage located to the west of the site (94 metres) is a listed building (Grade II). A cluster of listed buildings are also located to the south west of the application site (224 metres separation at the closest point – all Grade II). In an assessment consistent with other sites, due to intervening land and buildings it is not considered that the proposal will impact on the heritage interest or the setting of these listed buildings, including the traffic generated by the proposal.

#### **Other matters**

- 6.77 The site is within the KCC Minerals Safeguarding Area. The application relates to a very modest area of land within a significantly extensive Safeguarding Area and the proposal is as a result considered acceptable in this respect.

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

**7. PUBLIC SECTOR EQUALITY DUTY**

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

**8. CONCLUSION**

- 8.01 Adopted Local Plan policies and government guidance in the NPPF are supportive of the principle of holiday/tourism related development in rural areas such as the application site.
- 8.02 The application site is well screened from public views by existing trees, hedgerows and woodland. Additional screening will be provided by the new proposed planting including new native species hedgerows that will be secured by planning condition.
- 8.03 The proposal would not have any harmful impact on the character and appearance of the surrounding area, the wider landscape, or the setting of listed buildings. The development is in accordance with adopted policies that aim to protect the landscape, the countryside, ecology and ensuring that development is of a good standard of design and fits in its surroundings.
- 8.04 With the measures outlined in this report (including the use of a sealed cesspit emptied off site), the potential for adverse impact on wildlife habitats both on the application site and within the adjoining woodland and Local Wildlife Site from the proposal is negligible. The application provides an opportunity to improve the adjacent Local Wildlife Site by re-introducing coppicing back into the woodland. With a proposed wildlife area at the eastern end of the application site, the proposal also provides an opportunity to introduce new wildlife habitat and increase species diversity.
- 8.05 The proposed tourist lodge development is modest in scale, both in terms of the number and size of the units and the maximum number of guests that could be accommodated. Given this modest scale, the level of activity within the site and the use of the existing accessway is unlikely to result in unacceptable levels of noise and disturbance to neighbouring occupiers, with these neighbouring occupiers including the applicant.
- 8.06 The vehicle access arrangements to and from the site are suitable for the tourist lodge proposal with the widening of the pinch point secured by planning condition. The site layout makes suitable provision for vehicle parking and for vehicles to turn and enter and leave the site in a forward gear. These arrangements have been considered on two separate occasions by Kent Fire and Rescue and KCC Highways and found to be acceptable.
- 8.07 The application is in accordance with the relevant Government guidance in the NPPF (2019) and in accordance with the policies in the adopted Maidstone Borough Local Plan (2017). The grant of planning permission is recommended subject to the conditions set out below.

**9. 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 and documents:  
Site Location Plan  
930/1 Existing site layout plan  
930/2 Proposed site layout plan.  
P930/3A (For Illustrative Purposes Only Block Plan)  
P930/4 (Plan and Elevations)  
P930/SK1 Elevation of Fence (to north, east and south boundaries, green galvanised steel wire fence, 1.8 metre high with 150mm gap at ground level).  
Design and Access Statement (Revised February 2021)  
2562/19/B/1A Existing site plan and Walk Over Ecology survey.  
Preliminary Ecological appraisal (Revised 3 December 2020)  
Noise Impact Assessment (9 October 2020)  
Air Quality Assessment (October 2020)  
CTP Consulting Engineers 'Refuse Vehicle and Fire Appliance Tracking' (A7528-1600-P2-1600 revised February 2021).  
Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers and the visual amenity of the area.
- 3) No development shall commence (including site clearance) until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include a dust minimisation plan (with reference to paragraphs 9.3.2 to 9.3.6 of the submitted Air Quality Assessment), details of measures to prevent access to the adjacent woodland during the construction phase, details of measures to prevent harm to wildlife or amenity from temporary external lighting, parking and turning areas for construction and delivery vehicles and site personnel, timing of deliveries, provision of wheel washing facilities, any temporary traffic management / signage, provision of measures to prevent the offsite discharge of any surface water runoff. The development shall proceed in full compliance with the approved Construction Management Plan with all approved measures retained under all construction work is complete. Reason: In the interests of amenity, safe operation of the highway and wildlife protection.
- 4) No development shall commence (including site clearance) until a Biodiversity Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include detailed mitigation measures for protected species and how the development will mitigate against any impacts upon the adjacent Local Wildlife Site, together with a timetable for implementation. The development shall be carried out in accordance with the approved details and in accordance with the agreed timetable. Reason: In the interests of biodiversity and ecology.
- 5) No development shall commence until details of how the development will enhance biodiversity has been submitted to and approved in writing by the Local Planning Authority. This will include clear ecological enhancement for breeding birds and bats and shall include provision of bat boxes, bird boxes and native planting. Details of any habitat creation will be detailed including hedgerow and wildflower planting. The approved details will be implemented prior to first occupation of the approved tourist lodges and thereafter retained. Reason: In the interests of biodiversity and ecology.

- 6) No development shall commence until, an ecological management plan has been submitted to and approved in writing by the Local Planning Authority in relation to the area at the eastern end of the site. The management shall include a description and evaluation of the features to be managed: ecological trends and constraints on site that might influence management; aims and objectives of management; appropriate management options for achieving aims and objectives; prescriptions for management actions, together with a plan of management compartments; and the preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period. Reason: In the interests of biodiversity and ecology.
- 7) The development hereby permitted shall be occupied for bona fide holiday purposes only and no such accommodation shall be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up-to-date register of the names, main home addresses and the duration of stay of all future occupants, and this information shall be made available at all reasonable times upon request to the local planning authority. Relevant contact details (name, position, telephone number, email address and postal address) of the operators of the site, who will keep the register and make it available for inspection, shall also be submitted to the local planning authority (planningenforcement@maidstone.gov.uk) prior to the first occupation of the building with the relevant contact details subsequently kept up to date at all times. Reason: In order to ensure proper control of the use of the holiday let and to prevent the establishment of permanent residency.
- 8) The site shall be laid out in accordance with the approved layout plan (930/2L Proposed site layout plan) with the provision of not more than six tourist lodges. Notwithstanding the provisions of the Town and Country Planning (General Permitted development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order with or without modification), no further development, other than that shown on the approved plan shall take place within the site. Reason: In the interests of the amenities of the occupiers of neighbouring residential properties, visual amenity and the character and appearance of the open countryside location.
- 9) Prior to first occupation of the tourist lodges hereby permitted, measures to reduce potential noise nuisance for future occupiers shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The measures shall include mechanical ventilation in accordance with the submitted noise impact assessment, with the measures retained for the lifetime of the development. Reason: In the interests of amenity.
- 10) Prior to first occupation of the tourist lodges hereby permitted, details of the surfacing materials to be used in the construction of all new hardsurfacing within the site, including the access areas and parking spaces shall have been submitted to and approved in writing by the Local Planning Authority. The new hardsurfacing shall comprise permeable material and the use of a bound surface for the first 5 metres of the access from the site entrance. The new hardsurfacing shall be carried out in accordance with the approved details before the first occupation of the tourist lodges. Reason: In the interests of the visual amenities of the area and to minimise surface water runoff.
- 11) Prior to the commencement of development details of a widened site access shall be submitted to and approved in writing by the Local Planning Authority, the approved access arrangements shall be completed and ready for use prior to first occupation of the accommodation hereby approved and retained thereafter.
- 12) Prior to first occupation of the tourist lodges hereby permitted, the new access within the site, vehicle turning areas and parking spaces shown on the approved

- plan (Drawing 930/2L Proposed site layout plan) shall be provided and maintained available for use for access, vehicle turning and parking purposes by users of the six tourist lodges hereby permitted. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order with or without modification), shall be carried out within the new accessway, vehicle turning and/or parking areas or in such position as to preclude vehicular access to them. Reason: Development without adequate access, vehicle turning facilities and/or parking provision is likely to lead to vehicle movements and parking inconvenient to neighbouring residents and other road users and in the interests of local amenity and road safety.
- 13) Prior to first occupation of the tourist lodges hereby permitted, 3 electric vehicle charging points shall be provided on the site and made available for the occupants of the proposed accommodation. The electric vehicle charging points shall be retained for the lifetime of the development. Reason: In the interests of sustainability and air quality.
  - 14) Prior to first occupation of the tourist lodges hereby permitted foul and surface water drainage for the site and measures for the future servicing and maintenance of this drainage shall be in place (including the sealed cesspit shown on drawing 930/2L Proposed site layout plan) that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the approved measures maintained thereafter. Reason: To ensure that adequate drainage is provided for the development and reduce the potential for flooding, protect the water environment and prevent contamination of the land.
  - 15) Prior to first occupation of the tourist lodges hereby permitted boundary treatments shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the local planning authority with the details including a 1.8 to 2.0m high fence on the boundary between the site and the M20 and gaps at ground level to allow the passage of wildlife and the metal fencing to the north, south and eastern site boundaries with the boundary treatments maintained thereafter. Reason: To ensure a satisfactory appearance to the development, in the interests of wildlife and to ensure that the M20 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.
  - 16) Prior to first occupation of the tourist lodges hereby permitted a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The detailed landscaping scheme which is in accordance with the Council's Landscape Character Guidelines shall include native species planting including details of species, plant sizes and proposed numbers and densities, with details of the new hedgerow planting as shown on the approved plan (Drawing No 930/2L: Proposed site layout plan). The detailed landscaping scheme shall include a plan for the long term maintenance of the landscaping scheme shall also be included in the details submitted. Reason: In the interests of biodiversity, landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development
  - 17) All planting, seeding and turfing specified in the approved detailed landscaping scheme shall be fully in place by the end of the first planting season following first occupation of the approved tourist lodges. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of the lodges, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any

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

- 18) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. . The remediation scheme shall be implemented as approved. This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework (NPPF). Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of; a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site. c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included. Reason To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.
- 19) Prior to the installation of any lighting on the site (whether temporary or permanent), a lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall:
- Identify those areas/features on site that are particularly sensitive for bats and the adjacent Local Wildlife Site and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
  - Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.
- All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy. Reason: In order to safeguard the night-time rural environment, the ecological interests of the locality, and residential and local amenity.
- 20) The external facing materials to be used in the construction of the tourist lodges hereby permitted shall be as shown on the approved plan (Drawing P930/4: Plan and elevations) and shall be maintained as such. Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity.

### **INFORMATIVES**

- 1) The applicant is advised that the proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.
- 2) The applicant is advised to liaise with Highways England with regards to establishing the precise location of the site boundary. The fence must be erected such that its construction and maintenance can be achieved without recourse to requiring access to or from Highways England land. [planningse@highwaysengland.co.uk](mailto:planningse@highwaysengland.co.uk)

- 3) The applicant is advised of their responsibility to ensure that before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
- 4) The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- 5) The applicant is advised that across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>
- 6) The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- 7) The applicant is advised that only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system.
- 8) The applicant is advised that the application site is in a radon affected area with a 3-5% probability of elevated radon concentrations. If the probability of exceeding the action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE 1999, 2001, AND 2007). If the probability rises to 10% or more, provision for further preventative measures are required in new houses. Test(s) for the presence of radon gas are recommended to be carried out. Further information can be obtained from Public Health England.
- 9) The applicant is advised that as the development involves construction, the Mid Kent Environmental Code of Development Practice should be followed.

Case Officer: Tony Ryan

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## Appeal Decision

Site visit made on 2 June 2020

by **D.R McCreery MA BA (Hons) MRTPI**

An Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 June 2020

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**Appeal Ref: APP/U2235/W/19/3241982**

**River Wood, Chegworth Lane, Harrietsham, Maidstone ME17 1DB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr J Dixon against the decision of Maidstone Borough Council.
  - The application Ref 19/500305/FULL, dated 18 January 2019, was refused by notice dated 31 October 2019.
  - The development proposed is construction of 6 x 1 bedroom tourist lodges.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposed development on:
  - The character and appearance of the surrounding area and wider landscape, including the settings of nearby Listed Buildings.
  - Local biodiversity.
  - Future occupants of the proposed lodges in terms of noise disturbance and air quality.

### Reasons

#### *Character and appearance*

3. The appeal site is a roughly triangular parcel of land located between a small cluster of residential properties, the M20 motorway and its associated infrastructure and embankment planting, and denser woodland which has the River Len passing through. The site itself is currently mown to grass, open, with limited built forms present, and is set against a mostly wooded backdrop that gives the site a secluded character, despite its closeness to the motorway. The access arrangements, via a gate at the end of a single track unsurfaced lane leading from the nearest road, further reinforces the secluded nature of the site.
4. Notwithstanding the site being within an area designated in the Maidstone Local Plan (the Local Plan) for its landscape value, due to its secluded nature described above, it is not open to notable public views beyond more distant glimpses through woodland from a footpath. As such, the sensitivity of the site in wider landscape terms is relatively low.

5. In visual impact terms, the proposed lodges and associated development would be relatively modest in scale. As the built development would be largely confined to the side of the site closest to the motorway there would be adequate space for planting and other measures to provide further screening, which could be the subject of planning conditions alongside conditions relating to the materials and other treatment of the development to help blend it into the surroundings.
6. The Council's comments about the desirability of conserving and restoring the parkland character of the landscape, as recommended in the Local Landscape Character Assessment, are noted. However, and taking account of the Assessment, in light of the nature of the development and the site, its lack of impact on the wider landscape, and the potential for visual screening, a refusal of permission on the basis of its impact on the character and appearance of the area and the wider landscape is not justified and the proposed development is not judged to be contrary to the requirements of Policy SP17 of the Local Plan.
7. As the appeal site is located within the proximity of the Kent Downs Area of Outstanding Natural Beauty (AONB) I have considered the duty under section 85(1) of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of the AONB. Due to the secluded nature and screening provided by existing features on and close to the site, the proposal would not have wider landscape implications for the AONB, including on its setting.
8. In deciding this appeal I have paid special regard to the desirability of preserving the settings of nearby Listed Buildings, including the Grade II Fir Cottage which is identified as being closest to the site. Due to the distance of the site from these Listed Buildings, their lack of visual and functional relationship, and the screening provided by the woodland, the proposed development would preserve their settings and would be otherwise consistent with policies in the National Planning Policy Framework on conserving and enhancing the historic environment.
9. In light of the above, the proposal would not have a harmful effect on the character and appearance of the surrounding area, the wider landscape, or the settings of nearby Listed Buildings. Consequently, I do not find conflict with policies in the Local Plan, in particular Policies SS1, SP17, DM4, DM30, and DM38 which includes requirements aimed at protecting the landscape and countryside, and ensuring that development is of a good standard of design and fits within its surroundings.

#### *Biodiversity*

10. The woodland adjoining the appeal site forms part of a locally designated wildlife site. The proposed development would bring with it a change in the nature of the use of the site by virtue of greater activity, including an increase in the number of visitors, hard surfacing and other built structures, lighting, and overnight stays.

11. Notwithstanding the appellant's assessment that the site itself offers negligible wildlife and wider biodiversity value, by virtue of its position in relation to the woodland and the nature of the activity proposed, there is a likelihood that the development would have wider impacts on biodiversity, in particular local wildlife. It is therefore important that the proposal is supported by adequate information to effectively evaluate the impacts and conclude on the likely affects.
12. Evidence provided by the appellant relating to impact on wildlife primarily takes the form of a plan that includes details of a walk over ecology survey and other related comments. This information provides only a brief assessment and is therefore insufficient, in particular in relation to the identification of possible habitat types and species and how the proposal might affect them.
13. As such, I conclude that the information provided is not an adequate baseline position from which assess the impact of the proposed development. Reference is made to potential enhancements that could result from the reintroduction of coppicing. The response from the County Council supporting such enhancement is noted. However, given the lack of baseline information described above I am unable to agree that this would represent suitable mitigation when balanced against the effects of the proposed development.
14. Given the nature of the legal and other duties relating to biodiversity, in the absence of suitable baseline and other detail, it would not be appropriate to require further information using conditions. It is also not possible to conclude that conditions designed to ensure that the works and development avoid harmful effects would serve their intended purpose.
15. Policy DM8 of the Local Plan states that lighting proposals that are near enough to significantly affect wildlife sites will only be permitted in exceptional circumstances. The evidence submitted does not allow me to conclude what the effects are and, if they are significant, that such an exception is justified in this case.
16. In light of the above, the information provided does not demonstrate that the proposal would not have a harmful effect on biodiversity. Consequently, I find conflict with policies in the Local Plan, in particular Policies DM3 and DM8 which includes requirements to incorporate measures into new developments to avoid direct or indirect adverse effects on sites of importance for biodiversity and a presumption against external lighting proposals close to local wildlife sites.

*Living conditions of future occupiers*

17. The Council's concerns relating to the standard of accommodation that would be provided given the proximity of the proposed development to the motorway are noted. However, the proposed development is intended to provide temporary holiday accommodation, which is a matter that can be controlled by conditions. Whilst this does not provide a reason in itself to allow accommodation that is substandard, limited detailed evidence has been presented to substantiate the Council's concerns relating to air quality and noise and disturbance.



18. As such, I conclude that the proposal would not have a harmful effect on future occupants of the proposed lodges in terms of noise disturbance and air quality. As such, I do not find conflict with policies in the Local Plan including DM1 and DM6 in relation to standards of accommodation and air quality.

**Other Matters**

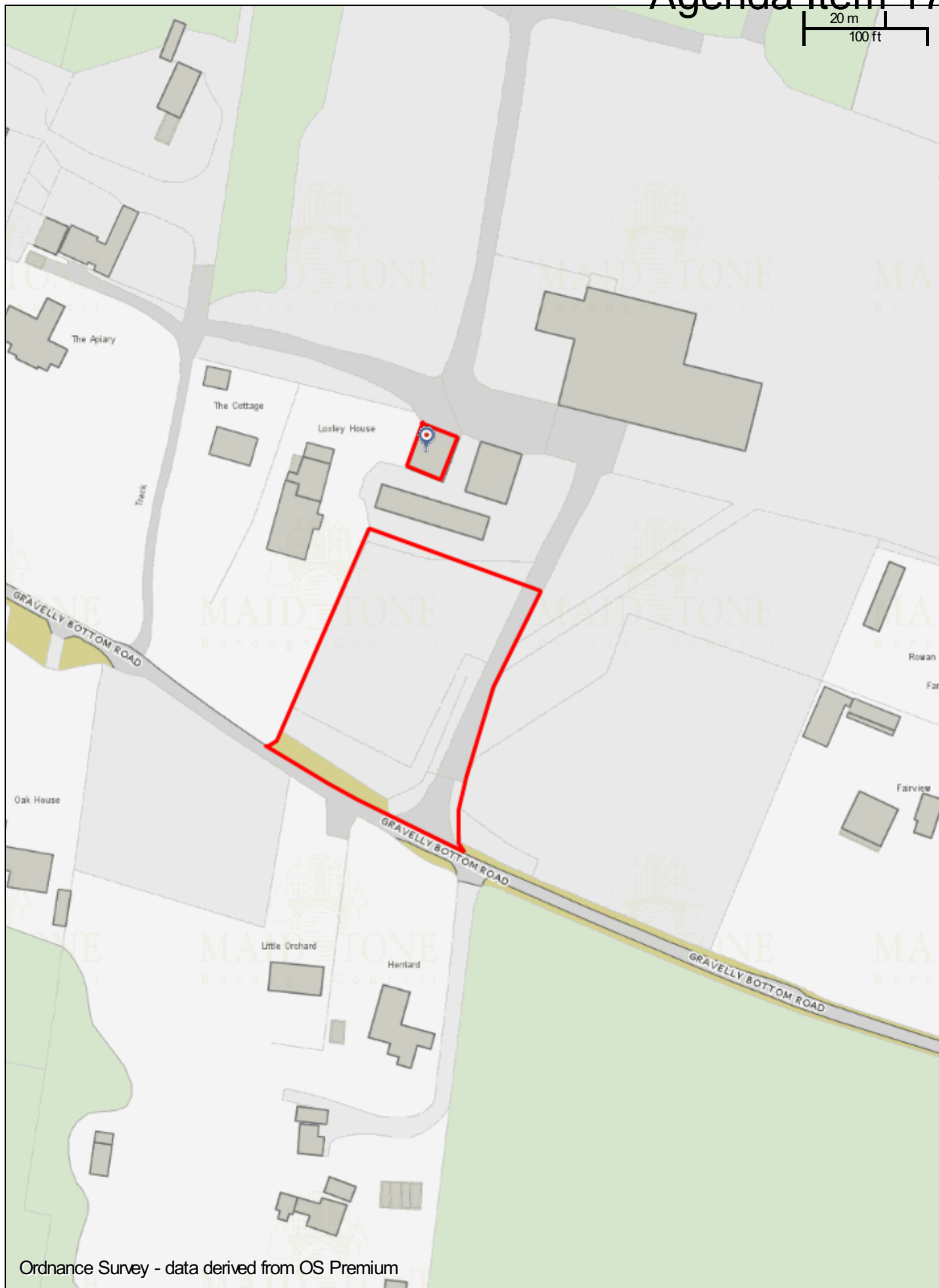
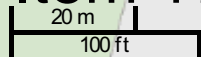
19. Representations from third parties received as part of the planning application and in response to the appeal are noted, including comments from the County Council relating to the site being in a Mineral Safeguarding Area. Some of the comments raised relate to the main issues and are discussed above. Other comments do not affect my conclusions on the main issues.

**Conclusion**

20. For the above reasons the appeal is dismissed.

*D. R. McCreery*

INSPECTOR



Ordnance Survey - data derived from OS Premium

<b>REFERENCE NO -</b> 21/500168/FULL		
<b>APPLICATION PROPOSAL</b> Demolition of the existing dwelling Loxley House and the erection of replacement dwelling with amenity space, landscaping and access.		
<b>ADDRESS</b> Loxley House Gravelly Bottom Road Kingswood Maidstone Kent ME17 3NT		
<b>RECOMMENDATION</b> Refuse planning permission		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposal, by way of its siting, scale, footprint, mass and volume, would result in a development in the countryside which is incongruous and visually obtrusive. It would be seriously harmful to the rural character and the appearance of this part of the countryside. As such the proposal would fail to accord with the NPPF and Local Plan Policies SP17, DM30 and DM32.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Cllr Powell noticed that the application has been submitted with a 30% bulk reduction and a new landscape assessment statement and he considers the amendments to be a sufficient change to warrant a discussion at committee.  A section 106 Unilateral Undertaking has been completed and signed to ensure that the original dwelling will be demolished on completion of the replacement dwelling.		
<b>WARD</b> Leeds	<b>PARISH/TOWN COUNCIL</b> Broomfield & Kingswood	<b>APPLICANT</b> Mr Robert Schroeder <b>AGENT</b> DHA Planning
<b>TARGET DECISION DATE</b> 02.04.2021		<b>PUBLICITY EXPIRY DATE</b> 08/02/21

**Relevant recent planning history**

- 20/502679/FULL Demolition of the existing dwelling Loxley House and the erection of replacement dwelling with amenity space, parking, landscaping and access (Re-submission of 19/503648/FULL). Withdrawn Decision Date: 06.08.2020
  - 19/503648/FULL Demolition of the existing dwelling Loxley House and the erection of replacement dwelling with amenity space, parking, landscaping and access. Refused for the following reasons on 25.10.2019:  
  
*"The proposal, by way of its siting, scale, footprint, mass and volume, would result in a development in the countryside which is incongruous and visually obtrusive. It would be seriously harmful to the rural character and the appearance of this part of the countryside. As such the proposal would fail to accord with the NPPF and Local Plan Policies SP17, DM30 and DM32".*
  - 18/505289/FULL Demolition of existing dwelling (Loxley House) and erection of a replacement dwelling with amenity space, parking, landscaping and access. (Resubmission of 18/503087/FULL) Withdrawn 18.12.2018
  - 18/503087/FULL Demolition of existing dwelling (Loxley House) and erection of a replacement dwelling with amenity space, parking, landscaping and access. Refused 09.08.2018.
- 99/1580 Certificate of Lawfulness in respect of the use as a sole dwelling house for a period in excess of four years. Permitted 21.10.1999

*(NB: Only most recent and more relevant planning history is provided in the report. Applications for a replacement dwelling on this site have been submitted on nine separate occasions with seven decisions to refuse permission and applications withdrawn twice. Appeals made against the refusal of permission have been dismissed three times.)*

## **MAIN REPORT**

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

- 1.01 The site of 0.31 hectares is located within open countryside, outside of any settlement boundaries as defined in the Local Plan. It consists of two rectangular parcels, located off the north side of Gravelly Bottom Road, to the west of the settlement of Kingswood.
- 1.02 The most northerly, small parcel encompasses Loxley House, a moderately sized single storey structure, whilst the larger southern parcel contained managed open grassland, bound by existing vegetation on two sides.
- 1.03 The existing dwelling referred to as Loxley House was previously used as a village hall but was granted lawful use as a dwelling in 1999 (under MA/99/1580/N/CLD). This dwelling is substantially removed from the public highway (by some 80m) and lies behind a number of buildings which were approved in 2016 (under Class Q Prior Approval procedures) to be converted from agricultural to residential use.
- 1.04 The site slopes upwards to the north, away from Gravelly Bottom Road and is bound on its eastern side by a driveway serving Loxley House. Permitted residential buildings and an existing barn are located to the north of the site, with the barn currently accommodating 'Kingswood Christmas Trees'..

### **2. PROPOSAL**

- 2.01 The proposed dwelling would replace the existing single storey structure known as 'Loxley House'. The proposed dwelling would be sited approximately 25-30m south of the existing structure. The footprint of the development proposal would be approximately 300 square metres.
- 2.02 The two storey contemporary style dwelling would be constructed in an 'L' shaped block with a flat roof. The middle section of the principle elevation at first floor level would be set back some 2.5 metres from the remainder of the façade. The height of the proposed development would be 6 metres, with the single storey element to the rear being 3.1 metres in height.
- 2.03 The ground floor of the dwelling would have a kitchen, living room, dining room, study, utility room, guest bedroom with ensuite, and WC. The first floor would have four bedrooms, three with ensembles and two with dressing rooms, a studio and a separate bathroom. The contemporary styled property would be constructed in blockwork with white painted render, zinc cladding and natural timber cladding on the walls, a sealed membrane black roof with Sedum, and powder coated anthracite grey windows and doors.
- 2.04 As part of the proposal 2 no. parking spaces with a turning area would be provided on hardstanding located to the south of the dwelling (to the front), with the main entrance door facing this parking area. Access will be shared with the existing properties to the north off the existing driveway to the east of the application site, providing access to Gravelly Bottom Road.

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

Maidstone Borough Local Plan 2017 SP17, DM1, DM23, DM30, DM32  
Supplementary Planning Documents: Maidstone Landscape Character Assessment  
National Planning Policy Framework (NPPF)

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

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

- 4.01 No representations received from local residents raising the following (summarised) issues.

#### **5. CONSULTATIONS**

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

##### Broomfield Parish Council

- 5.01 No objection

##### Minerals and waste

- 5.02 The County Council has no objection to proposal regarding minerals or waste safeguarding matters.

##### Natural England

- 5.03 No comment

##### KCC Highways

- 5.04 The development proposal does not meet the criteria to warrant involvement from the Local Highway Authority in accordance with the current consultation protocol arrangements. An informative is requested regarding development on highways owned land.

#### **6. APPRAISAL**

##### **Main Issues**

- 6.01 The key issues for consideration relate to:

- Sustainability
- Visual impact
- Residential amenity
- Highways
- Biodiversity
- Other matters

##### **Sustainability**

- 6.02 Para 4.27 of the supporting text for SS1 states that, 'It is important that the quality and character of the countryside outside of settlements in the hierarchy is protected and enhanced'

- 6.03 The application site is in an unsustainable location for a new dwelling. Whilst in an unsustainable location, the proposal is for a replacement dwelling and, as such, would be considered against Local Plan policy DM32 (Rebuilding and extending dwellings in the countryside). As there is an existing dwelling, policy DM32 does not consider the sustainability of the location but does consider matters such as visual impact. An assessment against policy DM32 follows in the next section.

##### **Visual impact**

- 6.04 Policy SP17 defines the countryside as, '...all those parts of the plan area outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages defined on the policy map.' It continues, 'Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.'
- 6.05 Policy DM1 sets out that the topography of sites should reflect and respond to their location. Particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation appropriate to local landscape character around the site boundaries should be used as a positive tool to help assimilate

- development in a manner which reflects and respects the local character of the area. In addition, DM30 states that the type, siting, materials and design, mass and scale of development would maintain or where possible enhance local distinctiveness including landscape features.
- 6.06 Policy DM32 allows for replacement dwellings providing the original property has a lawful and permanent residential use, the replacement would not be more visually harmful than the original dwelling. A development should be visually acceptable in the countryside and result in the demolition of the original dwelling.
- 6.07 In this case, the existing dwelling has a lawful residential use (under 99/1580) and does not result from a temporary planning permission. A s106 unilateral undertaking has been submitted by the applicant to ensure the demolition of the existing building in the event that planning permission is granted.
- 6.08 Policy DM32 states that permission will be granted where *"The mass and volume of the replacement dwelling is no more visually harmful than the original dwelling"* and *"The replacement dwelling would result in a development which individually or cumulatively is visually acceptable in the countryside"*.
- 6.09 An annotated photograph has been provided of the existing building, highlighting a single storey rectangular, timber clad building with a pitched roof and gable ends to the front and rear of the property. The dimensions set out that the floor area of the building is approximately 82 square metres (6.4 metres x 12.8 metres). The existing building has a roof eaves height of 2.7 metres and a ridge height of 3.8 metres.
- 6.10 The proposed dwelling has a footprint of approximately 310 square metres, this is some 160sqm larger (114%) than the existing dwelling currently on site. The two storey building would be significantly larger than the existing single storey building.
- 6.11 In terms of the landscape visual assessment submitted in support of the proposal, there is an emphasis on the limited visibility into the site. It is considered inappropriate to justify unsuitable development in the countryside on the basis of thick screening landscaping.
- 6.12 In the most recent appeal decision, the Inspector commented, *"While I appreciate that they may provide some screening, the replacement dwelling's appearance would be completely at odds with these buildings adding further to its visual impact as it would dominate this low key group and would also be far more intrusive than the nearby dwelling, The Cottage"*.
- 6.13 The proposed dwelling would be sited approximately 25-30m south of the existing dwelling on the site. The new location of the proposed building is within an area of greater visual sensitivity, being on open and substantially more prominent land; with the topography rising up from the road. The site is located within the Kingswood Plateau landscape character, which is defined as being in good condition with moderate sensitivity and guidelines to conserve and reinforce.
- 6.14 The appeal Inspector noted *"Given the topography of the site, limited views of the proposal would be gained from Gravelly Bottom Road as the appellant points out. Some screening and landscaping may help to integrate the proposal into its setting. However, as my colleague dealing with a previous appeal pointed out, the fact that limited views might be gained of a proposal is not a good reason to allow development of this nature as it is an argument that could be repeated too often to the detriment of the character and appearance of the countryside"*.
- 6.15 The submitted proposal would result in an incongruous development proposal which would fail to conserve and reinforce the character of the locality. The proposal would

and would be a harmful addition to an area of the countryside which is in good condition and moderately sensitive to change.

- 6.16 The proposed building is substantially larger than the existing dwelling it is replacing but also significantly larger than neighbouring residences permitted to the north (PD applications) and that to the west (The Cottage). This proposal would result in an obtrusive dwelling in this setting due to its size and its more prominent location closer to Gravelly Bottom Road contrary to policies SP17, DM1, DM30 and DM32 of the Maidstone Local Plan.
- 6.17 The appeal Inspector concludes "*Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The proposal would fail to do this as it would result in an overly large, bulky and visually intrusive dwelling at odds with its surroundings.*"

#### **Residential amenity**

- 6.18 Policy DM1 of the local plan states that proposals should respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development. These aims will be achieved by ensuring that development does not result in, or is exposed to, overlooking or visual intrusion. Built form should not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.19 The orientation, position of the fenestration and separation distances to neighbouring properties of between 15 and 25 metres are sufficient to alleviate any significant loss with regard to light, outlook or privacy. A replacement dwelling would be unlikely to result in an unacceptable increase in noise and disturbance.

#### **Highways**

- 6.20 Policy DM1 of the local plan states that proposals should safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access, and provide adequate vehicular and cycle parking to meet adopted council Standards.
- 6.21 Local plan policy DM23 states that car parking standards for residential development will take into account the type, size and mix of dwellings and the need for visitor parking; and secure an efficient and attractive layout of development whilst ensuring that appropriate provision for vehicle parking is integrated within it.
- 6.22 The Council's parking standards requires houses with 4+ bedrooms in rural areas to provide 2 independently accessible spaces per unit. As such, the proposal accords with the parking standard and no objection is raised by Kent County Council in this regard.

#### **Biodiversity**

- 6.23 Policy DM3 seeks to protect and enhance the natural environment. A phase 1 habitat survey was submitted with the application. This is considered satisfactory and there is no requirement for further surveys to be carried out as the majority of the habitat around the perimeter of the site is to be retained.

#### **Other Matters**

- 6.24 The submitted application includes photos of some of the neighbouring properties which are mainly modest bungalows or chalet style bungalows. Some reference has been made to permissions approved for larger replacement buildings, both before the current application was submitted, and within the landscape statement.
- 6.25 On these applications the proposed dwellings were all set back into the sites, whereas this planning proposal would be substantially closer to Gravelly Bottom

Road. The current dwelling on the application site that is due to be demolished is set right back in line with neighbouring properties, and located well away from the road, again in a similar location to the neighbouring properties. In addition, all the precedents raised were dealt with under the previous Local Plan.

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

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

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

### **7. CONCLUSION**

- 7.01 The demolition of the existing residential dwelling for a new 4 bedroom dwelling would constitute a replacement dwelling under Policy DM32 of the Local Plan.
- 7.02 Whilst a replacement dwelling would be broadly acceptable in policy terms, the proposed development, by way of its siting, scale, massing and volume would result in a significantly more visually intrusive building than the original dwelling which would cause greater material harm to the character and appearance of the countryside.

### **8. RECOMMENDATION**

REFUSE planning permission for the following reason:

The proposal, by way of its siting, scale, footprint, mass and volume, would result in a development in the countryside which is incongruous and visually obtrusive. It would be seriously harmful to the rural character and the appearance of this part of the countryside. As such the proposal would fail to accord with the NPPF and Local Plan Policies SP17, DM30 and DM32.

### **INFORMATIVES**

- 1) The plans taken into consideration in reaching the decision to refuse planning permission are:
- |             |  |
|-------------|--|
| 12 Jan 2021 | Application Form                                   |
| 12 Jan 2021 | DHA/11448/04 Proposed Ground Floor Plan            |
| 12 Jan 2021 | DHA/11448/05 Proposed First Floor Plan             |
| 12 Jan 2021 | DHA/11448/06 Rev A Proposed Roof Plan              |
| 12 Jan 2021 | DHA/11448/07 Proposed South and West Elevations    |
| 12 Jan 2021 | DHA/11448/08 Proposed North and East Elevations    |
| 12 Jan 2021 | DHA/11448/11 Site Location Plan                    |
| 12 Jan 2021 | DHA/11448/12 Existing Site Layout Plan             |
| 12 Jan 2021 | DHA/11448/13 Rev B Proposed Site Layout Plan       |
| 12 Jan 2021 | Landscape and Visual Assessment                    |
| 12 Jan 2021 | Photograph (Annotated) of Existing Dwell...        |
| 12 Jan 2021 | Preliminary Ecological Appraisal                   |
| 12 Jan 2021 | Design and Access Statement Inc Planning Statement |

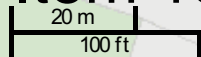


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- 2) You are advised that as of 1st October 2018, the Maidstone Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website [www.maidstone.gov.uk/CIL](http://www.maidstone.gov.uk/CIL)

Case Officer: Jocelyn Miller



Ordnance Survey - data derived from OS Premium

<b>REFERENCE NO - 20/503940/FULL</b>		
<b>APPLICATION PROPOSAL</b> Demolition of existing barn and erection of a building to be used for classes in sushi making and the Japanese tea ceremony. Erection of a single storey side extension to the existing coach house and change of use to an artist's studio/workshop. Creation of new driveway and parking area.		
<b>ADDRESS</b> Amberlea, South Green, Sittingbourne, Maidstone, Kent, ME9 7RR		
<b>RECOMMENDATION</b> Grant planning permission subject to conditions.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The information submitted with the resubmitted application with the additional information on the site layout demonstrates that the proposal is acceptable in relation to the character and appearance of the area, including the Kent Downs AONB.  The low key nature of the proposed use (with hours controlled by planning condition) will ensure that the use is acceptable with regards to the potential impact on residential amenity. The revised access arrangements are acceptable in relation to site access and highway safety. With suitable planning conditions the proposal is acceptable in relation to ecology.		
<b>REASON FOR REFERRAL TO COMMITTEE – Councillor Garten</b> A Sushi and tea business would be inappropriate in this area and out of keeping with the character and appearance of its surroundings and inappropriate within the AONB.		
<b>WARD</b> North Downs Ward	<b>PARISH/TOWN COUNCIL</b> Stockbury Parish Council	<b>APPLICANT</b> Mr James Tran <b>AGENT</b> Mr Bruno Machado
<b>TARGET DECISION DATE</b> 06/01/2021 (EOT)		<b>PUBLICITY EXPIRY DATE</b> 14/10/2020

**Relevant Planning History**

- 16/506157/FULL - DDEMOLITION OF EXISTING STRUCTURE AND THE ERECTION OF A NEW THREE BEDROOM DWELLING WITH ATTACHED THREE BAY CARPORT. Refused 26/10/2016 – Appeal dismissed.

18/505661/FULL - demolition of existing stable building and erection of a BUILDING TO BE USED FOR CLASSES IN SUSHI MAKING AND THE Japanese tea ceremony. Erection of a single storey side extension to existing coach house and change of use to an artists' studio/workshop. Refused on 12/03/2019 on the following grounds:

- 1) Due to the increase in built form in the open countryside together with the hardstanding, and the design of the building itself as well as the removal of vegetation would have resulted in a detrimental impact within the countryside as well as the AONB.
- 2) The development would have a detrimental impact upon neighbouring residential amenity due to the proposed use as well as the vehicle movements associated with the use.
- 3) The intensified use of the site would result in an increase in vehicle movements to this remote site and would have a detrimental impact upon highway safety.
- 4) The development would have a harmful impact upon the ecology of the area.

- Appeal made against the refusal of planning permission (18/505661/full) was dismissed in a decision letter on the 19/11/2019, see Appendix 1 for full report. The Inspector identified the main issues to be:
  - Character and appearance of the area including the AONB
  - Living conditions of neighbours in terms of noise and disturbance
  - Highway safety and AONB traffic impact
  - Ecological considerations.
- Character and appearance of the area including the AONB. The Inspector concluded that "it is likely that the area of hard standing required for parking and turning of vehicles would be considerably greater than that indicated on the plans. The appellant has invited the use of a planning condition to subsequently approve the extent and form of construction for the hard standing area. however, given the inadequacies of the indicated layout, the likely material expansion of this area and the uncertainties on the impact of these measures on trees and hedgerows, it is my opinion that this matter should not be left to a condition" (Paragraph 12)
- The Inspector goes on to state "*... the new building would be well-designed and in keeping with nearby buildings in relation to its scale, appearance and use of external materials. However, the impact of the proposal as a whole on the countryside location would be harmful if many trees and much of the boundary screening are removed...*" "*The site's location within the AONB adds weight to the importance of ensuring that the extent of hardstanding and clearance of vegetation does not detract from the character of the area and the appearance of the street scene*" (paragraphs 13 and 14).
- Living conditions of neighbours in terms of noise and disturbance. The Inspector concluded that "*...the activities associated with the artist studio and classes are unlikely to give rise to levels of noise or disturbance that would be readily perceptible from these dwellings. The council is concerned about disturbance from vehicles coming to and going from the site, but the maximum number of clients and staff likely to attend the site would still be relatively low with activity restricted to day time hours*" (paragraph 15).
- Highway safety and AONB traffic impact. The Inspector concluded that "*...having regard to the site circumstances and anticipated low levels of traffic to be generated, the proposal would comply with paragraph 84 of the framework that requires rural economic enterprises to "not have an unacceptable impact on local roads". it would also be compatible with paragraph 109 of the framework which states that "development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". The proposal would also be compatible with those parts of policies SP21, DM1 and DM30 of the MBLP that require proposals to not result in unacceptable traffic levels on nearby roads and to safely accommodate the vehicular and pedestrian movement generated through the site access*". (paragraph 15).
- Ecological considerations. The Inspector concluded that "as there is uncertainty on the extent of vegetative clearance necessary for operation of the proposal and the appeal is to be dismissed for other reasons, it would be prudent for this matter to be explored further. It has not been demonstrated that the proposal would not be harmful to ecological interests and there would therefore be conflict with policy DM3." (paragraph 20).

**MAIN REPORT**

**DESCRIPTION OF SITE**

- 1.01 The application site is located within the Kent Downs Area of Outstanding Natural Beauty and immediately to the north of the Southlees Lane and South Green Lane junction. The site boundaries (Southlees Lane to the south and South Green Lane to the east) are of broadly equal length to both road frontages. Vehicular access is the south eastern corner of the site on to the Southlees Lane/South Green Lane junction.
- 1.02 The site is currently occupied by a barn which is in the centre of the site and surrounded by grassland. The building, (previously described as stables as part of the earlier application), appears to be three timber clad buildings 'bolted' together. The building has a maximum height of 5m with a gabled roof form, a length of 12.7m and a breadth of 4.6m. A small brick building with tiled pitched roof is located close to the southern (Southlees Lane) boundary and a touring caravan is located close to the south-west corner of the barn.
- 1.03 The site forms part of the loose group of buildings known as South Green and is adjoined by a church building to the north and open countryside to the west. Other dwellings are located 24m from the existing barn to the south (South Green), and there are two dwellings located 24m to the east.



**2. PROPOSAL**

- 2.01 The proposal involves the demolition of the existing timber building and the erection of a building to be used for classes in sushi making and the Japanese tea ceremony. The proposed building has a maximum height of 4.7m, with a gabled roof form, a length of 12.1m and a breadth of 5.3m.
- 2.02 The proposal involves a single storey side extension to the existing coach house on the site and the change of use of this building to an artist's studio/workshop. The coach house has a depth and breadth of 4.8m, and a height of 5m, with eaves of 2.6m with a gable ended roof. The extension projects from the northern elevation of the building by 1.25m and has a height of 4m with a pitched roof. The extension has a breadth of

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- 4.1m and features two windows (60x60cm).The proposed uses are supported by works to create a new driveway and a parking area.
- 2.03 The use is proposed to create four full time jobs, involved in teaching and site and building maintenance. The proposed hours of use are 09:00 to 15:30, Tuesday to Saturday. Classes would not be held on Sundays and Mondays.
- 2.04 Changes made to the application following the previous refusal and appeal include the rearrangement of the hardstanding and parking on site, the submission of a Arboricultural Impact Assessment and Method Statement detailing trees to be removed and replacement planting and the widening of the site access, to facilitate vehicle movements.
- 2.05 The current application site is larger than the site included as part of the earlier application earlier permission, with a strip of land (50 metres by 9 metres) along the western boundary now included in the application site. This land was omitted in error from the previous application submission.

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

Maidstone Borough Local Plan 2017:

SS1 Maidstone borough spatial strategy

SP17 Countryside

SP18 Historic environment

SP21 Economic development

DM1 Principles of good design

DM3 Natural environment

DM4 Development affecting designated and non-designated heritage assets

DM8 External lighting

DM23 Parking standards

DM30 Design principles in the countryside

DM31 Conversion of rural buildings

The National Planning Policy Framework (NPPF):

Section 12 – Achieving well-designed places

Supplementary Planning Guidance:

Maidstone Landscape Character Assessment (amended 2013)

Kent Downs AONB Management Plan (2014)

### **4. LOCAL REPRESENTATIONS**

#### **Local Residents:**

- 4.01 6 representations were received from neighbouring properties objecting to the proposed development on the following summarised grounds:
- Detrimental impact on the highway network
  - Detrimental loss of privacy.
  - Local infrastructure not suitable including foul drainage
  - Out of keeping with the character and appearance of the area
  - Harmful impact upon the nearby Grade II listed building
  - Contrary to Local Plan policies
  - The development has been previously dismissed at appeal
  - Applicant's personal circumstances.
  - Buildings on the site currently used for residential purposes

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- 4.02 A number of representations state that buildings on site are being used for residential purposes. This would need to be investigated separately by planning enforcement and this is not relevant to the consideration of the current planning application.

**Stockbury Parish Council**

- 4.03 No representations received.

**Councillor Garten**

- 4.04 A Sushi and tea business appears to be out of keeping with the AONB for the reasons stated by myself and the AONB Unit at the previous application.
- 4.05 To summarise, this was that the increase in built form on the open countryside site, the increase in hard surfacing and parking proposed within the site, the inappropriate design and appearance of the new building, and the likely removal/cutting back of the existing vegetation either side of the access, would have a harmful impact.
- 4.06 I would therefore ask this application to be called in to committee, should you be minded to grant it.

**5. CONSULTATIONS**

Kent Downs AONB Unit

- 5.01 No objection subject to conditions limiting the use to that set out in the application to ensure the impacts of intensification of activity on the site and increased traffic on the small scale single track roads that provide access to the site are limited as far as possible.
- 5.02 There is concern that the arboricultural report identifies that three trees will need to be removed and should the Council be minded to approve the application, we consider that replacement trees should be planted and we agree with the recommendations of the Ecological Assessment that any new planting comprises predominantly native and wildlife friendly species – details of appropriate planting species for this location would be hawthorn, hazel, field maple, pedunculate oak and beech.

MBC Landscape

- 5.03 No objection subject to conditions requiring a landscaping scheme to ensure that suitable replacement and compensatory planting is secured.

KCC Highways

- 5.04 No objection subject to the standard land ownership informative.

KCC Ecology

- 5.05 No objection subject to conditions regarding ecological enhancements, lighting and a construction management plan.

MBC Environmental Health

- 5.06 No objection, subject to conditions on contaminated land, installation of EV charging points, hours of use and external lighting.

**6. APPRAISAL  
Main Issues**

- 6.01 The key issues for consideration relate to:

- The character and appearance of the area including the Kent Downs Area of Outstanding Natural Beauty (AONB),
- Living conditions in relation to noise and disturbance
- Highway safety
- Ecological considerations
- Heritage

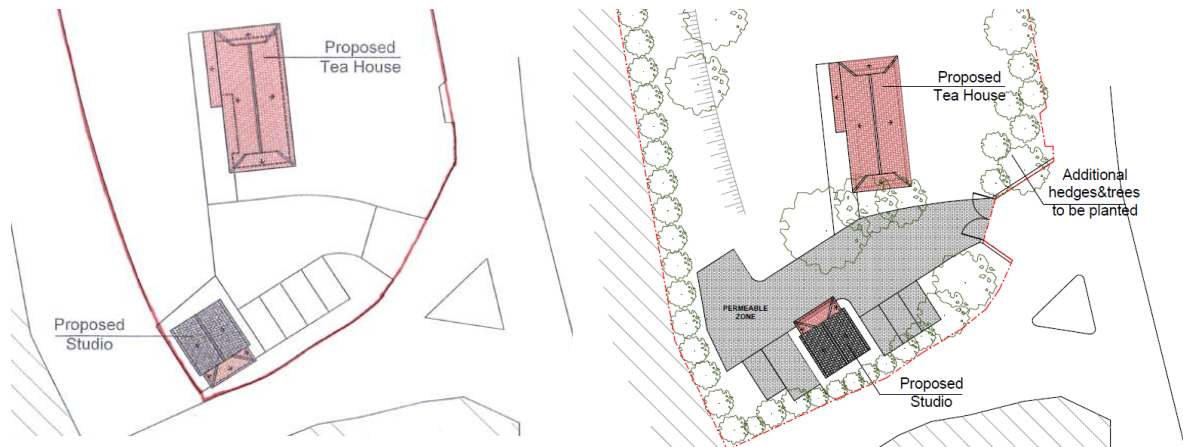
**Character and appearance of the area including the AONB.**

- 6.02 The site forms part of the open countryside and is located within the Kent Downs Area of Outstanding Natural Beauty. Government guidance in the NPPF (para. 172) states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.
- 6.03 Policy SP17 of the adopted Local Plan states that development proposals in the countryside will not be permitted unless they accord with other policies in the plan and they will not result in harm to the character and appearance of the area. The policy further states that great weight should be given to the conservation and enhancement of the Kent Downs Area of Outstanding Natural Beauty.
- 6.04 Policy SD1 of the Kent Downs AONB Management Plan states that the need to conserve and enhance the natural beauty of the Kent Downs AONB is recognised as the primary purpose of the designation and given the highest level of protection within statutory and other appropriate planning and development strategies and development control decisions.
- 6.05 The management plan continues in policy SD8 "Proposals which negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the AONB will be opposed unless they can be satisfactorily mitigated."
- 6.06 The appeal Inspector after assessing the proposal submitted under application 18/505661/Full concluded "*...the impact of the proposal as a whole on the countryside location would be harmful if many trees and much of the boundary screening are removed...*" (Paragraph 13)
- 6.07 Following the concerns expressed by the appeal Inspector, the current resubmitted application is supported by an Arboricultural Impact Assessment and Method Statement.
- 6.08 The tree survey carried out as part of the arboricultural report found five existing trees (T01 and T23 to T26) and a hedge (H01) along the southern boundary. Two of the trees along the southern boundary require removal as part of the submitted proposal. These trees are T21 Hazel (Category C) – removal required to accommodate new access driveway, T01 Silver Birch (Category B) – removal required to accommodate widening of entrance.

**2018 - 18/505661/FULL**

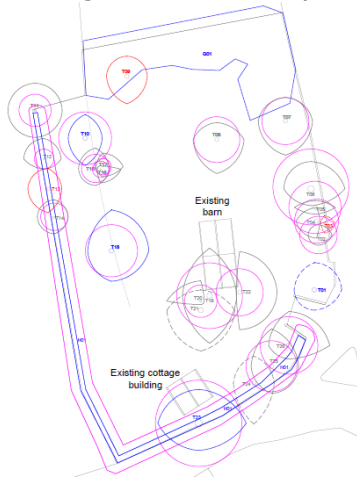
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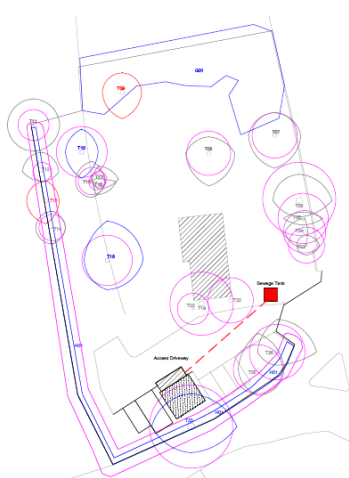


- 6.09 Whilst not on the boundary, a group of trees are located to the south of the proposed replacement building (T19 to T22). One of these trees (T24 Apple Category C) requires removal in order to accommodate proposed parking bays. The report identifies a U grade Lawson Cypress that required removal regardless of the development proposal. All of the other trees and hedges on the site are being retained including the trees along the South Green Lane boundary.
- 6.10 The arboricultural report considers that the removal of the three trees will have neutral impact upon the arboricultural or landscape contribution of the site. Mitigation for the loss of the Silver Birch is proposed by the planting of a replacement of the same species which is to be planted in the vicinity of the removed tree.
- 6.11 In addition to the removal of trees, the arboricultural report considers potential harm to tree roots from the extension to the studio, the demolition of the existing structure and its replacement with the proposed tea house and from the creation of parking spaces.
- 6.12 When compared to the proposal in front of the appeal Inspector, the extension to the building to be used as a studio has been relocated to the northern building elevation, and away from boundary trees. The extension is now entirely outside tree root protection areas. It is demonstrated that services/drainage runs can be achieved without incursion into root protection areas.
- 6.13 In relation to the proposed tea house, the arboricultural report details that the building will be constructed using piled foundations and the driveway and parking spaces will use no dig construction where there are root protection area conflicts. The proposed solutions have been considered by the Council's tree officer and it has been concluded that the proposals are acceptable in principle. There is no objection on arboricultural grounds to the proposed tree removals, subject to replacement planting of an appropriate size and species.

Existing site tree survey



Trees to be removed



Proposed landscaping.



- 6.14 *"The site's location within the AONB adds weight to the importance of ensuring that the extent of hardstanding and clearance of vegetation does not detract from the character of the area and the appearance of the street scene" (paragraphs 13 and 14, my emphasis).*
- 6.15 The appeal Inspector expressed concern about the level of information that was available at that time in relation to parking and circulation space on the site as part of the intended use.
- 6.16 The current application involves the removal of a tree (T01 Silver Birch -Category B) to accommodate widening of the site entrance. With new additional landscaping along the southern site boundary and new fencing at the site entrance it is considered that the visual impact upon the locality is acceptable.
- 6.17 The existing building is not of any architectural significance and the appeal Inspector states *"... the new building would be well-designed and in keeping with nearby buildings in relation to its scale, appearance and use of external materials"* (paragraphs 13 and 14).
- 6.18 In terms of the scale and materials of the tea house I would concur with the appeal inspector's view that the building is 'well-designed'. It is agreed that the roof form is not dissimilar to rural western buildings. With the building of a similar scale to nearby buildings and the site screened from the majority of public viewpoints the proposal is considered acceptable. No objections have been received to the development from the AONB Management Unit or from MBC Landscapes officers subject to conditions requiring felled trees to be replaced with appropriate native species. On the basis of the above the development would not harmfully impact upon the openness of the wider AONB or the landscape.
- Living conditions in terms of noise and disturbance.**
- 6.19 Local Plan policy DM1 states that applications must respect the amenity of neighbouring properties and that development must not result in overlooking, visual intrusion, loss of privacy or light enjoyed by nearby properties. It also states that neighbouring properties should not be subject to excessive noise or disturbance from vehicular movements.

6.20 The Inspector concluded that *"...the activities associated with the artist studio and classes are unlikely to give rise to levels of noise or disturbance that would be readily perceptible from these dwellings. the council is concerned about disturbance from vehicles coming to and going from the site, but the maximum number of clients and staff likely to attend the site would still be relatively low with activity restricted to day time hours"*. (paragraph 15).

6.21 The application site is not immediately adjoined by any residential properties but there are residential properties on the opposite side of South Green Lane 23m to the east and Southlees Lane 26m to the south. The applicant's supporting statement indicates that between six and eight clients a day would visit the site between 0900 and 1530, with the use operating Tuesday to Saturday. When taking into account the existing traffic levels, as well as the appeal Inspectors views the level of vehicle movements would not be so significantly harmful to neighbouring amenity that a refusal should be issued on these grounds.

**Highway safety.**

6.22 Local Plan policy DM1 details the need for development to safely accommodate vehicle movements generated by the proposal. Policy DM30 advises that proposals should not result in unacceptable traffic levels on nearby roads. Policy SP21 supports proposals for the expansion of existing economic development premises in the countryside, including tourism related development, provided the scale and impact of the development is appropriate for its countryside location.

6.23 The appeal Inspector notes *"...The proposal would clearly result in an increase in vehicular activity as the site has been vacant for some time, but the overall volume of traffic generated by the proposal is likely to be low and spread across daytime hours. Furthermore, the access already exists and can continue to be lawfully used"* (Appeal decision letter paragraph 17).

6.24 The appeal Inspector advised that *"...Improvements to visibility from the access and ease of turning into and out of the site could be made through the widening of the opening and cutting back of the hedgerow to either side. However, traffic approaching the site from the west along Southlees Road is likely to be slowed by the bend in the road, the imminence of the junction with South Green Lane and by rising land levels. Traffic turning right from South Green Lane to pass the access would similarly be likely to be travelling at relatively low speeds"*.

6.25 In line with the advice of the appeal Inspector, the current proposal includes the widening of the existing access that will improve the visibility for drivers leaving the site. With the improved access arrangements and the low traffic speeds highlighted by the appeal inspector the proposal is considered acceptable on highway safety grounds. KCC Highways have considered the access arrangements and raised no objection to the proposal.

**Ecological considerations.**

6.26 Policy DM3 of the Local Plan states *"...Where appropriate, development proposals will be expected to appraise the value of the borough's natural environment through the provision of an ecological evaluation of development sites and any additional land put forward for mitigation purposes to take full account of the biodiversity present, including the potential for the retention and provision of native plant species"*.

- 6.27 The appeal Inspector concluded “...as there is uncertainty on the extent of vegetative clearance necessary for operation of the proposal and the appeal is to be dismissed for other reasons, it would be prudent for this matter to be explored further. It has not been demonstrated that the proposal would not be harmful to ecological interests and there would therefore be conflict with policy DM3” (Appeal decision letter paragraph 20).
- 6.28 In response to the appeal Inspectors comments the current application is now supported by an “Ecological appraisal (comprising an extended phase 1 habitat & protected species scoping survey, and bat roost assessment)”.
- 6.29 The conclusions of the ecological appraisal are as follows:
- Amberlea comprises a small improved grassland field, bound by species-poor hedges, introduced shrub and scattered conifers, with three outbuildings present on site.
  - Of the three buildings on site, only a small, unaffected area of the southernmost building has any features potentially suitable for use by roosting bats. All other buildings and trees on site have no features suitable for use by roosting bats. As such roosting bats should not be a constraint to the proposals.
  - The hedges along the site boundaries (although defunct in places) are likely to fall within the “priority habitat” definition for “hedgerows” as defined in the NPPF. These will be retained and unaffected by the proposals. All other habitats on site are of very limited ecological value, are not priority habitats, and it is very unlikely that other protected species will be affected by the proposals.
  - As such, if the recommendations given in this report (precautionary measures to protect nesting birds and mammals traversing the site) are adhered to, there should be no ecological constraints to the proposals.
  - It is however recommended that any new planting comprises predominantly native and wildlife friendly species - with any non-natives (e.g. bamboo) being contained by root barriers, and, that bird boxes are installed on or around the new building.
- 6.30 The submitted ecological appraisal has been considered by the KCC Ecology team. The KCC Ecology team have raised no objection to the proposal on ecology grounds subject to planning conditions. In line with the KCC Ecology team comments conditions are recommended to seek ecological enhancements as part of net biodiversity gain, to request details of any external lighting installed on the site and the submission of a construction management plan.
- 6.31 On the basis of the above, subject to conditions, the development would not have a harmful impact upon any biodiversity located on the application site.

### **Heritage**

- 6.32 The Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest. When making a decision concerning a listed building or its setting, the council must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.33 Policy SP18 of the Local Plan relates to the historic environment and requires that, inter-alia, the characteristics of heritage assets are protected, and design is sensitive to heritage assets and their settings. Policy DM4 of the Local Plan also relates to development affecting designated heritage assets and requires applicants to ensure

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that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.

- 6.34 In terms of the impact upon the listed building (South Green Farmhouse) it has previously been considered by the Local Planning Authority and by the Planning Inspectorate that a harmful impact to this listed building would not occur.

**Other matters.**

The applicant's personal circumstances are also raised in a number of neighbour representations. The applicant's personal circumstances are not relevant to the consideration of the planning application.

**Conclusion**

- 6.35 The information submitted with the resubmitted application with the additional information on the site layout demonstrates that the proposal is acceptable in relation to the character and appearance of the area, including the Kent Downs AONB.
- 6.36 The low key nature of the proposed use (with hours controlled by planning condition) will ensure that the use is acceptable with regards to the potential impact on residential amenity. The revised access arrangements are acceptable in relation to site access and highway safety. With suitable planning conditions the proposal is acceptable in relation to ecology.

**RECOMMENDATION Grant 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:

Application for planning permission

- A.01 Existing and Proposed Block Plans
  - A.02 Existing Barn and Proposed Tea House Floor Plans
  - A.03 Existing Barn and Proposed Tea House Front and Rear Elevations
  - A.04 Existing Barn and Proposed Tea House Side Elevations
  - A.05 Existing and Proposed Cottage Floor Plans
  - A.06 Existing and Proposed Cottage Elevations
- Arboricultural Impact Assessment and Method Statement  
Ecological Appraisal Report (amended 18/02/2021)  
Planning Statement

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

- 3) The buildings and land shall be only be used for the provision of education classes and as an artist's studio/workshop and for no other purpose (including any other purpose in Class F of the Schedule to the Town and Country Planning (Use Classes) Order 2020 or permitted under the provisions of the Town and Country Planning (General Permitted

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Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification).

Reason: In order for the LPA to assess the potential impact of other future uses on the site.

- 4) The uses hereby approved shall only operate between 0900hrs and 1530hrs on Tuesdays Wednesdays, Thursdays Fridays, and Saturdays.

Reason: In order for the LPA to assess the potential impact of any future expansion of the use on the site.

- 5) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter; Any lighting plan submitted shall follow the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals.

Reason: In the interests of amenity and wildlife protection.

- 6) No development shall commence (including site clearance) until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include, parking and turning areas for construction and delivery vehicles and site personnel, timing of deliveries, provision of wheel washing facilities, any temporary traffic management / signage, provision of measures to prevent the offsite discharge of any surface water runoff. The development shall proceed in full compliance with the approved Construction Management Plan with all approved measures retained under all construction work is complete.

Reason: In the interests of amenity, safe operation of the highway and wildlife protection.

- 7) The development hereby approved shall not commence above ground level until, written details and samples of the materials to be used in the construction of the external surfaces of the building and extension 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.

- 8) The development hereby approved shall not commence above ground level until a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall use predominantly native or near-native species as appropriate and show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall also provide details of replacement planting to mitigate loss of amenity and biodiversity value, the location of any habitat piles of cut and rotting wood and include a plant specification, implementation details, a maintenance schedule and a [5] year management plan. [The landscape scheme shall specifically address the need to provide replacement and compensatory planting].

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

- 9) The approved landscaping shall be in place at the end of the first planting and seeding season (October to February) following the commencement of the uses hereby approved. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property or occupation of the final unit as relevant, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme.

Reason: In order to assess the potential harm to the character of the area and neighbour amenity that could arise from other uses of the buildings and land.

- 10) Prior to commencement of the uses hereby approved a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures for the enhancement of biodiversity through integrated methods into the design and appearance of the building and extension by means such as swift bricks, bat tubes or bee bricks. The development shall be implemented in accordance with the approved details Prior to commencement of the uses hereby approve and all features will be permanently maintained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

- 11) Prior to commencement of the uses hereby approved boundary treatments shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the local planning authority with the approved boundary treatments maintained thereafter. The boundary treatments shall include gaps for the passage of wildlife.

Reason: To ensure a satisfactory appearance to the development, in the interests of wildlife.

- 12) Prior to the commencement of the uses hereby approved, 3 electric vehicle charging points shall be provided on the site and made available for the users of the proposed accommodation. The electric vehicle charging points shall be retained for the lifetime of the development.

Reason: In the interests of sustainability and air quality.

- 13) Prior to the commencement of the uses hereby approved details of the surfacing materials to be used in the construction of all new hard surfacing within the site, including the access areas and parking spaces shall have been submitted to and approved in writing by the Local Planning Authority. The new hard surfacing shall comprise permeable material and the use of a bound surface for the first 5 metres of the access from the site entrance. The new hard surfacing shall be carried out in accordance with the approved details prior to the commencement of the uses hereby approved.

Reason: In the interests of the visual amenities of the area and to minimise surface water runoff.

- 14) All cut timber/wood between 15cm and 60cm in diameter, together with any senescent and rotting wood, should be retained and stacked safely on site for the colonisation of saproxylic organisms, except where an alternative proposal has been submitted to and approved in writing by the local planning authority.

Reason: In the interest and amenity of wildlife.

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The following informatives are also sought.

- 1) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. It is the applicant's responsibility to ensure that appropriate precautions are taken to ensure that an offence is not committed. Further advice can be sought from Natural England and/or Kent Wildlife Trust.

Case officer: William Fletcher



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## Appeal Decision

Site visit made on 9 October 2019

**by Rory MacLeod BA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 06 November 2019**

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**Appeal Ref: APP/U2235/W/19/3232536**

**Amberlea, South Green Lane, South Green, Sittingbourne, Kent ME9 7RR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr James Tran against the decision of Maidstone Borough Council.
  - The application Ref 18/505661/FULL, dated 26 October 2018, was refused by notice dated 15 March 2019.
  - The development proposed is demolition of the existing stable building and its replacement with a slightly larger building to be used for classes on sushi making and the Japanese tea ceremony, and to construct a small extension to the existing coach house and to use the building as an artist's studio/workshop.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the development on
  - (a) the character and appearance of the area including the Kent Downs Area of Outstanding Natural Beauty (AONB),
  - (b) the living conditions of occupiers of nearby dwellings in relation to noise and disturbance,
  - (c) highway safety in relation to likely traffic levels and visibility at the site access and
  - (d) ecological considerations.

### Reasons

#### *Character and appearance*

3. The site is a corner plot fronting South Green Lane with a return frontage including a vehicular access on Southlees Lane. It is open land with trees and shrubs mainly to the boundaries but also includes two buildings. There is a row of dilapidated timber stables in the centre of the site and a small brick building close to the site's southern corner. The appellant states that the site and buildings were once part of South Dean Farm to the east of the site but have since been severed from it. The site is not currently in active use.
4. The site is centrally located within a loose group of buildings know as South Green. There is a church building adjacent to the site's northern boundary, but

the locality is primarily residential in character comprising a mixture of mainly two storey houses, several with large detached garages. There are also several farm and storage buildings in the settlement, often set back from the road. The area is rural in character with vegetative screening to many road frontages, yet most of the buildings are readily visible in the street scene. The surrounding area comprises open grassed areas, farmed fields, patches of woodland and tree belts and narrow lanes set in rolling countryside. The site and surrounding area form part of the Kent Downs AONB.

5. The replacement building would be single storey and designed in the style of a traditional Japanese tea house. The appellant's intention is to hold classes on Tuesdays to Saturdays between 9.00am and 3.30pm for 40 weeks a year with a capacity of 6-8 clients each day served by a maximum of 4 staff. A small extension would be built to the southern side of the brick building to provide a toilet and utility area to facilitate the use of the building as an artist's studio and workshop. The plans indicate provision of 4 parking spaces and an adjacent turning area between this building and the site access.
6. The presence of built structures on the site indicates that it previously had a more active use. From the information available the site would appear to constitute "*previously developed land*" in accordance with the definition in Annex 2 to the National Planning Policy Framework (the Framework). Paragraph 84 of the Framework states "*The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist*". The site is centrally located within South Green.
7. Whilst permission has recently been refused and dismissed on appeal<sup>1</sup> at the site for a large dwelling and carport, the site's use for a business or leisure purpose would in principle be in accordance with the Framework's aims to support a prosperous rural economy. Paragraph 83 of the Framework states that planning decisions should enable "*the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings*" and "*sustainable rural tourism and leisure developments which respect the character of the countryside*". Although this is a remote location, the use of the site for the proposed purposes would be consistent with the Framework subject to the tests of the buildings being well-designed and the proposal respecting the character of the countryside.
8. The proposal is small in scale and would be consistent with Policy SS1 of the Maidstone Borough Local Plan (2017) (MBLP), a strategic policy guiding the location of all development, but which supports small scale employment opportunities at appropriate locations to support the rural economy. The proposal would also potentially align with Policy SP21 of the MBLP that supports the expansion of existing economic development premises in the countryside, including tourism related development, provided the scale and impact of the development is appropriate for its countryside location. Whilst the site would appear not to have been economically active for some time, it is nonetheless previously developed land.
9. The proposed replacement building would be lower than the existing row of stables, which are longer than depicted on the existing plans, and would be in approximately the same place. I am satisfied that it would not be materially

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<sup>1</sup> 16/506157/FULL and APP/U2235/W/17/3173564

larger than existing structure. It would similarly have timber walls and would be topped with a shallow pitched hipped tiled roof. The building would have a balanced and coherent design that would not be unattractive, and which would be an improvement on the appearance of the present dilapidated structure. The building would be comparable in size with domestic garages and outbuildings in the vicinity of the site but lower in profile. It would be less conspicuous in the street scene than most of these as it would be largely screened from public view from most sides by retention of existing boundary screening. Its appearance as a Japanese tea house would be unusual in this rural context but the MBLP's design policies do not expressly rule out alternative cultural expressions but focus particularly on matters including scale, materials, site coverage and character.

10. The Council do not object to the modest extension to the small brick building. It would have a satisfactory appearance and would be relatively inconspicuous from within the site. However, its excavation may affect the roots to a tree forming part of the screen to Southlees Lane. The loss of the tree would undermine the effectiveness of this screen. The 4 parking spaces proposed alongside would likely require the removal of two trees but not the boundary screen to Southlees Lane. A large tree between the proposed turning area and the existing building could be affected by the laying down of a hard surface here and any subsequent enlargement of the area. Whilst the application does not indicate tree removal, the submitted plans do not provide details of existing trees and hedgerows. The County Council's Highways Officer comments that one of the parking spaces would be inaccessible without expansion of the hardstanding area.
11. The site is not close to public transport facilities. Most users of the site are likely travel by car. The narrow lanes in the vicinity of the site afford little opportunity for on street car parking. It is therefore likely that all vehicles associated with staff and clients would need to park on site. Even if some clients are brought to the site by taxi, given the proximity of the access to the road junction, it would be safer for such clients to be set down within the site and for all vehicles to enter and leave the site in forward gear. The appellant envisages the site's facilities being used by children with special needs; if these were to be brought to the site by minibus, a larger hardstanding for parking and turning would be necessary. It may also be necessary to widen the access and clear some boundary vegetation to facilitate turning in and out of the site and to improve visibility from the access.
12. It is likely that the area of hardstanding required for parking and turning of vehicles would be considerably greater than that indicated on the plans. The appellant has invited the use of a planning condition to subsequently approve the extent and form of construction for the hardstanding area. However, given the inadequacies of the indicated layout, the likely material expansion of this area and the uncertainties on the impact of these measures on trees and hedgerows, it is my opinion that this matter should not be left to a condition.
13. Policies DM1 and DM30 of the MBLP require high quality designs for rural areas including the retention and addition of native vegetation appropriate to local landscape character around the site boundaries as a positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area. My findings are that the new building would be well-designed and in keeping with nearby buildings in relation to its scale,

appearance and use of external materials. However, the impact of the proposal as a whole on the countryside location would be harmful if many trees and much of the boundary screening are removed. There remain uncertainties that the proposal would satisfy the concerns raised by these policies.

14. Moreover, the site is within the Kent Downs AONB. Paragraph 172 of the Framework states that great weight should be given to conserving and enhancing the landscape and scenic beauty of AONBs. Whilst the scale and extent of development in this instance is indicated to be limited, (another requirement of Paragraph 172), the site's location within an AONB adds weight to the importance of ensuring that the extent of hardstanding and clearance of vegetation does not detract from the character of the area and appearance of the street scene.

#### *Living conditions*

15. There are scattered dwellings close to the appeal site on the opposite sides of South Green Lane and Southlees Road. The activities associated with the artist studio and classes are unlikely to give rise to levels of noise or disturbance that would be readily perceptible from these dwellings. The Council is concerned about disturbance from vehicles coming to and going from the site, but the maximum number of clients and staff likely to attend the site would still be relatively low with activity restricted to day time hours. Given the separation distances to the nearest dwellings and the low overall traffic volumes likely to be generated, there would not be significant levels of noise or disturbance for the occupiers of these dwellings as a result of the proposal. Moreover, any disturbance would be set against that arising from through traffic in South Green; representations on the proposal refer to tractors and articulated lorries passing through South Green serving local farms and attached warehouses.
16. There would not be conflict with those sections of Policies SP21 and DM1 of the MBLP promoting respect for the amenities of occupiers of neighbouring properties by ensuring that development does not result in, amongst other matters, excessive noise, vibration, air pollution, activity or vehicular movements.

#### *Highway safety*

17. The Council's concerns relate to the absence of additional information to make an assessment on highway safety. The proposal would clearly result in an increase in vehicular activity as the site has been vacant for some time, but the overall volume of traffic generated by the proposal is likely to be low and spread across daytime hours. Furthermore, the access already exists and can continue to be lawfully used. Improvements to visibility from the access and ease of turning into and out of the site could be made through the widening of the opening and cutting back of the hedgerow to either side. However, traffic approaching the site from the west along Southlees Road is likely to be slowed by the bend in the road, the imminence of the junction with South Green Lane and by rising land levels. Traffic turning right from South Green Lane to pass the access would similarly be likely to be travelling at relatively low speeds.
18. Having regard to the site circumstances and anticipated low levels of traffic to be generated, the proposal would comply with Paragraph 84 of the Framework that requires rural economic enterprises to "*not have an unacceptable impact on local roads*". It would also be compatible with Paragraph 109 of the

Framework which states that “*development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”. The proposal would also be compatible with those parts of Policies SP21, DM1 and DM30 of the MBLP that require proposals to not result in unacceptable traffic levels on nearby roads and to safely accommodate the vehicular and pedestrian movement generated through the site access.

### *Ecology*

19. The Council’s final reason for refusal of the proposal relates to the lack of evidence to confirm that there would not be significant harm to the ecology of the site. It contends the site contains habitat that could accommodate protected species and notes that no formal survey of the site has been submitted. The appellant claims that ‘professional advisors’ inspected the site and found no evidence of harm to ecological interests, but there is no corroboration of this in the appeal submissions. The appellant asserts that a formal survey should not be necessary as the site is small and not subject to a biodiversity designation in Paragraph 175 of the Framework; however, Paragraph 172 refers to the conservation and enhancement of wildlife considerations in AONBs.
20. At the last appeal at the site, the Inspector did not reach a finding on the need for an ecological survey. Since that time, the Council has adopted the MBLP and Policy DM3 encourages where appropriate provision of an ecological evaluation of development sites to take full account of the biodiversity present, including the potential for the retention and provision of native plant species. As there is uncertainty on the extent of vegetative clearance necessary for operation of the proposal and the appeal is to be dismissed for other reasons, it would be prudent for this matter to be explored further. It has not been demonstrated that the proposal would not be harmful to ecological interests and there would therefore be conflict with Policy DM3.

### *Other matters*

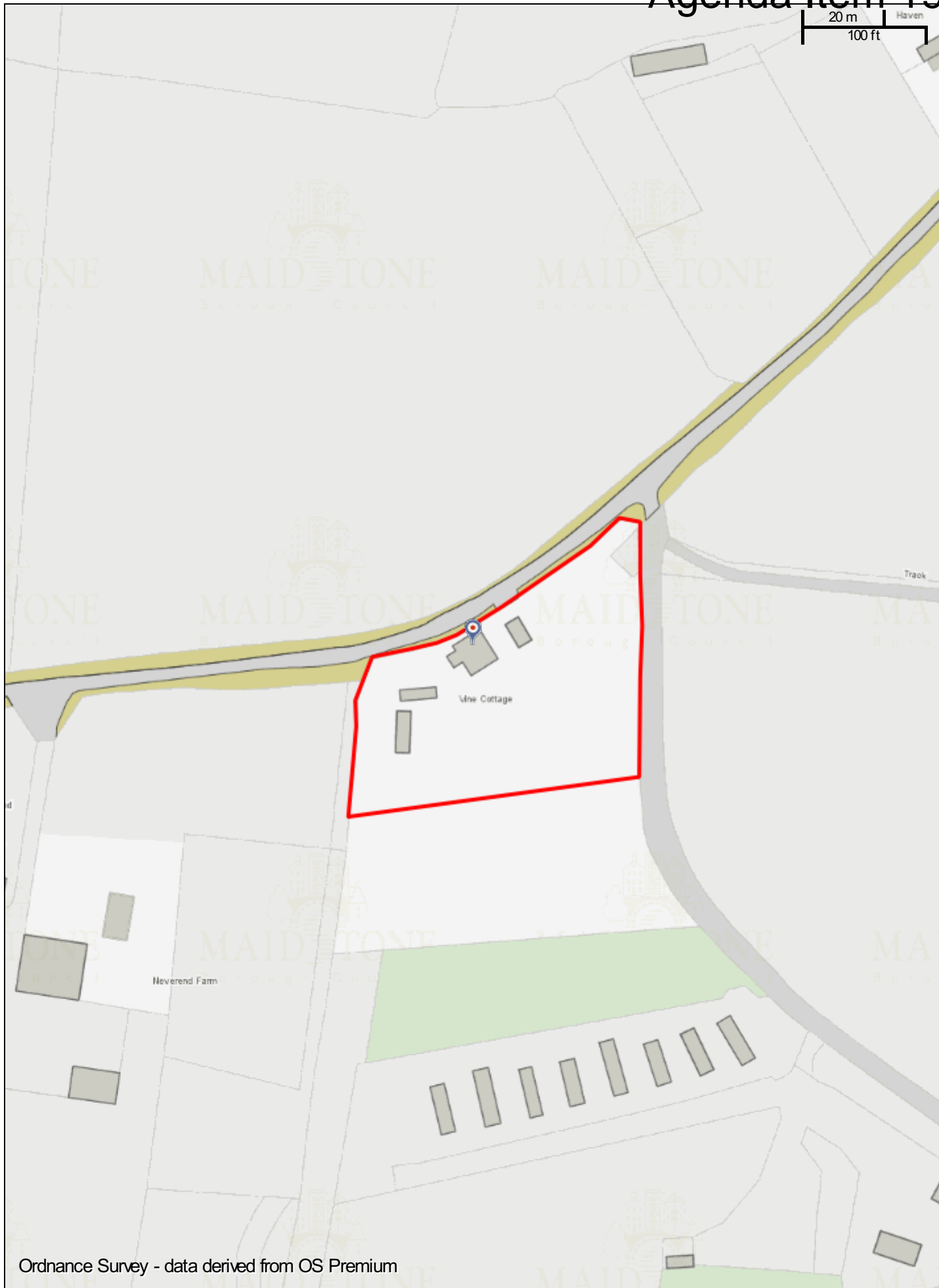
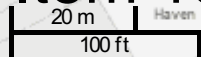
21. South Green Farmhouse to the south of the site on the opposite side of Southlees Lane is a Grade II listed building. I concur with the Council that the separation between this building and the site coupled with retention of boundary screening would ensure that there would be no harmful impact on the setting of the listed building.
22. I have noted the objections received against the proposal from local residents, an elected representative and from the Kent Downs AONB Unit and have examined the issues raised in the analysis in preceding paragraphs.

### **Conclusion**

23. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

*Rory MacLeod*

INSPECTOR



Ordnance Survey - data derived from OS Premium

<b>REFERENCE NO -</b> 20/506036/FULL		
<b>APPLICATION PROPOSAL</b> Demolition of existing chalet bungalow, garage and 2no. outbuildings, removal of 2no. stationed units and the erection of 1no. four bedroom, part single/part two storey dwelling with associated carport, cycle store and landscaping (Resubmission of 20/503142/FULL).		
<b>ADDRESS</b> Vine Cottage Pye Corner Ulcombe Maidstone Kent ME17 1EF		
<b>RECOMMENDATION</b> Refuse planning permission		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The size, design, siting, bulk and massing and large expanse of flat roof, in conjunction with the loss of trees on the site, would result in an adverse visual impact detrimental to the openness of the surrounding countryside.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Ulcombe Parish Council wish to support the application for the following reasons: Vine Cottage sits in a quiet rural lane. It has been a derelict eyesore for many years. The proposed development follows principles of good design (DM1). Great care has been taken to protect and improve the biodiversity of the site (DM3). Use of sympathetic materials will be used to enhance local landscape features and to ensure that the proposed development sits within the local landscape. (DM30) Previous concerns regarding the bulk and size of the proposed development have been addressed with the change in shape and design.		
<b>WARD</b> Headcorn	<b>PARISH/TOWN COUNCIL</b> Ulcombe	<b>APPLICANT</b> Mr Turner <b>AGENT</b> Kent Design Studio Ltd
<b>TARGET DECISION DATE</b> 11/03/21		<b>PUBLICITY EXPIRY DATE</b> 08/02/21

### Relevant Planning History

93/1320

Two storey rear extension (second storey within roof space) and change of use of agricultural land to residential garden area as amended by site location plan dated 3 December 1993. (The building works were carried out at the time of the permission, but the land was extended more recently.)

Approved Decision date: 11.02.1994

17/505708/FULL

Demolition of existing dwelling and garage and erection of a new 4 bedroom dwelling and detached garage.

Withdrawn Decision Date: 12.02.2018

18/503313/FULL

Demolition of existing chalet bungalow, garage and two outbuildings and the erection of a four bedroom, two storey dwelling with car parking and a new vehicular access and landscaping. (Revision to 17/505708/FULL).

Refused Decision Date: 05.09.2018

19/505727/PAMEET

Pre-Application Meeting - Previous application and appeal number 18/503313/FULL.

20/503142/FULL

Demolition of existing chalet bungalow, garage and 2no. outbuildings, removal of 2no. stationed units and the erection of 1no. four bedroom, part single/part two storey dwelling with associated carport, cycle store and landscaping (Resubmission of 18/503313/FULL). Refused on 05.10.2020 for the following reason:

(1) The proposed development, by reason of its size, design, siting, bulk and massing and

large expanse of flat roof, in conjunction with the loss of trees on the site, would result in an adverse visual impact detrimental to the openness of the surrounding countryside. For these reasons, the application site would be contrary to policies SP17, DM1, DM30 DM32 of the Maidstone Local Plan 2017, the Maidstone Landscape Character Guidance 2012, and policies within the NPPF 2018.

**Appeal History:**

18/503313/FULL

Demolition of existing chalet bungalow, garage and two outbuildings and the erection of a four bedroom, two storey dwelling with car parking and a new vehicular access and landscaping. (Revision to 17/505708/FULL).

Dismiss or Dismiss -Notice Upheld/Varied Decision Date: 13.08.2019

The mass, height and bulk of the building and expanse of uninterrupted roof would still be visible above and over the existing building despite the lowering of the ground level and the increased distance from the road. Any additional screening would need to be of a height and density that of itself would look unusual or out of place within the context of this unassuming rural lane. I therefore conclude that the development would be harmful to the character and appearance of the area. It would fail to accord with policies SP17, DM1, DM30 and DM32 of the LP and the Maidstone Landscape Character Assessment Supplement 2012. Taken together these policies seek to ensure that development responds positively to natural character, is of high quality design, contributes positively to the conservation and enhancement of the protected landscape, would be no more visually harmful than the original dwelling and would result in a development which is visually acceptable in the countryside.

**MAIN REPORT**

**1. DESCRIPTION OF SITE**

- 1.01 The site is located in the open countryside with only sporadic buildings in the area. It is within the designated Landscape of Local Value (Ulcombe Low Weald). The application site currently comprises a modest chalet bungalow with a single garage to the east. Fields are located to the north east and south of the site, with an agricultural use to the west of the site. The levels are relatively even.
- 1.02 There is sporadic housing in this location, and the original property is sited immediately adjacent to the rural lane in a fairly isolated position. A small group of mixed single and two storey dwellings are located approximately 180 metres to the northeast of the application site.
- 1.03 The original dwelling comprises a petite cottage with two bedrooms in the pitched tiled roof with gable ends. A modest single garage is sited to the side of the dwelling. The site is accessed from Headcorn road (to the north). It has one off street car parking space immediately to the east of the existing property. However, an access has now been formed off an existing track which runs along the eastern boundary of the site.

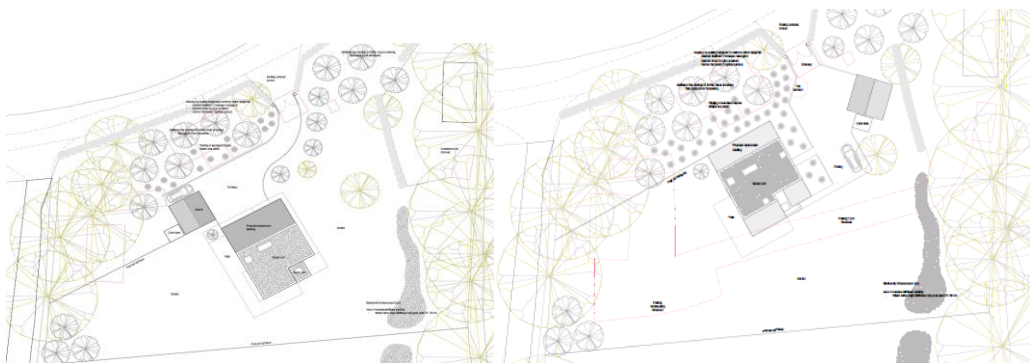
**2. PROPOSAL**

- 2.01 The proposal comprises the demolition of the existing chalet bungalow, garage and 2no. outbuildings, the removal of 2no. stationed units and the erection of 1no. four bedroom, part single/part two storey dwelling with associated carport, cycle store and landscaping (Resubmission of 18/503313/FULL).
- 2.02 It would be set back from the front footprint of the original property by approximately 10 metres (approximately 15 metres from the roadside) with a new drive located via the north of the site, with the access in a similar position to the existing single garage adjacent to the original property. An access to the northeast



of the site is already in existence, and the site has been cleared and a mobile home is currently in place to the west of the site, in which the family are currently housed.

- 2.03 The new dwelling would have an entrance to the east of the site. To the left (as you walk in) would be a study and a utility room leading out to the garden door. To the right is a shower room and bedroom. At the end of the hall would be a kitchen/dining/living space. On the first floor are three bedrooms, all with en-suite bathrooms, and one with an additional dressing room.
- 2.04 The property would be two storeys in height with a lean-to roof at the sides of the property and a flat sedum roof across the majority of it. There would be a double garage and cycle store set back from the road frontage by approximately 17 metres and located to the east of the proposed new dwelling.
- 2.05 The location plan on the current application shows an increase in the residential curtilage of the property which has already been put into place.
- 2.06 An application was submitted immediately prior to the current application which was subsequently refused. It had a similar description and the scale, height and proportions were similar to the current application. The main changes related to the site layout as shown below.



**20/503142/FULL – Refused 05.10.2020      Site plan for the current application**

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

Maidstone Borough Local Plan 2017 SS1, SP17, DM1, DM3, DM23, DM30, DM32, DM33  
Neighbourhood Plans N/A  
Kent Minerals and Waste Local Plan 2016 N/A  
Supplementary Planning Documents: Maidstone Landscape Character Assessment  
National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

### **4. LOCAL REPRESENTATIONS**

#### **Local Residents:**

- 4.01 10 representations received from local residents raising the following (summarised) issues
  - Improvement to the run-down site and uplifts the character of the area
  - The new house appears to be very well designed and will be unobtrusive, if allowed to be built further back on the plot.
  - The site is one of the few remaining settled residences increasingly dominated by Gypsy and Traveller site developments in this small enclave.

- 4.02 Issues relating to the number of gypsy and traveller sites in the area are not material planning considerations and therefore cannot be taken into account in the determination of this application. The other matters raised by neighbours and other objectors are discussed in the detailed assessment below.

## **5. CONSULTATIONS**

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

### Ulcombe Parish Council

- 5.01 Ulcombe Parish Council wish to support the application for the following reasons: Vine Cottage sits in a quiet rural lane. It has been a derelict eyesore for many years. The proposed development follows principles of good design (DM1). Great care has been taken to protect and improve the biodiversity of the site (DM3). Use of sympathetic materials will be used to enhance local landscape features and to ensure that the proposed development sits within the local landscape. (DM30) Previous concerns regarding the bulk and size of the proposed development have been addressed with the change in shape and design.

### KCC Highways

- 5.02 This development proposal does not meet the criteria to warrant involvement from the Local Highway Authority in accordance with the current consultation protocol arrangements. Informative added with regard to highways owned land.

### Environmental Protection

- 5.03 Air quality and noise are not considered to be an issue, and the land is not identified as contaminated. Since the location is quite rural and apparently not near a mains sewer, details of the proposals for foul drainage would be requested. An EV charging point would also be requested.

### KCC Ecology (comments provided on application referenced 20/503142/FULL)

- 5.04 The information submitted is satisfactory and there is no requirement for a dormouse survey to be carried out as the majority of the habitat is to be retained. However, a precautionary approach will have to be implemented when removing hedgerow to create the access, but this can be secured by condition along with the requirement for ecological enhancements.

### Landscape Officer Refer to 18/503313

- 5.05 No objections subject to landscape conditions

### Natural England

- 5.06 No comment

## **6. APPRAISAL**

### **Main Issues**

- 6.01 The key issues for consideration relate to:
- Principle of development and sustainability
  - Design and appearance
  - Visual amenity, landscape and layout
  - Impact on neighbour amenity
  - Biodiversity

- Highways

### **Sustainability**

- 6.02 Para 4.27 of the supporting text for SS1 states that, 'It is important that the quality and character of the countryside outside of settlements in the hierarchy is protected and enhanced' Para 4.29 (Land availability) states, 'The studies show that the local housing target can be met from within the existing built-up area and on sites with the least constraints at the edge of Maidstone, the rural service centres and the larger villages.'
- 6.03 It is noted that there is already a dwelling on the site. This being the case, although residential development in an unsustainable location would not generally be supported outside the identified settlement areas, a replacement dwelling would be acceptable provided it fulfils the criteria contained within the policy.

### **Design and appearance**

- 6.04 DM1 (Principles of good design) states that new development should, 'respond positively to, and where possible enhance, the local, natural or historic character of the area and policy DM32 states that the mass and volume of the replacement dwelling should be no more visually harmful than the original dwelling. It should also be noted that para 8.7 of the supporting text of DM32 sets out that in considering (replacement) proposals, the council will have particular regard to the mass and visual prominence of the resulting building, including the cumulative impact of such changes. The volume of new development will be more critical than its footprint. The table below demonstrates the size of the original dwelling compared with the previous proposal (dismissed on appeal) and the current proposal.

	Original property	Proposed dwelling dismissed at appeal	Current proposal
Floor area	82 square metres	260 square metres	220square metres
Eaves height	2.3 metres	5.1 metres	2.8 metres
Ridge height	5.2 metres	7.6 metres	5.7 metres
Length of elevation Fronting road	8.5 metres	15.2 metres	11 metres
Depth of property (front to rear of site) at first floor level	7.1 metres	16.9 metres	14.3 metres
Garage	single	n/a	double

- 6.05 In terms of the siting and layout, the dwelling would sit further back in the site than the original dwelling which is much closer to the road. The new access would be sited further north than the dwelling, and the access drive would extend to the northeast of the property which would be the principle elevation. A double garage with a pitched roof and gable ends (measuring 5.8 metres x 5.8 metres) would be located to the east of the proposed dwelling. The front of the site would be extensively landscaped and the rear would be laid to grass.
- 6.06 The elevations of the proposed development show a contemporary styled property, with limited features such as guttering and chimneys. The roof of the property would extend from the walls without any material changes, and the flat roof element would be sedum. The table above sets out that the proposed dwelling would be substantially larger than that of the original dwelling, although the site plan shows it located well back in the site in order to reduce its overall impact. However, despite its siting, the increase in height from the original dwelling along

with the depth of the property into the site (double that of the original dwelling) would result in a more dominant form.

- 6.07 Following the appeal decision, the current application has been reduced in length, depth and height. However, although the ridge height of the proposed dwelling has been reduced by approximately 2.0 metres, the large expanse of flat roof extends towards the rear of the site by some 8.5 metres and this would be visible from long views from the public right of way and partially from the rural lane. The floor area (including the garage) would only be marginally lower than that of the dismissed appeal, and would be approximately three times larger than the existing cottage. The large expanse of flat roof may have been reduced in height but would still result in a building with solid, rectangular elevations, and an unacceptable increase in bulk and massing which would be considered visually intrusive in the locality. I note that the proposed development would be constructed in timber and would incorporate a sedum roof. Although the contemporary design would create a more interesting visual appearance, the bulk and massing of the building, despite its setback from the siting of the original dwelling would result in a greater visual impact that would be considered detrimental to the openness of the rural character of the area contrary to policies DM1 and DM32.

### **Visual amenity, landscaping and layout**

- 6.08 Policy SP17 defines the countryside as, '...all those parts of the plan area outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages defined on the policy map.' It continues, '1. Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area. Furthermore, Para 4.113 of the supporting text of SP17 sets out that the council would seek to conserve or enhance its valued landscapes.
- 6.09 Policy DM1 sets out that the topography of sites should reflect and respond to their location. Particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation appropriate to local landscape character around the site boundaries should be used as a positive tool to help assimilate development in a manner which reflects and respects the local character of the area. In addition, DM30 states that the type, siting, materials and design, mass and scale of development would maintain or where possible enhance local distinctiveness including landscape features.
- 6.10 Policy DM32 allows for replacement dwellings subject to the original property having a lawful and permanent residential use, the building is not listed, the replacement would not be more visually harmful than the original dwelling and it would result in a development that would be visually acceptable in the countryside. The development proposal should also result in the demolition of the original dwelling.
- 6.11 The locality comprises largely open areas of countryside, and the site is within the Low Weald Landscape of Local Value. The Maidstone Landscape Character Guidance identifies the area as being within the Ulcombe Mixed Farmlands. The condition of the land is very good, and the area is identified as being of very high sensitivity with guidelines to conserve. Development proposals within Landscapes of Local Value should, through their siting, scale, mass, materials and design, seek to contribute positively to the conservation and enhancement of the protected landscape. The Low Weald is recognised as having distinctive landscape features, the field patterns, hedgerows, stands of trees, ponds, streams and buildings of character and these should be conserved and enhanced where possible. The replacement building would

be set back from the front of the site, away from the highway in order to reduce the impact of the extension, however, its design, bulk, massing and roof form would be such a contrast to the modest scale of the original cottage, that the re-siting of the building would not overcome the issues raised. In addition, a new access would result in further hardstanding in this highly sensitive location, and the formation of brick piers and gates (indicated on the site plan but not detailed) would be likely to create a further alien form amidst the natural environment. It is noted that there is a public footpath to the east of the site and the proposed development would be visible from long views up and down the public highway in addition to being visible from the public footpath.

- 6.12 Finally, the loss of trees on the site to make way for the new access would serve to make the proposal even more visible on the landscape, subsequently causing more harm to the character of the area. I noted during my site visit last year that some trees and shrubbery had been lost due to the site being cleared, and containers had been placed along the eastern perimeter of the site adjacent to boundary planting. It is not entirely clear to what extent the site has been cleared, as the existing and proposed plans seem only to have indicative planting on them. The site looks like it has been cleared except for around the perimeter. The Landscape Officer has requested that conditions relating to the submission of landscaping details should be requested in order to protect and enhance the character of the Local Landscape Value should the application be considered favourably. However, the extent of the works to be carried out on the site is considered to have a detrimental impact on the character of the area contrary to local planning policies.
- 6.13 I note the planning proposals include a large landscaped area to the front of the site in order to provide screening, which would result in the replacement dwelling being less visible from the highway. However, most other properties in the locality are sited closer to the highway. Those that are set back do not have thick landscaped areas on the site frontage. I also note in the previous appeal decision, the Inspector stated (in para 7), 'This would fail to reflect the character and appearance of the site or contribute positively to the conservation and enhancement of the protected Landscape of Local Value.' He commented further, 'Any additional screening would need to be of a height and density that of itself would look unusual or out of place within the context of this unassuming rural lane.'
- 6.14 In summary, the incorporation of this bulky building, in addition to the loss of native landscaping, would result in an awkward and dominant form, out of character with and detrimental to the openness of the countryside contrary to local planning policies SP17, DM1 and DM30.

#### **Change of use of agricultural land to residential use**

- 6.15 DM33 sets out that, providing there would be no harm to the character and appearance of the countryside and/or the loss of the best and most versatile agricultural land, the change of use of agricultural land to residential would be viewed favourably. I note that an application to extend the garden land and construct a rear extension was granted in 1993. The rear extension was constructed at the time, and the extension of the garden land was carried out in the last year. However, as this was part of an application that had already been granted and works had commenced, the change of use of agricultural land is considered extant.

### **Impact on neighbor amenity**

- 6.16 Policy DM1 sets out that the amenities of both neighbouring properties and future occupiers should be respected by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.17 All neighbours in this area would be a sufficient distance for any impact in terms of either their amenity or that of the future occupiers to be minimised.

### **Biodiversity**

- 6.18 Policy DM3 seeks to protect and enhance the natural environment. The information submitted as part of this application is considered satisfactory and there is no requirement for further surveys to be carried out as the majority of the habitat around the perimeter of the site is to be retained. A precautionary approach will have to be implemented when removing hedgerows to create the access, but this could be secured by condition along with the requirement for ecological enhancements should the application be determined favourably.

### **Highways**

- 6.19 Policy DM23 sets out that two independently accessible parking spaces should be provided within a rural location and this could be provided. Cycle storage would also be required. The provision for the collection of bins and recycling waste would be required, but this could be provided by condition in addition to an electric car charging point. It is noted that KCC Highways did not have any adverse comments with regard to the new access. A condition would also be added for the provision of details of all hardstanding and parking and turning areas.

### **Other Matters**

- 6.20 I note the positive comments from the occupiers of the neighbouring properties and Ulcombe Parish Council however, they do not overcome the issues raised with regard to the adverse impact that the proposed development would have on the character of the rural area which would be contrary to Local Plan policies.
- 6.21 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

### **PUBLIC SECTOR EQUALITY DUTY**

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

## **7. CONCLUSION**

- 7.01 While it is accepted that the proposal has been reduced from the previous application it is, nevertheless, an unacceptable form of development that would be

contrary to policies within the Maidstone Local Plan. For this reason, I recommend refusal of the application.

## **8. RECOMMENDATION**

REFUSE planning permission for the following reason:

- 1) The proposed development, by reason of its size, design, siting, bulk and massing and large expanse of flat roof, in conjunction with the loss of trees on the site, would result in an adverse visual impact detrimental to the openness of the surrounding countryside. For these reasons, the application site would be contrary to policies SP17, DM1, DM30 DM32 of the Maidstone Local Plan 2017, the Maidstone Landscape Character Guidance 2012, and policies within the NPPF 2019.

## **INFORMATIVES**

- 1) The plans taken into consideration in reaching the decision to refuse planning permission are:

18 Dec 2020	Application Form
18 Dec 2020	2891 01B Site Location and Existing Block Plan
18 Dec 2020	2891 02A Existing Floor Plans and Elevations
18 Dec 2020	2891 10H Proposed Ground Floor Plan
18 Dec 2020	2891 11E Proposed First Floor Plan
18 Dec 2020	2891 14E Proposed Block Plan
18 Dec 2020	2891 15 Existing Garage Building Plans and Elevations
18 Dec 2020	2891 16 Existing Outbuilding Plans and Elevations
18 Dec 2020	2891 17 Existing Plans and Elevations Temporary
18 Dec 2020	2891 20 Proposed Roof Detail
22 Dec 2020	2891 12 G Proposed Elevations
22 Dec 2020	2891 13 D Proposed Elevations
22 Dec 2020	2891 18 Proposed Car Port Floor Plan and Elevations
19 Feb 2021	Planning, Design and Access Statement

- 2) You are advised that as of 1st October 2018, the Maidstone Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website [www.maidstone.gov.uk/CIL](http://www.maidstone.gov.uk/CIL)

Case Officer: Jocelyn Miller



Ordnance Survey - data derived from OS Premium

**20/506112/FULL Lewis Court Cottage, Green Lane, Boughton Monchelsea, Maidstone, Kent, ME17 4LF**

Scale: 1:1250

Printed on: 12/3/2021 at 8:46 AM by JoannaW



<b>REFERENCE NO -</b> 20/506112/FULL		
<b>APPLICATION PROPOSAL</b> Erection of a detached dwelling with parking and landscaping (resubmission of 20/502940/FULL).		
<b>ADDRESS</b> Lewis Court Cottage Green Lane Boughton Monchelsea Maidstone Kent ME17 4LF		
<b>RECOMMENDATION</b> GRANT PLANNING PERMISSION subject to the conditions and informatives set out at the end of this report.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> <ul style="list-style-type: none"> <li>• The design and appearance of the development is in keeping with the character of the surrounding area and will not harm the setting of any listed building.</li> <li>• The development is acceptable in relation to the impact on residential amenity including in terms of outlook privacy and noise.</li> <li>• The proposed scheme is appropriate in terms of its impact in landscape, visual, amenity, heritage and transport terms.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Boughton Monchelsea Parish Council has requested that the application be determined by the Planning Committee for the following reasons: (a) The proposed additional dwelling would have a detrimental effect on the setting of the three adjacent listed buildings and would alter the context (b) Cramped, overdeveloped site when considered alongside the two previously consented dwellings © the two storey timber clad building adjacent to the western site boundary was considered a non-designated heritage asset and the Conservation Officer originally objected to the third dwelling proposed (d) Additional parking would result in conflict of inward and outward traffic on the driveway (e) overlooking of the private amenity space of the existing adjacent dwellings (f) refuse storage and collection arrangements required		
<b>WARD</b> Boughton Monchelsea and Chart Sutton	<b>PARISH/TOWN COUNCIL</b> Boughton Monchelsea	<b>APPLICANT</b> Mr J Anscombe <b>AGENT</b> DHA Planning
<b>TARGET DECISION DATE</b> 02/04/21		<b>PUBLICITY EXPIRY DATE</b> 04/02/21

**Relevant Planning History**

16/508513/FULL

Demolition of existing lean to garage and erection of 2 no. detached dwellings with parking and landscaping.

Refused Decision Date: 12.09.2017

19/501093/PAMEET

Pre-Application Meeting - Proposed detached dwelling

20/502940/FULL

Erection of a detached dwelling with parking and landscaping.

Withdrawn Decision Date: 27.08.2020

20/504799/PAPL

Advice: Erection of single detached dwelling - amendments to withdrawn application

20/502940/FULL

**Appeal History:**

18/500062/REF

Demolition of existing lean to garage and erection of 2 no. detached dwellings with parking and landscaping.

Appeal Allowed and or Notice Quashed Decision Date: 20.12.2018

## **MAIN REPORT**

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

- 1.01 The application site (0.08 hectares) is located within the northern boundary of the Boughton Monchelsea settlement that is classed as a 'larger village' in the Local Plan. The plot comprises the access road and front garden area of a two storey dwelling known as Lewis Court Cottage which is located immediately to the west of the site. The front elevation of the existing building faces west. The existing building has a single storey breeze block addition on its northern side providing garages and a large garden area to the east.
- 1.02 Access to the site is from Green Lane, by way of a gravelled driveway (around 40 metres long) running between Lewis Court and White Cottage. This access drive leads on to parking and turning area at the front of the existing dwelling. The site is not in a conservation area and there are no Tree Preservation Orders on the site.
- 1.03 The application site is located to the south of Green Lane; behind the detached properties called White Cottage and Lewis Court in Green Lane. White Cottage and Lewis Court are on the national list of significant historic buildings (Grade II).
- 1.04 On the Green Lane road frontage, Tudor Cottage is on the back edge of the public highway, with Lewis Court set back away from the road with trees and hedging along the edge of the road. An existing outbuilding is located in the garden of Lewis Court adjacent to the existing building and garages on the application site; this building is considered a non-designated heritage asset. Open fields are located on the opposite side (north) of Green Lane.
- 1.05 Whilst the application property itself is not listed, the adjacent buildings called Tudor Cottage, Lewis Court and White Cottage are all on the national list of significant historic buildings (both Grade II).
- 1.06 A two storey timber building on the eastern side of the access road and behind White Cottage is considered a non-designated heritage asset.
- 1.07 There is a defined change in residential density and character immediately south of the application site with a row of higher density semi-detached houses in Lewis Court Drive directly behind the application site. These houses on Meadowview and Lewis Court Drive are part of an estate of similar character and density.
- 1.08 To the north of the site across the road from Lewis Court is designated countryside defined as the Low Weald Landscape of Local Value.

### **2. PROPOSAL**

- 2.01 The proposal is for the erection of a detached dwelling with parking and landscaping. (resubmission of 20/502940/FULL)
- 2.02 The dwelling would be set back from the road by approximately 50 metres. It would comprise a simple, two storey rectangular structure with a pitched roof and gable ends. The ground floor would comprise an open plan kitchen/diner with a utility room to the rear, the separate living area would be located on the western side of the property. On the first floor, would be three bedrooms, one with an en suite, and a family bathroom.
- 2.03 It is noted that a previous application referenced 16/508513/FULL was originally submitted for three dwellings, although the dwelling sited in an identical location to this current application was removed as it was considered an unsuitable element to

the scheme. The remaining two dwellings were subsequently refused by committee and allowed on appeal.

- 2.04 The previous dwelling had an eaves height of metres, a ridge height of metres, a width of metres and a depth of metres. Its design lacked the simplicity of the current scheme, which would also be reduced in eaves and ridge heights by 0.8 metres and 1 metre respectively. I also note that, although the width of the property remains the same (12 metres) the depth of the proposed dwelling has been reduced from 7.2 metres to 6 metres. Both the previous and current proposals benefitted from two independently accessible parking spaces and an amenity area.

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

Maidstone Borough Local Plan 2017 SP11, SP12, SP18, DM1, DM3, DM4, DM11, DM23  
Neighbourhood Plan Boughton Monchelsea PWP 3, PWP4, RH1, RH6 Kent Minerals and Waste Local Plan 2016  
Supplementary Planning Documents Maidstone Landscape Character Assessment  
National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

### **4. LOCAL REPRESENTATIONS**

#### **Local Residents:**

- 4.01 No representations received from local residents

### **5. CONSULTATIONS**

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

#### KCC Archaeology

- 5.01 Request condition to secure and implement archaeological field evaluation works in accordance with a specification and written timetable.

#### 5.02 Arboricultural officer

- 5.03 No objection subject to a condition requiring compliance with the submitted tree protection and arboricultural method statement.

#### Conservation officer

- 5.04 The proposed dwelling is a considerable improvement in terms of design, scale and siting in comparison to the previous submission. In my view its modest vernacular design and form, which takes several cues from the adjacent unlisted outbuilding, would sit comfortably in its setting. The slight setback of the dwelling to the south and east would avoid the sense of a cramped layout which was previously a concern. The associated landscaping works have the potential to enhance the current appearance of the space between the various buildings.

- 5.05 I do not consider the development would cause harm to the setting of the Grade II listed buildings, White Cottage, Lewis Court and Tudor Cottage.

#### KCC Minerals and Waste

- 5.06 No comment

#### Highways

- 5.07 No objection on highways grounds

KCC Ecology

- 5.08 No objection subject to a condition relating to limiting external lighting, biodiversity enhancements and an informative relating to breeding birds.

**6. APPRAISAL**

**Main Issues**

- 6.01 The key issues for consideration relate to:

- Sustainability
- Design and layout
- Impact on heritage assets
- Impact on character of the area
- Residential amenity
- Biodiversity
- Highways and parking considerations

**Sustainability**

- 6.02 Policy SS1 seeks to encourage development in sustainable areas of the borough such as Maidstone urban area, Rural Service Centres and larger villages. The application site is within the larger village of Boughton Monchelsea and the proposed development seeks to construct a residential property within the front garden area of Lewis Court Cottage. PWP4 (i) of the BM Local Plan encourages development that complies with policies RH1 and RH6 in particular, is small in scale, of high quality design, in keeping with its location and is within the Boughton Village development boundary. The type of proposal is considered to be an acceptable form of development in a sustainable location and is broadly policy compliant in this regard.

**Design and layout**

- 6.03 Policy DM1 states that, in order to achieve high quality design, development proposals should positively respond to and, where appropriate, enhance the character of their surroundings. Policy DM12 sets out the site density within larger villages should achieve a net density of 30 dwellings per hectare. It is important that development contributes to its context. Policy RH6 in the BM Local Plan sets out that development proposals should be of high quality design and appropriate to the character of the area, reflect characteristics of surrounding locality in terms of topography, ridge heights, layout, plot size, and materials, be appropriately designed and no higher than 2.5 storeys including roofspace, and have densities that are in line with the prevailing 12-27 per hectare in the parish outside Maidstone Urban Area. It should also incorporate hard and soft landscaping and be designed to meet the Building Regulations optional requirement for water efficiency and strengthened standards for on-site energy performance.
- 6.04 The proposed dwelling would comprise a simple, two storey form with a pitched hipped roof, gabled at the ends. The front entrance would be located slightly to the east of the principle elevation, with some arched brickwork detailing over it and the remaining ground floor fenestration. The materials would comprise a slate roof, cast iron guttering, timber casement windows and an unknown brick type in Flemish bond. These materials are largely considered acceptable, although samples will be requested by condition.
- 6.05 There would be good access into the site, with two independently accessible parking spaces at the front of the proposed development. An amenity area would be largely

located to the rear of the site, although it would partially wrap around the dwelling to the west of the site with a reduced element at the front (north). This would help to break up some of the hard landscaped driveway, and materials could be chosen to further reduce the impact of this on the character of the locality.

- 6.06 The previously proposed dwelling had an eaves height of 5 metres, a ridge height of 8 metres, a width of 12 metres and a depth of 7.2 metres. Its design lacked the simplicity of the current scheme, which would be lower than the previous proposal in the eaves and ridge heights by 0.8 metres and 1 metre respectively. I also note that, although the width of the property remains the same (12 metres) the depth of the proposed dwelling has been reduced from 7.2 metres to 6 metres and the principle elevation has been set back approximately 6 metres. Both the previous and current proposals benefitted from two independently accessible parking spaces and an amenity area. The reduction in floor area by 28 square metres in conjunction with the reduction of the roof height and simplification of the design would reduce the bulk, massing and height of the development proposal, and result in a less competitive and cramped form when compared with the remaining buildings around it.
- 6.07 The height of the brick part of the barn to the west of the proposed development is 7 metres with an eaves height of 4.4 metres and a pitch of 40 degrees. I note Lewis Court Cottage is 7.8m tall with a 45 pitch. This confirms that the height of the development proposal would no longer compete with the barn, but would match its pitched roof (unlike the less sympathetic form of Lewis Court Cottage) and this would be in line with Maidstone and BM Local Plans.
- 6.08 Finally, the dwelling would result in a site density of 12, although, when compared with the previous development and the listed buildings to the north of the site, the overall density in this locality would be 10. Although this density would not reach the minimum standard as set out in the BM Local Plan, it is recognised that the setting of the listed buildings in the locality should not be impacted unduly. The alterations to the current proposal would result in a more coherent scheme, and the position of the dwelling further back into the site would avoid a cramped appearance that would be detrimental to the non-designated heritage asset.

#### **Impact on heritage assets**

- 6.09 Policy DM4 of the local Plan sets out that new development that has the potential to affect a heritage asset should incorporate measures to conserve, and where possible enhance the significance of the heritage asset and, where possible, its setting. A heritage statement should be submitted with any future application setting out how any potential impact on the heritage asset and its setting would be mitigated. Policy PWP 3 of the BM Local Plan sets out that proposed developments will be assessed taking account of the scale of any harm or loss, and the significance of the heritage asset.
- 6.10 The application site is not in a conservation area and does not contain any listed buildings. The two listed buildings (Grade II) to the north of the site are Tudor Cottage and Lewis Court. The outbuilding to the west of the application site is considered to be a non-designated heritage asset.
- 6.11 In relation to the non-designated curtilage building, it is accepted that it appears to have some historical value and the development of the adjacent land will have some impact. An assessment has been carried out with regard to the level of this impact against the benefits from the proposal.
- 6.12 The structure is a two storey timber outbuilding outside the site but adjacent to the western boundary and the existing access to the site. The main elevation of this building faces east with the narrow side elevation of this building facing towards the

site entrance. With this orientation and the length of the access road there are currently limited public views of this structure.

- 6.13 The proposal involves a new house that will mark the end of the access road. This new house is located close to, but orientated at a right angle to the front elevation to the curtilage structure. It is accepted that the new house will have an impact on the setting of this non-designated heritage asset but with orientation and the backland location this is not considered sufficient to justify the refusal of planning permission.
- 6.14 In assessing the potential heritage impacts from the proposed development the comments from both conservation officers have been considered. With the separation distance from the listed buildings, intervening development, boundary treatments, and the height and scale of the proposed buildings the potential impact on the setting of the listed buildings is considered to be negligible. The potential impact on non-designated heritage assets is not considered sufficient to refuse planning permission. When assessed against the test in the NPPF the benefits of the proposal providing a new dwelling outweighs the negative impact.
- 6.15 The applicant sought pre-application advice from officers prior to the submission of this planning application. The original plans submitted for discussion were revised by the applicant following comments from the Conservation Officer. The Conservation Officer at that time confirmed that there was no objection to the proposal that was subsequently submitted as the planning application. It was considered that, due to separation distances, boundary landscape screening, and the reduction in height and simplification in form of the development proposal, that it would not harm the setting of either the listed buildings or the non-designated heritage asset to the west of the site.
- 6.16 In the previous application, the former Conservation Officer concluded that the proposed development by the virtue of the density and site distribution and layout would fail to preserve the setting of the listed buildings and also the curtilage structures. The appeal Inspector did not assess the third dwelling as it was removed from the application before the determination of the application. However, the current Conservation Officer has worked with the applicant to provide a dwelling which would be more in line with a typical farmstead building, closing the gap between the non-designated heritage asset on the western side of the site (the barn) and Lewis Court Cottage (a less sympathetic addition to the site) to provide a more coherent scheme.
- 6.17 The application site is located within a larger village as defined in the Local Plan. This location is considered a sustainable location for new development at a higher density with higher density development located immediately to the rear of the site. The existing property on the application site has no historical or architectural merit. The proposed development would result in less than substantial harm to heritage assets and would provide the benefit of an additional dwelling in a sustainable location.

#### **Impact on character of the area/landscaping and trees**

- 6.18 Policy DM1 sets out that development proposals should respond positively to, and where possible enhance, the local, natural or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation, and site coverage, incorporating a high quality, modern design approach and making use of vernacular materials where appropriate. Policy RH 1 of the BM Local Plan encourages new residential development to the north of Heath Road, B 2163, where it is within the Boughton village development boundary, retains the dispersed character of existing hamlets in the area and avoids visual or

actual coalescence with no significant adverse impact on the landscape or infrastructure, including parking. Applications for new development must respond positively to the established local character, including rural character and topography, and respect the privacy, wellbeing and quality of life of existing residents.

- 6.19 The incorporation of this building would create a courtyard type of enclosure that would be in keeping with the traditional buildings on the site. The proposed dwelling is set back by 50 metres from Green Lane with its location at the end of the access drive so it would be partially visible in the public view along the access drive. In addition, its siting would provide a view up the driveway to a simple structure that would not compete with the barn which is also partially visible from the public highway. It is noted that the proposed development would be set back approximately 6 metres from the previous application, providing a farmstead type layout that would respect the setting of the heritage asset to the west of it. On this basis, I consider that the impact of the proposed dwelling on the character of the area would be minimized.
- 6.20 I note that a tree survey and arboricultural method statement were submitted as part of the application. The details are acceptable and a condition can be attached to ensure that the development complies with the details set out within the report. A landscaping condition will also need to be added in order to ensure that a suitable scheme will be incorporated using native species which takes account of the Maidstone Landscape Character Guidelines.

### **Residential amenity**

- 6.21 Policy DM1 encourages new development to respect the amenities of neighbouring properties and provide adequate residential amenities for future occupiers by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion. The proposals should not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties. In addition, Policy RH 1 of the BM Local Plan encourages new residential development to the north of Heath Road, B 2163, where it respects the privacy, wellbeing and quality of life of existing residents.
- 6.22 The nearest residential property would be Lewis Court Cottage which is situated at right angles to the development proposal and no more than 2 metres away to the east of the application site. I note the proposed dwelling has fenestration on the ground floor of the flank wall only, and there is sufficient fenestration to the north and south of the site to provide sufficient light and ventilation to the proposed dwelling. The flank wall of the dwelling would be approximately 8 metres from the western boundary with one window at ground floor level (also secondary glazing). The separation distance would be sufficient for any impact in terms of over-bearance, overshadowing and overlooking issues to be alleviated. However, a condition would be added to ensure that no further windows would be added to the flank walls at first floor level and above in order to prevent any issues with regard to privacy.
- 6.23 Future occupiers would be a sufficient distance for any impact with regard to neighbour amenity to be minimised.

### **Biodiversity**

- 6.24 Local Plan policy DM3 encourages development that responds to the natural environment by ensuring that it protects and enhances it where appropriate.
- 6.25 Para 175 (d) of the NPPF encourages opportunities to incorporate biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity. As such, biodiversity enhancements would be expected as part of this application, and a condition will be added to ensure that this is the case. In addition, lighting should be kept to a minimum in order to reduce any impact on the local wildlife and, finally, an informative will be added to ensure that breeding birds are not affected during breeding season when construction is taking place on the site.

### **Highways and parking considerations.**

- 6.26 Policy DM23 takes into account the accessibility of the development and availability of public transport, the type of the development, the level of car parking, cycle facilities on new developments and the incorporation of electrical vehicle charging infrastructure.
- 6.27 Access to the site is gained from the existing site entrance to Lewis Court Cottage. The access is intended to serve all new dwellings, including those allowed on appeal under planning reference 16/508513/FULL. Each new dwelling will be served by two external parking spaces. There is sufficient space for the storage and collection of refuse without harm to amenity, access or highway safety. It is not considered that the proposal will have any adverse impact on the highway network or highway safety, and there has been no objection received from KCC Highways.

### **Other matters.**

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

### **PUBLIC SECTOR EQUALITY DUTY**

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

## **7. CONCLUSION**

- 7.01 The proposed development complies with the Maidstone Local Plan 2017 and there would not be any unacceptable impacts on the character, appearance and visual amenity of the locality. The development would not result in any adverse impact in terms of amenity to the occupiers of neighbouring properties. The proposals would not result in any parking or highway safety issues. The development would also be acceptable in heritage terms.
- 7.02 On balance, the proposal would be acceptable with regard to the Local Plan, the NPPF and all other relevant material considerations. There are no overriding



material considerations to indicate a refusal of planning permission and the recommendation is to approve planning permission.

## 8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

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

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

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

23 Dec 2020		Application Form
23 Dec 2020	01	Site Location Plan
23 Dec 2020	0503	Proposed Site Layout Plan
23 Dec 2020	0504 2	Proposed Site Layout
23 Dec 2020	0506	Proposed Ground Floor Plan
23 Dec 2020	0507	Proposed First Floor Plan
23 Dec 2020	502	Proposed Elevations
23 Dec 2020	509	Illustrative Front Elevation
23 Dec 2020		Arboricultural Impact Assessment
23 Dec 2020		Arboricultural Survey
23 Dec 2020		Heritage Statement
23 Dec 2020		Planning Statement

Reason: To clarify which plans have been approved.

- 3) The development hereby approved shall not commence until full details of the internal and external joinery in the form of large scale drawings have been submitted for approval in writing by the local planning authority and 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.

- 4) The development hereby approved shall not commence above slab level until a hard and soft landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted for approval in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed [provide details of on site replacement planting to mitigate any loss of amenity and biodiversity enhancements [together with the location of any habitat piles] and include a planting specification, implementation details and a 5 year management plan. [The landscape scheme shall specifically address the need to provide boundary treatment to the eastern

boundary in particular, and to ensure the remaining boundary treatment is sufficient for neighbour amenity.

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

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

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

- 6) The development hereby approved shall not commence above slab level until written details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted for approval 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.

- 7) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the east and west facing walls of the building hereby permitted at first floor level or above.

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

- 8) The development hereby approved shall not commence until details of the proposed slab levels of the building and the existing site levels have been submitted for approval in writing by the local planning authority and the development shall be completed strictly in accordance with the approved levels;

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

- 9) The development hereby approved shall not commence above slab level until, details of satisfactory facilities for the storage of refuse on the site have been submitted for approval in writing by the local planning authority and the approved facilities shall be provided before the first occupation of the building and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

- 10) Prior to the commencement of development including site clearance the applicant, or their agents or successors in title, will secure and implement:

i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

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

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

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

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with policies within the NPPF.

- 12) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted for approval in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interests of visual amenity and to safeguard protected species in the rural area.

The development shall be carried out in accordance with details relating to the submitted tree protection and arboricultural method statement by PJC consultancy, referenced 3238AO/16/02 and dated 29th November 2016.

Reason: In the interests of visual amenity and to safeguard the trees in this area.

- 13) The development hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site have been submitted for approval in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the extension by means such as swift bricks, bat tubes or bricks. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

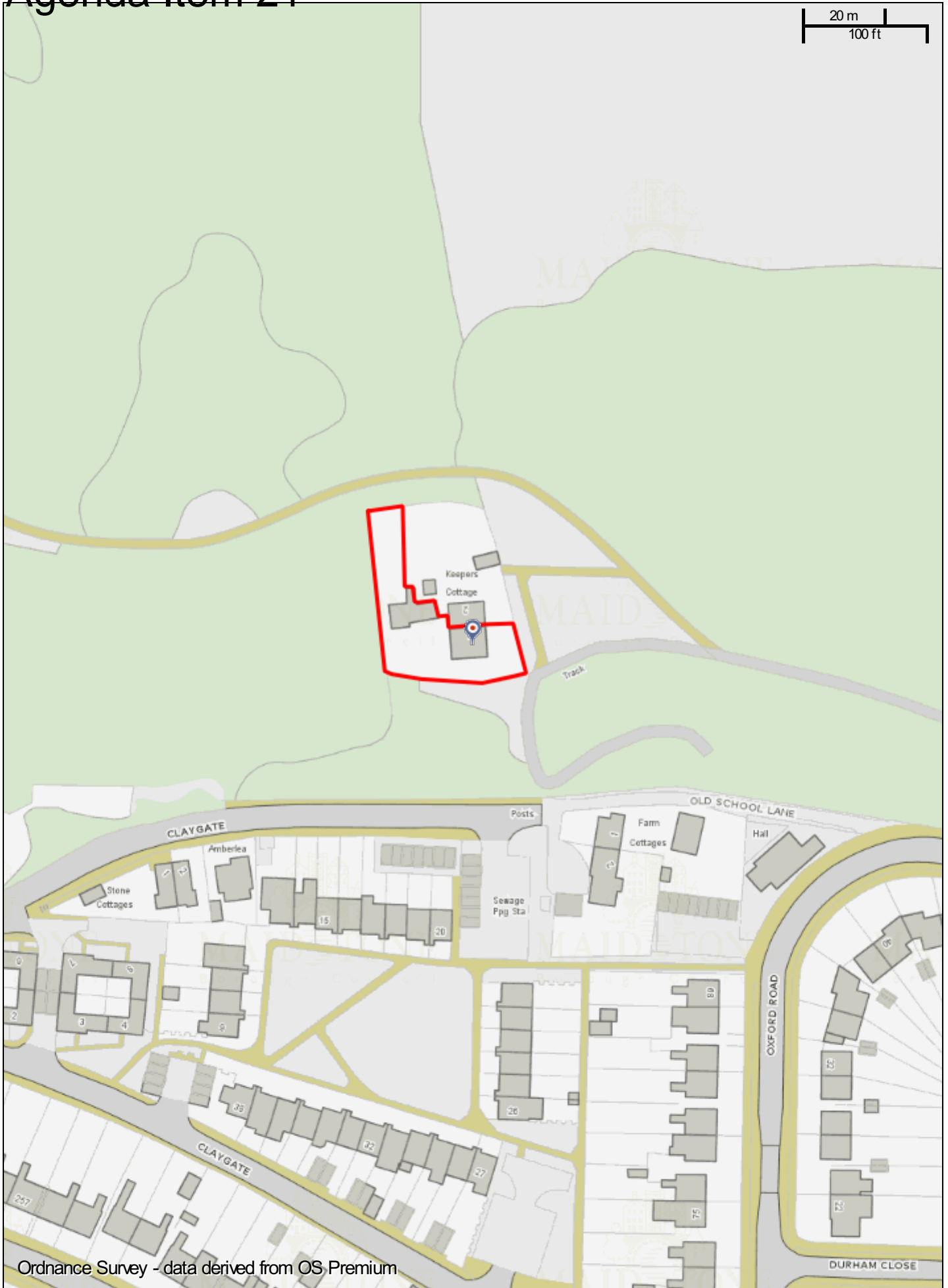
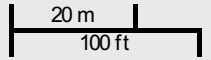
## **INFORMATIVES**

- 1) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.
- 2) The applicant is advised that broad compliance with the Mid Kent Environmental Code of Development Practice is expected as the development involves demolition and/or construction.
- 3) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defense against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken

by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Case Officer: Jocelyn Miller

# Agenda Item 21



Ordnance Survey - data derived from OS Premium

## REPORT SUMMARY

<b>REFERENCE NO - 20/505996/FULL</b>		
<b>APPLICATION PROPOSAL</b> Replacement of existing rooflight and windows to bathroom and kitchen, including external works to cottage and outbuilding.		
<b>ADDRESS</b> 1 Keepers Cottage Mote Park Maidstone Kent ME15 8DP		
<b>RECOMMENDATION – APPROVE SUBJECT TO CONDITIONS set out in Section 8.0</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> The proposal is considered to comply with development plan policy and the aims of the NPPF and would preserve the special interest and significance of the listed building.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The Council is the applicant.		
<b>WARD</b> Shepway North	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Bex Astin <b>AGENT</b> Baily Garner LLP
<b>DECISION DUE DATE</b> 23/03/21 (EOT 2/4/21)	<b>PUBLICITY EXPIRY DATE</b> 04/03/21	<b>OFFICER SITE VISIT DATE</b>
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>  20/505997/LBC : Listed Building Consent for replacement of existing rooflight and windows to bathroom and kitchen, including internal and external works to cottage and outbuilding. – Pending consideration and a separate item on this Agenda.		

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 This application relates to a grade II listed dwelling, which is part of a 15<sup>th</sup> century timber-framed building. The building comprises has two projecting wings with jettied first floors under a tiled roof. There is an existing historic outbuilding within the curtilage.
- 1.02 The site lies within the urban area and is situated within the historic park, Mote Park, which is a grade II registered Historic Park and Garden.

### 2.0 PROPOSAL

- 2.01 Planning Permission is sought for external works to the cottage and outbuilding, including the replacement of an existing rooflight and windows.

### 3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough Local Plan 2017: DM4, SP18, DM1, DM9  
Supplementary Planning Documents: Residential Extensions

**4.0 LOCAL REPRESENTATIONS** : None received.

**5.0 CONSULTATIONS**

5.01 Conservation Officer: supports the application. No objections.

5.02 Historic England: Do not wish to comment.

5.03 Gardens Trust: Do not wish to comment.

5.04 Kent Wildlife Trust: no response.

**6.0 APPRAISAL**

**Main Issues**

6.01 The key issues for consideration relate to:

- Principle of development
- Impact upon Listed Building
- Residential amenity
- Other matters

**Principle of Development**

6.02 The key issue arising from this application is the impact upon the historic and architectural integrity of the Grade II listed building, its significance and its features of special interest. The local planning authority has a statutory duty to have special regard to the desirability of preserving listed buildings and their settings under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policy DM4 of the local plan requires that the significance of designated heritage assets and their settings are conserved, and, where possible, enhanced and policy SP 18 similarly seeks to protect and enhance the quality of heritage assets. Policy DM 4 requires that the relevant tests in the National Planning Policy Framework are applied when determining applications for development which would result in the loss of, or harm to, the significance of a heritage asset and/or its setting.

6.03 Policy SP18 of the local plan requires that, inter-alia, the characteristics of heritage assets are protected and design is sensitive to heritage assets and their settings. Policy DM4 of the local plan requires applicants to ensure that new development affecting heritage assets conserves, and where possible enhances, the significance of the heritage asset. It points out in paragraph 6.30 that small scale changes over time can erode the special character of places such as listed buildings.

6.04 It requires a proportionate Heritage Assessment which takes account of the significance of the asset and the impact on the identified significance. Paragraph 6.33 also advises that regard will be given to paragraphs 131 to 135 of the NPPF.

6.05 Since the adoption of the local plan, a revised NPPF has come into force, with the relevant section being chapter 16.

- 6.06 Paragraph 184 of the NPPF states that heritage assets “are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations”.
- 6.07 Paragraph 193 of the NPPF states that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation...”. It states that this is irrespective of the degree of harm amounting from any proposal.

#### **Impact upon the listed building**

- 6.08 The proposed development is of a minor scale and would not result in the loss of any important historic fabric. Indeed, it is clear that the building requires repair and some degree of renovation in order to maintain its longevity and the proposals would be sympathetic to the character of the building in terms of design and appearance. No important fabric would appear to be lost. A joinery condition which can be attached to the concurrent listed building consent, would ensure that the profile of fenestration is sympathetic to the listed building and that the rooflight is flush fitting.
- 6.09 I note that the conservation officer supports the proposal and raises no objection. It is concluded that the development would preserve the character, appearance and special interest of the listed building, in accordance with development plan policy at the aims of the NPPF.

#### **Other Matters**

- 6.10 The development is of a minor nature and due to its scale, nature and appearance, the proposed development would preserve the significance and character of the historic park and garden.
- 6.11 The nature and scale of the proposal are such that it does not raise any significant residential amenity or ecological issues.

### **7.0 CONCLUSION**

- 7.01 The proposed development would preserve the character, appearance and special interest the listed building and would comply with development plan policy and the aims of the NPPF. It would also preserve the character and appearance of the registered historic park and garden. Approval is recommended.

### **8.0 RECOMMENDATION – GRANT** 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:

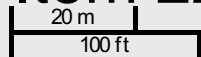


Drawing numbers 001 Rev P.0 01 and 002 Rev P.0 01 received on 16/12/20 and 003 Rev P.0 01, 004 Rev P.0 01, 005 Rev P.0 01, 006 Rev P.0 01 and 007 Rev P.0 01 received on 26/01/21.

Reason: To clarify which plans have been approved and to ensure the quality of the development is maintained.

Case Officer: Louise Welsford

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



Ordnance Survey - data derived from OS Premium



20/505997/LBC - 1 Keepers Cottage, Mote Park, Maidstone, Kent

Scale: 1:1250

Printed on: 11/3/2021 at 15:41 PM by JoannaW



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## REPORT SUMMARY

<b>REFERENCE NO - 20/505997/LBC</b>		
<b>APPLICATION PROPOSAL</b> Listed Building Consent for replacement of existing rooflight and windows to bathroom and kitchen, including internal and external works to cottage and outbuilding.		
<b>ADDRESS</b> 1 Keepers Cottage Mote Park Maidstone Kent ME15 8DP		
<b>RECOMMENDATION – APPROVE SUBJECT TO CONDITIONS as set out in Section 8.0</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> Complies with Development Plan policy and the aims of the NPPF and would preserve the significance and special interest of the listed building		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The Council is the applicant.		
<b>WARD</b> Shepway North	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Bex Astin <b>AGENT</b> Baily Garner LLP
<b>DECISION DUE DATE</b> 23/03/21 (EOT 2/4/21)	<b>PUBLICITY EXPIRY DATE</b> 04/03/21	<b>OFFICER SITE VISIT DATE</b>
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>  20/505996/FULL : Replacement of existing rooflight and windows to bathroom and kitchen, including external works to cottage and outbuilding. – Pending consideration and a separate item on this Agenda.		

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 This application relates to a grade II listed dwelling, which is part of a 15<sup>th</sup> century timber-framed building. The building has two projecting wings of the building, with jettied first floors under a tiled roof. There is an existing historic outbuilding within the curtilage.
- 1.02 The site lies within the urban area and is situated within the historic park, Mote Park, which is a grade II registered historic park and garden.

### 2.0 PROPOSAL

- 2.01 Listed Building Consent is sought for internal and external works to the cottage and outbuilding, including the replacement of an existing rooflight and windows.

### 3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough Local Plan 2017: DM4 and SP18  
Supplementary Planning Documents: Residential Extensions

**4.0 LOCAL REPRESENTATIONS** : None received.

**5.0 CONSULTATIONS**

5.01 Conservation Officer: raises no objection and supports the proposal.

5.02 Historic England: Do not wish to comment.

5.03 Gardens Trust: Do not wish to comment.

5.04 Kent Wildlife Trust: no response.

**6.0 APPRAISAL**

**Main Issues**

6.01 The key issues for consideration relate to:

- Principle of development
- Impact upon Listed Building

**Principle of Development**

6.02 The key issue arising from this application is the impact upon the historic and architectural integrity of the Grade II listed building, its significance and its features of special interest. The local planning authority has a statutory duty to have special regard to the desirability of preserving listed buildings and their settings under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policy DM 4 of the local plan requires that the significance of designated heritage assets and their settings are conserved, and, where possible, enhanced and policy SP 18 similarly seeks to protect and enhance the quality of heritage assets. Policy DM 4 requires that the relevant tests in the National Planning Policy Framework are applied when determining applications for development which would result in the loss of, or harm to, the significance of a heritage asset and/or its setting.

6.03 Policy SP18 of the local plan requires that, inter-alia, the characteristics of heritage assets are protected and design is sensitive to heritage assets and their settings. Policy DM4 of the local plan requires applicants to ensure that new development affecting heritage assets conserves, and where possible enhances, the significance of the heritage asset. It points out in paragraph 6.30 that small scale changes over time can erode the special character of places such as listed buildings.

6.04 It requires a proportionate Heritage Assessment which takes account of the significance of the asset and the impact on the identified significance. Paragraph 6.33 also advises that regard will be given to paragraphs 131 to 135 of the NPPF.

6.05 Since the adoption of the local plan, a revised NPPF has come into force, with the relevant section being chapter 16.

6.06 Paragraph 184 of the NPPF states that heritage assets “are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations”.

6.07 Paragraph 193 of the NPPF states that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should

be given to the asset's conservation...". It states that this is irrespective of the degree of harm amounting from any proposal.

### **Impact upon the listed building**

- 6.08 The existing building is in a condition which clearly requires some renovation and remedial works. The proposals, which also seek to regularise some unauthorised works, are considered sympathetic to the listed building and include repairs to the timber frame and slipped tiles and the removal of unsympathetic materials. For example, repairs to lathe and plaster are proposed and the removal of plasterboard and reinstatement of lathe and plaster. Pointing which has been carried out in sand/cement would be taken out and repointed with lime mortar, which would enable the wall to breathe. The junction of the chimney which is in poor condition would have a lead flashing inserted. The removal of an unsympathetic laminate floor would also be carried out replacement fenestration is stated to be single glazed with secondary double glazing which is a sympathetic solution which would enable the character of the building to be retained.
- 6.09 It is noted that a fireplace has been removed from reception room 1 and it is suggested that a surplus 19<sup>th</sup>-century fireplace present on site could be installed. The conservation officer has indicated that further information should be required in this regard and this could be sought as a condition.
- 6.10 An existing rooflight would be replaced. The existing rooflight is unauthorised, but historic photographs demonstrate that one previously existed in this location and therefore there is a long established principle of a rooflight in this location. A joinery condition could ensure that the rooflight is flush fitting and has a satisfactory visual appearance.
- 6.11 The works would not result in the loss of any important historic fabric. I conclude that the proposed works would enhance the character and appearance of the listed building and aid its longevity. The works therefore comply with development plan policy and the aims of the NPPF. I note that the conservation officer supports the proposal.

## **7.0 CONCLUSION**

- 7.01 The proposed works would preserve and enhance the character, appearance and special interest the listed building and would comply with development plan policy and the aims of the NPPF. Approval is recommended.

## **8.0 RECOMMENDATION – GRANT Subject to the following conditions:**

- (1) The works to which this consent relates must be begun before the expiration of three years from the date of this consent;

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Drawing numbers 001 Rev P.0 01 and 002 Rev P.0 01 received on 16/12/20 and 003 Rev P.0 01, 004 Rev P.0 01, 005 Rev P.0 01, 006 Rev P.0 01 and 007 Rev P.0 01 received on 26/01/21 and a Heritage Statement received on 16/12/20;

Reason: To clarify which plans have been approved and to ensure the quality of the development is maintained.

(3) The works 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 joinery in the form of large scale drawings, including a scaled section to show the position of the proposed rooflight in relation to the roofslope,

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

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

(4) The works shall not commence until full details of the following matters have been submitted to and approved in writing by the Local Planning Authority:-

a) Details of the scale, materials and finish of the proposed boiler flue,

b) Details of the works to fireplaces,

c) Details of the type and position of any new insulation,

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

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

(5) The works shall not commence until a full schedule of repairs, including repairs to the timber frame of both the main listed building and the curtilage listed outbuilding and repairs to the staircase of the main building have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be undertaken in accordance with the approved details.

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

#### Informative

The proposed rooflight should be constructed of metal and should be flush fitting and not protrude above the surface of the roof tiles.

Case Officer: Louise Welsford

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

# Agenda Item 23

## **THE MAIDSTONE BOROUGH COUNCIL** **PLANNING COMMITTEE –25.03.21**

### **APPEAL DECISIONS:**

1.     **20/504443/FULL**           Demolition of existing garage. Erection of a single storey front extension and a two storey side extension.

**APPEAL: DISMISSED**

40 Oak Farm Gardens  
Headcorn  
Ashford  
Kent  
TN27 9TZ

(Delegated)

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2.     **20/500800/FULL**           Removal of condition 20 (Construction/Delivery Hours) of 14/502010/OUT (Outline application for residential development for up to 250 dwellings with access considered at this stage and all other matters reserved for future consideration).

**APPEAL: DISMISSED**

Hen And Duckhurst Farm  
Marden Road  
Staplehurst  
TN12 0PD

(Delegated)

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## MAIDSTONE BOROUGH COUNCIL

### PLANNING COMMITTEE

25<sup>TH</sup> March 2021

#### REPORT OF HEAD OF PLANNING AND DEVELOPMENT

Report prepared by Sue King

#### **1. FORMAL ENFORCEMENT ACTION TRACKER**

##### 1.1 Report content

1.1.1 The Enforcement tracker report is intended to be brought to Planning Committee each quarter. The report provides the current status of enforcement cases that have had formal notices served.

1.1.2 The report sets out the case reference, address and brief description of the breach. The notice type column indicates the type of formal action carried out and three key dates:

**Issue date** – Date Notice was served

**Effective date** – Date the Notice takes effect from

**Compliance date** – Date the Notice is due to be complied with. This may change according to an appeal being lodged, which if the appeal is dismissed and the Notice is upheld the Inspector will impose a new compliance period from the date of the decision.

1.1.3 A legend is supplied which shows five levels of status, being:

**Blue** – Decision reached - case closed

**Red** – Assessment or preparation for the next step of formal action;

**Amber** - Awaiting planning application/appeal decisions

**Green** - Awaiting appeal start dates and compliance - out of LPA control

**White** - Contentious cases that are being monitored i.e. sites with injunctions.



## FORMAL ENFORCEMENT ACTION TRACKER

Case No	Officer	Parish/Ward	Address	Breach	Notice Type	Issue Date	Date Effective	Compliance	Action
ENF/8320	SUKI	Marden	Monk Lakes, Staplehurst Road, Marden, Kent	Unauthorised development consisting of engineering, mining and building operations and unauthorised COU of land to recreational fishing lakes	EN	30.4.08	30.4.08	appeal in progress	
15/500852	SUKI	Yalding	The Three Sons, Hampstead Lane, Nettlestead Kent, ME18 5HN	Unauthorised G & T development in Green Belt	EN	02.10.15	06.11.15	01.06.17	With External consultants to review whole site and recommend appropriate action
					INJ	24.04.19	24.7.19	Ongoing	Injunction remains on the land - Monitor
ENF/11798	SUKI	Marden	Monk Lakes, Staplehurst Road, Marden, Kent	Erection of new dwelling in the woodland	EN	19.05.16	23.06.16		
16/500815	SUKI	Yalding	Green Tops Symonds Lane Yalding	PP expired - 10/0504 for occupation of the site for 3 years only.	EN	27.04.17	01.06.17	01.08.17	a/w planning decision
17/500611	SUKI	Headcorn	Acers Place, Lenham Road	Unauthorised change of use G&T site	EN	04.10.17	15.11.17	02.08.19	
17/500721	SUKI	Harrietsham	Stede Row, Stede Hill, Harrietsham	Trees being felled, possibly clearing site for stationing of mobile homes	INJ	27.10.17	27.10.17	27.10.17	Injunction remains on the land - To be removed from the list
15/501259	SUKI	Otham	Bramley, Otham Street, Otham, ME15 8RL	Extension on North Elevation not being built in accordance with planning permission.	EN	06.11.17	11.12.17	16.07.19	Planning permission resolved to be granted decision to be granted subject to S106 being finalised
15/500712	SUKI	Headcorn	Little Newhouse Farm, New House Lane, Headcorn	Bungalow being built in garden.	EN	05.01.18	07.02.18	25.01.21	Compliance achieved - To be removed from the list
17/500911	SUKI	Ulcombe	Little Willows, Eastwood Road, Ulcombe	Unauthorised change of use G&T site	INJ	12.01.18	12.01.18	12.01.18	Breach remedied - To be removed from the list
					EN	07.08.18	11.09.18	11.12.18	Injunction remains on the land
17/500427	SUKI	Broomfield	Land at Forge House, Ashford Road, Broomfield	Storage/stationing of vehicles	EN	23.01.18	23.02.18	23.1.00	Site cleared and vacated - To be removed from the list
15/500395	SUKI	Detling	Roseacre, Scragged Oak Road, Detling	Unauthorised change of use G&T site	EN	26.01.18	02.03.18	3 months	
17/500529	SUKI	Staplehurst	Perfect Place Frittenden Road Staplehurst	Unauthorised change of use G&T site	EN	09.02.18	09.03.18	30.07.19	Condition complied with - To be removed from the list
14/500525	SUKI	Chart Sutton	Horseshoe Paddock Lucks Lane, Chart Sutton	Unauthorised change of use G&T site	EN	16.02.18	23.03.18	n/a	
16/500656	SUKI	Chart Sutton	Land Known as The Willows Lucks Lane, Chart Sutton	Unauthorised change of use G&T site	EN	07.03.18	04.04.18	08.04.20	
14/500560	SUKI	Yalding	The Stables, Wagon Lane, Paddock wood, Tonbridge	Breach of personal occupancy condition	EN	03.07.18	07.08.18	07.11.18	

Case No	Officer	Parish/Ward	Address	Breach	Notice Type	Issue Date	Date Effective	Compliance	Action
17/500032	DAPR	Loose	Filmers Farm, Salts Lane, Loose, Kent, ME15 0BD	Condition 2 and Condition 4 not met 16/500762/FULL	BCN	25.07.18	25.07.18	22.08.18	
16/501199	SUKI	Headcorn	Land rear of The Meadows Lenham Road Headcorn	Expired temporary permission and expansion of G&T site	EN x 4	16.08.18	20.09.18	appeal in progress	8 day Inquiry set to start 23.11.21.
17/500629	SUKI	Coxheath	Broken Tree - Land opp 36 Forstal Lane, Broken Tree, Coxheath	Unauthorised change of use G&T site	EN	11.10.18	15.11.18		Appeal allowed - EN Quashed - To be removed from the list
18/500572	SUKI	Ulcombe	Caravan 2 Hawthorn Farm, Pye Corner, Ulcombe	Unauthorised change of use G&T site	EN	11.10.18	15.11.18	15.5.19	
18/500001	SUKI	Headcorn	Smiths Cottage, Lenham Road, Headcorn, Kent, TN27 9LG	Unauthorised siting of two additional caravans	EN	16.10.18	20.11.18	appeal in progress	
16/500866	SUKI	Linton	Little Paddocks Stilebridge Lane Linton Kent ME17 4DE	Unauthorised siting of two additional caravans and associated hardstanding	EN	16.10.18	20.11.18	appeal in progress	Approved at February 2020 committee - To be removed from the list
16/501147 16/501251 17/500291	SUKI	Marden	Tanner Farm Caravan Park Goudhurst road Marden Kent TN12 9ND	Change of use of land for holiday/residential	EN	17.10.18	21.11.18	appeal in progress	
18/500716	SUKI	Broomfield	Land at Forge House, Ashford Road, Broomfield	Engineering works to extend Motocross	TSN	26.04.19	26.04.19	26.04.19	Site cleared and vacated - To be removed from the list
19/500384	SUKI	Ulcombe	Land to the rear of Neverend Farm, Ulcombe	Unauthorised change of use G&T site.	INJ	21.05.19	21.5.19	Ongoing	Injunction remains on the land - Monitor
					TSN	07.05.19	07.05.19	21.05.19	Inquiry set for 14.04.21.
					EN	27.11.19	08.01.20	appeal in progress	
19/500346	SUKI	Fant Ward	Plot 12 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	appeal in progress	
19/500347	SUKI	Fant Ward	Plot 13 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	appeal in progress	
19/500350	SUKI	Fant Ward	Plot 15 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	appeal in progress	
19/500351	SUKI	Fant Ward	Plot 16 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	appeal in progress	
19/500352	SUKI	Fant Ward	Plot 17 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	appeal in progress	
19/500354	SUKI	Fant Ward	Plot 19 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	appeal in progress	

Case No	Officer	Parish/Ward	Address	Breach	Notice Type	Issue Date	Date Effective	Compliance	Action
19/500356	SUKI	Fant Ward	Plot 20 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	appeal in progress	
19/500357	SUKI	Fant Ward	Plot 21 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	1 month	hold in abeyance re outcome of the other appeals.
19/500361	SUKI	Fant Ward	Plot 24 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	appeal in progress	
19/500366	SUKI	Fant Ward	Plot 26 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	appeal in progress	
19/500367	SUKI	Fant Ward	Plot 27 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	appeal in progress	
19/500369	SUKI	Fant Ward	Plot 28 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	appeal in progress	
19/500370	SUKI	Fant Ward	Plot 29 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	appeal in progress	
19/500371	SUKI	Fant Ward	Plot 30 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	appeal in progress	
18/500234	SUKI	Coxheath & Hunton	Riverside Hse, West Street, Hunton	Unauthorised raised platform	EN	28.08.19	02.10.19	appeal in progress	
19/500330	SUKI	Harrietsham	Chestfields, Marley Road, Harrietsham	Unauthorised change of use G&T site	EN	17.09.19	18.10.19	appeal in progress	
19/500778	DAPR	Staplehurst	Hen and Duckhurst Fam, Marden Road, Staplehurst	Breach of Conditions re temporary access	BCN	20.12.19	20.12.19	28.12.19	Compliance obtained
19/500271	SUKI	Lenham	Runham Lane, Sandway, Lenham	Change of use of the land as a motocross Track	EN	20.12.19	24.1.20	24.2.20	Compliance obtained - To be removed from the list
17/500633	SUKI	Boxley	Unit 33 lordswoord Ind. Est. Gleamingwood Road, Chatham	Removal of ancient woodland and laying of unauthorised hardstanding for car parking	EN	17.01.20	21.02.20	appeal in progress	
20/500021	DAPR	Detling	Land to the North of Scammell Lodge, Detling	Unauthrised hardstanding	TSN	29.01.20	29.01.20	26.02.20	Works stopped - no further activity in the past year.To be removed from the list
16/500477	SUKI	Boxley	Cosington Farm North, Bell Lane Boxley	Unauthorised building	EN	19.02.20	24.03.20	28.03.21	
19/500032	SUKI	Bearsted	87 Ashford Road (The Rose PH), Bearsted	Un authorised childrens play equipment	EN	21.05.20	02.07.20	04.02.21	
19/500452	SUKI	Coxheath	S&B car & van hire, Forstal Farm, Forstal Lane, East Farleigh	Change of use of the land to car & van hire	EN	01.06.20	07.07.20	appeal in progress	

Case No	Officer	Parish/Ward	Address	Breach	Notice Type	Issue Date	Date Effective	Compliance	Action
17/500467	SUKI	West Farleigh	River Barn (formerly the Hay Barn) Tutsham Farm, West Farleigh	erection of new dwelling in the countryside	EN	16.06.20	21.07.20	21.06.21	planning permission resolved to be granted but a/w completion of S106 agreement
19/500073	DAPR	Bearsted	Lested Farm, Plough Wents Road, Chart Sutton ME17 3SA	Breach of Conditions re an Anaerobic digester	BCN	20.10.20	20.10.20	14.12.20	
19/500469	SUKI	East Farleigh	Land at Benover Paddocks, Benover Road, Yalding, Kent, ME18 6AZ	Unauthorised building	SN	06.12.20	06.11.20	06.11.2020	
19/500469	SUKI	East Farleigh	Land at Benover Paddocks, Benover Road, Yalding, Kent, ME18 6AZ	Unauthorised change of use G&T site	EN	06.12.20	11.12.20	appeal in progress	
20/500334	SUKI	East Farleigh	Land at Benover Paddocks, Benover Road, Yalding, Kent, ME18 6AZ	Unauthorised change of use G&T site	EN	06.12.20	11.12.20	appeal in progress	
18/500016	SUKI	Collier St	Land at Tanner Farm park, Goudhurst Rd, Marden	Multiuse building not in accordance	EN	24.02.21	25.03.21	24.08.21	
21/500040	SUKI	Collier St	Land at Tanner Farm park, Goudhurst Rd, Marden	unauthorised operational works in preparing land for development	TSN	24.02.21	24.02.21	24.03.21	

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	Decision reached - case closed
	Awaiting appeal start dates and compliance - out of LPA control
	Awaiting planning application/appeal decisions
	Next step of formal action being considered
XXXXXXXXXX	Cases that are being monitored i.e. sites with injunctions and BCNs