

PLANNING COMMITTEE MEETING

Date: Thursday 17 December 2020

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.

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 Items withdrawn from the Agenda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 21 December 2020
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 26 November 2020 - to follow
11. Presentation of Petitions (if any)
12. Deferred Items

1 - 3

Issued on Wednesday 9 December 2020
Over/:

Continued

Alison Broom

Alison Broom, Chief Executive

13.	20/504127/FULL & 20/504128/LBC The Somerfield Hospital, 63-79 London Road, Maidstone, Kent	4 - 37
14.	18/506662/FULL & 19/506031/LBC Courtyard Studios, Hollingbourne House, Hollingbourne Hill, Hollingbourne, Maidstone, Kent	38 - 99
15.	20/504657/TPOA Front Of 17 Ashurst Road, Maidstone	100 - 104
16.	20/504658/TPOA Rear Of 11 Blendon Road, Maidstone	105 - 109
17.	20/504386/FULL The Orchard Place, Benover Road, Yalding, Kent	110 - 125
18.	20/504860/FULL Maidstone Borough Council Car Park, Corner Of Union Street, Queen Anne Road, Maidstone, Kent	126 - 133
19.	20/503109/FULL Land To West Of 70 Church Street, Boughton Monchelsea	134 - 174
20.	Appeals List	175 - 177

PLEASE NOTE

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

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

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

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

In order to make a submission to the Committee, please call 01622 602899 or email committee@maidstone.gov.uk by 4 p.m. on Wednesday 16 December 2020. 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.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

17 DECEMBER 2020

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEMS

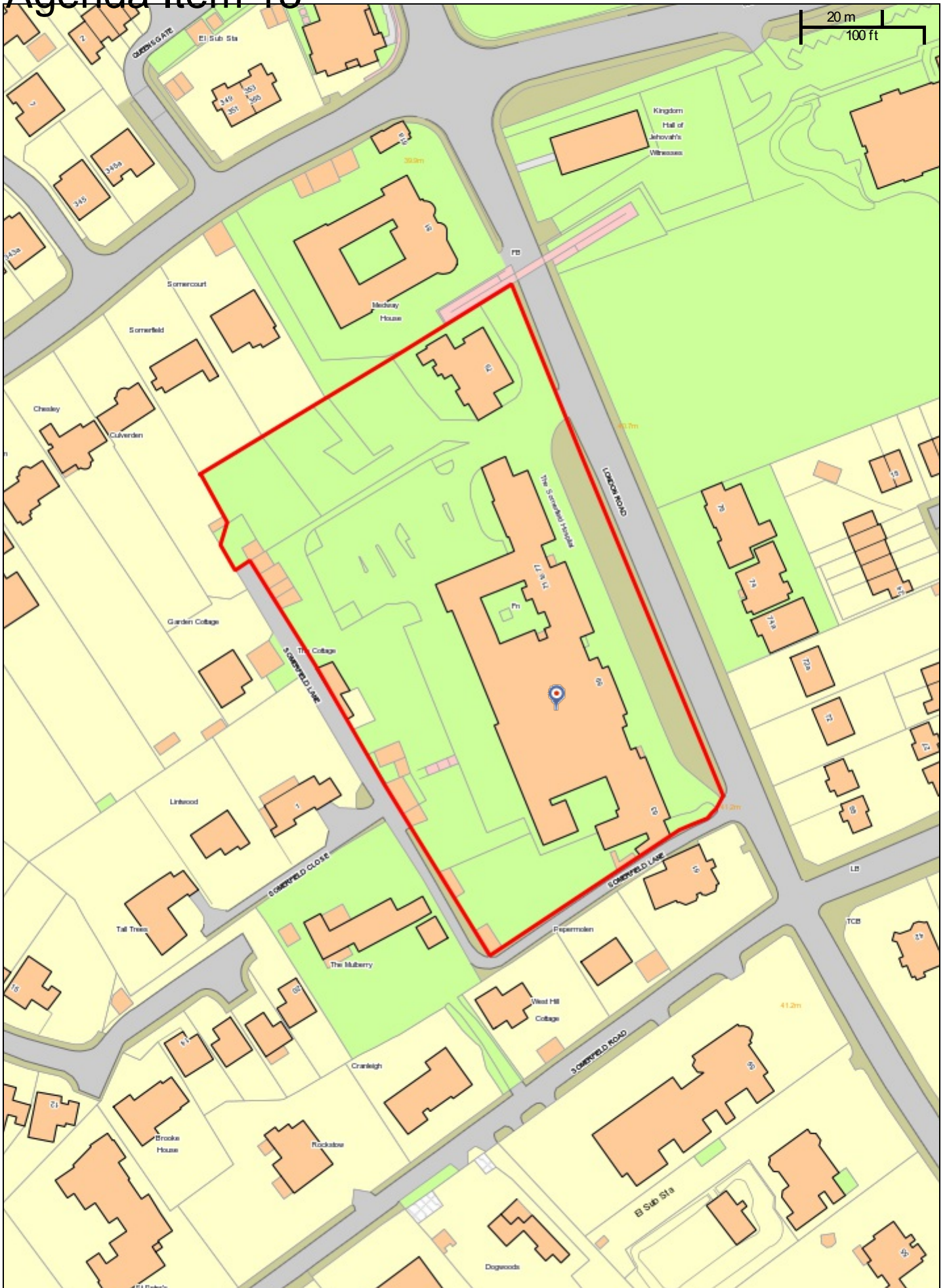
The following applications stand deferred from previous meetings of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation.

APPLICATION	DATE DEFERRED
<p><u>19/505816/SUB - SUBMISSION OF DETAILS PURSUANT TO CONDITION 5 (MATERIALS), CONDITION 7 (WOODLAND MANAGEMENT PLAN), CONDITION 8 (PROPOSED BOUNDARY TREATMENT), CONDITION 10 (ECOLOGY), CONDITION 11 (CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN : BIODIVERSITY) AND CONDITION 17 (BIRD BOXES) IN RELATION TO PLANNING APPLICATION 15/503359/OUT AND APPEAL REFERENCE APP/U2235/W/15/3132364 (FOR RESIDENTIAL DEVELOPMENT (APPROX 89 DWELLINGS) PLUS OPEN SPACE, BIOMASS PLANT AND ACCESS ROAD (PLUS EMERGENCY ACCESS) - LORDSWOOD URBAN EXTENSION, GLEAMING WOOD DRIVE, LORDSWOOD, KENT</u></p> <p>Deferred to enable the Officers to seek to secure:</p> <p>A more detailed and improved Woodland Management Plan taking into account the suggestions made by Boxley Parish Council in its representations to the Committee and including not just the woodland but also the spatial edges and brushwood areas;</p> <p>More information relating to the funding arrangements being adequate to deliver the Woodland Management Plan cross-referencing the obligations in the unilateral undertaking;</p> <p>More dormouse bridges and an underpass for wildlife;</p> <p>Insect bricks in end walls adjacent to the public highway/public footpaths and bug hotels in the natural areas;</p>	<p>20 August 2020</p>

<p>Wildlife friendly boundary treatments including gaps for hedgehogs;</p> <p>Deadwood piles to provide wildlife habitats;</p> <p>More bird/bat boxes in standard trees at a reasonable height; and</p> <p>No Sycamore trees within planting schemes.</p>	
<p><u>20/501773/FULL - ERECTION OF 187 DWELLINGS, TOGETHER WITH ASSOCIATED WORKS FOR ACCESS, PARKING, INFRASTRUCTURE, OPEN SPACE, EARTHWORKS, SURFACE WATER DRAINAGE SYSTEMS AND LANDSCAPING - LAND OFF OAKAPPLE LANE, BARMING, MAIDSTONE, KENT</u></p> <p>Deferred to enable the Officers to investigate:</p> <ul style="list-style-type: none"> • Increased open space to meet policies OS1(1) and H1(4) to provide the required amount of natural/semi-natural open space (1.5ha) together with usable space (on-site) for future occupants (but not a play area) which may result in a reduction in the number of houses. • Increased landscaping in front of the houses on Street 2 and changes to the layout along the south boundary to provide more space to the properties on Broomshaw Road and Redewood Road. • Increased EV charging points or electric charging ready (if not actual EV charging points) on properties and the provision of renewable energy for apartments and/or affordable housing. • Integration of dedicated shared walking and cycle routes from southwest to northeast and northwest to southeast across the site. • Provision of more biodiversity enhancements (integral habitat niches for wildlife, wildlife friendly drainage, removal of non-native planting/increased native planting with non-native Spanish chestnut to be replaced with beech, wild cherry or large-leaved lime). • Whether all reptiles have been moved to Mote Park and if not look at the feasibility of using other suitable locations nearer to the site. 	<p>22 October 2020</p>

<ul style="list-style-type: none"> • Whether S106 contributions can be made to Fountain Lane junction or whether a separate motion for CIL monies to be allocated to this junction is appropriate. • The source of heating and an informative to use electric heating not gas. 	
<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"> • Details of the design of the caravans; • Details of electric vehicle charging points; and • A detailed landscaping plan. 	26 November 2020

Agenda Item 13



20/504127/FULL & 20/504128/LBC The Somerfield Hospital, 63-79 London Road, Maidstone, Kent, ME16 0DU

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Printed on: 8/12/2020 at 8:58 AM by JoannaW

REFERENCE NO - 20/504127/FULL

APPLICATION PROPOSAL

Conversion, alteration, demolition and proposed rear extensions to Somerfield Terrace to create 60 self-contained apartments.

Demolition of 79 London Road and erection of a replacement building providing 6 apartments and 6 townhouses.

Conversion of ancillary building to a dwelling.

(Total of 73 residential units)

Erection of a cycle store and gym and bin store and associated works to outbuildings, landscaping and parking.

Works to retaining wall at the front of the site.

ADDRESS The Somerfield Hospital, 63-79 London Road, Maidstone, Kent

RECOMMENDATION – APPROVE WITH CONDITIONS

SUMMARY OF REASONS FOR RECOMMENDATION

- The proposed external works and removal of modern buildings to the rear of the listed building (Somerfield Terrace) and rear extensions would enhance the appearance and significance of the listed building or cause no harm, and the proposals would bring the building back into residential use aiding its maintenance and conservation.
- There would be a low level of 'less than substantial' harm to the interior of Somerfield Terrace as a consequence of the proposed development, to the listed wall and the setting of Somerfield Terrace but the significant public benefits arising from the re-use of a vacant brownfield site with the provision of 73 new homes in a sustainable location and the associated social and economic benefits, the enhancement and conservation of the listed building, and the benefits from improvements to pedestrian safety on London Road outweigh this less than substantial harm.
- The new 3 storey building is well designed with good architectural detailing and quality materials and would respect the setting of adjacent listed buildings, the character and appearance of the streetscene, and the local area. The rear extensions, new buildings and conversion works are all acceptable and would not cause any harm.
- The density of the development would not result in any harm to the character or appearance of the local area and there would be no unacceptable impacts upon neighbouring amenity.
- KCC Highways are raising no objections to the access, traffic impacts, and parking arrangements within the site subject to conditions. No objections are raised by any consultees.
- The development makes good use of a vacant previously developed site in a very sustainable location. The proposals comply with all relevant policies of the Development Plan and the NPPF and there are no overriding material

<p>considerations to warrant a decision other than in accordance with the Development Plan, and so permission is recommended subject to the legal agreement and conditions set out below.</p>		
<p>REASON FOR REFERRAL TO COMMITTEE</p> <ul style="list-style-type: none"> • Councillor Purle has requested the application is considered by the Planning Committee for the reasons set out in his comments. 		
<p>WARD Bridge</p>	<p>PARISH COUNCIL N/A</p>	<p>APPLICANT Even Maidstone Ltd AGENT DHA Planning</p>
<p>DECISION DUE DATE: 16/12/20</p>	<p>PUBLICITY EXPIRY DATE: 27/11/20</p>	<p>SITE VISIT DATE: 23/11/20</p>
<p>RELEVANT PLANNING HISTORY</p>		
<p>20/504128/LBC: Listed Building Consent for the demolition of rear extensions together with internal and external alterations and erection of rear extensions – PENDING</p> <p>Numerous planning and listed building consent applications relating to the former hospital use.</p>		

1.0 DESCRIPTION OF SITE

1.01 The application site relates to the former Somerfield Hospital building (63-77 Somerfield Terrace) which is a Grade II listed building and its curtilage, and 79 London Road a separate unlisted building to the north on the west side of London Road. Somerfield Terrace is three storeys in height, 79 London Road is two storeys and both buildings are set back from London Road. To the front of the terrace is a listed ragstone wall alongside the pavement which retains a grassed area above with some trees. The rear parts of the site are mainly hard surfaced for car parking and there are some single storey outbuildings. There are some groups of trees on parts of the boundaries with some protected trees in the southwest corner.

1.02 The site is bounded by 81 London Road a Grade II listed building to the north used as offices, and the rear gardens of houses on Queens Road. To the west and south is Somerfield Lane and Close and other houses. To the south is 61 London Road another Grade II listed building. There are houses opposite on the east side of London Road.

2.0 PROPOSAL

2.01 Permission is sought for the conversion and alteration of the listed Somerfield Terrace to create 60 one and two-bedroom apartments. This would involve demolition of some of the modern non-listed buildings/extensions to the rear and new rear extensions.

2.02 Demolition of 79 London Road is proposed with the erection of a replacement three storey building providing 6 one and two-bedroom apartments and 6 four-bedroom houses.

2.03 An existing single storey building at the rear of the site is proposed to be converted to a dwelling.

2.04 This would provide a total of 73 residential units at the site.

2.05 The erection of a single storey cycle store/gym (for future occupants) and bin store, and associated works to outbuildings, landscaping and parking are also proposed. Works to the listed wall at the front of the site are also proposed to provide room for a bus shelter and waiting space.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP18, SP19, SP20, SP23, ID1, DM1, DM2, DM3, DM4, DM5, DM6, DM8, DM12, DM19, DM20, DM21, DM23
- Kent Waste and Minerals Plan (amended 2020)
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Affordable Housing SPD (2020)
- Maidstone Building for Life 12
- MBC Air Quality Guidance
- MBC Public Art Guidance
- London Road Character Area Assessment SPD (2008)

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 14 representations received raising the following (summarised) points:

- Increased traffic and congestion.
- Question Transport Assessment.
- Highway safety issues.
- Parking is not adequate.
- Various improvements should be made to improve pedestrian access, cycle access/parking, car parking, and EV charging.
- Pollution.
- No objection to use for housing but too many units.
- Too many flats.
- Density is out of character with surrounding detached houses with large gardens.
- Visual and noise intrusion from development.
- Loss of privacy/overlooking of surrounding properties.
- Buildings overshadow one another.
- New trees/screening should be secured under a legal agreement.
- Windows should be obscure glazed.
- Gym is unnecessary and will generate noise and pedestrian traffic.
- Lack of local infrastructure to accommodate housing.

- Rear extension obscures views of GII building at the rear and is out of character.
- Demolition of 79 will destroy historical aesthetics of the wider site and should be listed.
- Proposals will destroy the site's importance and value.
- There should be no new additional buildings or demolition.
- There should be no new higher buildings.
- The 3rd floor rear extensions are not in keeping with the listed building and are modern.
- Rear extensions obscure views of GII building at the rear and is out of character.
- Lack of public benefit.
- New building is out of character.
- Should be high quality not quantity.
- Lack of green spaces/gardens.
- Site should be kept as it is.
- Loss of trees/impact on wildlife.
- Lack of public benefit.
- Building should be used for healthcare uses and not flats.
- Loss of employment opportunities.
- Noise during construction.
- Management of residents/community is important.

4.02 **Councillor Purle** requests the application is considered by the Planning Committee, *"if officers are minded to approve the application in view of the obvious local interest & concern."*

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 **Historic England:** No need to consult us.

5.02 **KCC Highways: No objections** subject to conditions.

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

5.04 **KCC Archaeology: No objections** subject to condition.

5.05 **KCC Economic Development:** Outline the additional pressure on schools, community learning, youth services, libraries, and social care, and the funding that would be required if MBC did not have CIL.

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

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

5.08 **MBC Landscape Officer: No objections** re. impact upon trees.

5.09 **MBC Conservation Officer: No objections** subject to conditions. *"In summary, the proposed works to the listed building would result in a small degree of less than substantial harm, but this is outweighed by the benefits of bringing the buildings back into an appropriate use and reversing unsympathetic modern interventions. The proposed new build would not harm the setting of adjacent listed buildings and is acceptable in my view, subject to detail. The proposed works to the curtilage listed retaining wall would in my view result in a modest level of harm to the listed building. I consider the harm would be at the lower end of less than substantial and is likely to be outweighed by the public benefits of the works and the wider proposals."*

5.10 **Kent Fire & Rescue:** Confirm that off-site access requirements have been met.

5.11 **Southern Water:** Confirm there is sufficient capacity.

5.12 **Kent Police:** Make various recommendations re. Secured by Design.

6.0 APPRAISAL

6.01 The application site is a vacant previously developed site within the urban area in a very sustainable location. It is therefore a good location for housing development and the key issues for the application are as follows:

- Conversion works, alterations and extensions to the listed building and listed wall
- Design and appearance of the new build apartment/houses
- Layout, open space and landscaping
- Impact upon the character of the local area and amenity
- Highways
- Other matters including affordable housing, infrastructure, noise, air quality, drainage, and ecology

Conversion works, alterations and extensions to the listed building and listed wall

Significance of listed building

6.02 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The NPPF requires LPAs to identify and assess the particular significance of any heritage asset that may be affected by development and the impact the development may have on it.

6.03 Somerfield Terrace comprises a row of eight semi-detached former houses dating from the early/mid-19th century, linked and extended to the rear in the 20th century. The original buildings are generally of high significance and retain a number of internal and external features, while the modern alterations in the mid to late 20th century make either a neutral or negative contribution to significance as outlined in the applicant's Heritage Statement (HS). The site as a whole contributes to the setting of grade II listed buildings at 61 and 81 London Road, and the buildings together form a group.

6.04 I agree with the applicant's HS that it is the frontage facing London Road that is the most significant elevation of the building. This part of the building, excluding the two storey linking structures that were constructed in the 20th century, replacement of a small number of windows and loss of two of the original leaded porches, is predominantly intact and of clear architectural and historic interest. The HS outlines, with which I agree, that

"architectural interest stems from the building's repetitive form, Classical influences and high level survival of original and historic fabric. Historic interest is primarily due to the building being a high quality example of an early to mid 19th century row of dwellings. The rear of the terrace is heavily altered and it is only the rear of nos. 75 and 77 which remain exposed and unaltered to any material degree. All other buildings in the terrace have been built up against and incorporated into later extensions. These later extensions, which severely affect the legibility of the historic building (both internally and externally), significantly detract from the significance, and ability to appreciate the significance, of the grade II listed terrace."

6.05 Internally, despite high levels of alteration in connection with the hospital use, the historic plan form remains broadly appreciable and a high number of either original, or well detailed replica decorative features survive which contribute to the significance of the listed building.

6.06 In terms of the building's setting, to the rear this has been altered significantly and the former narrow rear gardens which once had stables and coach houses have been lost completely. The frontage remains intact with the tree lined drive and listed wall and so contributes to the building's significance, and the listed buildings to the north and south contribute to the setting.

6.07 Therefore it is considered that the building's heritage significance derives from the front elevation of the terrace and its setting to the front, and the internal plan form and decorative features.

Assessment of proposals

6.08 Works proposed are to the outside of the listed building and the proposed rear extensions. The works to the front of the listed terrace are limited to the re-instatement of three metal porches and repair of existing, re-instatement of an original entrance with replacement of a more recent entrance with a new window to the front, and one small roof light on both

the side north and south elevations. The proposed porches and repairs, and the original entrance would reinstate original features and therefore improve the frontage and enhance the significance of the listed building and their detail can be secured by condition. The other changes are minor and would not harm the appearance of the listed building on the important front elevation.

- 6.09 The main changes would be on the rear west elevation which has already been significantly altered and for this reason does not represent a positive part of the listed building or contribute to its significance. Here there would be some new windows and doors either to provide light to rooms, access, or connections to new rear balcony areas. All new openings would match existing with timber sash windows and timber doors and match the alignment of existing openings. For these reasons they would not cause any harm to the listed building or its significance. The removal of modern hospital extensions would reveal the historic rear elevations of the houses and result in a clear enhancement to the listed building and its setting.
- 6.10 There are two existing modern two storey projections off the rear of the listed building. These would both be retained but extended upwards with a mansard style roof added to create a second floor. The southern projection would also be extended rearwards. For both projections it is proposed to alter their connection with the listed building by replacing the current unsympathetic two storey link with a single storey section. This would provide a clearer separation from the listed building and opens up part of the rear elevation. The additional second floors are modest in size, recessed and would have a metal standing seam finish. This articulation and change in material would break up the mass of the upward extensions and they would remain below the height of the listed building and so not compete with the main building. The extension rearward on the southern projection would be modest and would not compete with or result in any harm to the listed building. Windows would be more contemporary which reflects the current windows and provides an acceptable contrast with the listed building. Existing single storey buildings connected to the rear projections would be retained with one rendered to match existing buildings and more sympathetic windows provided. Rooftop PV panels are proposed on these rear wings which would provide renewable energy and it is considered that subject to the detail these would not be highly visible and so would not cause any harm to the listed building. For the above reasons the proposals would respect the listed building and would not cause harm to its character, appearance, significance or setting.
- 6.11 Overall, the external proposals are sympathetic and would not cause any harm to the listed building, would improve the rear, and in the case of the frontage would enhance the buildings significance. The Conservation Officer considers the works to the listed terrace and removal of modern extensions to the rear would enhance the building and that the rear extensions are suitable. The listed building is also currently vacant and whilst it is not in a poor condition or deteriorating, the proposals would bring the building back into residential use, its original use, and thus ensure the building is conserved and maintained which is clearly desirable and a positive aspect

to the proposals. This is all in accordance with policies SP17 and DM4 of the Local Plan and the NPPF.

6.12 To create the new rooms for the proposed apartments various internal changes to the listed building are proposed including the removal of some walls and openings together with the insertion of new walls and openings. Whilst these alterations do not require planning permission and are subject of a separate listed building consent application, (20/504128/LBC which is on this same Agenda), they are a consequence of the proposed change of use of the building to 60 apartments and so will be assessed. The internal works proposed would reinstate the main party walls but also subdivide several historic spaces, primarily to the rear and upper rooms. I agree with the Conservation Officer that the disruption of the historic plan form, particularly the relationship between front entrances and staircase halls to some houses, results in some harm but this is relatively low. It will also be necessary to upgrade the services, acoustic insulation, mechanical ventilation, vertical service risers, and fire separation within the building, and the Conservation Officer is comfortable with the general approach proposed, subject to further detail being submitted but this will introduce modern features and changes, which would inevitable cause some low level harm to the building which is considered to be 'less than substantial'.

Listed wall

6.13 Works to the listed wall fronting London Road are proposed which would create a rectangular space 7m x 1.5m providing an area for people waiting for the bus and a bus shelter. This would avoid the root protection area of trees along the frontage so they would not be harmed. This has been proposed in response to the KCC Highways initial view that the whole wall should be set back to provide a wider pavement for pedestrians/those waiting for buses and a bus shelter, which commonly are school children who congregate in this area waiting for buses, often using the grass bank within the site. As the development would increase some footfall at peak times the proposals are a proportionate response bearing in mind the wall is listed and the increased footfall would not be significant. KCC Highways have reviewed the proposals for the bus shelter/waiting space and raise no objections. The changes would result in harm to the listed wall and some harm to the setting of the main building as they would introduce an inlet on an otherwise straight wall and a bus shelter. However, I consider this would be 'less than substantial' harm as it would represent a small part of the wall across the frontage and new street furniture in an area where some street paraphernalia already exists, and the Conservation Officer agrees. Conditions can be attached to ensure the method of deconstructing the wall and rebuilding reusing the existing stone is appropriate.

6.14 It is considered that the internal changes which are a direct consequence of the proposed development and changes to the listed wall would result in a low level of 'less than substantial harm' to Somerfield Terrace, its setting, and the listed wall and so this needs to be balanced against any public benefits. Public benefits arise from the re-use of a vacant brownfield site including social benefits associated with the provision of 73 new homes. Economic benefits arise from employment connected with the conversion

and construction works. There are also clear benefits from the proposed enhancements to the front and rear of the listed building and bringing the building back into its original residential use which would ensure the building is conserved and maintained. These benefits are considered to attract significant weight. The works to the listed wall would provide a wider pavement and bus shelter for waiting passengers which would improve pedestrian safety but as this is partly to mitigate the increased footfall this does not attract as much weight as the other benefits. Nonetheless it is still a clear benefit. Having special regard to the preservation of the listed buildings and their settings and the listed buildings special architectural and historic interest, it is considered that the low level of harm caused is outweighed by these respective public benefits in accordance with Paragraph 196 of the NPPF and policy DM4.

- 6.15 The site lies within an area of prehistoric and Romano-British activity and so KCC Heritage have been consulted. They advise that in view of the archaeological potential it would be appropriate to have a phased programme of archaeological works and archaeological monitoring of any works and recommended a condition which is appropriate.

Design and appearance of the new build apartments/houses and other buildings

- 6.16 The new building on the north part of the site has been designed to respect the listed building and take cues from it. The width of three storey front section is in proportion with the height and width of the three storey sections to the front of the listed building, which is appropriate as these will be seen together in the streetscene. The siting of the building is the same as the existing building so this would respect the established building line. A more contemporary style is proposed through the use of modern windows and a standing seam mansard roof which is considered to be acceptable rather than reproducing a pastiche of the listed building. However, the use of matching brickwork and stone banding above the ground floor are elements which tie in with the listed terrace. Good quality detailing is provided with stone cills above and below windows, recessed stone to the top of windows below the lintels, and reveals to the windows providing depth and layering, and stone banding to the eaves. To the front and side of the front sections would be a slight projection to the ground and first floors which would again provide articulation and interest, address the frontage to London Road and the highly visible south elevation. The rear section follows the same design approach and is set down from the front which breaks up the building and provides interest. The windows have single vertical glazing bars which provide a clean appearance a rhythm to the fenestration as do the single pane glass juliet balconies.

- 6.17 Overall the proposed building is sympathetic to the listed terrace and local area in its design and appearance and for this reason would not cause any harm to the setting of the listed Somerfield Terrace or Medway House to the north and is also in accordance with the London Road SPD. The design is of high quality with good quality detailing and articulation in accordance with policy DM1. Conditions can be attached to ensure this detail is secured along with high quality stock bricks and the other materials.

6.18 An existing single storey building towards the northwest corner of the site is proposed to be converted to a 3-bedroom bungalow. This would only involve inserting new windows and a front door which would be visually acceptable. A new single storey flat roofed building providing a small gym for residents and cycle store is proposed on the west boundary. This would be low in height with glazing, finished with yellow bricks and timber cladding with a 'green' sedum roof. This is a modest building which would have an acceptable appearance. A brick bin store near the centre of the rear area and timber bike stores along the west boundary are also proposed which would all have an acceptable appearance. This is in accordance with policy DM1.

Layout, open space and landscaping

6.19 The layout is largely dictated by the existing buildings and parking areas. The new build apartments and houses follow the positioning of the existing building to the front and extend to the rear. New amenity spaces are provided to the rear of Somerfield Terrace and all protected trees and those worthy of retention apart from one category B tree are retained to ensure an attractive environment, with pruning of some others. The landscape officer has assessed the impact upon trees including some works in root protection areas and raises no objections subject to compliance with the submitted method statement which can be secured by condition. New landscaping is proposed in the form of trees along the frontage which would complement the existing line of trees and improve the street scene. Around the rest of the site new hedge/shrub planting and trees within the amenity areas would provide an appropriate setting. Species have not been provided at this stage and can be secured by condition requiring an emphasis on native species in accordance with the Council's landscape guidelines. There is a mix of surface treatments at the site and the plans indicate these will be improved and unified and the details can be secured by condition to ensure an appropriate finish.

6.20 In terms of open space, the proposals provide for a series of amenity spaces for residents which are grassed with landscaping and trees. This would provide approximately 0.12ha, (discounting the heavily treed areas and the frontage although this could potentially be used), which is in accordance with policy DM19 for 73 units. This type of open space is considered appropriate for the apartments/houses and the size/constraints of the site. Existing public spaces in the locality include Millennium Green, Giddyhorn Lane and Whatman Park which all provide a mix of open space including play areas. Any future pressure on these areas from residents could be mitigated through CIL should the Council decide.

6.21 Overall, the proposals provide good spaces around the buildings with useable amenity areas whilst retaining appropriate trees and proposing new trees and landscaping to provide a good quality setting to the development in accordance with policy DM1.

Impact upon the character of the local area and amenity

- 6.22 Some representations consider that too many units are proposed and that smaller 1/2 bed properties are out of character with the local area. The density of the development would be 69 dwellings/ha. Policy DM12 (density) outlines that the development strategy of the borough is based on meeting housing requirements through the best use of previously developed land. The policy firstly sets out the overriding consideration that new housing should be developed at a density that is consistent with achieving good design, does not compromise the distinctive character of the local area, and makes efficient use of land. It then lists a range of densities for different areas.
- 6.23 The proposals convert a large listed building on the site and small single storey building which does not result in any discernible visual or physical change to the character of the local area. For the reasons outlined earlier in the assessment it is considered that the conversion works and removal of modern buildings to the rear would actually improve the visual quality and architectural and historic appreciation of site and thus the local area. The new build element would be of a suitable design and scale such that it would not cause any harm to the streetscene or the local area. Sufficient space around the buildings including landscaping would also be provided. Therefore, whilst the density of 69d/ha is higher than that of the immediate adjoining detached houses on Somerfield Lane and Queens Road which have large gardens, this does not result in any visual harm to the character or appearance of the local area in accordance with policies DM1 and DM12.
- 6.24 There are other apartments in the wider area notably along London Road but the local area is mainly detached/semi-detached buildings. For this reason, the introduction of flats/smaller properties would promote a mixed community and mixed housing in the local area in accordance with policy SP19 and importantly it would not result in any harm.
- 6.25 There are no set space standards within the Local Plan but as a guide all properties would meet national space standards apart from one flat which would be one square metre below. In the absence of local standards this is not objectionable and it is considered that the properties would all be of suitable sizes. They would receive sufficient light and outlook from windows and first and second floor windows and would be a sufficient distance or angle from one another to ensure suitable levels of privacy. The listed building to the north is used for offices and would be at least 21m away from proposed windows so there would not be any unacceptable relationship in terms of privacy. Number 60 London Road to the south is also in use as offices and there are no windows that would result in any unacceptable relationship in terms of privacy.
- 6.26 In terms of neighbouring amenity to the north, the new apartment/houses would be 29m from the back of the nearest house 'Somercourt' and at this distance would not result in an unacceptable impact upon the privacy of this house or its area immediately to the rear. The existing boundary wall to this property is slightly lower than would normally be provided between gardens so I consider this potentially needs to be raised or new boundary treatments provided to ensure privacy between gardens which can be secured through condition. To the west, the rear extension to the southern

wing would be at least 25m from the east side of the nearest house 'The Mulberry' and 21m from the garden. At this distance the first and second floor windows would not result in an unacceptable impact upon the privacy of this house or its rear garden which contains a swimming pool. The converted bungalow would have no windows facing west and so no impact upon privacy would occur and nor would the gym/cycle store. The rear boundary to Somerfield Lane features a mixture of different treatments and walls of buildings proposed to be demolished. It is therefore important to ensure appropriate boundary treatments from a privacy and design aspect and this can be secured by condition. To the south, windows on the rear wing would be at least 23m from the end of adjoining rear gardens and at this distance there would be no unacceptable impact upon the privacy of any houses to the south.

- 6.27 The residential use of the site would not result in any noise or disturbance that would be objectionable in this residential area. Vehicles using the parking areas would not be significantly different to the previous use and would not result in any harmful noise or disturbance. Some concerns have been raised with regard to use of the gym. Although unlikely, if this was used late/overnight then comings and goings could cause some disturbance so on balance I consider restricting hours of use to between 6am and 11pm is appropriate.

Highways Impacts

- 6.28 The applicant has compared vehicle movements associated with the former hospital use with the proposed uses by using vehicle trip data from other similar healthcare uses, which has been agreed with KCC Highways. This shows that the proposals would result in a significant reduction in peak hour movements (AM - 72 down to 18, PM - 52 down to 18) and overall movements (774 down to 175 movements per day) and this has been accepted by KCC Highways with no objections raised. As such there would be no objectionable traffic impact upon local roads or junctions in accordance with policy DM21.
- 6.29 KCC Highways have reviewed the access arrangements with London Road, which utilise the existing access, and raise no objections in terms of highway safety which is understandable seeing as the proposals result in significantly less movements. They have also reviewed the space for vehicles, including refuse vehicles, to manoeuvre within the site and raise no objections. Kent Fire and Rescue have confirmed they have no objections to the access.
- 6.30 The site is well located to access public transport through buses on London Road and Maidstone East station is within 1km. Changes to the front wall would allow more room for those waiting for buses and the provision of a bus shelter which would promote public transport use for new residents in accordance with policy DM21. The bus shelter and new bus boarder kerbs will be secured by condition. The site also has good access to the walking and cycle network.

- 6.31 The applicant has provided a draft Travel Plan which would encourage sustainable travel with potential measures and initiatives including the provision of resident travel information packs, cycle parking and local information, promotion of car sharing and car club, and notice boards. Implementation will be overseen by a Travel Plan Co-ordinator with on-going monitoring. The Travel Plan targets the reduction of single passenger car journeys by 10% mainly through an increase in shared journeys and use of public transport and the aims are proportionate for this development and its location. This can be secured by condition and a monitoring fee of £948 will be secured under a section 106 agreement.
- 6.32 There are 78 parking spaces proposed for the 73 units which includes space for visitors, 4 spaces for drivers with limited mobility, and 8 spaces with EV charging. The adopted parking standards seek 78 spaces for the houses/flats and up to 14 visitor's spaces (total 92) and so the proposals are 14 spaces short. However, policy DM23 states, "*the Council adopts a flexible approach to minimum and maximum parking standards to reflect local circumstances and the availability of alternative modes of transport to the private car.*" The site is at a very sustainable location with easy access to public transport, walking and cycling, and a Travel Plan is provided and will be secured to promote sustainable travel, which is also a measure that can allow for a lower provision under the adopted standards. Secure cycle parking is provided for 68 bikes which would also promote non-car use and can be secured by condition. On this basis, it is considered that a lower number of spaces is acceptable. The lower number of parking spaces would also not lead to any highway safety issues on London Road or nearby roads as double yellow lines are in place to prevent this. Importantly, there are also no objections raised by KCC Highways in respect of parking.
- 6.33 Overall, the transport impacts of the development are acceptable and the proposals are in accordance with policies DM21 and DM23 of the Local Plan.

Other matters including affordable housing, infrastructure, noise, air quality, drainage, and ecology

Affordable Housing

- 6.34 Policy SP20 requires 30% affordable housing (AH) provision which would be 22 units. However, the applicant is claiming a vacant building credit (VBC) based on the re-use of Somerfield Terrace and demolition of 79 London Road with a view that this results in a residual requirement for 2 affordable units.
- 6.35 Under the VBC, local and national policy/guidance provides an incentive for use of brownfield land on sites containing vacant buildings. Where a vacant building is brought back into use or is demolished to be replaced by a new building the existing floorspace of vacant buildings is credited against the proposed floorspace of the new development and deducted from the AH requirement. For example, where a building with a gross floorspace of 8,000m² building is demolished as part of a proposed development with a gross floorspace of 10,000m², any AH contribution should be a fifth of what would normally be sought.

6.36 In order to qualify the buildings must not have been 'abandoned', made vacant for the sole purpose of re-development (to prevent abuse of VBC), or have an extant or recently expired permission for the same or similar development. 'Abandonment' in a planning sense has been determined by the courts and is generally buildings that have deteriorated to a point that they cannot be used and/or have not been in use for a considerable period of time. Both Somerfield Terrace and 79 London Road are currently vacant but were in active use only 18 months ago. Somerfield Terrace is in good condition and whilst 79 is showing signs of deterioration with broken windows, neither have been 'abandoned' in planning terms. They were both made vacant when BMI healthcare ceased using them as a private hospital as part of its strategic review of facilities and not for redevelopment purposes and there is no relevant permission for a similar use. On this basis the buildings qualify for VBC.

6.37 Off-setting the vacant buildings (5,713m²) against that proposed floorspace (6,170m²) results in a net increase of 457m². This results in an AH requirement of 2 units.

*(Net increase / Proposed GIA) x 22 unit requirement = AH requirement
(457 / 6,170) x 22 = 1.63 units (rounded up to **2 units**)*

6.38 Policy SP20 and the recently adopted AH SPD require on site provision and so the applicant has contacted a total of seven AH providers to see whether they would take on 2 units but there has been no interest expressed or responses that the provision is too low. This is usually the case when the provision is this low and I consider the applicant has reasonably explored this avenue.

6.39 For this reason, the applicant is agreeable to providing the 2 units as Discounted Market Sales housing (DMS). This is a form of AH whereby they are sold at a discount of at least 20% below local market value in perpetuity. Eligibility is determined with regard to local incomes and local house prices and in line with the SPD those with AH need in Maidstone Borough would be prioritised. The Council's housing section is in the process of deciding whether a fixed percentage discount for the Borough as a whole based on average local income and house prices is appropriate or for the discount to be determined for each scheme based on the actual market value of the property and income of the individual concerned. As this work is not completed the DMS will be secured with a 20% discount in line with national policy. DMS housing would ensure that the AH is still provided on site and these 2 units would be secured under a legal agreement in line with policy and guidance. The current highest AH need is for one bed units and so I consider 2 one bed properties should be secured as DMS units. A monitoring fee for the s106 of £2,250 will also be secured.

Infrastructure

6.40 The adopted CIL is charged on new floor space to help deliver infrastructure to support development identified in the Council's IDP. The scale of development proposed here is not such that it generates the need for a

new standalone school or doctor's surgery or specific on-site infrastructure but will obviously place an additional demand on such services. On this basis, CIL monies could be used towards such services to mitigate the impact of the development in line with the IDP which is in accordance with policy DM20.

Noise

- 6.41 The applicant's noise assessment has identified that rooms fronting and with a line of sight to London Road would experience traffic noise levels that exceed relevant standards and even more so if windows were open. Therefore, secondary glazing is required as is a ventilation system to ensure that fresh air flow can be achieved without the need for opening windows. These measures can be secured by condition but have implications for the fabric and external appearance of the listed building. The applicant has considered this in advance showing potential secondary glazing and ventilation measures and the Conservation Officer is satisfied that the mitigation can be installed suitably on the listed building to limit the impact and so details provided by condition are acceptable. Externally, any new vents through external walls would be covered with sympathetic black painted metal covers and grills so to preserve the general character of the listed building's exterior.

Air Quality

- 6.42 The applicants air quality assessment concludes that pollution levels on site would be well below the relevant standards for the new properties and that the impact of the development would be negligible. Environmental Health have reviewed the assessment and agree with these conclusions. In line with the Council's Air Quality Planning Guidance, an emissions mitigation calculation has been used to quantify potential emissions from the development and provides a value for proportionate mitigations to be integrated into the development. These quantified measures are 8 EV charging points, secure cycle storage for 68 bikes, and the Travel Plan. These measures which are proportionate will be secured through the permission/condition.

Drainage

- 6.43 In terms of surface water drainage the site currently drains to several existing soakaways located around the site. Where possible these soakaways will be reused and the impermeable areas draining to them will be reduced through the removal of buildings and introduction of porous surfacing for the rear parking/turning areas. A new deep bore soakaway is proposed with attenuation tanks for the central/northern part of the site and some pumping may be required. KCC LLFA raise no objections subject to the detailed design by provided by condition and prefer pumps are not used due to maintenance. They advise that the detailed design/testing may allow for further infiltration such that pumping may not be required.
- 6.44 Southern Water has confirmed there is sufficient capacity on the local network for foul drainage.

Ecology

- 6.45 Buildings on site were identified as having potential to support roosting bats but further bat emergence/re-entry surveys were carried out with no bats recorded. Therefore, bat habitats are likely to be absent within buildings which is agreed by KCC Ecology. KCC advise that the bat activity throughout all of the surveys is considered to be low, with individual common pipistrelles observed foraging and commuting predominantly from the south-eastern aspect of the site and around the semi-natural habitats to the east. On this basis, the lighting scheme needs to minimise impacts upon bats and this can be secured through condition.
- 6.46 In terms of reptiles the site was identified as having some limited potential to support reptiles providing foraging, commuting, basking and hibernation so precautionary mitigation measures are proposed which include sensitive timings, removal of suitable refuges, and two-phased vegetation cuts to encourage them to disperse into the suitable areas that will be retained. KCC Ecology are satisfied that these measures are sufficient and can be secured by condition. Trees for removal would be inspected prior to clearance and works carried out, outside the bird nesting season.
- 6.47 In terms of enhancements, the proposals would provide new native planting and bat bricks/tubes, bee bricks, and bat/bird boxes are proposed. I also consider that permeability for hedgehogs through the garden areas, and bird bricks to the new buildings and extensions is appropriate and can be secured by condition. This is considered a proportionate response based on the ecological value of the site and will provide an appropriate biodiversity net gain for this development in line with the NPPF/NPPG.

Representations

- 6.48 Matters raised but not considered in the assessment sections in the report include a view that the buildings should be used for healthcare uses and not flats and the loss of employment, and noise/disturbance during construction, and a request for a construction management plan by KCC Highways. Policy DM20 seeks to protect community facilities, however the explanatory text does not include healthcare facilities under this protection. In terms of employment the site is not allocated/protected as an employment area in the Local Plan and the site is vacant. As such any loss of potential future employment use is not grounds for objection. Issues of noise, disturbance, or impacts on local roads during construction are dealt with under Environmental Health and Highways legislation and controls.

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. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority

must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7.02 The proposed external works and removal of modern buildings to the rear of the listed building (Somersfield Terrace) and rear extensions would enhance the appearance and significance of the listed building or cause no harm, and the proposals would bring the building back into residential use aiding its maintenance and conservation.

7.03 There would be a low level of harm to the interior of Somersfield Terrace as a consequence of the proposed development, to the listed wall and the setting of Somersfield Terrace but the significant public benefits arising from the re-use of a vacant brownfield site with the provision of 73 new homes and the associated social and economic benefits, the enhancement and conservation of the listed building, and the benefits from improvements to pedestrian safety on London Road outweigh this less than substantial harm.

7.04 The new 3 storey building is well designed with good architectural detailing and quality materials and would respect the setting of adjacent listed buildings, the character and appearance of the streetscene and the local area. The rear extensions, new buildings and conversion works are all acceptable and would not cause any harm. The density of the development would not result in any harm to the character or appearance of the local area and here would be no unacceptable impacts upon neighbouring amenity.

7.05 KCC Highways are raising no objections to the access, traffic impacts, and parking arrangements within the site subject to conditions and no objections are raised by any consultees.

7.06 In conclusion, the development makes good use of a vacant previously developed site in a very sustainable location and the proposals comply with all relevant policies of the Development Plan and the NPPF. There are no overriding material considerations to warrant a decision other than in accordance with the Development Plan, and so permission is recommended subject to the legal agreement and conditions.

8.0 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. Securing two Discount Market Sales affordable units.
2. £2,250 Section 106 monitoring fee.
3. £948 Travel Plan monitoring fee.

Conditions:

Approved Plans

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

3152-DEN-ZZ-ZZ-DR-A-1000 Rev B; 3152-DEN-A-01-DR-A-2001 Rev J;
3152-DEN-A-02-DR-A-2002 Rev J; 3152-DEN-A-GF-DR-A-2000 Rev K;
3152-DEN-A-RF-DR-A-2003 Rev A; 3152-DEN-A-ZZ-DR-A-4000 Rev C;
3152-DEN-ZZ-ZZ-DR-A-1001 Rev N; 3152-DEN-C-ZZ-DR-A-2005; 3152-
DEN-B-01-DR-A-2003F; 3152-DEN-B-01-DR-A-2004 E; 3152-DEN-B-01-DR-
A-4001D; 3152-DEN-B-01-DR-A-4002E; 3152-DEN-D-ZZ-DR-A-2006 Rev A;
3152-DEN-E-ZZ-DR-A-2007;

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

Time Limit

2. 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.

Compliance

3. The development shall be carried out in accordance with the Arboricultural Method Statement including tree protection measures dated September 2020 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure retained trees are protected to provide an appropriate setting.

4. All planting, seeding and turfing specified in the subsequently approved landscape details shall be carried out either before or in the first planting season (October to February) following the occupation of the building(s) or the completion of the development, whichever is the sooner; and 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 setting to the development.

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

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

6. The development shall be carried out in accordance with the remedial measures within the Phase 2 Site Investigation Report. Prior to the occupation of the development a Closure Report shall be submitted upon completion of the remedial works. The Closure Report shall include full verification details and include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

Reason: In the interests of human health.

7. The construction of the development shall be carried out in accordance with the precautionary mitigation measures outlined at Section 4 of the Ecological Appraisal (PJC May 2020).

Reason: In the interest of biodiversity protection and enhancement.

8. The development shall be carried out in accordance with the ecological enhancements outlined in the Ecological Appraisal (PJC May 2020) and Bat Emergence/Re-Entry Survey Report (PJC September 2020) and as listed below and thereafter maintained:

- a) New native planting
- b) Bat bricks and tubes
- c) Bird and bee bricks
- d) Bat and bird boxes.

Reason: In the interest of biodiversity protection and enhancement.

9. The gym shall only be used by residents of the development and shall only be used between the hours of 6am and 11pm.

Reason: To protect neighbouring amenity.

Pre-Commencement

10. No development, other than authorised works of demolition, shall take place 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 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. It shall also explore the use of more swales within the development.

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

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

The drainage scheme shall be implemented in accordance with the approved details prior to the occupation of the development.

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.

11. No development, other than authorised works of demolition, shall take place until the applicant has secured the implementation of the following details:

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

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

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

12. No development, other than authorised works of demolition, shall take place until, details of the proposed levels for the new build development including slab levels of the buildings and any retaining walls, together with existing site levels, 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 having regard to the topography of the site.

Pre-Conversion & Slab Level

13. No development above slab level in relation to the new build elements shall take place until details of all boundary treatments, which shall include ragstone walling, have been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented prior to any occupation and thereafter retained.

Reason: To ensure a high-quality development and to protect residential amenity.

14. No development above slab level in relation to the new build elements shall take place until details of all hard surfaces have been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented and thereafter retained.

Reason: To ensure a high-quality development.

15. No conversion works in relation to Somerfield Terrace shall take place until the following details have been submitted to and approved in writing by the local planning authority:

- a) Details of new porches, timber windows, external timber doors, and obscure glazing;
- b) Details of internal joinery and secondary glazing;
- c) Details of mechanical ventilation including location of extract points and specification of external covers;
- d) Details of vertical risers including access hatches and works to cornices;
- e) Submission of a schedule of repairs to listed building;
- f) Details of measures to obscure views to and from external bathroom, shower room and toilet windows (other than obscure glazing).
- g) Details of solar panels

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

Reason: To protect the architectural and historic interest of the listed building.

16. No works in relation to the listed wall fronting London Road shall take place until details of the retaining wall alterations including methodology, materials, construction, joints and mortar specification have been submitted

to and agreed in writing with the local planning authority. The submission shall include details for the re-use of the existing stone. The development shall be carried out in accordance with the approved details.

Reason: To protect the architectural and historic interest of the listed wall.

17. No development above slab level in relation to the new build elements shall take place until, details of a landscape scheme which shall be designed in accordance with the Council's landscape character guidance, has been submitted to and approved in writing by the local planning authority. The scheme shall follow the principles of the landscaped areas on the proposed site layout plan (revision N) 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 and include a planting specification, a programme of implementation and a 5 year management plan. Trees shall be retained in accordance with the tree retention plan within the Arboricultural Method Statement dated September 2020.

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

18. No development above slab level shall take place until measures and locations to allow hedgehogs to move through the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of biodiversity protection and enhancement.

19. No development above slab level or conversion works to Somerfield Terrace shall take place until written details and samples of the materials to be used in the construction of the external surfaces of the buildings and extensions have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials. The materials shall include the following:

- a) Stock bricks matching those used in the listed part of Somerfield Terrace
- a) Stone for the banding, cills, and lintels
- b) Ragstone walling

Reason: To ensure a high-quality appearance.

20. No development above slab level in relation to the new build elements shall take place until written details and large-scale plans showing the following architectural detailing have been submitted to and approved in writing by the local planning authority for that phase, and the development shall be carried out in accordance with the approved details:

- a) Arched soldier courses
- b) Stone banding to the eaves, cills, lintels, and recessed stone within the windows
- c) Window reveals
- d) Juliet balconies

- e) Details of windows
- f) Eaves detailing
- g) Roof overhangs

Reason: To ensure a high-quality appearance.

21. No development above slab level shall take place until a "bat sensitive lighting plan" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting plan shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- b) 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 approved plan.

Reason: In the interest of biodiversity protection and enhancement.

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

Reason: In the interest of visual amenity.

Pre-Occupation

23. The development shall not be occupied until a plan clearly outlining the areas of amenity space totalling 0.12ha has been submitted to and approved in writing by the local planning authority. The approved areas of amenity space shall be maintained as publicly accessible open space in perpetuity.

Reason: To ensure adequate open space areas for the development.

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

- a) The provision of a bus shelter within the new space created to the front of the site through changes to the listed wall on the west side of London Road.
- b) The provision of raised 'bus boarder' kerbs should at the bus stop to the front of the site on the west side of London Road and at the bus stop on the east side of London Road opposite the site access.

Reason: In order to promote sustainable transport use.

25. The development shall not be occupied until a Final Travel Plan for the development which follows the principles of the Draft Travel Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Travel Plan.

Reason: In order to promote sustainable transport use.

26. The development shall not be occupied until the 8 EV charging points have been installed and available for use. These charging points shall be maintained thereafter for this use.

Reason: To reduce impacts upon air quality.

27. 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.

28. Before the development hereby permitted is first occupied, all proposed bathroom, shower room and toilet windows within the rear projections to Somerfield Terrace and new Building B shall be obscure glazed and shall be incapable of being opened except for a high-level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

Reason: To safeguard the privacy of existing and prospective occupiers.

29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) A, B, C, D, and G to that Order shall be carried out without the permission of the local planning authority;

Reason: To safeguard the high-quality design of the development and the setting of listed buildings.

REFERENCE NO - 20/504128/LBC		
APPLICATION PROPOSAL Listed Building Consent for the demolition of rear extensions together with internal and external alterations and erection of rear extensions. Works to the front retaining wall.		
ADDRESS The Somerfield Hospital, 63-79 London Road, Maidstone, Kent		
RECOMMENDATION – APPROVE WITH CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> • The proposed external alterations, demolition of modern buildings to the rear of the listed building (Somerfield Terrace), and rear extensions would enhance the appearance and significance of the listed building or cause no harm. • There would be a low level of 'less than substantial' harm to the interior of Somerfield Terrace and to the listed wall but the significant public benefits arising from the re-use of a vacant brownfield site with the provision of 73 new homes and the associated social and economic benefits, the enhancement and conservation of the listed building, and the benefits from improvements to pedestrian safety on London Road outweigh this less than substantial harm. 		
REASON FOR REFERRAL TO COMMITTEE		
<ul style="list-style-type: none"> • Councillor Purle has requested the application is considered by the Planning Committee for the reasons set out in his comments. 		
WARD Bridge	PARISH COUNCIL N/A	APPLICANT Even Maidstone Ltd AGENT DHA Planning
DECISION DUE DATE: 11/11/20	PUBLICITY EXPIRY DATE: 27/11/20	SITE VISIT DATE: 23/11/20
RELEVANT PLANNING HISTORY		
<p>20/504127/FULL: Demolition of rear extensions of Somerfield Terrace and No.79 London Road. Conversion, alteration and rear extensions of Somerfield Terrace for C3 Residential Use consisting of No.60 self-contained apartments. Erection of a replacement residential building on the site of No.79 London Road consisting of No.6 new apartments and No.6 new townhouses. Conversion of ancillary rear building to residential use. Erection of a cycle store and gym and bin store. Associated works to outbuildings, landscaping and parking. Works to the front retaining wall – PENDING</p> <p>Numerous planning and listed building consent applications relating to the former hospital use.</p>		

1.0 DESCRIPTION OF SITE

1.01 The application site relates to the former Somerfield Hospital building (63-77 Somerfield Terrace) which is a Grade II listed building. Somerfield Terrace is three storeys in height and to the front of it is a listed ragstone

wall alongside the pavement which retains a grassed area above with some trees. The rear parts of the site are mainly hard surfaced for car parking and there are some single storey outbuildings.

1.02 The site is bounded by 81 London Road a Grade II listed building to the north used as offices, and the rear gardens of houses on Queens Road. To the west and south is Somerfield Lane and Close and other houses. To the south is 61 London Road another Grade II listed building. There are houses opposite on the east side of London Road.

2.0 PROPOSAL

2.01 Listed building consent is sought for the demolition of rear extensions, internal and external alterations, and erection of rear extensions to Somerfield Terrace in order to create 60 one/two bedroom apartments that are proposed under planning application 20/504127/FULL, which is also on this Committee Agenda.

2.02 Works to the listed wall at the front of the site are also proposed to provide room for a bus shelter and waiting space in connection with application 20/504127/FULL.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SP18, DM1, DM4
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- London Road Character Area Assessment SPD (2008)

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 1 representation received raising the following (summarised) points relevant to listed building consent considerations:

- Proposals will destroy the site's importance and value.
- There should be no new additional buildings or demolition.
- There should be no new higher buildings.
- The 3rd floor rear extensions are not in keeping with the listed building and are modern.
- Rear extensions obscure views of GII building at the rear and is out of character.
- Lack of public benefit.

4.02 **Councillor Purle** requests the application is considered by the Planning Committee, *"if officers are minded to approve the application in view of the obvious local interest & concern."*

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 **Historic England:** Do not wish to offer any comments.

5.02 **MBC Conservation Officer: No objections** subject to conditions. *"In summary, the proposed works to the listed building would result in a small degree of less than substantial harm, but this is outweighed by the benefits of bringing the buildings back into an appropriate use and reversing unsympathetic modern interventions. The proposed works to the curtilage listed retaining wall would in my view result in a modest level of harm to the listed building. I consider the harm would be at the lower end of less than substantial and is likely to be outweighed by the public benefits of the works and the wider proposals."*

6.0 **APPRAISAL**

6.01 This is an application for listed building consent where the only considerations are the affect upon the character of Somerfield Terrace and the listed wall as buildings of special architectural or historic interest.

Conversion works, alterations and extensions to the listed building and listed wall

Significance of listed building

6.02 Under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant listed building consent for any works the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The NPPF requires LPAs to identify and assess the particular significance of any heritage asset that may be affected by development and the impact the development may have on it.

6.03 Somerfield Terrace comprises a row of eight semi-detached former houses dating from the early/mid-19th century, linked and extended to the rear in the 20th century. The original buildings are generally of high significance and retain a number of internal and external features, while the modern alterations in the mid to late 20th century make either a neutral or negative contribution to significance as outlined in the applicant's Heritage Statement (HS). The site as a whole contributes to the setting of grade II listed buildings at 61 and 81 London Road, and the buildings together form a group.

6.04 I agree with the applicant's HS that it is the frontage facing London Road that is the most significant elevation of the building. This part of the building, excluding the two storey linking structures that were constructed in the 20th century, replacement of a small number of windows and loss of two of the original leaded porches, is predominantly intact and of clear architectural and historic interest. The HS outlines, with which I agree, that

"architectural interest stems from the building's repetitive form, Classical influences and high level survival of original and historic fabric. Historic

interest is primarily due to the building being a high quality example of an early to mid 19th century row of dwellings. The rear of the terrace is heavily altered and it is only the rear of nos. 75 and 77 which remain exposed and unaltered to any material degree. All other buildings in the terrace have been built up against and incorporated into later extensions. These later extensions, which severely affect the legibility of the historic building (both internally and externally), significantly detract from the significance, and ability to appreciate the significance, of the grade II listed terrace."

- 6.05 Internally, despite high levels of alteration in connection with the hospital use, the historic plan form remains broadly appreciable and a high number of either original, or well detailed replica decorative features survive which contribute to the significance of the listed building.
- 6.06 In terms of the building's setting, to the rear this has been altered significantly and the former narrow rear gardens which once had stables and coach houses have been lost completely. The frontage remains intact with the tree lined drive and the listed wall and so contributes to the building's significance, and the listed buildings to the north and south contribute to the setting.
- 6.07 Therefore it is considered that the building's heritage significance derives from the front elevation of the terrace and its setting to the front, and the internal plan form and decorative features.

Assessment of proposals

- 6.08 Works proposed are to the outside of the listed building, demolition to the rear, and the proposed rear extensions. The works to the front of the listed terrace are limited to the re-instatement of three metal porches and repair of existing, re-instatement of an original entrance with replacement of a more recent entrance with a new window to the front, and one small roof light on both the side north and south elevations. The proposed porches and repairs, and the original entrance would reinstate original features and therefore improve the frontage and enhance the significance of the listed building and their detail can be secured by condition. The other changes are minor and would not harm the appearance of the listed building on the important front elevation.
- 6.09 The main changes would be on the rear west elevation which has already been significantly altered and for this reason does not represent a positive part of the listed building or contribute to its significance. Here there would be some new windows and doors either to provide light to rooms, access, or connections to new rear balcony areas. All new openings would match existing with timber sash windows and timber doors and match the alignment of existing openings. For these reasons they would not cause any harm to the listed building or its significance. The removal of modern hospital extensions would reveal the historic rear elevations of the houses and result in a clear enhancement to the listed building and its setting.

- 6.10 There are two existing modern two storey projections off the rear of the listed building. These would both be retained but extended upwards with a mansard style roof added to create a second floor. The southern projection would also be extended rearwards. For both projections it is proposed to alter their connection with the listed building by replacing the current unsympathetic two storey link with a single storey section. This would provide a clearer separation from the listed building and opens up part of the rear elevation. The additional second floors are modest in size, recessed and would have a metal standing seam finish. This articulation and change in material would break up the mass of the upward extensions and they would remain below the height of the listed building and so not compete with the main building. The extension rearward on the southern projection would be modest and would not compete with or result in any harm to the listed building. Windows would be more contemporary which reflects the current windows and provides an acceptable contrast with the listed building. Existing single storey buildings connected to the rear projections would be retained with one rendered to match existing buildings and more sympathetic windows provided. Rooftop PV panels are proposed on these rear wings which would provide renewable energy and it is considered that subject to the detail these would not be highly visible and so would not cause any harm to the listed building. For the above reasons the proposals would respect the listed building and would not cause harm to its character, appearance, significance or setting.
- 6.11 Overall, the proposals are sympathetic and would not cause any harm to the listed building, would improve the rear, and in the case of the frontage would enhance the buildings significance. The Conservation Officer considers the works to the listed terrace and removal of modern extensions to the rear would enhance the building and that the rear extensions are suitable. The listed building is also currently vacant and whilst it is not in a poor condition or deteriorating, the works are proposed in order to bring the building back into residential use, its original use, and thus ensure the building is conserved and maintained which is clearly desirable and a positive aspect to the proposals. This is all in accordance with policies SP17 and DM4 of the Local Plan and the NPPF.
- 6.12 To create the new rooms for the proposed apartments various internal changes to the listed building are proposed including the removal of some walls and openings together with the insertion of new walls and openings. The internal works proposed would reinstate the main party walls but also subdivide several historic spaces, primarily to the rear and upper rooms. I agree with the Conservation Officer that the disruption of the historic plan form, particularly the relationship between front entrances and staircase halls to some houses, results in some harm but this is relatively low. It will also be necessary to upgrade the services, acoustic insulation, mechanical ventilation, vertical service risers, and fire separation within the building, and the Conservation Officer is comfortable with the general approach proposed, subject to further detail being submitted but this will introduce modern features and changes, which would inevitably cause some low level harm to the building which is considered to be 'less than substantial'.

Listed wall

6.13 Works to the listed wall fronting London Road are proposed which would create a rectangular space 7m x 1.5m providing an area for people waiting for the bus and a bus shelter. This would avoid the root protection area of trees along the frontage so they would not be harmed. This has been proposed in response to the KCC Highways initial view that the whole wall should be set back to provide a wider pavement for pedestrians/those waiting for buses and a bus shelter, which commonly are school children who congregate in this area waiting for buses, often using the grass bank within the site. As the development would increase some footfall at peak times the proposals are a proportionate response bearing in mind the wall is listed and the increased footfall would not be significant. KCC Highways have reviewed the proposals for the bus shelter/waiting space and raise no objections. The changes would result in harm to the listed wall and some harm to the setting of the main building as they would introduce an inlet on an otherwise straight wall. However, I consider this would be 'less than substantial' harm as it would represent a small part of the wall across the frontage and new street furniture in an area where some street paraphernalia already exists, and the Conservation Officer agrees. Conditions can be attached to ensure the method of deconstructing the wall and rebuilding reusing the existing stone is appropriate.

6.14 It is considered that the internal changes and changes to the listed wall would result in a low level of 'less than substantial harm' to Somerfield Terrace, its setting, and the listed wall and so this needs to be balanced against any public benefits. Public benefits arise from the re-use of a vacant brownfield site including social benefits associated with the provision of 73 new homes. Economic benefits arise from employment connected with the conversion and construction works. There are also clear benefits from the proposed enhancements to the front and rear of the listed building and bringing the building back into its original residential use which would ensure the building is conserved and maintained. These benefits are considered to attract significant weight. The works to the listed wall would provide a wider pavement and bus shelter for waiting passengers which would improve pedestrian safety but as this is partly to mitigate the increased footfall this does not attract as much weight as the other benefits. Nonetheless it is still a clear benefit. Having special regard to the preservation of the listed buildings and their settings and the listed buildings special architectural and historic interest, it is considered that the low level of harm caused is outweighed by these respective public benefits in accordance with Paragraph 196 of the NPPF and policy DM4.

7.0 CONCLUSION

7.01 Under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant listed building consent for any works the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7.02 The proposed external alterations, demolition of modern buildings to the rear of the listed building (Somerfield Terrace), and rear extensions would

enhance the appearance and significance of the listed building or cause no harm.

7.03 There would be a low level of harm to the interior of Somerfield Terrace and to the listed wall but the significant public benefits arising from the re-use of a vacant brownfield site with the provision of 73 new homes and the associated social and economic benefits, the enhancement and conservation of the listed building; and improvements to pedestrian safety on London Road outweigh this less than substantial harm.

7.04 It is concluded that the listed building consent works are acceptable and comply with all relevant policies of the Development Plan and the NPPF.

8.0 RECOMMENDATION

GRANT LISTED BUILDING CONSENT subject to the conditions set out below:

Conditions:

Approved Plans

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

3152-DEN-A-01-DR-A-2001 Rev J; 3152-DEN-A-02-DR-A-2002 Rev J; 3152-DEN-A-GF-DR-A-2000 Rev K; 3152-DEN-A-RF-DR-A-2003 Rev A; 3152-DEN-A-ZZ-DR-A-4000 Rev C; and 3152-DEN-ZZ-ZZ-DR-A-1001 Rev N

Reason: To clarify which plans have been approved and protect the listed buildings.

Time Limit

2. 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.

Pre-Works

3. No works to Somerfield Terrace shall take place until the following details have been submitted to and approved in writing by the local planning authority:
 - a) Details of new porches, timber windows, external timber doors, and obscure glazing;
 - b) Details of internal joinery and secondary glazing;
 - c) Details of mechanical ventilation including location of extract points and specification of external covers;

- d) Details of vertical risers including access hatches and works to cornices;
- e) Submission of a schedule of repairs to listed building;
- f) Details of measures to obscure views to and from external bathroom, shower room and toilet windows (other than obscure glazing).
- g) Details of solar panels

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

Reason: To protect the architectural and historic interest of the listed building.

4. No works in relation to the listed wall fronting London Road shall take place until details of the retaining wall alterations including methodology, materials, construction, joints and mortar specification have been submitted to and agreed in writing with the local planning authority. The submission shall include details for the re-use of the existing stone. The development shall be carried out in accordance with the approved details.

Reason: To protect the architectural and historic interest of the listed wall.

5. No works to Somerfield Terrace shall take place until written details and samples of the materials to be used in the construction of the external surfaces of the buildings and extensions have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials. The materials shall include the following:

- a) Stock bricks matching those used in the listed part of Somerfield Terrace
- a) Stone for the banding, cills, and lintels

Reason: To ensure a high-quality appearance.

Agenda Item 14



18/506662/FULL & 19/506031/LBC Courtyard Studios, Hollingbourne House, Hollingbourne Hill, Hollingbourne, Maidstone, Kent, ME17 1QJ

Scale: 1:1250

REFERENCE NO -18/506662/FULL		
APPLICATION PROPOSAL Demolition of the rear section of the building and erection of replacement structure, and conversion of front section of building including external alterations, to facilitate the creation of 2 dwellings with associated parking and garden areas. Demolition of existing derelict and unstable (north-east facing) garden wall, reconstruction on existing line at reduced height with 2 additional openings, repairs, restoration of other garden walls and restoration of 1 sunken glasshouse.		
ADDRESS Courtyard Studios Hollingbourne House Hollingbourne Hill ME17 1QJ		
RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions and no new substantive material considerations being raised as a result of the press notice that expires on the 24 December 2020.		
SUMMARY OF REASONS FOR RECOMMENDATION • See below		
REASON FOR REFERRAL TO COMMITTEE Cllr Patrik Garten has referred this application to committee on the basis of the comments set out at paragraph 4.12.		
WARD North Downs	PARISH/TOWN COUNCIL Hollingbourne	APPLICANT Mr. Paul Dixon AGENT DHA Planning
TARGET DECISION DATE 24/12/2020 (EOT)		PUBLICITY EXPIRY DATE 24/12/2020

Summary reasons for recommendation

- Large photographic studio spaces, like the one on the application site are in general decline and the current use operates below capacity and inefficiently.
- The proximity of other residential uses means the commercial use was approved as an exception subject to a number of restrictions to prevent harm to amenity. These restrictions and the proximity to residential reduce the potential for long term viable business use without harm to neighbouring residents.
- The council has previously accepted the loss of the business use granting permission for ancillary residential use as a swimming pool with a tennis court in the rear garden.
- The proposal when considered as a whole is not a conversion and any more intense business use, due to the adjacent residential uses, would be directed to the economic development areas urban area or the rural service centres.
- The proposal will remove the existing business use that is operating substantially below capacity and provide two family homes offering a good standard of space and improvements to neighbour amenity.
- With reference to Local Plan guidance on policy DM5 (paragraph 6.37), the proposal site is not of high environmental value, but significant improvement will arise from the works in a number of ways.
- The proposal involves the reinstatement of original building openings that will reduce the current blank ground floor appearance and restore the building symmetry.
- The removal of this overly restricted commercial use will remove a non-conforming use in this location with a positive impact on amenity.

- Further improvements will arise from the restoration works to the historic walls with slight modification that will allow the buildings to provide two family units with access to the rear amenity space. These works restoring the residential link to these gardens and ensuring the long term maintenance of the walls and bring the gardens back into use.
- With the substantial historical alterations to the curtilage brick walls (including LBC 99/1078) the proposal will retain their significance that comes from their alignment materials, and bond.
- The site will be made accessible by sustainable modes by the provision of cycle parking, electric vehicle charging points (for existing and future residents) and by other agreed measures through a condition to encourage sustainable travel options.
- The proposal includes car parking in accordance with minimum standards and is acceptable in relation to trip generation, biodiversity and landscape.
- Special regard has been had to the desirability of preserving Hollingbourne House its significance, its setting, and features of special architectural or historic interest including the curtilage listed walls.
- The harm that will result from the proposal to the significance of Hollingbourne House, the curtilage listed walls, the glasshouse, donkey wheel and gazebo will be less than substantial. The less than substantial harm to the significance of these heritage assets will be outweighed by the public benefits of the development. These public benefits include improvements to the front building elevation, heritage benefits arising from repairs to all the garden wall that will ensure their long term survival, the accessibility improvements to the garden space for future occupiers and the restoration works to the sunken glasshouses and securing the optimum viable uses consistent with their conservation.
- The proposed roof extensions facilitate the provision of staircases that allow the efficient use of the building as part of the provision of 2 good quality family homes with the existing roof space assessed by roof hatches.
The proposal is in accordance with the Maidstone Borough Local Plan (2017) policies SS1, SP17, SP18, SP19, SP21 DM1, DM3, DM4, DM5, DM6, DM8, DM23 DM30, DM31 and Appendix B.

Figure 1: Aerial photograph of the application site (Credit Google Earth)



Relevant planning history

- 19/506031/LBC Listed Building Consent for the demolition of existing derelict and unstable (north-east facing) garden wall, reconstruction on existing line at reduced height with 2 additional openings, repairs, restoration of other garden walls and restoration of 1 sunken glasshouse. Pending Consideration (separate report on this agenda).
- 18/500228/FULL Conversion and adaptation of existing photography studio into 2 dwellings with associated parking and garden area. Refused 17.04.2018 for the following reasons:
 - 1) *The proposed external works and extension due to the, design, scale and bulk of the proposals fail to respect the character and appearance of the existing buildings and would result in an overly domestic, urban and disjointed appearance that fails to respect the existing buildings contrary to Policies SP17, DM1, DM30, DM31 and the National Planning Policy Framework 2012.*
 - 2) *The application fails to demonstrate that the buildings are of sound construction and their re-use and the reconstruction in the form proposed can be achieved without major or complete reconstruction contrary to Policy DM31 of the Maidstone Borough Local Plan 2017.*
 - 3) *The proposed development would be located in an isolated position within the defined countryside, as established by adopted Local Plan Policy SS1 and SP17 which places emphasis on housing development within sustainable locations. The application for the creation of additional dwellings here has failed to demonstrate a significant environmental improvement and that the site can be reasonably made, accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village as is therefore contrary to Policies SS1, SP17 and DM5 of the Maidstone Borough Local Plan 2017 and the National Planning Policy Framework 2012.*
- 14/0201 Change of use of studio outbuilding and associated service areas to a purpose incidental to the enjoyment of Mulberry and Well Cottages, and erection of fencing around a tennis court. Granted 07.04.2014
- 99/1078 Listed building consent for partial reduction in height of garden wall and formation of new gateway Granted 16.08.1999
- 99/0120 Retrospective listed building consent application for partial demolition of garden wall to provide fire escapes to building regulations requirements and amenity to office and workroom facilities. Refused 19.03.1999 for the following reasons *"The section of wall, the subject of this proposal is listed having been erected prior to 1948 and is within the historic curtilage of Hollingbourne House which is a grade II listed building. It is considered that this section of wall forms an important and integral part of the historic setting of Hollingbourne House and its demolition adversely affects the special historic and architectural interest of this listed building and its curtilage contrary to policy ENV19 of the Kent Structure Plan 1996, policies ENV3 and ENV4 of the Maidstone Local Plan 1993 and policies ENV11 and EMV12 of the Maidstone Wide Local Plan (Deposit) draft".*
- 99/0119 (Part retrospective) Insertion of windows and doors to north east elevation of the office and workroom facilities Granted 19.03.1999
- 97/1765 Change of use to a mixed use for photographic business (B1) and continuation of existing carpentry business ancillary to existing electronic workshop, and external alterations. Granted 01.05.1998 with conditions including a restriction to only B1(b) and B1(c) for the reason that "Unrestricted use of the building or land would cause demonstrable harm to the character, appearance and functioning of the surrounding area and/or the enjoyment of their properties by adjoining residential occupiers" and stating that no activity in connection with the

uses hereby permitted shall be carried out outside the hours of 18:00 and 08:00 and not at any time on Sundays, Bank or Public Holidays in order to safeguard the enjoyment of their properties by adjoining residential occupiers.

- 89/1936 Erection of detached garage block. Granted 20.02.1990
- 83/1419 Retrospective application for change of use from residential to electronic workshop and office. Granted 28.12.1983

Figure 2: Existing front building elevation



Judicial review of the decision dated 29 March 2019

- The Council issued a planning decision notice on the 29 March 2019 for the application under reference 18/506662/FULL, with the decision notice granting conditional planning permission.
- On behalf of the occupier of Hollingbourne House, the Council were informed on the 7 May 2019 (Pre-Action Protocol letter) of the intention to submit a judicial review against the decision to grant planning permission on four separate grounds.
- The Council indicated in a response letter dated 16 May 2019 that it accepted that *"there has been a failure to clearly identify what the setting to the listed building is in order to then set out how any impact, if any, to the setting of the Listed Building is mitigated by the proposed development"*. The Council accepted that for this reason it would not contest the claim which should succeed under Claimant's grounds 2 and 3.
- A High Court Consent Order dated 8 July 2019 quashed the decision made by the Council to grant planning permission on the 29 March 2019.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site (covering 0.02ha) is approximately 1km from the Hollingbourne settlement (Hollingbourne Hill and Pilgrims Way crossroads). The main part of the application site is approximately 85 metres to the south east of Hollingbourne Hill (B2163) with an internal service road providing vehicle access from the main road.
- 1.02 Whilst in the countryside, the application site is not in an 'isolated' location. The application site is located within a larger group of buildings that include a collection

of functional agricultural buildings (Hollingbourne Farm) to the south east. The residential building called the Garden Cottage wraps around the northern corner of the application site.

- 1.03 To the south west of the red line application site boundary is Hollingbourne House (grade II listed). In addition to the main house (which faces south west), the building footprint also includes two cottages to the rear, with Wells Cottage attached to the rear of Hollingbourne House and Mulberry Cottage attached to Wells Cottage. These two cottages are in the applicant's ownership with the main Hollingbourne House in separate ownership. A further group of residential properties are located to the north west (125 metres from the site boundary) located on the opposite side of Hollingbourne Hill.
- 1.04 There are three entries on the national list of historically important buildings in the area surrounding the application site. To the north of the site entrance to Hollingbourne Hill (86 metres from the main part of the application site) is the Gazebo which is grade II listed. The Donkey Wheel is located 9 metres to the north west of the application site boundary which is grade II listed and Hollingbourne House (Mulberry Cottage and Wells Cottage) which is also grade II listed adjoins a section of the south west application site boundary.
- 1.05 Whilst the building on the application site is not listed or a non-designated heritage asset, a stretch of wall to the north east (rear) of this building has been identified as being curtilage listed by the local planning authority by virtue of its age and location in the curtilage of the original main house. The other walls of this residential garden area and one of two derelict glasshouses within the garden are also curtilage listed.
- 1.06 An area of Ancient Woodland (Marshall's Shaw) is located 185 metres to the north east, a local wildlife site is located 170 metres to the south west of the site. The roadside verges between the access to the application site to a point just to the north east of the Hollingbourne Hill and Pilgrims Way junction are protected. The application site is located in the Kent Downs Area of Outstanding Natural Beauty. There are group tree preservation orders on the opposite side of the site access in Hollingbourne Hill and the isolated tree in the open field to the north east (30 metres from the application site) is also covered by a tree preservation order.

Figure 3: Site outlined in red and adjacent heritage assets



- 1.07 The red line application site boundary includes the vehicle access drive from Hollingbourne Hill, with the main part of the application site broadly rectangular in shape.
- 1.08 The internal access drive from Hollingbourne Hill arrives at a courtyard that is located at the rear of the main Hollingbourne House building. Immediately to the left as you enter the courtyard is a small single storey building called the Smokery. The courtyard is located between a building attached to the rear of Hollingbourne House and the front of the building on the application site.
- 1.09 After the building to the rear of Hollingbourne House was purchased, it was renovated by the applicant and converted to provide the two cottages that are now present. The applicant lives in Mulberry Cottage and Wells Cottage provides a holiday let. Whilst these two cottages are located just outside the application site, an area of raised beds in front of the cottages is part of the application site.
- 1.10 The buildings occupied by the cottages would originally have provided ancillary accommodation to the main Hollingbourne House such as kitchens and servants quarters. Whilst these buildings are not mentioned in the official listing description, with this association and attachment they form part of the Hollingbourne House listed building.

Figure 4 Garden view to the south east towards neighbouring agricultural buildings

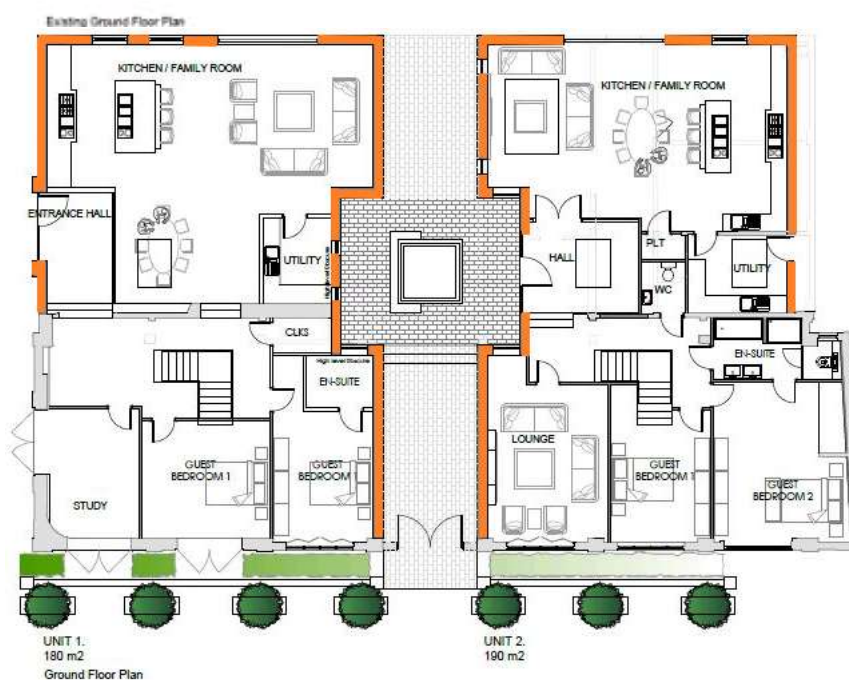


- 1.11 The application site is occupied by a large commercial building. Submitted evidence suggests that a former building in this location was also previously used as ancillary space to the main house, including as stabling and as a milking shed prior to the sale of the adjacent farm in 1975. The existing building on the application site is currently used by a photographic business (known as 'Apache' Studios or Courtyard Studios) following the planning permission under reference 97/1765.
- 1.12 Externally there is a clear visual distinction between the front and rear parts of the building. The rear building constructed in the 1950's is a redundant cattle shed with a steel frame construction, breezeblock wall infills, cement sheet roof. The existing black timber cladding dates from around 1992. The building has a roof eaves height of circa 3.3 metres and a ridge height of 5.4 metres and is 27 metres wide with the side elevation of 10 metres. A section of the roof space of this rear

part of the building has a concrete floor and is accessed by way of two roof hatches. The rear part of the building is internally domestic in scale consisting of smaller rooms and ancillary space to the main front studio space.

- 1.13 The front building in red facing brick and a cement sheet roof was constructed in the 1980s as part of works to replace and extend the front part of the building. This building has a roof eaves height of circa 3.7 metres and a ridge height of 5.8 metres and is 28 metres wide with a side elevation of 8 metres. The front part of the building has a double height space that provides the main large single studio space for the current use with natural light provided by existing roof lights.
- 1.14 Although of different heights and widths, the two buildings both have dual pitched roofs and side gables with a triangular dormer in the middle of the front elevation. This building is not listed, it is not a heritage asset and due to its relatively young age the building is not curtilage listed.

Figure 5 existing ground floor plan (top) and proposed ground floor plan (bottom) showing a reduced footprint in the rear section and new walls in orange.



- 1.15 At the rear of the studio building is a walled garden that is thought to formally have been a functional space linked to the main Hollingbourne House. The wall to the south west of this space that runs parallel to the studio building is thought to have enclosed an animal yard linked to the use of a building used for stabling. The brickwork in the walled garden shows that the walls have been significantly altered and reconstructed in the past and are currently in poor condition and in at some points in danger of collapse. Whilst now separated from the main listed building by the studio building, these walls are listed as a result of their age and the location in the curtilage of the grade II Hollingbourne House.
- 1.16 At the northern (rear) end of the walled garden are two derelict sunken glasshouses. The submitted information states that one of the structures that is built with imperial red brick dates from the late 1800's and is curtilage listed and the other from the 1950's.

Figure 6: Comparison between the existing rear elevation and the rear elevation currently proposed.



2. PROPOSAL

- 2.01 The submitted proposal involves the demolition and reconstruction of the timber clad rear part of the existing studio building. The applicant has said that the reasons for demolishing and replacing the rear building include the significant improvements to the levels of thermal efficiency that will be achievable in the completed building.
- 2.02 The new rear section of building will have a slightly smaller footprint when compared to the existing structure. The new rear section of the building has the same roof height and same roof form and will have black timber cladding to match the existing building (see figure 6 above).
- 2.03 The existing bulls eye window to the north west (side) elevation will be replaced with a window similar to the existing window to the south east (side) building elevation. New glazing to the side elevation will provide natural light to a double height entrance lobby that also provides legibility to this front entrance to one of the two proposed dwellings.
- 2.04 The external alterations to the retained front section of the building include the replacement of the triangular dormer to the front elevation with more functional

roof lights. Glazing will be installed in the existing blocked up openings at ground floor level to the front and side of the building to match the existing adjacent openings on the front elevation.

- 2.05 The proposal includes 2 roof additions. The roof additions are set back by over 5 metres from north west elevation and 4 metres from the south east elevation and behind the front and rear roof slopes. These extensions provide head room for internal staircases located in the two proposed residential units. The proposal also involves the creation of an internal covered courtyard in the centre of the building; the courtyard provides the entrance to the second of the two dwellings and direct access from the courtyard through to the rear walled garden.
- 2.06 The 2 dwellings will be formed from the replacement floor space to the rear of the building, the retained converted business floorspace in the front part of the building and relocation of existing floor space in the roof.
- 2.07 In terms of materials, the rear section will be timber weatherboarding to match the existing building and the front section the existing retained facing brick. The roof will be of slate; and the fenestration of dark aluminium frames.
- 2.08 The proposal includes formalised parking for the occupiers of the existing accommodation to the south west (Wells Cottage and Mulberry Cottage) and the new dwellings in the courtyard area, including in front of the cottages.
- 2.09 The proposal includes the demolition of the existing garden wall to the rear of the existing studio building and its reconstruction in its existing position. The wall will be at a reduced height of 1.2 metres over part of its length with 2 additional openings.
- 2.10 Repairs and restoration works are proposed to other walls within the rear garden. The proposal includes the restoration of a period sunken glasshouses close to the rear boundary of the site with Garden Cottage and the removal of the more recent second glasshouse. The rear garden areas will be separated by a hedge.
- 2.11 Following the earlier advice from the Council's conservation officer and the reasons for the refusal of the earlier planning permission (application 18/500228/FULL) the proposal has been significantly altered and improved.
- 2.12 These changes include a much simplified design for the rear section of the building that more closely reflects the form and scale of the existing building. The alterations to the front part of the building now reflecting the functional building appearance. The submitted revised proposal is supported by the Council's conservation officer.

3. POLICY AND OTHER CONSIDERATIONS

- 3.1 The status of the development plan is confirmed by Section 38 (6) of the Planning and Compulsory Purchase Act, 2004 which states: "... *determination must be made in accordance with the plan unless material considerations indicate otherwise.*" The supplementary planning guidance and national policy and guidance are material consideration in the determination of planning applications.

Development Plan

- Maidstone Borough Local Plan 2017 SS1, SP17, SP18, SP19, SP21 DM1, DM3, DM4, DM5, DM6, DM8, DM23 DM30, DM31 and Appendix B.

Supplementary Planning Guidance

- Kent Downs AONB Management Plan 2014-2019 (2nd Revision) SD2, SD9, HCH1 and HCH4
- Maidstone Borough Landscape Character Guidelines SPD

- Supplementary Planning Guidance SPG4 'Kent Vehicle Parking Standards' of the Kent and Medway Structure Plan (July 2006)

National policy and guidance

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Historic England Managing Significance in Decision Taking in the Historic Environment (2015).
- Historic England The Setting of Heritage Assets (2017).

4. LOCAL REPRESENTATIONS

Local Residents:

4.01 Two representations (including one representation from a planning consultant acting on behalf of a neighbour) have been received from local residents objecting to the proposal for the following summarised reasons

- The development is contrary to policy DM5 as it will not result in a significant environmental improvement.
- Policy DM31 is not applicable to this development as the works do not constitute a conversion but amount to major reconstruction. It is overdevelopment and domestication very close to a working farm.
- With the site location in the countryside and the AONB the proposal is contrary to policies SS1, SP17(1) and the NPPF. The site does not represent a sustainable location where new build dwellings would normally be acceptable
- The proposal is 'inconsistent' with policy SP21 vii) which prioritises the commercial re-use of existing rural buildings in the countryside over conversion to residential use.
- A comparison between the introduction of the Heritage Report (the domestication the building and the reconstruction of the wall will cause harm on the significance of the heritage assets) and paragraph 4.3 of the same report (alterations would not result in any impact to the significance of Hollingbourne House) 'is confusing'.
- The suburban design (flat box roof and extensive glazing) is out of keeping with the prevailing character of the site, will detract from the agricultural character of the building and from the overall aesthetic of the estate and competing with the architectural features of Hollingbourne House.
- The side elevation windows will be visible when entering the site and from the listed walled gardens and will 'draw the eye' and 'significantly alter the experience of the historical surroundings of Hollingbourne House'.
- The proposal is dominating and overbearing, it is not subservient to adjacent Grade II listed building, and fails to conserve or enhance its significance.
- The demolition and rebuilding of a curtilage listed wall will lead to harm and the loss of historic fabric with significant alterations to the 'dimension of the wall' along with the creation of new openings. This is considered contrary to paragraphs 193 and 194 of the NPPF.
- If a financial argument is being made in relation to paragraph 79 of the NPPF, this decision needs to be informed by 'the appropriate calculations and conservation deficit figures'.
- Following a 'design exercise' carried out by the neighbour's consultant, it is considered that an alternative scheme to convert the existing barn into one large 4-bed house is entirely achievable and is possible with less harmful impact.
- The submitted application is lacking supporting information in relation to marketing, construction and structural information, independent valuation, and biodiversity protected species.
- It is considered that the changes made to the application description are "...incredibly confusing for everyone!".
- The advertisement of the planning application in the local press is questioned.
- It is questioned as to why the local highways authority have not been consulted.

- The comments received from the conservation officer dated December 2019 are misleading.
- I was not sent notice informing me of the application. (*NB: Consultation letter was sent on the 3 January 2019 to Hollingbourne Farm Hollingbourne Hill Hollingbourne*)
- I object to a listed wall being demolished. It is an important feature of the setting of Hollingbourne House that the four walled gardens remain intact. The Dixon's have not maintained the listed walls and allowed them to fall into disrepair. The walls form part of the historic fabric of the original farm and estate and are listed to protect them from such development.
- No Listed Building Consent has been applied for (*NB: A linked listed building consent application has been submitted and is considered as part of a separate report*)
- The design of the houses is not in keeping with the rural setting. It has too much glazing and is a poor overly modern and urban design (*NB: The building design has been subsequently amended with a reduction in the quantity of glazing*).
- It is the not an appropriate design for an attractive historic location in an Area of Outstanding Natural Beauty.
- It looks to be predominantly a new build and therefore this surely must need to be a new build application and be scrutinised as such.

Assessment by Heritage Collective on behalf of a neighbour

(Comments on earlier proposal with relocation of the curtilage listed wall)

- 4.02 A neighbour has commissioned an independent heritage assessment carried out by Heritage Collective in summary the submission makes the following points that relate to the current application
- 4.03 Hollingbourne House is an asset of high quality and any application affecting its setting needs to take into consideration the effect on its heritage significance.
- 4.04 It has clear architectural and historical interest as a late 18th century mansion with associated grounds and individually listed features (Donkey Wheel and Gazebo, both separately listed grade II).
- 4.05 The heritage value of Hollingbourne House is experienced within a rural setting, with views toward and from the house defined by a country estate character with ancillary, agricultural and ornamental buildings evident in most views.
- 4.06 The substantial walls encircling the four walled gardens contribute to the historical interest of the house by indicating its former grounds, the use of walled gardens for various crops and the varying function of different spaces within an estate of this size.
- 4.07 Any scheme should recognize that the grounds of Hollingbourne House are relatively intact and thus sensitive to change which does not take account of significance.
- 4.08 The proposed development would cause less than substantial harm to the grade II listed building through alteration and relocation of a curtilage listed wall and harm to the historical significance of the building through inappropriate change within the setting of the building. As identified above the survival of no less than four separate walled gardens within the grounds of Hollingbourne House is unusual and worthy of preservation.
- 4.09 In relation to local policy this development would not preserve or enhance the distinctiveness and quality of the area's heritage assets as required by Policy SP18, nor does it conform to the requirements of Policy DM1 in relation to good design. By introducing alien roof extensions and excessive glazing to the two buildings the proposal would not respond positively to its local area or the historic

character of the surrounding buildings, nor would it 'provide a high-quality design which responds to areas of heritage and townscape'.

4.10 Policy DM4 requires heritage assets to be conserved and where possible enhanced. This will not be the case if this proposal is permitted.

4.11 Regarding Policy DM31.1 the proposal would fall foul of point (c) as the alterations proposed would not be in keeping with the landscape and building character in terms of materials used, design and form. It would also contravene point (e) relating to walls and fences through the introduction of new boundaries that would harm the landscape character of the walled garden. The application should be refused.

Councillor Patrik Garten

4.12 The policy determining conversion of rural buildings, Policy DM31 permits residential use only where every reasonable attempt has been made to secure a business re-use of the building. Evidence setting out why the business re use is not appropriate for the buildings needs to be provided and ought to be scrutinised by committee.

4.13 Neighbours allege that the proposed works are unsympathetic, overly domesticated and fail to respect the character and appearance of the setting of the Grade II listed Hollingbourne House. As this is partially a subjective assessment, it should be considered by a committee.

4.14 As my previous reasons explains, the reason for call-in is mainly to secure public confidence in the planning process, which was previously thwarted and required a judicial review. While I welcome the amended details, they do not overcome the unfortunate history of this case.

Hollingbourne Parish Council

4.15 Do not wish to comment or object.

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)

Historic England

5.01 No comment. On the basis of the information provided, we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.

Conservation Officer (MBC)

5.02 I support the application and raise no objections from a conservation point of view. The works are wholly in line with our discussions on site and the submission is clear and of good quality

5.03 The initial proposal relating to the historic wall adjacent to the development site was that it would be demolished and relocated. I took the view that this would cause harm to a heritage asset and for no clear benefit.

5.04 The solution agreed with the applicant was to keep the wall in its historic location but it would be taken down and rebuilt using the viable bricks from the surviving wall supplemented by some bricks salvaged from earlier work. This will deal with the serious problems affecting the wall particularly its dangerous lean and the general decay of the masonry caused by invasive vegetation.

5.05 It is unlikely that enough bricks will be salvaged to rebuild the wall to its present height and accordingly it was agreed that the wall could be rebuilt at a lower

height. It was also considered as acceptable that the applicant could make some new openings in the wall to suit the needs of the redeveloped adjacent building. The result will be a wall which retains the historic boundary line of the walled area and one which is stable and generally clear of other agents of decay. This seems to me to be a significant gain for the historic asset where there is currently a high risk of collapse and loss.

- 5.06 The works to the remainder of the boundary wall are measured and proportionate. Repairs and alterations have been carried out over the years and this is a continuation of that process which will enhance the appearance and condition of the boundary wall. The line of the boundary will be maintained
- 5.07 There is a historic glass house within the walled area. The structure is partly below ground and this part survives. All the above ground construction has been lost and there are no records of the form of the glass house. The applicant has proposed to build a lightweight structure on the historic base which will bring the building back into use as a glass house. The new construction will sit on top of the historic fabric but none of that original material will be removed or damaged by the new work. This work will protect the historic fabric from further decay.
- 5.08 The conversion of the existing studio building will bring about some alterations to the external appearance but this is minor and it is not considered that it will cause damage to the setting of the listed building. There is some upward extension of the building which will affect the roof line but this work is contained within the valley of the existing roof and will not be visible from Mulberry and Well Cottages. There is also a proposal to replace some of the infill panels on the southwest elevation with glazing instead of solid panels. This, in heritage terms, is simply a change in material and will not impact on the setting of the listed building.

Local Highways Authority (KCC)

- 5.09 No comment, the development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns. Recommend standard informative on any highway approvals that may be necessary.
(NB: in light of the nature of these comments and no new potential related issues the highways authority was not consulted on revisions to the proposal)

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Loss of the existing commercial floor space and the provision of a residential use
 - Brownfield Land DM5 and sustainability of the location
 - Design, appearance, the countryside and the Kent Downs AONB
 - Heritage
 - Residential amenity.
 - Standard of proposed residential accommodation.
 - Transport and traffic, access and servicing, car and cycle parking
 - Ecology and biodiversity, trees and landscape.

Loss of the existing business use and provision of residential floor space

- 6.02 Policy SP 21 of the adopted Local Plan states that the council is committed to supporting and improving the economy of the borough and providing for the needs of businesses. The policy sets out these aims will be achieved through a number of measures, with points i), ii), iii) and iv) of SP21 referring to the intensification of uses within the existing designated economic areas, referring to support for existing

premises in the urban area and rural service centres and improving these areas and Maidstone Town Centre for business purposes.

- 6.03 A change of use of the application building from the existing low intensity use is likely to amount to a business expansion. Policy SP21 (viii) supports proposals for the expansion of existing economic development premises in the countryside, provided the scale and impact of the development is appropriate for a countryside location in accordance with policy DM37. Policy DM37 states that 'expansion' will be permitted in rural areas where new buildings are small in scale and where floor space would not result in unacceptable traffic levels. Where 'significant adverse impacts on the rural environment and amenity' would occur DM37 again directs expanding business to premises in the urban area or the rural service centres or an economic development area.
- 6.04 The application site is not in an economic development area and is not located in the urban area or a rural service centre. The quantity of business (Use Class B1) floor space that is present (approx. 470 square metres) was only acceptable in this location on the basis that the use of the building was restricted on residential amenity grounds.
- 6.05 These restrictions covered the building use (use class B1 b & c, MA/97/1765) for the reason that "*Unrestricted use of the building or land would cause demonstrable harm to the character, appearance and functioning of the surrounding area and/or the enjoyment of their properties by adjoining residential occupiers*".
- 6.06 The hours of use were also restricted with a condition specifying that no activity in connection with the uses hereby permitted shall be carried out outside the hours of 18:00 and 08:00 and not at any time on Sundays, Bank or Public Holidays. The reason for this restriction was to safeguard the enjoyment of their properties by adjoining residential occupiers. It is also understood that a separate covenant in the title deeds has a similar restriction.
- 6.07 The applicant has provided the background to the general decline of photographic studios with advances in technology (including CGI) and the switch to digital making photography more accessible to the general public. This move to digital has reduced the need for large studio spaces similar to that provided on the application site.
- 6.08 In these circumstances, it is unlikely, given these generally accepted market conditions that an alternative photography business would be found to occupy the application building. Other alternative businesses seeking employment floor space of this size would be directed towards the urban area or the rural service centres or an economic development area by DM37 for the same reasons that the restrictive conditions were imposed on the photography business .
- 6.09 The restrictions placed on the commercial use of the application building as a result of the location and the likelihood of future complaints from adjacent neighbours would make the application building unattractive for alternative for business use.
- 6.10 An alternative more intense business use using the same floor space would represent a business expansion and with the resulting noise, activity and traffic this would be unacceptable in this location. The proposal is in line with policies SP21 (minus vii) that is assessed below) and DM37.
- Nature of the submitted proposal, conversion or a new building SP21 and DM31.
- 6.11 The distinction between the 'conversion' of a building and the formation of a 'new building' or rebuild has been considered by the courts under *Hibbitt v Secretary of State for Communities and Local Government*.
- 6.12 The judgement accepted that complete demolition of a building and it being rebuilt could not be a conversion. It was found that works to form a residential unit from a

pole barn that involved infilling of three open sides was also not a conversion. In other circumstances the judgment advised that the assessment as to whether development was a conversion, or a new build had to be based on the scale and the nature of the proposed works.

Figure 7 The studio space with blocked up openings visible (right hand side)



- 6.13 With the existing building (front and rear parts) covering 470 square metres, the proposal will involve the demolition of 291 square metres or 62% of the original building. The existing external walls of the building are a total of 94 metres long (including window and doors). The current proposal will demolish a length of 51 metres or 54% of the existing external walls (see walls marked in orange in figure 5).
- 6.14 With this extent of building works and the whole of the rear section of the building being demolished and rebuilt the officer view is that the proposal does not represent a conversion.
- Policy SP21 Economic development & DM31 Conversion of rural buildings.
- 6.15 For the reasons outlined above, it is the officer view that the submitted proposal taken as a whole does not involve the conversion of the building and due to the extent of the proposed works the proposal will result in a new building.
- 6.16 Following on from this conclusion, it is the officer view that Local Plan policy SP21 (vii) and policy DM31 do not apply in the consideration of this current planning application. An assessment of the proposal against relevant policies including DM30 is provided later in this report
- 6.17 If members take a different view to officers and consider that the submitted proposal does represent a conversion, an assessment against policy SP21 (vii) and DM31 is provided below.
- 6.18 Policy SP21 (vii) advises that the commercial re-use of existing rural buildings in the countryside will be prioritised over the 'conversion' to residential use, in accordance with policy DM31. Policy DM31 considers the 'conversion' of rural buildings to other uses including residential stating that "Outside of the settlement boundaries as defined on the policies map, proposals for the re-use and adaptation of existing rural buildings which meet a number of listed criteria will be permitted. These criteria are considered below.

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

- 6.19 Whilst not a heritage asset, the front of the application building constructed of red brick and constructed in the 1980's has a functional broadly symmetrical business appearance. The character of the front part of the building comes from the regular building openings across the front elevation that are separated by brick piers and the double height space with roof lights.
- 6.20 The rear of the building with the black timber cladding from 1992 is more domestic in scale with a lower roof ridge and eaves, roof lights and windows of residential domestic proportions (see figure 8).
- 6.21 Whilst it is accepted that historically there has been an agricultural building in this location, the two parts of the existing building are relatively modern. The front red brick building bears little resemblance to either modern or historical agricultural buildings. The rear building with the recent timber cladding, roof form and the domestic openings has the appearance of a converted agricultural barn (see figure 8).
- 6.22 Overall and taken as a whole the building is not of a form, bulk, scale and design which takes account of and reinforces landscape character and therefore its conversion would be contrary to policy DM31, 1i).

Figure 8 Rear elevation of the building viewed from the rear walled garden



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

- 6.23 As set out earlier in this report, as the current proposal involves major reconstruction with the demolition of rebuilding of the rear part of the building the submitted proposal would not meet the requirement of policy DM31 1 ii).

DM31 1 iii). Any alterations proposed as part of the conversion are in keeping with the landscape and building character in terms of materials used, design and form

- 6.24 The proposed changes represent an improvement to the building frontage with the removal of the studio use allowing the existing building openings to be unblocked.

This work will restore the symmetry and rhythm to the building frontage. In this context the proposal meets the requirement of DM31. 1 iii).

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

- 6.25 The submitted proposal includes car parking for existing and future residential accommodation in the courtyard to the front of the building. This parking will not cause harm to the visual amenity of the countryside. The proposal meets this requirement of DM31 1 iv).

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

- 6.26 A new hedge separates the rear amenity areas within the enclosed rear walled garden however due to the location this will not harm landscape character. The proposal meets the requirement of DM31 1 v).

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

- 6.27 The applicant has set out the nature of the current business on the application site and the context of the general decline in photography studios, similar to the space provided on the application site.

- 6.28 The proximity of the existing residential accommodation to both the front and rear of the application building, the shared courtyard and the nature of vehicle access that is shared with the residential uses in Hollingbourne House, Mulberry Cottage and Wells Cottage makes the application building unattractive for potential commercial occupiers.

- 6.29 The sensitivity of the application building location in relation to residential amenity is shown by the existing restrictions placed on the floor space by planning conditions. These conditions would again restrict the interest in the floor space by alternative business occupiers.

- 6.30 The application submission also includes the following information that draws on the applicant's experience of running the existing holiday let (Wells Cottage adjacent to the application site) and the applicant's agent who has 30 years experience of the local property market.

- 6.31 The comments relate firstly to an alternative use of the building in line with the existing permission (B1 b) '*Research and development of products or processes*' and c) '*Industrial processes*') and secondly consider the conversion of the application building to provide holiday let accommodation.

Alternative B1 b) and c) use

- There is insufficient space on the site for the car parking that would be required for an alternative business use (applicant currently lives and works on site)
- The works to increase car parking to make the site more attractive to potential tenants would harm the setting of the listed building
- The use of the site by HGVs would harm residential amenity
- There is a severe lack of mobile and high speed broadband in the area that is important for B class uses.

Holiday let accommodation

- The profitability of holiday let accommodation is low with falling income and rising costs.
- Holiday accommodation available locally already includes a Days Inn, Mecure, Hilton and Leeds estate properties and greater choice with the expanse of Airbnb.
- With the occupancy of holiday lets restricted by the nature of the business (and a requirement of DM31 2 iii), it would be difficult to get finance to cover the initial outlay for the conversion works.
- The realistic income that would be achievable from a competed conversion of the application building to holiday lets would not cover the cost of the finance required.

6.32 Following the above assessment, the submitted proposal meets the requirement of DM31 3 i).

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

6.33 Whilst the front part of the application building is of quality construction it is not listed and its impact on the setting of the nearby listed building is a negative one.

6.34 The contribution of the building to landscape character and the historical development of the Kentish landscape is small. The proposal does not meet the requirement of DM31 3ii).

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

6.35 With the large walled garden to the rear of the site, there is sufficient space for the proposed family accommodation. The proposal includes the repair and restoration of the garden walls and the introduction of the residential use into the building will assist in ensuring the future maintenance of the garden walls. The proposal is in line with policy DM31 3 iii).

6.36 In conclusion, with the proximity of nearby residential occupiers, the granting of planning permission for the use of the application building for commercial purposes was an exception.

6.37 The commercial use of the building was only acceptable on the basis that the building would be occupied by limited uses including a photography studio as an alternative commercial use *would "...cause demonstrable harm to the character, appearance and functioning of the surrounding area and/or the enjoyment of their properties by adjoining residential occupiers".*

6.38 In addition where there are potential '*...significant adverse impacts on the rural environment and amenity*', including where there is business expansion, adopted local plan policies direct commercial uses to the urban area, the rural service centres or an economic development area.

6.39 As set out in the planning history , the council has previously accepted the loss of a business use in the application building and the conversion of the space to ancillary residential use. Planning permission was granted in April 2004 for the change of use of the building from the photography studio with the approved plans showing a swimming pool and garage in the retained building with the rear garden providing tennis courts.

- 6.40 In this context and for the reasons that have been given, the loss of the existing commercial use and the provision of residential use in this location are acceptable.
- 6.41 Officers have concluded (in agreement with an objection from a neighbour) that due to the extent of works proposed overall, the application does not involve the conversion of the building as a whole.
- 6.42 The description of development correctly refers to one part of the proposal as the conversion of the two areas of the building that are retained from business to residential use. In this context policies DM31 and SP21 (vii) are not relevant to this application. If members consider otherwise, and that these policies do apply, the above assessment has found that the proposal is in line with DM31 1(iii), 1(iv), 1(v), 3(i), and 3(iii) but contrary to DM31 1(i), 1(ii) and 3(ii).

Brownfield land DM5 and sustainability of the location

- 6.43 The Local Plan (paragraph 6.38) excludes residential garden land in both urban and rural locations from the definition of brownfield land.
- 6.44 In this context, the land to the rear of the studio building (that is associated with the two cottages and will be retained as residential garden land) is not brownfield land. The studio building with the existing commercial use is located on brownfield land.
- 6.45 Policy DM 5 of the local plan states "*Exceptionally, the residential redevelopment of brownfield sites in the countryside...*" will be permitted where they meet the following criteria
- a) The site is not of high environmental value.
 - b) The 'redevelopment' will result in a significant environmental improvement.
 - c) The density reflects the character and appearance of the area (DM12).
 - d) the site is, or can reasonably be made, accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village.
- 6.46 To assist in the interpretation of policy DM5 the supporting text in the Local Plan (paragraph 6.37) sets out six 'key' considerations to be used in assessing the redevelopment of brownfield sites in the countryside. These considerations are as follows:
- The level of harm to the character and appearance of an area.
 - The impact of proposals on the landscape and environment.
 - Any positive impacts on residential amenity.
 - What sustainable travel modes are available or could reasonably be provided.
 - What traffic the present or past use has generated; and
 - The number of car movements that would be generated by the new use, and what distances, if there are no more sustainable alternatives.

Consideration of DM5 a) and b) above

- 6.47 The two key questions here are whether the large commercial building on the site is currently of high environmental value, and whether the 'redevelopment' will result in a significant environmental improvement to this building.
- 6.48 The front part of the existing commercial building was constructed in the 1980's in red brick, the rear part of the building is a former cattle shed constructed in the 1950s with the timber cladding from the early 1990's. The immediate setting of the building is an area of hardstanding providing access and car parking. The building of a functional design and appearance with the original building openings at the north western end currently blocked up in connection with internal use as a photography studio space (see photograph in Figure 2).
- 6.49 Whilst in the setting of a listed building, Hollingbourne House (grade II) the commercial building is not listed, is not a heritage asset and not in a conservation

area. The NPPF defines setting as either making "... a positive or negative contribution to the significance of an asset, or (it) may be neutral" (NPPF page 71) The commercial building makes a negative contribution to the setting of the listed building and the adjacent renovated building that currently provides the two cottages.

- 6.50 The land occupied by the application building is now in separate ownership and although there are minimal links it is still within the original curtilage of Hollingbourne House. The Historic England guidance 'Listed Buildings and Curtilage' highlights the importance of establishing what, if any, special interest a curtilage building holds. If there is no special interest, the works to the curtilage building and even its demolition will not require consent. In this context being in the curtilage of a listed building does not necessarily indicate high environmental value.
- 6.51 The application building has no resemblance to either the nearby listed buildings, the adjacent large farm buildings on the adjacent site, or the Garden Cottage at the rear in terms of its proportions, appearance materials, scale and fenestration. It is accepted that historically there has been a building or structure in this location, however the current building has no special architectural or historical interest. In this context and the considerations above the application building is not of high environmental value.
- 6.52 The local plan does not include a definition of what constitutes significant environmental improvement, however the guidance in the supporting text to DM5 (paragraph 6.37) refers to an assessment of the impact of the proposals on the landscape and the environment and any positive impacts on residential amenity.
- 6.53 The positive features of the current functional building are the rhythm and equal spacing of the openings across the frontage with the curved brick lintels, with the openings separated by evenly spaced protruding brick piers. The applicant has confirmed that the front brick building has been retained because of its solid construction.
- 6.54 As discussed elsewhere in this report the submitted proposal will improve the character and appearance of the area in a number of ways. These include the reduction in the footprint of the building, the introduction of glazing and landscaping to the front of the building that will restore the rhythm across the long building frontage and improve the building setting.
- 6.55 The removal of the existing commercial use and the resulting activity, traffic and disturbance will have a positive impact on residential amenity for nearby occupiers. These changes using paragraph 6.37 of the local plan as a guide are sufficiently great to be described as significant improvements. The proposal is in line with DM5 a) and b).
- Consideration of DM5 c) above
- 6.56 Policy DM12 advises "*All new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Development proposals that fail to make efficient use of land for housing, having regard to the character and location of the area, will be refused permission*".
- 6.57 The submitted proposal, includes a reduction in the building footprint, and the use of the site currently in commercial use for the provision of 2 family residential units of a good standard.
- 6.58 The provision of two residential units will make efficient use of this site whilst respecting the local area that includes both the substantially larger main Hollingbourne House and also the smaller cottages adjacent to the application site

boundary. The density of the proposal is acceptable in this location and the development is in line with DM5c).

Consideration of DM5 d) above.

- 6.59 The application site is located 2km from Eyhorne Street (Hollingbourne) which is a designated 'larger village' and a sustainable location in the Local Plan after the Maidstone Urban Area and the designated Rural Service Centres. Paragraph 4.21 of the Local Plan advises that "*The five larger villages ...have fewer services than rural service centres but can still provide for the day-to-day needs of local communities and the wider hinterland*". With this policy wording acknowledging the wider benefits outside the defined larger village settlement boundaries.
- 6.60 Paragraph 4.21 goes on to say "*All villages provide a nursery and primary school; a shop (including a post office); at least one place of worship, public house and community hall as well as open space provision. All have a range of local employment opportunities. The villages are connected by at least four bus journeys/weekday and Hollingbourne and Yalding are served by a train station*".
- 6.61 In applying policy DM5, the key characteristics or questions to be considered are set out at paragraph 6.37 of the Local Plan. These are, what sustainable travel modes are available or could reasonably be provided; what traffic the present or past use has generated; and the number of car movements that would be generated by the new use, and what distances, if there are no more sustainable alternatives.
- 6.62 With the lack of any pedestrian pavement along Hollingbourne Hill and the nature of the road it is likely that walking into Hollingbourne will not be a safe or viable option for future occupiers. It is however possible to make provision for other sustainable travel modes in the terms of cycling and electric vehicles as part of the development. The submitted plans (3094 – 012F) show the provision of 4 electric charging points linked to the 10 car parking spaces that are provided for existing occupiers, users of the holiday let accommodation and future occupiers.
- 6.63 Planning conditions are recommended to ensure that the electric vehicle charging points are provided prior to first occupation, that suitable cycle storage facilities are submitted for approval and installed prior to occupation and to request measures to encourage sustainable travel choices by future occupiers (could be vouchers for cycle purchase, travel vouchers etc) are submitted to and approved in writing by the Local Planning Authority and in place prior to occupation.
- 6.64 The supporting text to policy DM5 refers to a comparison between existing and proposed uses in terms of traffic movements and the distance of the actual trips if there are no sustainable alternatives. As set out earlier in this report, whilst the existing building has permission for a general business use (Use Class B1) with the high volume of traffic and activity associated with a B1 use, this permission prevents an office use or B1 a) use (only allowing B1 b) or c)). The vehicle trips associated with the two proposed residential units would be generally less than the trips generated by a B1 use permitted by this condition.
- 6.65 The distance of vehicle or cycle trips from the application site would be relatively short with a public house (The Dirty Habit) located 1km from the site, Hollingbourne railway station 2.7km away. The nearest bus stop is 1.44km from the site (Church Green outside All Saints Church Hollingbourne no 13 with 9 buses a day into Maidstone Town Centre, Shepway, Otham, Leeds, Langley and around Hollingbourne).
- 6.66 In conclusion, whilst the site is not accessible to Eyhorne Street (Hollingbourne) on foot it is possible to improve the accessibility by sustainable modes with a number of measures. These include ensuring that electric charging points are provided, by

ensuring that cycle storage facilities are provided and by putting measures in place through a condition to encourage sustainable travel choices by future occupiers.

- 6.67 The residential use would generate fewer vehicle trips than a general B1 use on the site and less than the studio of this size operating efficiently. The private vehicle trips to local facilities and public transport would be relatively short journeys.
- 6.68 This brownfield site in the countryside is not on a site of high environmental value, the proposal will result in significant environmental improvement, the density reflects the character and appearance of the area and the site can reasonably be made, accessible by sustainable modes to a larger village and has the benefit of removing a use that would have higher trip generation. After these considerations the proposal is in accordance with policy DM5 of the adopted Local Plan. The proposal is also in line with advice at paragraph 118 of the NPPF that states that planning decisions should encourage multiple benefits from rural land.

Design, appearance, the countryside and the Kent Downs AONB

- 6.69 Policy SP 17 of the Local Plan provides advice on the countryside which is defined as all those parts of the plan area outside the designated settlement boundaries on the policies map. 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.
- 6.70 Policy SP 17 states that great weight should be given to the conservation and enhancement of the Kent Downs Area of Outstanding Natural Beauty including the management plan. Account should be taken of the Maidstone Borough Landscape Character Guidelines Supplementary Planning Document.
- 6.71 Policy DM 30 (Design principles in the countryside) states that proposals which would create high quality design, satisfy the requirements of other policies in this plan and meet a number of stated criteria will be permitted. These criteria are considered below.

i. The type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features.

- 6.72 The design and appearance of the submitted proposal has sought to respect and enhance the positive aspects in the appearance of the existing commercial building. The reconstructed rear part of the building and the alterations to the front of the building retain and enhance the character of the building (removal of the blocked up openings) whilst seeking to reduce the negative aspect of its bulk and dominance in this location by increasing activity at ground floor level.
- 6.73 The application involves the demolition and rebuilding of the rear part of the building. This rebuilt section of the building will be in the same general location but with a smaller footprint. The rebuilt rear of the building will reflect the scale and character of the original and retained parts of the building with proposed window and door openings in a similar domestic style to the existing building.
- 6.74 The proposal involves the formation of a small 0.9 metre deep inset balcony with access doors to the south east (farm) elevation at first floor. The existing building has a high level window in this location. This balcony is in keeping with the character and appearance of the building. Amenity is discussed separately.
- 6.75 The design of the proposal and the other building changes are discussed in the heritage section of this report. The alterations and the design of the building have been considered by the Council's conservation officer and they have confirmed their support for the application.

ii. Impacts on the appearance and character of the landscape would be appropriately mitigated. Suitability and required mitigation will be assessed through the submission of Landscape and Visual Impact Assessments to support development proposals in appropriate circumstances.

6.76 The application site is set some distance from the public highway, to the rear of the large main Hollingbourne House and will be seen in most views in the context of the adjacent larger agricultural buildings in Hollingbourne Farm.

6.77 The proposed building, including the roof extensions, is acceptable in this location, and will not have a negative impact on the landscape and as a result no mitigation is required. In addition, the building will not be highly visible on this enclosed site with screening provided by neighbouring buildings.

iii. Proposals would not result in unacceptable traffic levels on nearby roads; unsympathetic change to the character of a rural lane which is of landscape, amenity, nature conservation, or historic or archaeological importance or the erosion of roadside verges.

6.78 The proposal will not result in unacceptable traffic levels on nearby roads, and is likely to reduce the potential for damage to roadside verges as the removal of the commercial use will reduce the need for HGV's to visit the application site and reduce trip generation.

iv. Where built development is proposed, there would be no existing building or structure suitable for conversion or re-use to provide the required facilities. Any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflect the landscape character of the area.

6.79 The submitted proposal retains part of the existing front building and includes a reduction in the footprint of the rebuilt rear building. The proposal complies with this requirement.

v. Where an extension or alteration to an existing building is proposed, it would be of a scale which relates sympathetically to the existing building and the rural area; respect local building styles and materials; have no significant adverse impact on the form, appearance or setting of the building, and would respect the architectural and historic integrity of any adjoining building or group of buildings of which it forms part.

6.80 The submitted proposal that includes a reduction in the footprint of the rebuilt rear building with similar weatherboarding facing material complies with this requirement.

6.81 The proposed slate roof covering, and aluminium windows are acceptable. The proposed roof extensions set below the two roof ridges and set in by over 5 metres from north west elevation and 4 metres from the south east elevation and behind the front and rear roof slopes are in keeping with the appearance of the building. The proposal complies with this requirement with the proposed roof extensions discussed in the heritage section of this report.

Account should be taken of the Kent Downs AONB Management Plan and the Maidstone Borough Landscape Character Guidelines SPD

6.82 The application site is found within the Kent Downs ANOB. Policy SD2 of the Kent Downs AONB Management Plan states that the local character, qualities and

distinctiveness of the Kent Downs AONB will be conserved and enhanced in the design, scale, setting and materials of new development.

- 6.83 Policy SD9 of the management plan states that the particular historic and locally distinctive character of rural settlements and buildings of the Kent Downs AONB will be maintained and strengthened. The use of locally-derived materials for restoration and conversion work will be encouraged. New developments will be expected to apply appropriate design guidance and to be complementary to local character in form, setting, scale, and choice of materials.
- 6.84 Policy HCH1 states that the protection, conservation and enhancement of the historic character and features of the Kent Downs landscape will be pursued and heritage-led economic activity encouraged. Policy HCH4 advises that opportunities to develop contemporary artistic, historic, cultural and scientific interpretation and celebration of the landscape and people of the Kent Downs will be pursued.
- 6.85 The proposal includes alterations to the front part of the building that are keeping with the building appearance and the rebuilding of the rear part of the building on a slightly smaller footprint. The building alterations will represent an improvement to the AONB in the limited views of the building on this enclosed site
- 6.86 The local character, qualities and distinctiveness of the Kent Downs AONB will be conserved and enhanced by the design, scale, setting and materials of the proposal in accordance with policy SD2 of the Management Plan. The submitted proposal is in accordance with the Kent Downs AONB Management Plan.
- 6.87 The application site is in the Wormshill, Frinsted and Otterden Downs and Dry Valleys character area in the Maidstone Borough Landscape Character Guidelines SPD. The area is described as a series of dry dip slope valleys and ridges to the north east of Maidstone, on the upper plateau of the North Downs within the Kent Downs Area of Outstanding Natural Beauty.
- 6.88 The key characteristics include
- gently undulating landform of dry dip slope valleys and ridges,
 - many large woodland tracts with oak and ash,
 - chalk grassland pasture in dip slope valleys, a
 - arable fields on ridges,
 - a strong network of species rich native hedgerows
 - Estate fencing and flint and red brick walls
 - Scattered villages and farmsteads with buildings featuring flint, chalk, red brick and chequered red and grey brick,
 - Narrow winding lanes which most often are lined by hedgerows (AONB).
- 6.89 The character guidelines conclude that actions should be taken to conserve and reinforce these characteristics. The submitted application that relates to an enclosed site will conserve these characteristics. The application is in accordance with the Kent Downs AONB Management Plan and the Maidstone Borough Landscape Character Guidelines SPD

Heritage

- 6.90 In making decisions on all listed building consent applications, or any planning application for development that affects a listed building, or its setting, a local planning authority must have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest. This obligation, found in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1), applies to all decisions concerning listed buildings.

- 6.91 Historic England advice is that preserving the building or its setting in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged. The Court of Appeal decision in the case of *Barnwell vs East Northamptonshire DC 2014* made it clear that in enacting section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Parliament's intention was that 'decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings' when carrying out the balancing exercise'.

Figure 7: View looking west to Wells Cottage before and after improvement works



- 6.92 Policy SP18 of the Local Plan relates to the historic environment advising that the characteristics, distinctiveness, diversity and quality of heritage assets will be protected and, where possible, enhanced to ensure their continued contribution to the quality of life in the borough. This aim will be achieved by the council encouraging and supporting measures that secure the sensitive restoration, reuse, enjoyment, conservation and/or enhancement of heritage assets, in particular designated assets identified as being at risk, to include securing the sensitive

management and design of development which impacts on heritage assets and their settings.

- 6.93 Policy DM4 of the Local Plan relates to development affecting designated and non-designated heritage assets. Applicants will be expected to ensure that new development incorporates measures to conserve, and where possible enhance, the significance of the heritage asset and, where appropriate, its setting. A Heritage Assessment should respond to the value of the historic environment by assessing and taking full account of heritage assets, and their settings, which could reasonably be impacted by the proposals. The assessment should consider the significance of the assets and the scale of the impact of development on the identified significance.
- 6.94 Policy DM4 states that the council will apply the relevant tests and assessment factors specified in the National Planning Policy Framework 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.
- 6.95 The National Planning Policy Framework (paragraph 192) states: *"In determining applications, local planning authorities should take account of: a) desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) desirability of new development making positive contribution to local character and distinctiveness"*.
- 6.96 NPPF paragraph 193 advises *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*. Paragraph 194 adds *"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification...."*
- 6.97 In assessing the level of harm that may occur and the planning balance NPPF paragraph 196 advises *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"*.
- 6.98 Further guidance on considering the significance of heritage is provided by Historic England (Managing Significance in Decision Taking in the Historic Environment (2015) and The Setting of Heritage Assets (2017)).
- 6.99 Policy DM4 of the Local Plan states that where development is proposed for a site which includes or has the potential to include heritage assets with archaeological interest, applicants must submit an appropriate desk-based assessment and, where necessary, a field evaluation. The application site is not in an area known to have archaeological interest. The buildings on the site are also relatively modern and their construction is likely to have destroyed anything of interest that was present in the ground. It is for these reasons that no further archaeological information is required to support the current application.
- 6.100 The relevant heritage considerations as part of the current development include the need to consider the potential impact on:
- The setting and significance of Hollingbourne House (Grade II),
 - The setting and significance of the gazebo building (Grade II),

- The setting and significance of the donkey wheel (Grade II),
- The setting and significance of the brick garden walls (curtilage listed Grade II) and the sunken glasshouses (partially curtilage listed).

6.101 The NPPF defines 'setting' of a heritage asset as *"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or ' contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*.

6.102 The NPPF defines setting of a 'significance' of a heritage asset as *"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting"*

6.103 The submitted planning application is supported by a heritage assessment prepared on behalf of the applicant.

The setting and significance of Hollingbourne House (Grade II)

6.104 The description of Hollingbourne House provided on the national list of historically important buildings is as follows:

"House. 1798 by Charles Beazley, with later C19 alterations.

White-brick with slate roof. 2 storeys on brick plinth. Ashlar plat band. Projecting eaves with flat boxed soffits, continued across gables. Eaves and verges form pedimented gable ends; central section breaks forward in 2 stages, with slightly higher eaves.

Hipped roof to inner break, pedimented gable to outer. Gable end stacks and 4 rear stacks. Small semi-circular window in central pediment gable.

Regular 10-window front of recessed sashes: three 12-pane to each side range, two 8-pane to first break, flanking central break which has two 12-pane sashes. Eight 18-pane ground-floor sashes breaking plinth, and with gauged segmental heads. Ground floor of first break has 2 niches with recessed square panels above.

All windows except those of first break formerly with Venetian shutters. Large round-arched window to ground floor of right gable end, with Gothic glazing and ogee-headed central panel.

Panelled door with rectangular fanlight, in later C19 addition to rear, flanked by fluted Corinthian pilasters and with triangular pediment.

Interior: only partly inspected. Geometrical staircase in central rear turret. Central ground-floor room with Soanian ceiling".

6.105 The significance of Hollingbourne House comes mainly from its historic importance as a grand country house but it also has architectural and artistic significance in its neo-classical design. With reference to neighbour comments, other than the individual comments on the gazebo, donkey wheel and house the listing descriptions do not highlight any historical significance or interest in the wider Hollingbourne House grounds or the gardens.

6.106 The submitted heritage assessment carried out on behalf of the applicant notes that the original building *"...was complemented by a grand setting, which reflected the landscape ideals of the eighteenth century. Mature trees were used to frame the approach to the building along the driveway from Hollingbourne Hill, while the coach house, stabling and ancillary buildings were located to the southeast, obscured from view by the principal house to guests"*. (RPS Heritage Assessment: paragraph 3.5).

6.107 The buildings attached to the rear of Hollingbourne house would originally have been part of the main residence but providing secondary functional service areas to the principal house. With this secondary relationship, the buildings would have been purposefully hidden behind the main house.

- 6.108 In the 1920-1940's with links to the main house maintained, the submitted information sets out that, what is now the ground floor of Wells Cottage was in use as the kitchens and laundry with a housekeepers flat upstairs. What is now Mulberry House was the breakfast room and servants' quarters.
- 6.109 With the subsequent change in ownership and the renovation of the buildings to provide two separate cottages, the 'use' of the rear buildings is no longer associated with the main house. The two cottages are however still physically attached to the rear of Hollingbourne House, they remain part of the listed building and have a historical association.
- 6.110 The land to the rear of the main house (where the detached studio building is currently located) is shown on historic maps (mid 1800's) as previously providing a livestock or horse enclosure with open ground and wide access gates. In the late 1940's the house and estate were all sold together, and the site subsequently included a dairy farm with building on the studio site providing a milking parlour.
- 6.111 The courtyard at the rear of the main building was at that time operating as part of the farm with the courtyard buildings providing a farm office and domestic staff quarters.
- 6.112 In 1975 the garden cottage, the farm and Hollingbourne House were split up and sold separately. In the years between 1975 and 1998 the former front barn on the application site was demolished and replaced with a modern steel framed structure. The owners of an audio manufacturing /touring business lived in the main house and ran the business from offices in the location of Mulberry cottage with other parts of these buildings let out for residential use.

Figure 8: Comparison between the existing and the proposed front elevations



- 6.113 The studio buildings were in separate commercial use including uses such as wood working, car body spraying, and stage equipment hire. The courtyard area was concreted over to protect underground water tanks from HGV's using this space. The area directly adjacent to the rear of the listed building (in front of Mulberry and Wells Cottages) was a hardstanding parking area (see Figure 7).
- 6.114 In 1998 the buildings that now provide Mulberry and Wells Cottages, were purchased by the applicant together with the detached building at the rear and the

garden beyond. Work was carried out to renovate the buildings into the two cottages with the reinstatement of Georgian features and to convert the rear building into a photography studio. The studio building is now in need of expensive work such as heating systems, roofing and windows and this work is not economical given the current low scale use of the building.

- 6.115 The significance of Hollingbourne House is as a large country house, with the buildings and land at the rear largely screened from view. The land occupied by the application site, the garden and the commercial building were originally in domestic residential use linked to, and an important part of the main Hollingbourne House building. Other than the physical attachment and some shared access arrangements there is little that remains of the original relationship between the front and rear buildings of Hollingbourne House.

Figure 9: Comparison between the existing and proposed side elevation



- 6.116 The buildings attached to the rear of Hollingbourne House have had a variety of uses, both residential and commercial. Following renovation by the applicant these buildings have reverted back to the original residential use providing two cottages, Mulberry Cottage and Wells Cottage (see Figure 7). These buildings are not referred to in the official listing description of the property which lists features of special architectural or historic interest in the building.
- 6.117 The large commercial application building to the rear of Hollingbourne House has a timber clad rear section constructed in the 1950's, with the red brick front building dating from the 1980's. This building is a modern addition to the site and is not a heritage asset. At the closest point, the blank narrow north east elevation of the listed building (Mulberry Cottage) is separated by a distance of 6 metres from the commercial building across a hardstanding area. The studio building and hardstanding area are in the setting of the listed building.

- 6.118 The commercial building is of a functional design and appearance. This building and the area of hardstanding in front currently provide shared access and car parking for the residential and commercial uses.
- 6.119 The change of use to residential would introduce a conforming use in this location that also reflects the historic use of this land as residential .
- 6.120 The council have previously accepted the loss of a business use in the application building (ref 14/0201). In the assessment of the application the case officer sets out that the proposed loss of the commercial floor space and introducing residential use *"...would benefit the setting of the listed buildings through the reunification of the site and its reversion to solely residential use, as well as through the removal of commercial vehicles/parking associated with the business use"*. The same conclusions are relevant and made in relation to the current planning application.
- 6.121 The physical changes to the front elevation of this commercial building involve the provision of glazing to two existing blocked openings. With the shape and location of the seven openings on the front elevation and the separating brick piers at even spacing, the glazing in the building frontage will restore the rhythm of the original design.
- 6.122 The glazing represents a positive change to the building by reducing the existing blank frontage on this prominent part of the building and providing interest and activity upon arrival at the courtyard. The other changes to the front elevation involve replacing the triangular front dormer with three roof lights and two additional roof lights. With roof lights on the existing application building and on nearby farm buildings the addition of roof lights is in keeping with the retained building.
- 6.123 The appearance of this long building elevation will be further enhanced by the proposed trees and landscaping across the building frontage. This landscaping strip will provide some visual relief from the large area of hardstanding, improving the visual appearance of this area. The residential accommodation has been correctly designed with the living areas at ground floor level to the front of the building, which will provide activity and interest. The landscaping strip will provide some defensible space to these living areas.
- 6.124 On the side elevation of the commercial building there are three existing openings, two large openings at ground floor level (including double doors and a further blocked up original opening) and a high level bulls eye window.
- 6.125 The proposal involves replacing the bulls eye window with a larger window that will serve a bedroom. This first floor window respects the location and appearance of the retained ground floor opening but is of a smaller scale to respect the first floor location. This window is also the same scale and proportion as an existing high level window to the opposite south east (farm) building elevation. The proposal involves unblocking the original ground floor opening and fitting this with glazing.
- 6.126 The double doors will be replaced with a new narrower entrance door with the proposed glazing reflecting the new double height entrance lobby. Whilst it is accepted that glazing is only currently provided in the high bulls eye window, the total area of the proposed openings on the side elevation are similar to the area of the existing openings both covering an area of approximately 14 square metres.
- 6.127 The proposed works will use brickwork and weatherboarding to match the existing building facing materials. The existing cement sheet roof will be replaced with a slate covering. The existing timber doors and windows will be replaced with aluminium doors and windows.

- 6.128 The submitted plans show the relocation of the existing floor space in the roof space to the front part of the building. This space will provide new bedrooms for each of the two new units. The roof space is currently accessed by way of two roof hatches and the proposal involves two new staircases to improve accessibility. To achieve the necessary head height at the top of the stairs to meet building regulations, these staircases require roof extensions across the roof valley between the front and rear parts of the building.
- 6.129 As the extensions are lower than the two roof ridges, they will not be visible from the space at the front of the building that is shared with the listed building or to the rear of the building. In addition, the extensions are set back by over 5 metres from the north west (side) of the building of Unit 1 and at the shortest point 4 metres back from the south east (side) elevation of Unit 2. With the proposed roof eaves heights ranging between 3.2 and 3.8 metres and the set back from the edge of the roof, the existing building will provide some screening of these extensions especially in short to medium range views. Further screening of the extension on the south east side of the building will be provided by the large agricultural buildings on the adjacent site.
- 6.130 As highlighted by the submissions made by the neighbour, it is accepted that one of the extensions would be visible in longer range views from the grounds of Hollingbourne House further to the east (Donkey Garden). The extensions would be at a lower height than the roof ridges and a similar colour. With the scale of the host buildings, and with the extension seen in the context of two large pitched roofs and the large agricultural buildings of Hollingbourne Farm the roof extension would not appear out of place in these views.
- 6.131 The courtyard between the listed building and the application building as well as access currently provides several areas of hardstanding that provides informal car parking. The submitted plans show the reorganisation of this parking to provide 10 formal spaces. These changes with the introduction of new planting and electric vehicle charging points will improve the appearance of this area.
- 6.132 An objection made on behalf of a neighbour has stated that the proposed works *"...are out of keeping with the prevailing character of the site and will detract from the agricultural character of the building and from the overall aesthetic of the estate"*. After assessing the orientation and access arrangements associated with the existing red brick building it is clear that the building has a closer relationship to the adjacent residential uses in these listed areas. The rear part of the building currently has the appearance of an agricultural barn converted to residential use and this appearance will be retained. Other than being adjacent, there is little relationship with the character and appearance of the agricultural buildings on Hollingbourne Farm or other agricultural buildings.
- 6.133 It is concluded that the current application building has a negative impact on the setting of the grade II listed building Hollingbourne House and the impact of the proposal on the significance of this heritage asset will be less than substantial.

The setting and significance of the brick garden walls (curtilage listed Grade II) and the sunken glasshouses (1 of 2 curtilage listed)

- 6.134 The submitted heritage assessment considers the significance of the curtilage listed walls and reports the following:
- On the title map of 1840 the walled gardens are in an earlier layout with the area behind the stables (studio) building yet to be fully enclosed by new walls.
 - The 1867 map shows that the gardens were still being developed and the new stable block and yard had yet to be added. The layout of the cottage garden paths was very different from today with no central path and the path close to the stable yard forward of its current position. The entrance to the garden would appear to be sited more in the corner too.

- Much of the garden development of the glasshouses and new walls are believed to date from about 1875 -88 and these appear to be present on the photograph of 1895.
- On the next photograph of 1940 glasshouses and vegetable plots show that the walled garden is largely a functional food production area. There is an access path outside the garden which helps connect the garden to the rear of the house
- In the 1950's the owner has built new wide concrete tracks to access the gardens with tractor mowers from the main house driveway. The garden is renovated by the head gardener who builds up the right hand sunken bed to match the left hand one and replaces the cold frame with a raised bed.
- In the rear garden the long raised bed can be seen in the 1960s with a much reduced vegetable crop. The importance of the garden relative to the setting of Hollingbourne House has been greatly impacted and diminished by the development and encroachment of the farm, its activities and its access road through the courtyard.
- 1975 the sale of the farm and garden cottage resulted in the closing of 4 access points to the cottage garden increasing its isolation and amenity within the overall setting of the estate. The main Hollingbourne House was listed in 1984 without any mention of the walls.
- With the location of the cottage garden to the rear of the studio building the applicant reports that current access to this residential garden is poor.
- It is reported that at the time of the applicant's purchase the neighbours boundary wall had collapsed and this has since been rebuilt, the wall behind the barn has long been collapsing and is currently propped up on timbers (see figure 10).

6.135 The heritage assessment after considering the significance of the walls advises *"...the surrounding landscape and arrangement of the walled gardens have been periodically and substantially altered since their construction. They now demonstrate numerous phases of redevelopment, with the garden walls to the west appearing to date from the construction of the previous Hollingbourne House in the seventeenth century. However, many of the walls appear to date from the late eighteenth century, with further nineteenth and twentieth century construction and intervention"* (Paragraph 3.6).

6.136 The wall alterations include works granted consent in August 1999 (99/1078) which involved a partial reduction in the height of garden wall to 1.2 metres and formation of new gateway.

6.137 Whilst the main Hollingbourne House was listed in 1984 without any mention of the walls, the council considers the walls within the garden area to the rear of the studio building to be statutorily listed due to their location in the curtilage of the grade II listed Hollingbourne House. Although in large parts not in their original form the walls have historical value in their general alignment in marking the boundaries of the walled garden and the retained bricks that the walls are constructed with.

6.138 The current application includes works and repairs to all of the garden walls surrounding the rear section of the application site. The applicant has advised that bricks salvaged from the proposed alterations and those retained from the 1999 alterations will be used to replace the blockwork in sealed openings or to carry out general repairs that are needed. The work will be carried out in accordance with the methodology provided at figure 12 which is submitted by the applicant.

6.139 The wall that runs mainly parallel to the rear of the studio building demarcated an animal yard from the walled garden and is in three different parts. The middle longer section was built at later date than the other two sections. A number of different parts of the wall have previously been rebuilt and a section lowered in accordance with a permission granted in 1999.

- 6.140 The proposed works to the wall are shown on the drawings below. A section of this wall is currently unstable and propped up as it is close to collapse (see Figure 10), this wall would be dismantled and rebuilt. The majority of the existing wall is 1.8 metres high but with an 8 metre long section (including a 2 metre wide opening) that drops down to a height of 1.2 metres that was previously granted consent. Listed building consent for partial reduction in height of garden wall and formation of new gateway, granted on the 16 August 1999 under reference 99/1078
- 6.141 The current lowered section of wall would be extended by 14 metres with two new openings formed of each 2.5 metres wide. With the many previous alterations, the value of the wall is in its alignment, the bricks used in its construction and the manner in which the original walls were constructed. With these elements protected as part of the current proposal, that will also secure the walls sustainable future, the harm to the wall is less than substantial.

Figure 10 South wall curtilage lists showing existing propping



- 6.142 The submitted proposals include the following works to the other garden walls:
- North west wall – likely to have been laid between 1866 and 1888 in imperial bricks with lime mortar. The wall will be repointed as joints have lost their mortar. An angled modern wall is to be removed.
 - South west wall – although line of wall appears to match the original layout, the wall appears to have been rebuilt at least twice including in recent times. Laid in imperial bricks with sand and cement the piers to the opening are a modern addition in the 1950s. The propose works are to repair the wall, clear back the ivy, replace the gate with a Yew hedge infill and add caps to the brick piers.
 - East garden wall – Wall dating from the early 1800's but has since had a range of different alterations including formation of new openings and a section of wall raised in the 1950's. A blocked up opening in the wall will be re blocked in more suitable bricks with a false door, ivy infestation removed and repointed. A leaning section may require buttressing.
 - Northern glasshouse wall – believed to date from between 1800 – 1840 with Georgian bricks in Flemish garden bond with darker bricks in a 'diaper' pattern. The line of the wall appears in 1790. Appears that the upper section of this wall may be a later addition. The works include repointing with lime mortar and replacing blown

bricks, loose sections of render from the former glasshouse removed, end of wall tied in. 1950's electrical shed repaired.

6.143 At the northern (rear) end of the walled garden are two sunken glasshouses. The submitted information reports that the sunken glasshouses are both currently in a highly derelict state.

6.144 The left hand glasshouse dates from around 1879 – 1880 and is built of imperial bricks. This earlier glasshouse is curtilage listed due to the location in the original curtilage of the main Hollingbourne House and as it existed on the 1st July 1948. The

submitted proposal includes the renovation of this glasshouse include rebuilding above ground in reclaimed red brick and new glazing. The 1950s heating equipment would be removed with the interior rendered. The door frame and door would be reinstated in a design similar to the original four panel door.

6.145 It is thought that the right hand glasshouse was originally a sunken frame which was built up in the 1950s using buff bricks and then rendered. This 1950's glasshouse is not curtilage listed and is not a heritage asset. The applicant has stated that the repair of the later more recent glasshouse is not economically viable so the structure will be recorded and then reduced to ground level and filled with soil. A feature outline in brick at ground level would be retained to mark its position.

6.146 The proposed works to the application building, including the reduction in the building footprint as part of the rebuilding of the rear part of the building. These changes and the proposed residential use of the building is make a positive contribution to the setting of the wall and glasshouse.

6.147 It is concluded that the current application building has a neutral impact on the setting of the curtilage listed walls and the glasshouses and the impact of the proposal on the significance of these heritage assets will be less than substantial.

Figure 11 Works to the wall at the rear of the studio building



The setting and significance of the gazebo building (Grade II),

6.148 The Gazebo is located just to the north of the Hollingbourne Hill entrance to Hollingbourne House. The building is on the national list of historically important buildings (grade II). The Historic England listing is as follows:

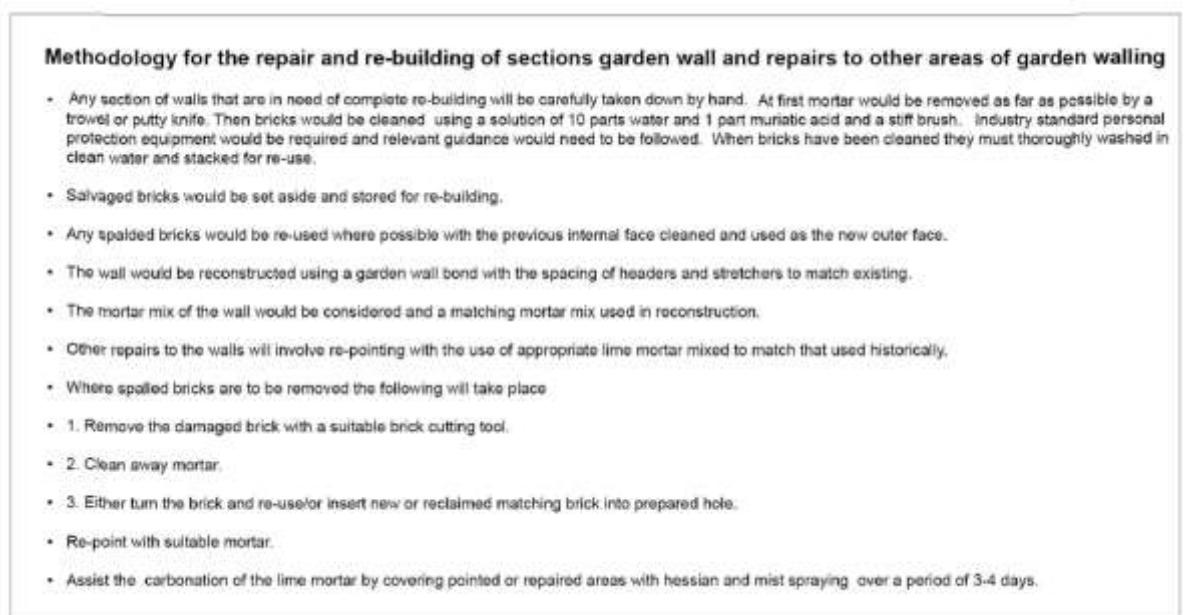
"Gazebo. Late C18. Red brick in Flemish bond. Plain tile roof. Rectangular plan. Chamfered brick plinth, on flint base with stone quoins. Pyramidal roof. Rectangular window to south with Gothic panes. Blocked windows to west and north. Interior not inspected".

- 6.149 The submitted heritage statement sets out *"The Gazebo was constructed as an outbuilding to the principal house and effectively serves as a gate lodge to Hollingbourne House...and marks the principal entrance into the estate. This setting is an integral component of the listed building's significance....". The connection with the principal house is also an important component of its significance with the structure designed to mark the approach to the listed building. Although both structures form part of the estate, they were historically distinct, with the Gazebo constructed to mark the entrance to the estate and be visually conspicuous. In contrast the original stabling within the Site was located to the rear of the principal building, away from public views."* (paragraphs 3.31 and 3.32).
- 6.150 With the lack of any meaningful functional relationship between the Gazebo and the application site and the separation distance of 95 metres, the application proposal will not impact on the setting or significance of the Gazebo with less than substantial harm.
- The setting and significance of the donkey wheel (Grade II)
- 6.151 The donkey wheel is on the national list of historically important buildings (grade II). The Historic England listing is as follows:
Donkey Wheel. C19. Wooden. Horizontal, spoked, wooden drum on vertical wooden shaft. Brake shaft towards base. Attached by wooden frame to well head about 3 metres to south.
- 6.152 *The submitted heritage statement sets out 3.33 "The Donkey Wheel was constructed in the nineteenth century within the large walled garden, which historically housed the original Hollingbourne House. Although it now appears to be dismantled, its original significance was drawn from its historic interest as a piece of nineteenth-century engineering deigned to help draws water from the well below. It also represents the continued use of animal power in the estate at this time. Its setting is intrinsically linked to the nearby well. The historic use of the structure is no longer apparent due to previous damage and the surrounding vegetation. It is possible that the Site shares some historic association with the Wheel, through its probable historic use as stabling. However, this function has long since ceased, with the structure within the Site having subsequently been reconstructed. As such, any such potential historic link is no longer legible and the Wheel base now serves an Donkey ornamental function within the garden. Its setting is therefore now largely linked to this ornamental role within a domestic setting, while its setting is also visually constrained by the surrounding wall. The Site therefore makes no contribution to the significance of the Donkey Wheel".*
- 6.153 Listed building consent was granted on the 15 June 2000 for the dismantling of a timber built donkey wheel. After considering the relationship the application site makes no contribution to the significance of the Donkey Wheel and the application will not harm its setting with less than substantial harm.
- 6.154 In overall heritage conclusions, with the above assessment it is concluded that the current application building and the application site make no contribution to the significance of the grade II listed Donkey Wheel and the Gazebo and they will not harm their setting with less than substantial harm.
- 6.155 The current application building has a negative impact on the setting of the grade II listed building Hollingbourne House and the impact of the proposal on the significance of this heritage asset will be less than substantial.
- 6.156 Policy SP18 of the Local Plan states that heritage assets will be protected to ensure their continued contribution to the quality of life. This aim will be achieved by the council encouraging and supporting measures that secure the sensitive restoration, reuse, enjoyment, conservation and/or enhancement of heritage assets, in particular designated assets identified as being at risk. NPPF (paragraph 192)

states: "In determining applications, local planning authorities should take account of... the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation...".

- 6.157 The curtilage listed garden boundary walls have been subject of a wide range of earlier work, including repairs alterations, demolition work and rebuilding. This work has included a new opening in relation to providing a fire escape from the commercial building. The section of the wall to be rebuilt is currently unstable, propped up and in danger of collapse. In these circumstances and with reference to policy SP18 this curtilage listed wall is identified as being at risk.
- 6.158 With the many previous alterations, the value of the walls is in their alignment that marks the boundaries of the walled garden. With further value from the bricks themselves and the manner in which the 'original' walls were constructed.
- 6.159 The current application will retain the walls on their current alignment. The reconstructed walls will be built, and repairs made with bricks that are retained from the earlier work to lower the adjacent wall and the proposed demolition. The walls will be built using a garden wall bond with the spacing of headers and stretchers to match the original wall, with a mortar mix to match the existing wall. The works will be carried out using the methodology set out at figure 12. This restoration work can be controlled through a planning condition.
- 6.160 The garden and boundary walls are now in different ownership to the listed building and separated from the listed building by the large commercial application building. The use of the garden by existing occupiers is currently restricted by this lack of direct access and as the garden walls are currently unsafe.

Figure 12: Methodology for repair and rebuilding the garden walls



- 6.161 The use of the proposed building for residential use will bring the gardens back into full beneficial use. The work to restore and rebuild the walls and the new openings will ensure there is direct access from the two proposed family homes to the rear garden space and that the functional role of the walls as means of enclosure is retained.
- 6.162 With the brick wall less than 500mm away from the rear elevation of the application building the lowered section of wall will enable residential outlook to be provided to

the rear windows. The lowered wall will also improve the relationship between the building and the garden space.

- 6.163 The work involving the removal and recording of the later glasshouse from the 1950s and the restoration of the later glasshouse from the 1880s as set out earlier in this report will enhance the existing historical interest in this garden area and will preserve its significance.
- 6.164 The work to the walls and the glasshouses is considered in line with SP18 with the restoration of the walls and glasshouse conserving this heritage asset and allowing the garden space to be enjoyed and used to its full potential. The proposal is in line with NPPF paragraph 192 in terms of putting the site to viable use that is consistent with its conservation. The works to repair and rebuild the curtilage listed structures and to secure their preservation is in line with paragraph 193 of the NPPF that states that great weight should be given to an asset's conservation.
- 6.165 It is concluded that the current application building has a neutral impact on the setting of the curtilage listed walls and the glasshouses and the impact of the proposal on the significance of these heritage assets will be less than substantial.
- 6.166 The harm arising from the proposal relates to the new openings in the curtilage listed wall and the roof extensions to the application building. NPPF paragraph 196 advises "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".
- 6.167 The proposed roof extensions that are set behind and below the front and rear roof slopes and a minimum of 4 metres from the side elevations will be hidden in the majority of views of the application building. Where the roof extensions are visible, they will be seen in the context of the main building roof. The extensions are provided to provide headroom for the staircases with the staircases provision reasonable in terms of making optimum viable use of the site (NPPF, 196).
- 6.168 The curtilage listed wall at the rear of the application building is unstable and in danger of collapse. Whilst it is accepted that the proposed additional openings will result in harm to the heritage value of the wall, the benefits of providing the improved access to the rear garden and the future use of the garden that will result, outweigh this harm.
- 6.169 In addition to the individual benefits from the roof extensions and the changes to the wall the proposal will provide wider public benefits that outweigh the less than substantial harm that has been identified. As set out in this report these include the improvements to the building frontage, improvements to the listed building setting, reduction in the building footprint, new landscaping, restoration of the other walls and the glasshouse, removal of the existing commercial use and securing an optimum viable use providing 2 good quality family dwellings.
- 6.170 After having special regard to the desirability of preserving the relevant heritage assets, their setting and any features of special architectural or historic interest the proposal is in line with policy SP18 and DM4 of the adopted Local Plan and advice in the NPPF

Neighbour amenity

- 6.171 Local Plan policy DM 1 states that proposals which would create high quality design will be permitted where they respect the amenities of occupiers of neighbouring properties. Development should not result in, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion. Built

form should not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.

Noise and disturbance

6.172 The operation of the existing commercial use is restricted by planning conditions due to the proximity of adjacent residential accommodation. This accommodation is

The Garden Cottage to the north, to the south west Wells Cottage with Mulberry Cottage with Hollingbourne House beyond.

6.173 The current proposal will remove the existing commercial use and introduce a residential use that conforms with the use of neighbouring buildings. The activity, noise and disturbance from a residential use including from vehicle movements is likely to be lower than a commercial use in the building.

External lighting

6.174 Policy DM 8 states that external lighting will be permitted where it can be demonstrated that the lighting is the minimum amount necessary and that the design and specification of the lighting would minimise glare and light spillage. The lighting scheme should not be visually detrimental to its immediate or wider setting, particularly intrinsically dark landscapes.

6.175 The application site is in a group of other buildings including several other residential uses. Whilst visually any new external lighting will be seen in the context of these other buildings and uses, in order to avoid amenity issues a planning is recommended that seeks the submission of details of any lighting to be installed on the site.

Privacy, overlooking, outlook, daylight and sunlight.

6.176 The potential impact of the development on the amenities of the adjacent residential occupiers is considered below. These properties are Wells Cottage, Mulberry Cottage, the Garden Cottage and Hollingbourne House.

- Wells Cottage

6.177 Wells Cottage is in a two storey building that is parallel to and facing the front of the application building.

6.178 In terms of the front elevation, the submitted proposal involves new glazing in the front ground floor openings that are currently blocked (serving kitchen/ family room areas) and 5 roof lights on the front roof slope.

6.179 The middle three rooflights serve a double height covered accessway, the other two roof lights serve first floor bedrooms. With a separation distance of 22 metres (normal standard of 20 metres between directly opposing upper floor windows) across the shared public courtyard and access the proposed development is acceptable in relation to overlooking and privacy. The separation distance of 17 metres between the rooflights and the amenity space to the side of Mulberry Cottage is acceptable.

6.180 The introduction of glazing to the front elevation of the application building will remove the current blank appearance which will improve the appearance of the building and in turn improve the outlook for adjacent occupiers. With no increase in the height of the building that will be visible from the front elevation the proposal is acceptable in relation to daylight and sunlight provision.

- Mulberry Cottage

6.181 Mulberry Cottage is orientated at an angle of 90 degrees from the frontage of the application property. Whilst a distance of 6 metres separates the side elevation from

the application property there are no windows in the side wall of this neighbouring property.

6.182 With the screening provided by the existing Mulberry Cottage building the proposal is acceptable in relation to privacy and overlooking issues in relation to the rear amenity space of this property. With no increase in the height of the building that will be visible from the front elevation the proposal is acceptable in relation to outlook, daylight and sunlight provision.

6.183 The existing application building has a high level window to the south east (farm) elevation. The proposal involves the formation of a small 0.9 metre deep inset balcony in this location that is accessed through the new bedroom. This elevation of the application building is level with the rear elevation of Mulberry Cottage and the balcony that has one open side will be 8 metres from the corner of Mulberry Cottage. With this relationship, the partially enclosed nature of the balcony and the existing window in this location the proposal is acceptable in relation to residential amenity

- *The Garden Cottage*

6.184 In terms of the rear elevation, the submitted proposal involves new additional ground floor glazing and 5 roof lights on the rear roof slope. The rooflights serve a double height covered accessway, the windows at ground floor are to bedrooms, lounge and a study.

6.185 At the closest point, the rear corner of the application building will be separated from the corner of the Garden Cottage by a distance of 30 metres. With this separation distance this relationship is acceptable in relation to privacy, overlooking daylight and sun light. With the building orientation the potential impact on the amenity space of the Garden Cottage will be minimal. With no increase in the height of the building visible from the rear elevation the proposal is acceptable in relation to outlook, daylight and sunlight provision.

- *Hollingbourne House.*

6.186 The main Hollingbourne House is located to the rear of, and attached to, the building that is occupied by Wells Cottage and Mulberry Cottage, and separated from the front elevation of the application property by a distance of 28 metres. With the separation distance and the intervening buildings, the changes to the front elevation of the application building are acceptable in terms of this relationship and privacy, overlooking outlook, daylight and sunlight.

6.187 The large grounds of Hollingbourne House extend from the south to the north west side of the application site. The side elevation of the existing building has a bull's eye window at first floor level (to a double height space) and two large openings at ground level. The proposal includes the formation of a new entrance with glazing to an internal double height space to the rear section of this side elevation. To the front section the bulls' eye is replaced with a larger window and the window opening at ground floor level will be unblocked.

6.188 The larger opening at first floor level is to a bedroom. A distance of 11 metres separates this first floor window from the site boundary with the boundary marked by the side wall of a single storey detached small smokery building is present to the side, used as storage for bikes building. In the grounds of Hollingbourne House beyond this utility building is a further single storey detached garage with its own driveway.

6.189 To the north of these detached outbuildings is a wall marking a formal garden area, with this garden area also the site of the dismantled donkey wheel. An objection has been received from the neighbouring occupier in relation to the overlooking of this garden from the proposed new glazing. The boundary of this garden is 10 metres from the new first floor window.

6.190 Whilst it is accepted that there may be overlooking from this window, with views partially screened by the existing detached building, trees and walls this overlooking is not sufficient to raise an objection. A separation distance of 10 metres between an upstairs window and a directly facing neighbours garden is normally considered acceptable (20 metres between directly facing windows). It is also highlighted that this overlooking impacts a very small area in the larger grounds of Hollingbourne House

6.191 In conclusion the submitted proposal is acceptable in relation to maintaining neighbour amenity and is in accordance with policy DM1.

Standard of proposed residential accommodation.

6.192 Local Plan policy DM1 and paragraph 127 of the NPPF states that proposals will be permitted where they create high quality design and provide adequate residential amenities for future occupiers of the development by ensuring that development is not exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion.

6.193 The proposed accommodation provides a good standard of residential accommodation with adequate internal space for the intended function of individual rooms and spaces. The submitted plans show that the accommodation is provided with sufficient daylight, sunlight and outlook for future occupiers. The accommodation is provided with an external amenity area to the rear of the site.

6.194 In conclusion the submitted proposal is acceptable in relation to the standard of accommodation and is in accordance with Local Plan policy DM1 and paragraph 127 of the NPPF.

Access and servicing transport and traffic

6.195 Local Plan policy DM 1 states that proposals which create high quality design will be permitted, where they safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access.

6.196 The existing vehicle access to the site is from Hollingbourne Hill and this access is retained as part of the submitted proposal. The existing access is suitable including in relation to its width, driver sight lines and the future servicing of the accommodation. The bin storage is shown on the plan and will be located close to, and accessible for collection. In terms of refuse vehicles, through the commercial use of the site the access has been shown to be suitable for HGV's.

6.197 Local Plan DM21 seeks to ensure that the vehicle trips generated by a use can be adequately accommodated on the road network. The vehicle trips associated with the efficient operation of the commercial use on the application site would be more than those associated with the proposed residential accommodation.

6.198 It is acknowledged that the site is not in the most sustainable location. A planning condition is recommended requesting the submission of measures to promote sustainable travel choices by future occupiers of the accommodation. This could include information given to new occupiers, including public transport timetables.

6.199 In conclusion the submitted proposal is acceptable in relation to access and servicing transport and traffic and is in accordance with Local Plan policies DM1 and DM21.

Car parking

6.200 Local Plan policy DM 23 states that the car parking for residential development will take into account the type, size and mix of dwellings and the need for visitor

parking. Parking shall secure an efficient and attractive layout of development whilst ensuring the appropriate provision of integrated vehicle parking.
Figure 13 comparison of parking standards against the proposed car parking

Dwelling	Bedrooms	standard	Standard visitor	Standard required total	Provided
Unit 1	4	2	0.2	2.2	3
Unit 2	4	2	0.2	2.2	3
Wells Cottage	5	2	0.2	2.2	2.2*
Mulberry cottage	2	1.5	0.2	1.7	1.7*

* Total parking required for the cottages is 3.9 spaces and 4 spaces are proposed

- 6.201 Car parking standards are set out at Local Plan Appendix B. The local plan advises that new developments should ensure that proposals incorporate electric vehicle charging infrastructure.
- 6.202 Local Plan Appendix B advises that the car parking requirements applying to the application site are set as 'minimum' standards. The guidance states that for units with four or more bedrooms 2 independently accessible spaces are required per unit with 0.2 spaces per unit for visitor spaces. In relation to two bedroom units 1.5 spaces are required with 0.2 spaces per dwelling for visitor parking.
- 6.203 As set out in the table above the proposed parking meets the standards that are required in adopted policy. The proposal also includes 4 electric vehicle charging points. The applicant has advised that "*The possibility of additional 'tandem' parking exists to ensure that the concerns of neighbours in respect of the parking are fully met*".
- 6.204 In conclusion the submitted proposal is acceptable in relation to car parking and is in accordance with Local Plan policy DM 23 and Appendix B.

Cycle parking

- 6.205 Local Plan policy DM 23 states that cycle parking facilities on new developments will be of an appropriate design and sited in a convenient, safe, secure and sheltered location. The layout of the proposed building includes a central open area that could provide secure cycle parking.
- 6.206 Cycle standards are set out in Supplementary Planning Guidance SPG4 'Kent Vehicle Parking Standards' of the Kent and Medway Structure Plan (July 2006). These standards require 2 cycle spaces per unit for two or three bedroom dwellings and the proposal would therefore need to provide 6 spaces. A planning condition is recommended seeking details of cycle parking and for this storage to be in place prior to first occupation.
- 6.207 In conclusion with the recommended condition the submitted proposal is acceptable in relation to cycle parking and is in accordance with Local Plan policy DM 23.

Trees and landscape

- 6.208 Local Plan policy DM1 states that proposals should create high quality design and respect the topography and respond to the location of the site and sensitively incorporate natural features such as trees, hedges and ponds worthy of retention within the site. Policy DM3 states: "To enable Maidstone borough to retain a high quality of living and to be able to respond to the effects of climate change, developers will ensure that new development protects and enhances the natural environment by incorporating measures where appropriate to protect positive landscape character, trees with significant amenity value, and important hedgerows".

- 6.209 An area of Ancient Woodland (Marshall's Shaw) is located 185 metres to the north east, a local wildlife site is located 170 metres to the south west of the site. The roadside verges between the access to the application site to a point just to the north east of the Hollingbourne Hill and Pilgrims Way junction are protected. The application site is located in the Kent Downs Area of Outstanding Natural Beauty. There are group tree preservation orders on the opposite side of the site access in Hollingbourne Hill and the isolated tree in the open field to the north east (30 metres from the application site) is also covered by a tree preservation order
- 6.210 The current application involves the demolition and rebuilding of the existing building and does not involve works that would harm existing trees. Whilst it is highlighted that the provision of some of the new parking involves the loss of a raised bed, this harm is mitigated by new planting along the frontage of the building and the general improvements. The applicant has confirmed that no works to trees are proposed.
- 6.211 In conclusion the submitted proposal is acceptable in relation to trees and landscape and is in accordance with Local Plan policy DM1 and DM3.

Ecology and biodiversity

- 6.212 Local Plan policy DM3 states: *"To enable Maidstone borough to retain a high quality of living and to be able to respond to the effects of climate change, developers will ensure that new development protects and enhances the natural environment ...where appropriate development proposals will be expected to appraise the value of the borough's natural environment through the provision of...an ecological evaluation of development sites...to take full account of the biodiversity present, including the potential for the retention and provision of native plant species"*.
- 6.213 The potential of the application site to accommodate protected species has been assessed as part of an ecological survey. This ecological survey was first carried out in 2016 and updated in December 2020.
- 6.214 The surveys found no bats or signs of bats during the internal/external inspection of the buildings. The studio buildings were not judged as offering roosting potential for bats. The brick walls around the site were searched for bats and signs of bats but no signs found with four cavities deemed suitable for single roosting bats. The ecologist recommends that the works to the walls should follow a precautionary approach by checking each wall cavity with an endoscope directly before works and that these works should only be undertaken outside the bat hibernation season (November to March).
- 6.215 The smokery building is tiled with felt below and the space between tiles and felt could be used by crevice dwelling bats however this building is being retained as part of the development. Four apple trees present towards the back of the garden offer high suitability for roosting bats as they had cavities with these trees also retained (additional two trees from the first survey). These trees are not impacted by the works. The garden may be used by foraging and commuting bats although it is unlikely to support many prey animals and therefore is unlikely to be used more than occasionally by bats.
- 6.216 In terms of amphibians, no ponds were present on site or within 250m, the nearest being 300m to the West with only one other pond within 500m, present 480m to the North east. Due to the quality and management of the habitat on site and the distance to the nearest pond, it is judged unlikely that great crested newts would be present on site.
- 6.217 In terms of reptiles, wider local surveys have found a high likelihood of Adders being present and likely presence of the Viviparous Lizard. It is considered that the site

has potential to support breeding birds within the trees. No signs of barn owls were found during the survey. It is considered that the site has no potential to support the hazel dormouse due to lack of habitat. No setts or signs of badgers were identified during the survey. It is considered that the site has moderate potential to support hedgehogs.

6.218 In order to maintain and enhance the biodiversity potential of the site the survey recommends a series of measures including tree protection during construction works, installation of a mix of open fronted and hole nesting bird boxes, bat roosting spaces within the buildings, provision of owl boxes, planting of climbing plants, and drought resistant wildflower planting.

6.219 A planning condition is recommended that seeks an ecological enhancement scheme and this could include a range of bird box types including open fronted and hole fronted nest boxes. A further planning condition recommends a landscape scheme that could include a wildlife-friendly planting scheme that uses native plant species.

6.220 In conclusion the submitted proposal is acceptable in relation to ecology and biodiversity and is in accordance with Local Plan policy DM1 and DM3.

Figure 14: Comparison between the existing rear elevation, the earlier refused application (18/500228/FULL) and the rear elevation currently proposed.



Public Sector Equality Duty

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

Other Matters

- 6.222 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.
- 6.223 In April 2018 planning permission was refused under delegated powers (18/500228/FULL) for the conversion and adaptation of existing photography studio into 2 dwellings with associated parking and garden area.
- 6.224 The current application involves substantial changes and improvements from the earlier submission that have satisfactorily addressed the earlier grounds for refusal. The design, scale and bulk of the current proposal now respects and enhances the character and appearance of the existing building in line with policies SP17, DM1, and DM30 and the National Planning Policy Framework. It is considered that the current proposal does not represent a conversion and the application as a whole does provide a significant environmental improvement.
- 6.225 If members consider that the proposed works represent a building conversion and that policy DM31 is relevant an assessment will be required to determine whether this is a sufficient ground in itself to refuse planning permission. Paragraph 12 of the NPPF is highlighted which advises that decisions can be taken that depart from the local plan "...if material considerations in a particular case indicate that a plan should not be followed". In the event that DM31 is relevant it is the officer view that the benefits of the proposal outweigh the non-compliance with this condition.

7. CONCLUSIONS and PLANNING BALANCE

- Large photographic studio spaces, like the one on the application site are in general decline and the current use operates below capacity and inefficiently.
- The proximity of other residential uses means the commercial use was approved as an exception subject to a number of restrictions to prevent harm to amenity. These restrictions and the proximity to residential reduce the potential for long term viable business use without harm to neighbouring residents.
- The council has previously accepted the loss of the business use granting permission for ancillary residential use as a swimming pool with a tennis court in the rear garden.
- The proposal is not a conversion and any more intense business use, due to the adjacent residential uses, would be directed to the economic development areas urban area or the rural service centres.
- The proposal will remove the existing business use that is operating substantially below capacity and provide two family homes offering a good standard of space and improvements to neighbour amenity.
- With reference to Local Plan guidance on policy DM5 (paragraph 6.37), the proposal site is not of high environmental value, but significant improvement will arise from the works in a number of ways.
- The proposal involves the reinstatement of original building openings that will reduce the current blank ground floor appearance and restore the building symmetry.
- The removal of this overly restricted commercial use will remove a non-conforming use in this location with a positive impact on amenity.
- Further improvements will arise from the restoration works to the historic walls with slight modification that will allow the buildings to provide two family units with access to the rear amenity space. These works restoring the residential link to these gardens and ensuring the long term maintenance of the walls and bring the gardens back into use.

- With the substantial historical alterations to the curtilage brick walls (including LBC 99/1078) the proposal will retain their significance that comes from their alignment materials, and bond.
- The site will be made accessible by sustainable modes by the provision of cycle parking, electric vehicle charging points (for existing and future residents) and by other agreed measures through a condition to encourage sustainable travel options.
- The proposal includes car parking in accordance with minimum standards and is acceptable in relation to trip generation, biodiversity and landscape.
- Special regard has been had to the desirability of preserving Hollingbourne House its significance, its setting, and features of special architectural or historic interest including the curtilage listed walls.
- The harm that will result from the proposal to the significance of Hollingbourne House, the curtilage listed walls, the glasshouse, donkey wheel and gazebo will be less than substantial. The less than substantial harm to the significance of these heritage assets will be outweighed by the public benefits of the development. These public benefits include improvements to the front building elevation, heritage benefits arising from repairs to all the garden wall that will ensure their long term survival, the accessibility improvements to the garden space for future occupiers and the restoration works to the sunken glasshouses and securing the optimum viable uses consistent with their conservation.
- The proposed roof extensions facilitate the provision of staircases that allow the efficient use of the building as part of the provision of 2 good quality family homes with the existing roof space assessed by roof hatches.
- The proposal is in accordance with the Maidstone Borough Local Plan (2017) policies SS1, SP17, SP18, SP19, SP21 DM1, DM3, DM4, DM5, DM6, DM8, DM23 DM30, DM31 and Appendix B.

8. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following planning conditions and no new substantive material considerations being raised as a result of the press notice that expires on the 24 December 2020.

And the following planning 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) No development shall take place other than in accordance with the following approved plans:
 - 3094-011Rev F Proposed elevations (May 2020)
 - Appendix 1 to the Heritage Statement (Nov 2019)
 - Design and Access Statement (May 2020)
 - PDL 01 A2 rev 2 Details of construction for remedial works and new openings to existing wall (May 2020)
 - 3094-012 rev F proposed site plan (May 2020) 3094-012 rev F2 proposed site plan (May 2020)
 - 3094-010 rev E Proposals (Proposed floorplans) (May 2020)
 - PDL 01 rev v7 Proposed maintenance work to southern garden wall remaining on existing line. (May 2020)
 - PDL 02 rev v2 Proposed conservation works to northern glasshouse garden wall. (May 2020)
 - PDL 03 rev v5 Proposed maintenance and amendments to east garden wall. (May 2020)
 - PDL 04 rev v6 Proposed maintenance and minor amendments to south western garden wall. (May 2020)

- PDL 05 rev v5 Proposed maintenance and minor amendments to north west facing garden wall by barn. (May 2020)
- PDL 07 rev v2 Proposed restoration works to sunken glasshouses. (May 2020)
- Built Heritage Statement (May 2020)
- Preliminary Ecological Appraisal Survey (2016)
- Preliminary Ecological Appraisal Survey update (December 2020)
Reason: In the interests of proper planning and to ensure the quality of the development is maintained.

- 3) Prior to the commencement of the development above damp-proof course level, written details and samples of the external materials to be used in the construction of the replacement structure (to include dark stained timber weatherboarding and natural slate roof tiles) shall be submitted to and approved in writing by the Local Planning Authority The development shall be constructed using the approved materials and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development.

- 4) Prior to the demolition of the garden wall that lies to the immediate north-east of Courtyard Studios (as shown on drawing reference: 3094-008 Rev A), and restoration works to the remaining garden boundary walls, a schedule of works to the garden walls and the sunken glasshouses shall be submitted to and approved in writing by the local planning authority.

The schedule of works shall include: a)The entire wall to be built from the bricks in the existing wall to be demolished; b)A rebuilt wall that shall be a minimum of 1.2m in height at any point; c)Full details of how the retained garden walls will be restored. d) details of the sunken glasshouse restoration. The dwellings hereby approved shall not be occupied until the approved works to the garden walls and the glasshouses have been completed, and the walls and the glasshouses shall be maintained as such thereafter.

Reason: To safeguard the value of the curtilage listed garden boundary walls and the glasshouse

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

- 6) Prior to the demolition of the garden wall that lies to the immediate north-east of Courtyard Studios (as shown on drawing reference: 3094-008 Rev A), and restoration works to the remaining garden boundary walls a sample panel of the rebuilt wall (with the reused bricks, mortar mix/pointing details and coping stone to be used) shall be made available for inspection by Council officers with the works proceeding in accordance with this approved panel,

Reason: To safeguard the value of the garden boundary walls.

- 7) Prior to the commencement of the development above damp-proof course level, details of a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation, shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and shall include details

of a new native hedgerow to subdivide the rear gardens. The landscaping of the site shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

- 8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner. Any seeding or turfing which fails to establish or any trees or plants which, within ten 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 unless the local planning authority gives written consent to any variation.
Reason: To ensure a satisfactory appearance to the development.
- 9) The vehicle parking spaces shown on the submitted plans shall be provided prior to first occupation of the approved dwellings and permanently retained for parking and shall not be used for any other purpose.
Reason: To ensure adequate parking provision.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), and except for the repositioned rear wall (as shown on drawing reference: 3094-008 Rev A), no extensions to any building, no outbuildings, and no fencing, walling or other hard boundary treatments shall be erected within or around the site.
Reason: To ensure a satisfactory appearance to the development.
- 11) Prior to first occupation of the approved accommodation a bin storage enclosure shall be in place and is in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority and retained for the lifetime of the development.
Reason: To safeguard the appearance of the development and the visual amenities of the area
- 12) Prior to first occupation of the development hereby approved measures to encourage sustainable travel choices by future occupiers shall have been submitted to and approved in writing by the Local Planning Authority, the measures shall be in place prior to first occupation and maintained for the lifetime of the development.
Reason: In the interests of sustainable travel and pollution prevention.
- 13) Prior to first occupation of the proposed dwellings a minimum of four electric vehicle charging points shall be installed and ready for use and in accordance with details that have previously been submitted to and approved in writing by the local planning authority that includes a programme for installation, maintenance and management with the points retained thereafter and maintained in accordance with the approved details.
Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with the NPPF.
- 14) 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 and demonstrate how the lighting meets Bat Conservation Trust guidelines. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.
Reason: In the interest of amenity.

- 15) Prior to first occupation of the accommodation hereby approved details of cycle parking shall be submitted to and approved in writing with the cycle parking in place prior to occupation and maintained for the lifetime of the development.
Reason: To promote sustainable travel choices.

- 16) The works to the garden boundary walls and the sunken glasshouses shall only take place outside the bat hibernation season (November to March) with the works following the precautionary approach with works only proceeding after each wall cavity is checked for bats with an endoscope.

Reason: in the interest of biodiversity and ecology

Case Officer: Tony Ryan

REFERENCE NO - 19/506031/LBC		
APPLICATION PROPOSAL Listed building consent for the demolition of existing derelict and unstable (north-east facing) garden wall, reconstruction on existing line at reduced height with 2 additional openings, repairs, restoration of other garden walls and restoration of 1 sunken glasshouse.		
ADDRESS Courtyard Studios Hollingbourne House Hollingbourne Hill ME17 1QJ		
RECOMMENDATION Grant Listed Building Consent subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION A local planning authority in making decisions must have special regard to the desirability of preserving any features of special architectural or historic interest. Adopted policy states that the aim of protecting the characteristics, distinctiveness, and quality of heritage assets will be achieved by the council supporting measures that secure the sensitive restoration and reuse of heritage assets. The garden walls have been subject of a wide range of works, alterations, demolition and rebuilding in the past. The submitted proposal involves repair and restoration works that will generally maintain the character of the walls to ensure that they meet the functional role as means of enclosure. In addition to the restoration works, the proposal includes the lowering of the middle section of the southern wall and the formation of two new openings. The lowering of the wall, which will match a previously approved adjacent lowered wall, will improve the access to the rear garden space as part of the proposal to introduce family accommodation in the studio building. As the walls have previously been significantly altered it is considered that the important characteristics that require protection relate to the reuse of the bricks, the wall alignment and the manner in which the walls are constructed (bond, mortar mix etc). The significance of the walls and historic interest are limited to the materials used, method of construction and wall alignment. The proposed works involving the lowering of the wall and the formation of the two new openings are considered to represent less than substantial harm. The less than substantial harm will be outweighed by the public benefits of the development, which include heritage benefits arising from repairs to all the garden wall, the accessibility improvements to the garden space for future occupiers and the restoration works to the sunken greenhouse.		
REASON FOR REFERRAL TO COMMITTEE Cllr Patrik Garten has referred this application to committee on the basis of the comments set out at paragraph 4.01.		
WARD North Downs	PARISH/TOWN COUNCIL Hollingbourne	APPLICANT Mr Paul Dixon AGENT DHA Planning
TARGET DECISION DATE 24/12/20 (EOT)		PUBLICITY EXPIRY DATE 06/07/20

Relevant planning history

- 18/500228/FULL Conversion and adaptation of existing photography studio into 2 dwellings with associated parking and garden area. Refused 17.04.2018 for the following reasons:
 - 1) *The proposed external works and extension due to the, design, scale and bulk of the proposals fail to respect the character and appearance of the existing buildings and would result in an overly domestic, urban and disjointed appearance that fails to respect the existing buildings contrary to Policies SP17, DM1, DM30, DM31 and*

the National Planning Policy Framework 2012.

- 2) *The application fails to demonstrate that the buildings are of sound construction and their re-use and the reconstruction in the form proposed can be achieved without major or complete reconstruction contrary to Policy DM31 of the Maidstone Borough Local Plan 2017.*
 - 3) *The proposed development would be located in an isolated position within the defined countryside, as established by adopted Local Plan Policy SS1 and SP17 which places emphasis on housing development within sustainable locations. The application for the creation of additional dwellings here has failed to demonstrate a significant environmental improvement and that the site can be reasonably made, accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village as is therefore contrary to Policies SS1, SP17 and DM5 of the Maidstone Borough Local Plan 2017 and the National Planning Policy Framework 2012.*
- 14/0201 Change of use of studio outbuilding and associated service areas to a purpose incidental to the enjoyment of Mulberry and Well Cottages, and erection of fencing around a tennis court. Granted 07.04.2014
 - 99/1078 Listed building consent for partial reduction in height of garden wall and formation of new gateway Granted 16.08.1999
 - 99/0120 Retrospective listed building consent application for partial demolition of garden wall to provide fire escapes to building regulations requirements and amenity to office and workroom facilities. Refused 19.03.1999 for the following reasons *"The section of wall, the subject of this proposal is listed having been erected prior to 1948 and is within the historic curtilage of Hollingbourne House which is a grade II listed building. It is considered that this section of wall forms an important and integral part of the historic setting of Hollingbourne House and its demolition adversely affects the special historic and architectural interest of this listed building and its curtilage contrary to policy ENV19 of the Kent Structure Plan 1996, policies ENV3 and ENV4 of the Maidstone Local Plan 1993 and policies ENV11 and ENV12 of the Maidstone Wide Local Plan (Deposit) draft".*
 - 99/0119 (Part retrospective) Insertion of windows and doors to north east elevation of the office and workroom facilities Granted 19.03.1999
- 97/1765 Change of use to a mixed use for photographic business (B1) and continuation of existing carpentry business ancillary to existing electronic workshop, and external alterations. Granted 01.05.1998 including a condition that restricts the use to a studio for the reason that "Unrestricted use of the building or land would cause demonstrable harm to the character, appearance and functioning of the surrounding area and/or the enjoyment of their properties by adjoining residential occupiers".
- 89/1936 Erection of detached garage block. Granted 20.02.1990
 - 83/1419 Retrospective application for change of use from residential to electronic workshop and office. Granted 28.12.1983

MAIN REPORT

1. DESCRIPTION OF SITE

See separate report for 18/506662/FULL

2. PROPOSAL

- 2.01 This application is linked to the application for full planning permission under reference 18/506662/FULL

- 2.02 The application for listed building consent relates to the demolition of existing derelict and unstable (north-east facing) garden wall, reconstruction on existing line at reduced height with 2 additional openings, repairs, restoration of other curtilage listed garden walls and restoration of 1 sunken glasshouse.

3. POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan 2017
SP18, DM1, DM4,
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Local Residents:

See separate report for 18/506662/FULL

Councillor Patrik Garten

- 4.01 The policy determining conversion of rural buildings, Policy DM31 permits residential use only where every reasonable attempt has been made to secure a business re-use of the building. Evidence setting out why the business re use is not appropriate for the buildings needs to be provided and ought to be scrutinised by committee.
- 4.02 Neighbours allege that the proposed works are unsympathetic, overly domesticated and fail to respect the character and appearance of the setting of the Grade II listed Hollingbourne House. As this is partially a subjective assessment, it should be considered by a committee.
- 4.03 As my previous reasons explains, the reason for call-in is mainly to secure public confidence in the planning process, which was previously thwarted and required a judicial review. While I welcome the amended details, they do not overcome the unfortunate history of this case.

Hollingbourne Parish Council

- 4.04 Do not wish to comment/object.

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)

Historic England

- 5.01 No comment. On the basis of the information provided, we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.

Conservation Officer (MBC)

- 5.02 I support the application and raise no objections from a conservation point of view. The works are wholly in line with our discussions on site and the submission is clear and of good quality
- 5.03 The initial proposal relating to the historic wall adjacent to the development site was that it would be demolished and relocated. I took the view that this would cause harm to a heritage asset and for no clear benefit.
- 5.04 The solution agreed with the applicant was to keep the wall in its historic location but it would be taken down and rebuilt using the viable bricks from the surviving wall supplemented by some bricks salvaged from earlier work. This will deal with

the serious problems affecting the wall particularly its dangerous lean and the general decay of the masonry caused by invasive vegetation.

- 5.05 It is unlikely that enough bricks will be salvaged to rebuild the wall to its present height and accordingly it was agreed that the wall could be rebuilt at a lower height. It was also considered as acceptable that the applicant could make some new openings in the wall to suit the needs of the redeveloped adjacent building. The result will be a wall which retains the historic boundary line of the walled area and one which is stable and generally clear of other agents of decay. This seems to me to be a significant gain for the historic asset where there is currently a high risk of collapse and loss.
- 5.06 The works to the remainder of the boundary wall are measured and proportionate. Repairs and alterations have been carried out over the years and this is a continuation of that process which will enhance the appearance and condition of the boundary wall. The line of the boundary will be maintained
- 5.07 There is a historic glass house within the walled area. The structure is partly below ground and this part survives. All the above ground construction has been lost and there are no records of the form of the glass house. The applicant has proposed to build a lightweight structure on the historic base which will bring the building back into use as a glass house. The new construction will sit on top of the historic fabric but none of that original material will be removed or damaged by the new work. This work will protect the historic fabric from further decay.
- 5.08 The conversion of the existing studio building will bring about some alterations to the external appearance but this is minor and it is not considered that it will cause damage to the setting of the listed building. There is some upward extension of the building which will affect the roof line but this work is contained within the valley of the existing roof and will not be visible from Mulberry and Well Cottages. There is also a proposal to replace some of the infill panels on the southwest elevation with glazing instead of solid panels. This, in heritage terms, is simply a change in material and will not impact on the setting of the listed building.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration with the application for Listed Building Consent relate to the potential heritage impacts on the curtilage listed walls and sunken glasshouse.
- 6.02 In making a decision on all listed building consent applications for works, a local planning authority must have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest. This obligation, found in section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and applies to all decisions concerning listed buildings.
- 6.03 Policy SP18 of the Local Plan relates to the historic environment states that the characteristics, distinctiveness, diversity and quality of heritage assets will be protected and, where possible, enhanced to ensure their continued contribution to the quality of life in the borough. This aim will be achieved by the council encouraging and supporting measures that secure the sensitive restoration, reuse, enjoyment, conservation and/or enhancement of heritage assets, in particular designated assets identified as being at risk, to include securing the sensitive management and design of development which impacts on heritage assets and their settings.

- 6.04 Policy DM4 of the Local Plan relates to development affecting designated and non-designated heritage assets. Applicants will be expected to ensure that new development incorporates measures to conserve, and where possible enhance, the significance of the heritage asset and, where appropriate, its setting. A Heritage Assessment should respond to the value of the historic environment by assessing and taking full account of heritage assets, and their settings, which could reasonably be impacted by the proposals. The assessment should consider the significance of the assets and the scale of the impact of development on the identified significance.
- 6.05 Policy DM4 states that the council will apply the relevant tests and assessment factors specified in the National Planning Policy Framework 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. The National Planning Policy Framework (paragraph 192) states: *"In determining applications, local planning authorities should take account of: a) desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) desirability of new development making positive contribution to local character and distinctiveness"*.
- 6.06 NPPF paragraph 193 advises *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*. Paragraph 194 adds *"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification..."*
- 6.07 In assessing the level of harm that may occur and the planning balance NPPF paragraph 196 advises *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"*.
- 6.08 Further guidance on considering the significance of heritage is provided by Historic England (Managing Significance in Decision Taking in the Historic Environment (2015) and The Setting of Heritage Assets (2017)).
- 6.09 Policy DM4 of the Local Plan states that where development is proposed for a site which includes or has the potential to include heritage assets with archaeological interest, applicants must submit an appropriate desk-based assessment and, where necessary, a field evaluation. The application site is not in an area known to have archaeological interest. The buildings on the site are also relatively modern and their construction is likely to have destroyed anything that was present. It is for these reasons that no further archaeological information is required.
- 6.10 The relevant heritage considerations as part of the current works include the need to consider the potential impact on the significance of the brick garden wall (curtilage listed Grade II) and the sunken glasshouses where one of the structures is grade II curtilage listed.
- The setting and significance of the brick garden walls (curtilage listed Grade II) and the sunken glasshouses (1 of the 2 structures are curtilage listed)
- 6.11 The submitted heritage assessment considers the significance of the curtilage listed walls and reports the following:

- On the title map of 1840 the walled gardens are in an earlier layout with the area behind the stables (studio) building yet to be fully enclosed by new walls.
 - The 1867 map shows that the gardens were still being developed and the new stable block and yard had yet to be added. The layout of the cottage garden paths was very different from today with no central path and the path close to the stable yard forward of its current position. The entrance to the garden would appear to be sited more in the corner too.
 - Much of the garden development of the glasshouses and new walls are believed to date from about 1875 -88 and these appear to be present on the photograph of 1895.
 - On the next photograph of 1940 glasshouses and vegetable plots show that the walled garden is largely a functional food production area. There is an access path outside the garden which helps connect the garden to the rear of the house
 - In the 1950's the owner has built new wide concrete tracks to access the gardens with tractor mowers from the main house driveway. The garden is renovated by the head gardener who builds up the right hand sunken bed to match the left hand one and replaces the cold frame with a raised bed.
 - In the rear garden the long raised bed can be seen in the 1960s with a much reduced vegetable crop. The importance of the garden relative to the setting of Hollingbourne House has been greatly impacted and diminished by the development and encroachment of the farm, its activities and its access road through the courtyard.
 - 1975 the sale of the farm and garden cottage resulted in the closing of 4 access points to the cottage garden increasing its isolation and amenity within the overall setting of the estate. The main Hollingbourne House was listed in 1984 without any mention of the walls.
 - With the location of the cottage garden to the rear of the studio building the applicant reports that current access to this residential garden is poor.
 - It is reported that at the time of the applicant's purchase the neighbours boundary wall had collapsed and this has since been rebuilt, the wall behind the barn has long been collapsing and is currently propped up on timbers (see figure 10).
- 6.12 The heritage assessment after considering the significance of the walls advises *"...the surrounding landscape and arrangement of the walled gardens have been periodically and substantially altered since their construction. They now demonstrate numerous phases of redevelopment, with the garden walls to the west appearing to date from the construction of the previous Hollingbourne House in the seventeenth century. However, many of the walls appear to date from the late eighteenth century, with further nineteenth and twentieth century construction and intervention"* (Paragraph 3.6).
- 6.13 The wall alterations include works granted consent in August 1999 (99/1078) which involved a partial reduction in the height of garden wall to 1.2 metres and formation of new gateway.
- 6.14 Whilst the main Hollingbourne House was listed in 1984 without any mention of the walls, the council considers the walls within the garden area to the rear of the studio building to be statutorily listed due to their location in the curtilage of the grade II listed Hollingbourne House. Although in large parts not in their original form the walls have historical value in their general alignment in marking the boundaries of the walled garden and the retained bricks that the walls are constructed with.
- 6.15 The current application includes works and repairs to all of the garden walls surrounding the rear section of the application site. The applicant has advised that bricks salvaged from the proposed alterations and those retained from the 1999 alterations will be used to replace the blockwork in sealed openings or to carry out general repairs that are needed. The work will be carried out in accordance with the methodology provided at figure 12 which is submitted by the applicant.

- 6.16 The wall that runs mainly parallel to the rear of the studio building demarcated an animal yard from the walled garden and is in three different parts. The middle longer section was built at later date than the other two sections. A number of different parts of the wall have previously been rebuilt and a section lowered in accordance with a permission granted in 1999.

Figure 1 South wall curtilage lists showing existing propping



- 6.17 The proposed works to the wall are shown on the drawings below. A section of this wall is currently unstable and propped up as it is close to collapse (see Figure 1), this wall would be dismantled and rebuilt. The majority of the existing wall is 1.8 metres high but with an 8 metre long section (including a 2 metre wide opening) that drops down to a height of 1.2 metres that was previously granted consent. Listed building consent for partial reduction in height of garden wall and formation of new gateway, granted on the 16 August 1999 under reference 99/1078
- 6.18 The current lowered section of wall would be extended by 14 metres with two new openings formed of each 2.5 metres wide. With the many previous alterations, the value of the wall is in its alignment, the bricks used in its construction and the manner in which the original walls were constructed. With these elements protected as part of the current proposal, that will also secure the walls sustainable future, the harm to the wall is less than substantial.
- 6.19 The submitted proposals include the following works to the other garden walls:
- North west wall – likely to have been laid between 1866 and 1888 in imperial bricks with lime mortar. The wall will be repointed as joints have lost their mortar. An angled modern wall is to be removed.
 - South west wall – although line of wall appears to match the original layout, the wall appears to have been rebuilt at least twice including in recent times. Laid in imperial bricks with sand and cement the piers to the opening are a modern addition in the 1950s. The propose works are to repair the wall, clear back the ivy, replace the gate with a Yew hedge infill and add caps to the brick piers.
 - East garden wall – Wall dating from the early 1800's but has since had a range of different alterations including formation of new openings and a section of wall raised in the 1950's. A blocked up opening in the wall will be re blocked in more suitable

bricks with a false door, ivy infestation removed and repointed. A leaning section may require buttressing.

- Northern glasshouse wall – believed to date from between 1800 – 1840 with Georgian bricks in Flemish garden bond with darker bricks in a ‘diaper’ pattern. The line of the wall appears in 1790. Appears that the upper section of this wall may be a later addition. The works include repointing with lime mortar and replacing blown bricks, loose sections of render from the former glasshouse removed, end of wall tied in. 1950’s electrical shed repaired.

6.20 At the northern (rear) end of the walled garden are two sunken glasshouses. The submitted information reports that the sunken glasshouses are both currently in a highly derelict state.

6.21 The left hand glasshouse dates from around 1879 – 1880 and is built of imperial bricks. This earlier glasshouse is curtilage listed due to the location in the original curtilage of the main Hollingbourne House and as it existed on the *1st July 1948*. The submitted proposal includes the renovation of this glasshouse include rebuilding above ground in reclaimed red brick and new glazing. The 1950s heating equipment would be removed with the interior rendered. The door frame and door would be reinstated in a design similar to the original four panel door.

6.22 It is thought that the right hand glasshouse was originally a sunken frame which was built up in the 1950s using buff bricks and then rendered. This 1950’s glasshouse is not curtilage listed and is not a heritage asset. The applicant has stated that the repair of the later more recent glasshouse is not economically viable so the structure will be recorded and then reduced to ground level and filled with soil. A feature outline in brick at ground level would be retained to mark its position.

6.23 The proposed works to the application building, including the reduction in the building footprint as part of the rebuilding of the rear part of the building. These changes and the proposed residential use of the building is make a positive contribution to the setting of the wall and glasshouse.

6.24 It is concluded that the current application building has a neutral impact on the setting of the curtilage listed walls and the glasshouses and the impact of the proposal on the significance of these heritage assets will be less than substantial.

Figure 2 Works to the wall at the rear of the studio building



6.25 In conclusion, policy SP18 of the Local Plan states that heritage assets will be protected to ensure their continued contribution to the quality of life. This aim will be achieved by the council encouraging and supporting measures that secure the sensitive restoration, reuse, enjoyment, conservation and/or enhancement of heritage assets, in particular designated assets identified as being at risk. NPPF

(paragraph 192) states: "In determining applications, local planning authorities should take account of... the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation...".

- 6.26 The curtilage listed garden boundary walls have been subject of a wide range of earlier work, including repairs alterations, demolition work and rebuilding. This work has included a new opening in relation to providing a fire escape from the commercial building. The section of the wall to be rebuilt is currently unstable, propped up and in danger of collapse. In these circumstances and with reference to policy SP18 this curtilage listed wall is identified as being at risk.

Figure 3: Methodology for repair and rebuilding the garden walls

Methodology for the repair and rebuilding of sections of the garden wall and repairs to other areas of garden walling

- *Any section of wall that is need of complete rebuilding will be carefully taken down by hand. At first mortar would be remove as far as possible by a trowel or putty knife. Then bricks would be cleaned using a solution of 10 parts water and 1 part muriatic acid and a stiff brush. Industry standard personal protective equipment would be required and relevant guidance would need to be followed. Ehen bricks have been cleaned they must thoroughly be washed in clean water and stacked for re-use.*
 - *Salvaged bricks would be set aside and stored for re-building*
 - *Any spalded bricks would be reused where possible with the previous internal face cleaned and used as the new outer face*
 - *The wall would be reconstructed using a garden wall bond with the spacing of headers and stretchers to match the existing*
 - *The mortar mix of the wall would be considered and matching mortar mix used in the reconstruction*
 - *Other repairs to the walls will involve repointing with the use of appropriate lime mortar mixed to match that used historically*
 - *Where spalded bricks are to be removed the following will take place*
 - *1. Remove the damaged brick with a suitable brick cutting tool*
 - *2. Clean away mortar*
 - *3. Either turn the brick and reuse/ or insert new or reclaimed brick into the prepared hole*
 - *4. Repoint with suitable mortar*
 - *5. Assist the carbonation of the lime mortar by covering pointed or repaired areas with hessian and mist spraying over a period of 3-4 days*
- 6.27 With the many previous alterations, the value of the walls is in their alignment that marks the boundaries of the walled garden. With further value from the bricks themselves and the manner in which the 'original' walls were constructed.
- 6.28 The current application will retain the walls on their current alignment. The reconstructed walls will be built, and repairs made with bricks that are retained from the earlier work to lower the adjacent wall and the proposed demolition. The walls will be built using a garden wall bond with the spacing of headers and stretchers to match the original wall, with a mortar mix to match the existing wall. The works will be carried out using the methodology set out at figure 3. This restoration work can be controlled through a planning condition.
- 6.29 The garden and boundary walls are now in different ownership to the listed building and separated from the listed building by the large commercial application building. The use of the garden by existing occupiers is currently restricted by this lack of direct access and as the garden walls are currently unsafe.

- 6.30 The use of the proposed building for residential use will bring the gardens back into full beneficial use. The work to restore and rebuild the walls and the new openings will ensure there is direct access from the two proposed family homes to the rear garden space and that the functional role of the walls as means of enclosure is retained.
- 6.31 With the brick wall less than 500mm away from the rear elevation of the application building the lowered section of wall will enable residential outlook to be provided to the rear windows. The lowered wall will also improve the relationship between the building and the garden space.
- 6.32 The work involving the removal and recording of the later glasshouse from the 1950s and the restoration of the later glasshouse from the 1880s as set out earlier in this report will enhance the existing historical interest in this garden area and will preserve its significance.
- 6.33 The work to the walls and the glasshouses is considered in line with SP18 with the restoration of the walls and glasshouse conserving this heritage asset and allowing the garden space to be enjoyed and used to its full potential. The proposal is in line with NPPF paragraph 192 in terms of putting the site to viable use that is consistent with its conservation. The works to repair and rebuild the curtilage listed structures and to secure their preservation is in line with paragraph 193 of the NPPF that states that great weight should be given to an asset's conservation.
- 6.34 It is concluded that the current application building has a neutral impact on the setting of the curtilage listed walls and the glasshouses and the impact of the proposal on the significance of these heritage assets will be less than substantial.
- 6.35 The harm arising from the proposal relates to the new openings in the curtilage listed wall. NPPF paragraph 196 advises "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".
- 6.36 The curtilage listed wall at the rear of the application building is unstable and in danger of collapse. Whilst it is accepted that the proposed additional openings will result in less than substantial harm to the heritage value of the wall, the benefits of providing the improved access to the rear garden and the future use of the garden that will result, will outweigh this harm.
- 6.37 After having special regard to the desirability of preserving the relevant heritage assets, their setting and any features of special architectural or historic interest the proposal is in line with policy SP18 and DM4 of the adopted Local Plan and advice in the NPPF

Conclusions

- 6.38 A local planning authority in making decisions must have special regard to the desirability of preserving any features of special architectural or historic interest. Adopted policy states that the aim of protecting the characteristics, distinctiveness, and quality of heritage assets will be achieved by the council supporting measures that secure the sensitive restoration and reuse of heritage assets.
- 6.39 The garden walls have been subject of a wide range of works, alterations, demolition and rebuilding in the past. The submitted proposal involves repair and restoration works that will generally maintain the character of the walls to ensure that they meet the functional role as means of enclosure.

- 6.40 In addition to the restoration works, the proposal includes the lowering of the middle section of the southern wall and the formation of two new openings. The lowering of the wall, which will match a previously approved adjacent lowered wall, will improve the access to the rear garden space as part of the proposal to introduce family accommodation in the studio building. As the walls have previously been significantly altered it is considered that the important characteristics that require protection relate to the reuse of the bricks, the wall alignment and the manner in which the walls are constructed (bond, mortar mix etc).
- 6.41 The significance of the walls and historic interest are limited to the materials use, method of construction and wall alignment. The proposed works involving the lowering of the wall and the formation of the two new openings are considered to represent less than substantial harm. The less than substantial harm will be outweighed by the public benefits of the development, which include heritage benefits arising from repairs to all the garden walls, the accessibility improvements to the garden space for future occupiers and the restoration works to the sunken greenhouses.
- 6.42 The proposed works involving the lowering of the wall and the formation of the two new openings are considered to represent less than substantial harm. The less than substantial harm will be outweighed by the public benefits of the development. These public benefits include heritage benefits arising from repairs to all the garden wall that will ensure their long term survival, the accessibility improvements to the garden space for future occupiers and the restoration works to the sunken glasshouses.

7. RECOMMENDATION

GRANT LISTED BUILDING CONSENT 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 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.

- 3) Prior to the demolition of the garden wall that lies to the immediate north-east of Courtyard Studios (as shown on drawing reference: 3094-008 Rev A), and restoration works to the remaining garden boundary walls, a schedule of works to the garden walls and the sunken glasshouses shall be submitted to and approved in writing by the local planning authority.

The schedule of works shall include: a)The entire wall to be built from the bricks in the existing wall to be demolished; b)A rebuilt wall that shall be a minimum of 1.2m in height at any point; c)Full details of how the retained garden walls will be restored. d) details of the sunken glasshouse restoration. The dwellings hereby approved shall not be occupied until the approved works to the garden walls and the glasshouses have been completed, and the walls and the glasshouses shall be maintained as such thereafter.

Reason: To safeguard the value of the curtilage listed garden boundary walls and the glasshouse

- 4) Prior to the demolition of the garden wall that lies to the immediate north-east of Courtyard Studios (as shown on drawing reference: 3094-008 Rev A), and restoration works to the remaining garden boundary walls a sample panel of the rebuilt wall (with the reused bricks, mortar mix/pointing details and coping stone to be used) shall be made available for inspection by Council officers with the works proceeding in accordance with this approved panel,
Reason: To safeguard the value of the garden boundary walls.

Informative

The applicant is advised that the following plans and documents were considered as part of the assessment of this application:

- 3094-011Rev F Proposed elevations (May 2020)
- Appendix 1 to the Heritage Statement (Nov 2019)
- Design and Access Statement (May 2020)
- PDL 01 A2 rev 2 Details of construction for remedial works and new openings to existing wall (May 2020)
- 3094-012 rev F proposed site plan (May 2020) 3094-012 rev F2 proposed site plan (May 2020)
- 3094-010 rev E Proposals (Proposed floorplans) (May 2020)
- PDL 01 rev v7 Proposed maintenance work to southern garden wall remaining on existing line. (May 2020)
- PDL 02 rev v2 Proposed conservation works to northern glasshouse garden wall. (May 2020)
- PDL 03 rev v5 Proposed maintenance and amendments to east garden wall. (May 2020)
- PDL 04 rev v6 Proposed maintenance and minor amendments to south western garden wall. (May 2020)
- PDL 05 rev v5 Proposed maintenance and minor amendments to north west facing garden wall by barn. (May 2020)
- PDL 07 rev v2 Proposed restoration works to sunken glasshouses. (May 2020)
- Built Heritage Statement (May 2020)

Case Officer: Tony Ryan

Agenda Item 15



20/504657/TPOA Front of 17 Ashurst Road, Maidstone, Kent, ME14 5PZ

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REPORT SUMMARY

REFERENCE NO - 20/504657/TPOA		
APPLICATION PROPOSAL TPO application to reduce one Cherry tree away from properties from 8.5m to 6.5m, one Cherry tree away from properties from 9.4m to 7.4m, and one Acer away from properties from 8.5m to 6m, and clean out crowns of all 3.		
ADDRESS Front Of 17 Ashurst Road Maidstone ME14 5PZ		
RECOMMENDATION Permit subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed works are considered appropriate arboricultural management.		
REASON FOR REFERRAL TO COMMITTEE The application is made by an agent on behalf of Maidstone Borough Council		
WARD East	PARISH/TOWN COUNCIL	APPLICANT Mr Andrew Jesson AGENT Caroline Everest
DECISION DUE DATE 09/12/20	PUBLICITY EXPIRY DATE 06/11/20	OFFICER SITE VISIT DATE 05/12/20
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
None relevant		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The three trees are growing on the southern side of Ashurst Road Play Area open space, to the frontage of numbers 9 to 19 Ashurst Road. The land is in the ownership of Maidstone Borough Council. The land is grassed with mature trees, a play area and hard surfaced footpaths, with open public access.

2.0 PROPOSAL

- 2.01 The application is to reduce the crowns of all three trees away from the adjacent residential properties by approximately 2 metres and to 'crown clean' (e.g. removal of deadwood, diseased or damaged branches) all three trees.

3.0 PLANNING CONSTRAINTS

Tree Preservation Order No.3 of 1971: Vinters Quarry on the west side of Vinters Park, Maidstone, Area A1 consisting of 48 various species. Confirmed 25/10/1971

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 Government Policy:
National Planning Policy Framework (2019)

Ministry of Housing, Communities & Local Government, Planning Practice Guidance, Tree Preservation Orders and trees in conservation areas, March 2014

4.02 Local Policy:

Maidstone Borough Local Plan October 2017 - Policy DM 3

Maidstone Landscape Character Assessment (March 2012 amended 19 July 2013) and Supplement (2012- Saved Sections of the Landscape Character Assessment and Landscape Guidelines 2000)

4.03 Compensation:

A refusal of consent to carry out works to trees subject to a Tree Preservation Order can potentially result in a claim for compensation for loss or damage arising within 12 months of the date of refusal. The applicant is Maidstone Borough Council, so it is unlikely that such a compensation claim would arise as a result of a refusal of this application, but the Council could be liable to claims for damage or injury as a result of tree failure if identified hazards are not addressed.

5.0 LOCAL REPRESENTATIONS

5.01 None received

6.0 CONSULTATIONS

6.01 Not applicable

7.0 BACKGROUND PAPERS AND PLANS

7.01 Location plan and proposal clarification (dimensions) submitted

8.0 APPRAISAL

General appraisal of tree group

8.01 T1 Cherry, T2 Acer, T3 Cherry on application form (within A1 in TPO).

Contribution to public visual amenity:
Good – clearly visible to the public

Condition:
Fair – showing minor signs of deterioration and/or defects

Useful life expectancy:
Long - with an estimated remaining life expectancy of at least 20 Years

T1 Cherry

8.02 A mature Cherry of average form with a main stem diameter of about 50cm The tree appears to be in reasonably good health and condition with no significant defects noted during inspection. A degraded fungal fruiting body was found near the base of the tree but was too decomposed to identify. The tree is growing within a group of trees and has a slightly etiolated form as a result. Lateral branches are growing towards the adjacent properties on the south side and overhang the small front gardens.

T2 Acer

- 8.03 A mature, multi stemmed Acer with four main stems of up to 50cm diameter each. The basal forks are not well formed but otherwise the tree appears to be in reasonably good health and condition with no significant defects noted during inspection. Lateral branches are growing towards the adjacent properties on the south side and overhang the small front gardens.

T3 Cherry

- 8.04 A mature Cherry of average form with a main stem diameter of about 60cm The tree appears to be in reasonably good health and condition with no significant defects noted during inspection. A small main stem cavity was noted at 2m height, but is unlikely to be structurally significant at this time. Lateral branches are growing towards the adjacent properties on the south side and overhang the small front gardens.

Discussion of proposal

- 8.05 The proposed works are to reduce the lateral growth on the south side of all three trees, where they are beginning to encroach on the neighbouring residential properties. The light reduction works proposed will not result in large pruning wounds and will not have a significant detrimental impact on their contribution to public visual amenity. Maintaining adequate clearance from residential properties is considered necessary and appropriate management.
- 8.06 The proposal also includes 'crown cleaning', which is the removal of deadwood and any damaged, diseased or broken branches. The latter is also considered appropriate management and can be undertaken under the exceptions to the tree preservation regulations.

9.0 CONCLUSION

- 9.01 The proposed works are necessary and arboricultural management that will not have a significant detrimental impact on the long term health of the trees or their contribution to amenity.

11.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS to include

- (1) All works hereby permitted shall be carried out in accordance with the provisions of the current edition of BS 3998 by a competent person;

Reason: To ensure the work complies with good arboricultural practice to safeguard the longevity, amenity and nature conservation value of the tree/s and its/their contribution to the character and appearance of the local area

INFORMATIVES

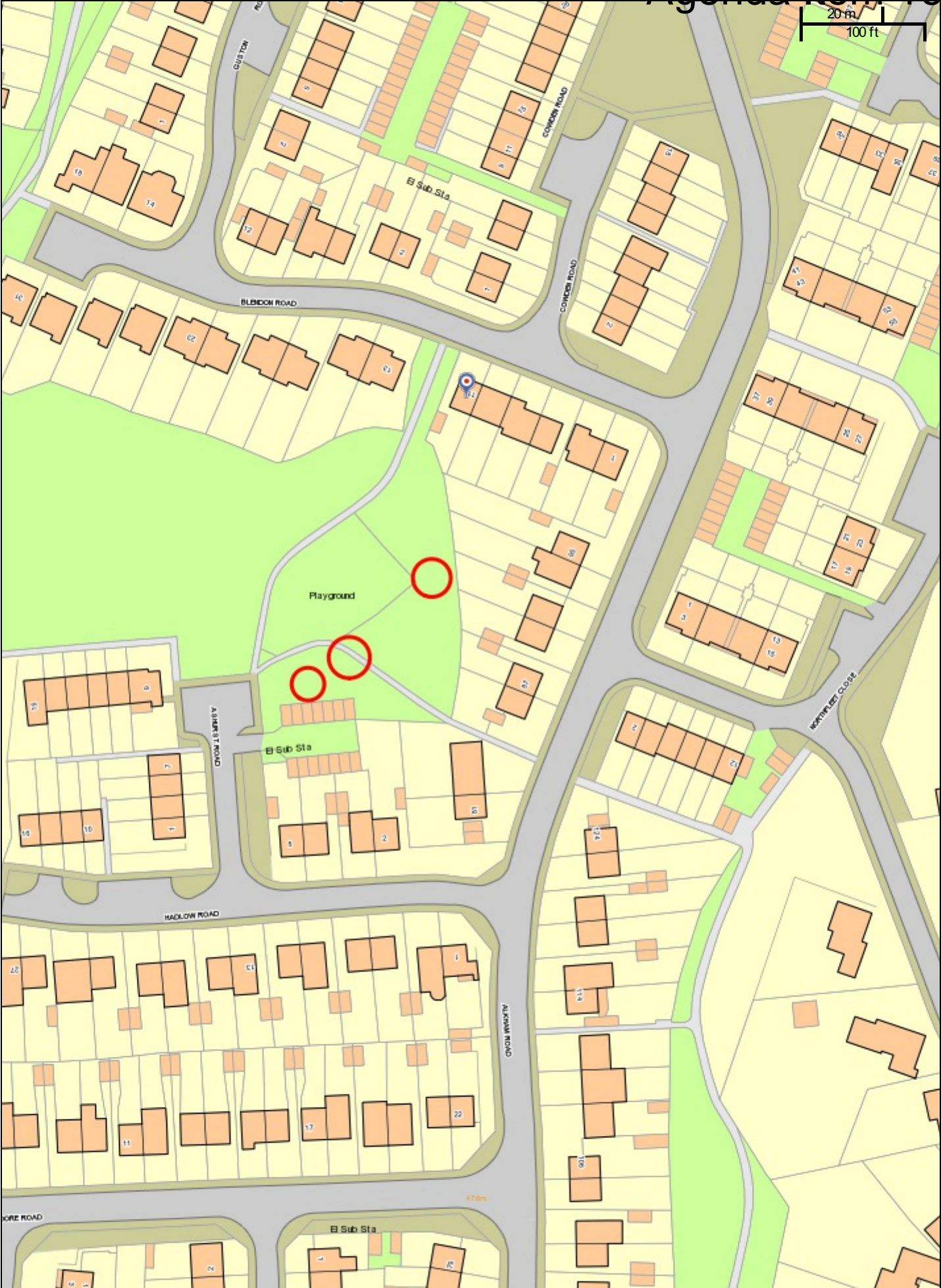
- (1) The Council's decision does not override the need to obtain the tree owner's consent for works beyond your boundary.

(2) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.

(3) Removal of dead wood from protected trees is an exception to current legislation and does not require a formal application. However, the regulations require five days notice in writing of intention to carry out such works. Its inclusion on this application is considered to satisfy that requirement.

Case Officer: Nick Gallavin

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



20/504658/TPOA Rear of 11 Blendon Road, Maidstone, Kent, ME14 5QA

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REPORT SUMMARY

REFERENCE NO - 20/504658/TPOA		
APPLICATION PROPOSAL TPO application to reduce one Walnut from height of 17m to 15.5m, width of 7.6m to 6.8m; Fell one Hawthorn; Crown lift one Sycamore to clear garages by 2m.		
ADDRESS Rear Of 11 Blendon Road Maidstone ME14 5QA		
RECOMMENDATION PERMIT subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed works are considered appropriate arboricultural management.		
REASON FOR REFERRAL TO COMMITTEE The application is made by an agent on behalf of Maidstone Borough Council		
WARD East	PARISH/TOWN COUNCIL	APPLICANT Andrew Jesson AGENT Caroline Everest
DECISION DUE DATE 20/01/21	PUBLICITY EXPIRY DATE 18/12/20	OFFICER SITE VISIT DATE 05/12/20
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
None relevant		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The trees are growing on the eastern side of Ashurst Road Play Area open space, to the rear of properties in Alkham Road. The land is in the ownership of Maidstone Borough Council. The land is grassed with mature trees, a play area and hard surfaced footpaths, with open public access.

2.0 PROPOSAL

- 2.01 T1 Walnut. Reduce Juglans regia by 15%. Mature tree with 2 areas of internal decay. Tree is an historic pollard which has a heavy lean towards the play area but not within influencing distance. However, there is a balance beam within hazard zone and also stress evidence towards the base of the trunk.
- 2.02 T2 Hawthorn. Dead tree – fell to ground
- 2.03 T3 Sycamore. Lift to clear garages by 2m. Note that this tree falls outside of the TPO polygon, so the consent of the Local Planning Authority is not required to undertake the proposed works.

3.0 PLANNING CONSTRAINTS

Tree Preservation Order No.3 of 1971: Vinters Quarry on the west side of Vinters Park, Maidstone, Area A1 consisting of 48 various species. Confirmed 25/10/1971

4.0 POLICY AND OTHER CONSIDERATIONS

4.01 Government Policy:
National Planning Policy Framework (2019)

Ministry of Housing, Communities & Local Government, Planning Practice Guidance, Tree Preservation Orders and trees in conservation areas, March 2014

4.02 Local Policy:
Maidstone Borough Local Plan October 2017 - Policy DM 3

Maidstone Landscape Character Assessment (March 2012 amended 19 July 2013) and Supplement (2012- Saved Sections of the Landscape Character Assessment and Landscape Guidelines 2000)

4.03 Compensation:
A refusal of consent to carry out works to trees subject to a Tree Preservation Order can potentially result in a claim for compensation for loss or damage arising within 12 months of the date of refusal. The applicant is Maidstone Borough Council, so it is unlikely that such a compensation claim would arise as a result of a refusal of this application, but the Council could be liable to claims for damage or injury as a result of tree failure if identified hazards are not addressed.

5.0 LOCAL REPRESENTATIONS

5.01 None received

6.0 CONSULTATIONS

6.01 Not applicable

7.0 BACKGROUND PAPERS AND PLANS

7.01 Location plan and proposal clarification (dimensions of Walnut) submitted

8.0 APPRAISAL

T1 Walnut on application form (within A1 in TPO).

8.01 Contribution to public visual amenity:
Good – clearly visible to the public

Condition:

Poor – obvious decline/ health and/or structural integrity significantly impaired

Useful life expectancy:

Short – safe useful life expectancy of less than 10 years

Discussion of proposal

8.02 The tree is a mature Walnut in poor condition, exhibiting multiple structurally significant defects. The main stem has a large open cavity from 2m height to crown break at 4m height consistent with the breaking out of a large main limb. The crown structure indicates that the tree has undergone severe pollarding in the past, with subsequent reduction of the regrowth at about 6.5m height. The proposal is therefore

to reduce the tree to around the same height as the last reduction. Given the poor and declining structural condition of the tree and its location in a public park, the proposed works are considered necessary risk management of an appropriate extent. The tree has a limited safe useful life expectancy and the proposed works are likely to extend the tree's remaining contribution by reducing the risk of decay related failure.

T2 Hawthorn on application form (within A1 in TPO).

- 8.03 Contribution to public visual amenity:
Good – clearly visible to the public

Condition:

Poor – obvious decline/ health and/or structural integrity significantly impaired

Useful life expectancy:

None – tree is dead

Discussion of proposal

- 8.04 The Hawthorn is a small tree reaching about 6m in height. It is dead and can therefore be felled under the exceptions to the Tree Preservation regulations. Its inclusion on the application satisfies the requirement to give 5 working days' notice in writing before undertaking felling. Following felling, the landowner is under a duty to plant a replacement tree, as detailed in condition 2 below.

T3 Sycamore on application form (not within TPO).

- 8.05 Contribution to public visual amenity:
Good – clearly visible to the public

Condition:

Good – no significant defects noted

Useful life expectancy:

Very Long - with an estimated remaining life expectancy of at least 40 Years

Discussion of proposal

- 8.06 The Sycamore tree(s) that overhang the en-bloc garages to the south side of the open space are not subject to the TPO, so the inclusion of the proposed works on the application was not necessary. Notwithstanding this, the small amount of crown lifting works proposed are considered necessary to prevent foreseeable damage to the garage block and will not be detrimental to the long term health of the tree(s) or their contribution to amenity.

9.0 CONCLUSION

- 9.01 The proposed works are necessary and arboricultural management that will not have a significant detrimental impact on the long term health of the trees or their contribution to amenity.

- 11.0 RECOMMENDATION – GRANT** Subject to the following conditions

CONDITIONS to include

(1) All works hereby permitted shall be carried out in accordance with the provisions of the current edition of BS 3998 by a competent person;

Reason: To ensure the work complies with good arboricultural practice to safeguard the longevity, amenity and nature conservation value of the tree/s and its/their contribution to the character and appearance of the local area

(2) One replacement Hawthorn tree shall be planted on or near the land on which the felled tree stood during the planting season (October to February) in which the tree work hereby permitted is substantially completed or, if the work is undertaken outside of this period, the season immediately following, except where an alternative proposal has been submitted to and approved in writing by the local planning authority one month prior to the end of the relevant planting season. The replacement tree shall be of not less than Nursery light standard size (6-8cm girth, 2.5-2.75m height), conforming to the specification of the current edition of BS 3936, planted in accordance with the current edition of BS 4428 and maintained until securely rooted and able to thrive with minimal intervention;

Reason: To safeguard the amenity and nature conservation value of the tree/s that has/have been removed and to maintain and enhance the character and appearance of the local area

INFORMATIVES

(1) The Council's decision does not override the need to obtain the tree owner's consent for works beyond your boundary.

(2) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.

Case Officer: Nick Gallavin

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Agenda Item 17



20/504386/FULL The Orchard Place, Benover Road, Yalding, Kent

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REFERENCE NO - 20/504386/FULL		
APPLICATION PROPOSAL Change of use of the land for the siting of 3no. static caravans and 3no. touring caravans for Gypsy/traveler occupation (revised scheme to 18/506342/FULL).		
ADDRESS The Orchard Place Benover Road Yalding		
RECOMMENDATION Grant Planning Permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The application site has already been accepted as suitable for Gypsy and Traveler accommodation for two mobiles under application referenced 18/506342/FULL. The application seeks permission for an additional mobile home. The site is suitably screened and the development proposal complies with national and local planning policies and guidance.		
REASON FOR REFERRAL TO COMMITTEE Collier Street Parish Council have referred the case to committee if officers are minded to approved due to concerns with flooding issues, the loss of landscaping, and as they consider the increase in the number of caravans does not safeguard the character of the area.		
WARD Marden And Yalding	PARISH/TOWN COUNCIL Collier Street	APPLICANT Mr G Fuller AGENT SJM Planning And Construction Ltd
TARGET DECISION DATE 08/01/21		PUBLICITY EXPIRY DATE 20/11/20

Relevant Planning History

14/0059

Change of use of land for the stationing of 1(no) residential caravan for Gypsy accommodation including resurfacing of site and associated works
Approved Decision Date: 12.11.2014

18/500916/FULL

Change of use of the land for the siting of 2 static caravans for Gypsy/traveller occupation. Extension to that already approved under reference MA/14/0059/FULL.
Withdrawn Decision Date: 01.05.2018

18/503948/FULL

Change of use of land for siting of 2 static caravans for Gypsy/traveller occupation. Extension to that already approved under reference MA/14/0059/FULL - Resubmission.
Refused Decision Date: 24.09.2018

Reason:

This highly vulnerable form of development proposed in an area at risk from flooding, fails to demonstrate the suitability of the site for residential accommodation in terms of the safety of occupants for the lifetime of the development, and that safe access and escape routes can be provided, without exposing future occupants and members of the emergency services to serious risk in times of flood. In the absence of a site specific Flood Risk Assessment, the proposal has also failed to address the Sequential and Exception Tests as set out in the NPPF. The development is therefore contrary to the provisions of policies DM1 and DM15 of the Local Plan (2017), and the NPPF (2018) and its Technical Guidance.

18/506342/FULL

Change of use of the land for the siting of 2 static caravans for Gypsy/traveller occupation. Extension to that already approved under reference MA/14/0059/FULL (Resubmission of 18/503948/FULL).

Approved Decision Date: 21.02.2019

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The proposal site is located on the southern side of Benover Road, opposite a Grade II listed property, Mill House, which is some 325m to the south-east of the junction with Forge Lane. The site is part of a larger paddock area and there is well-established front boundary planting. The character of the wider area predominantly consists of sporadic residential development surrounded by agricultural land. The land to the east is a Local Wildlife Site (LWS) and the proposal site is within Flood Zone 2. For the purposes of the Local Plan (2017) the application site is in the countryside.

Background information

1.02 Planning application reference MA/14/0059 gave planning permission on 12th November 2014 for the stationing of 1 mobile home to be used by gypsies or travellers, as defined for planning purposes at the time.

1.03 The application site under this permission was smaller than the current application proposed but does make use of the same (existing) vehicle access from Benover Road. This permission was not implemented and is no longer extant. Subsequent to this, planning application reference: 18/503948 (for 2 static caravans on the same site) was refused in September 2018 due to the absence of a flood risk assessment.



MA/14/0059 Proposed site plan granted on 12 November 2014

1.04 The planning application referenced 18/506342/FULL comprised the change of use of the land for the siting of 2 static caravans for Gypsy/traveller occupation. Extension to that already approved under reference MA/14/0059/FULL (Resubmission of 18/503948/FULL). This was approved in February 2019.



18/506342/FULL Proposed site plan granted on 21 February 2019

2.0 PROPOSAL

- 2.1 The current proposal is for the change of use of the land for the siting of 3 static caravans for Gypsy/traveller occupation. The previous application referenced 18/506342/FULL (site plan shown above) was granted for the siting of two caravans and the current application is for one additional caravan. The site would include landscaping and boundary treatment, hardstanding, parking bays and space for three tourers.
- 2.2 The site area would be the same as that already approved under reference 18/506342/FULL for two mobile homes.
- 2.3 Two mobiles would be sited along the western boundary and one would be sited along the southern boundary. The revised block plan showed that the mobile homes would be set further in from the boundary than the original submission.
- 2.4 In addition, the two mobile homes along the western boundary have been reduced in size, along with the hard standing, and space for the storage of three tourers has been added.



20/504386/FULL Proposed site plan that forms part of the current application

3.0 POLICY AND OTHER CONSIDERATIONS

- 3.01 Maidstone Borough Local Plan 2017 SS1, SP17, DM1, DM3, DM8, DM15, DM30
National Planning Policy Framework (2019)
National Planning Practice Guidance
Supplementary Planning Documents
Planning Policy for Traveller Sites (2015)
Gypsy & Traveller and Travelling Showpeople Topic Paper (2016)

LOCAL REPRESENTATIONS

Local Residents:

- 3.0 4 representations were received from local residents raising the following (summarised) issues
- Request that the extant application is carried out so that the impact of the development can be weighed up before commenting on a larger development.
 - Development is out of scale and harmful to the openness of the countryside.
 - Loss of privacy around the ponds
 - As the site has lain dormant for some years, the need for it is in question

4.0 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)

Collier Street Parish Council

- 4.01 The Parish Council are concerned with regard to flooding issues, the loss of landscaping, and that the increase in the number of caravans does not safeguard the character of the area. The locality is dominated by 4 sites of this nature within a half mile length of the road.

Environment Agency

- 4.02 Due to the ongoing impacts of Covid-19 and high workloads, the EA are currently unable to provide bespoke comments on development not within a Source Protection Zone (SPZ), in Flood Zone 3, within 20 metres of a main river or involving a high risk previous use. In all other applications, Standing advice should be used in order to ensure that built footprint within Flood Zone 2 is not increased, flood flows are not impeded and appropriate safe access and egress routes are achievable.

Environmental Health

- 4.03 No objection, informatives requested with regard to Radon gas, and the Mid Kent Environmental Code of Development Practice.

KCC Ecology

- 4.04 Raised no objection to the previous application which covered a similar site area.

KCC Highways

- 4.05 Raised no objection to the previous application

Conservation officer

- 4.06 The site appears to be part of the wider setting of the listed building but there would not be any direct or harmful impact on it.

5.0 APPRAISAL

Main Issues

The key issues for consideration relate to:

- Sustainability
- Need for gypsy sites
- Supply of gypsy sites
- Gypsy status
- Flood issues
- Visual/landscape impact
- Impact on the setting of a listed building
- Residential amenity
- Highways
- Biodiversity

Sustainability

- 5.01 Gypsy and traveller sites will almost inevitably be located in countryside locations, and in this case the site is approximately 2.3 km from the larger village of Yalding (to the north-west of the site) with its local services, amenities and public transport links. Whilst located within part of the open countryside where residents would be reliant on the use of a car, the site is not so far removed from basic services and public transport links as to warrant a refusal of planning permission on grounds of being unsustainable, particularly given the nature of the development and development in the vicinity generally.

- 5.02 Whilst located within part of the open countryside where residents would be reliant on the use of a car, the site is not so far removed from basic services and public transport links as to warrant a refusal of planning permission on grounds of being unsustainable, particularly given the nature of the development and development in the vicinity generally.

Need for gypsy sites

- 5.03 The Maidstone Local Plan is adopted and there are policies relating to site provision for Gypsies and Travellers. Local planning authorities also have responsibility for setting their own target for the number of pitches to be provided in their areas in

their Local Plans, and the Gypsy & Traveller and Travelling Showpeople Accommodation Assessment: Maidstone (Jan 2012) (GTAA) provides the evidence of the need for Gypsy and Traveller pitches in the borough for the Local Plan period (October 2011 to March 2031).

- 5.04 The GTAA was completed prior to the refinement to the definition of Gypsies and Travellers contained in the revised Planning Policy for Traveller Sites (PPTS) published in August 2015. The PPTS must be taken into account in the preparation of development plans, and is a material consideration in planning decisions. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. The GTAA is the best evidence of need at this point, forming as it does part of the evidence base to the Local Plan. It is considered to be a reasonable and sound assessment of future pitch needs, albeit the actual needs may prove to be somewhat lower as a result of the definition change. The current GTAA provides the best evidence of need but each decision must be taken on evidence available at the time of a decision made.
- 5.05 The GTAA concluded the following need for pitches over the remaining Local Plan period:
Oct 2011 – March 2016 - 105 pitches
Apr 2016 – March 2021 - 25 pitches
Apr 2021 – March 2026 - 27 pitches
Apr 2026 – March 2031 - 30 pitches
Total: Oct 2011 – March 2031 = 187 pitches
- 5.06 The target of 187 additional pitches is included in policy SS1 of the Maidstone Local Plan; and the GTAA is the best evidence of needs at this point, forming as it does part of the evidence base to the adopted Local Plan..

Supply of gypsy sites

- 5.07 Accommodation for Gypsies and Travellers is a specific type of housing that councils have the duty to provide for under the Housing Act (2004). Local Plan Policy DM15 accepts that subject to certain criteria, this type of accommodation can be provided in the countryside.
- 5.08 Since 1st October 2011, the base date of the GTAA, the following permissions for pitches have been granted (as of 30th September 2020):
1. 199 permanent non-personal pitches
2. 32 permanent personal pitches
3. 4 temporary non personal pitches
4. 39 temporary personal pitches
- 5.09 A total of 231 pitches have been granted permanent consent since October 2011. These 231 pitches exceed the Local Plan's 187 pitch target. This illustrates that the rate at which permanent permissions have been granted in the first 9 years of the plan period is actually ahead of the rate of need by the GTAA. The sites allocated through policy GT1 in the Local Plan which do not yet have permission will also provide an additional 29 pitches.
- 5.10 Furthermore, sites granted permanent permissions on suitable windfall sites (in accordance with policy DM15), and pitch turnover on the two public Gypsy & Traveller sites in the borough, will continue to increase the number of pitches in the borough.
- 5.11 The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight when considering the expediency of granting consent on a temporary basis.

- 5.12 The Council's position is that it can demonstrate 7yrs worth year supply of Gypsy and Traveller sites at the base date of 1st April 2020. As the Council considers itself to be in a position to demonstrate more than a 5 year supply, paragraph 27 of the PPTS would not apply in the determination of this application and the direction to positively consider the granting of a temporary consent does not apply.

Gypsy status

- 5.13 This application is for use by Gypsies and Travelers however, it has not been identified for use with a specific family in mind. For this reason, a condition will be added to the decision notice ensuring that the site is retained solely for use by Gypsy/Traveler families.

Flood issues

- 5.14 In accordance with the NPPF mobile homes intended for permanent residential use are classified as 'Highly Vulnerable' and such development in Flood Zone 2 can be acceptable subject to the Sequential and Exception Tests being undertaken. Furthermore, development proposals should not result in flooding being re-directed to other areas as a result, and development in flood risk areas should only be considered appropriate where a site-specific Flood Risk Assessment (FRA) has been submitted.
- 5.15 An FRA has been submitted as part of this application. The Environment Agency (EA) has reviewed the application and has provided standing advice. However, in the previous application referenced 18/506342/FULL, they raised no objection given that there was no internal flooding issue and the proposal would not increase flood risk elsewhere. In addition, the EA confirmed that the finished floor levels of the caravans were acceptable, at 14.35mAOD, which is 300mm above the 1 in 100 year plus 70% climate change level of 14.05mAOD. This finished floor level can be secured by way of an appropriate condition.
- 5.16 Applications within the flood zone also need to ensure that safe access and egress to the site is possible during a flood event; and the Environment Agency advise that emergency planning and rescue implications of the proposal should also be considered in the determination of this application.
- 5.17 The FRA also confirms that the proposal site is on the edge of a 'dry island' (i.e. flood zone 1) that includes a stretch of Benover Road that runs past the proposal site; flood proofing will be incorporated into the mobile homes; a flood warning and evacuation plan will be prepared; and the applicant will register with the EA Floodline Warnings/Alert Direct Service. In addition to this, the FRA confirms that the development will utilize sustainable drainage systems (SUDS). With these flood risk measures in place, the FRA considers the proposal to be acceptable in flood risk terms.
- 5.18 Paragraph 160 of the NPPF states that for the Exception Test to be passed it should be demonstrated that:
- a) development would provide wider sustainability benefits to community that outweigh the flood risk; and
 - b) development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 5.19 The Council can demonstrate 7.0 years worth of deliverable pitches as of 1st April 2020, and no personal circumstances have been put forward that would outweigh the harm identified by this development in this location. However, it must also be considered that there is still an unmet need for such sites in the borough, and the submitted FRA also clearly sets out how the proposal will be safe for its lifetime. In

their previous comments, the EA did not state that the proposal would unacceptably increase flood risk elsewhere.

- 5.20 Whilst the issue of safe access and egress is a balanced issue, given the precautionary measures and mitigation set out in the FRA and the available EA flood warning service, it is considered that future occupants of the site would be safe and have time to evacuate the site if necessary, avoiding the need for emergency egress and access.
- 5.21 In addition, providing there is no internal flooding objection, there is also the potential for future occupants to safely 'sit-out' any flood. Further information was submitted with the current application to demonstrate that safe evacuation could occur in the event of a flood. This information included the following:
- There will be no loss of fluvial flood storage.
 - Flood proofing will be incorporated as appropriate.
 - A flood warning and evacuation plan which will be prepared in liaison with the Council's Emergency Planners and tied in with the local emergency plans for the area.
 - The applicant will register with the Environment Agency Floodline Warnings/Alert Direct service.
- 5.22 I note that the most recent FRA recommended that, 'the applicant and future owners, occupiers and Landlords of the property prepare a flood plan to protect life and property during a flood event.' With this in mind, as with the previous application I will add a condition relating to the submission prior to the use of the site.
- 5.23 In the previous application, the KCC Sustainable Drainage Team has also commented that 2 static caravans will not generally generate a significant quantity of surface water runoff, essentially less than a standard detached house. Their expectation is that surface water from any roof areas would be directed towards house soakaways/filter trenches to be locally managed surface water.
- 5.24 The FRA supplied with this application sets out that the site is at 'low risk' from surface water flooding. I consider that the addition of one more unit would not significantly increase the water run-off and, as such, a suitable condition will be added for a detailed surface water management scheme.

Visual/landscape impact

- 5.25 The site lies in the open countryside approximately 2.5 km to the south-east of the larger village of Yalding. The open countryside location forms part of the Low Weald Landscape of Local Value as defined on the policies map to the adopted Local Plan. Policies SS1 and SP17 of the Local Plan seek to protect and enhance the quality and character of the countryside.
- 5.26 DM30 sets out that the type, siting, materials, design, mass and scale of development and the level of activity would maintain or where possible enhance local distinctiveness including landscape features. In addition, impacts on the character of the area should be suitably mitigated. New buildings should where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflects the landscape character of the area.
- 5.27 The site falls within the Laddingford Low Weald within the Council's Landscape Character and is identified as being in moderate condition and sensitivity with guidelines to conserve and improve the landscaping. The surrounding area is rural in character and appearance, with fields/paddocks, boundary hedgerows/trees, and sporadic buildings featuring in the surrounding landscape.

- 5.28 The application site itself comprises one of a patchwork of modest sized fields, punctuated with hedging and trees. There are ponds in the vicinity and copses of trees across the road to the east and lining the road to the east of the site. The application seeks to strengthen this landscaping in keeping with Landscape guidelines by planting a small copse of trees along the northern boundary, screening the site from views along the road.
- 5.29 In addition, native hedgerows would be planted along the remaining boundaries which would help to alleviate some of the impact of the development on the character of the surrounding area.
- 5.30 I note the information relating to the tree species set out on the block plan doesn't entirely accord with those set out within the Maidstone Landscape Character Guidance, so a condition will be added for landscaping details to be provided in accordance with the guidance. Furthermore, a condition to retain landscaping will also be added in order to protect the character of the countryside.

Design and layout

- 5.31 Policy DM1 encourages development proposals which respond positively to, and where possible enhance, the local, natural or historic character of the area.
- 5.32 Under Section 29 of the Caravan Sites and Control of Development Act 1960, a caravan can be up to 20m in length and 6.8m in width; with the overall height being 3.05m (measured internally from floor at lowest level to ceiling at highest level). Two of the caravans (on the western side of the site) would have a length of no more than 15.0 metres with a width of 6.6 metres in order to ensure that the caravans do not result in a cramped appearance. The remaining caravan would have a width of no more than 20 metres in length with a width of no more than 6.8 metres. An email dated 01.12.2020 from the agent confirms this. On review of the submitted information and in accordance with the legal definition of a caravan, these dimensions would be considered acceptable.
- 5.33 A brochure has been provided and sets out that the caravans would be timber with felt roof shingles. These details are considered acceptable in the context of the location. However, a condition should be added to ensure that the roof tiles are black or brown as opposed to using brighter alternatives.
- 5.34 In terms of the layout, a revised block plan was submitted to re-site the caravans. The revisions included setting them in from the boundary treatment to reduce the need to extensively prune the hedging to allow sufficient lighting into the caravans. Furthermore, the hard-standing was reduced to increase soft landscaping on the site, and spaces were provided for tourers. Finally, the two caravans were reduced in size to ensure that the slight re-siting would not result in a loss of amenity for future occupiers. These amendments are considered acceptable.

Impact on the setting of a listed building

- 5.35 Policy DM4 encourages the protection of heritage assets ensuring that they aren't adversely affected by the development proposal. Mill House is a grade II listed building located approximately 40 metres to the north of the application site on the opposite side of Benover Road. The Conservation Officer recognised that the site appeared to be part of the wider setting of the listed building, but considered that there would not be any direct or harmful impact on it.
- 5.36 The listing is as follows:
- 5.37 House, formerly cottages (known as Mill Cottages). The building was constructed in late C16 or early C17 or (possibly) earlier, with later alterations and C19 facade.

Materials comprise timber frame, weather-boarding and plain tiled roof. Four timber-framed bays, built at right-angles to road and facing south. 2 storey building with attic on rendered brick plinth. The roof comprises half-hip with multiple brick ridge stack to left (west) end of left-central bay. There is a small hipped two-light dormer towards centre. The fenestration is irregular and comprises 3 three-light casements; one to left end, one towards centre, and one to right. The ground floor has one very small single light to left end, one four-light casement in moulded architrave towards centre, and one three-light casement to right end. A boarded door is located to the left end of right end bay. There is a rear lean-to with low single-storey brick bakehouse? at right-angles towards left end, gabled, and with gable end stack.

- 5.38 The relationship between the application site and the listed building, including the distance between them of approximately 42 metres along with the existing and proposed landscaping between them, would be considered sufficient to reduce any potential impact on this heritage asset.

Residential amenity

- 5.39 Policy DM1 encourages development to respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers by ensuring that it 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.
- 5.40 The closest neighbours to the application site are Woodview (approximately 57 metres to the west of the application site), Ivy Cottage (approximately 25 metres to the north of the application site) and Mill House (approximately 40 metres to the north of the application site).
- 5.41 Both the existing mature landscaping and the proposed landscaping intending to reinforce the character of the locality would assist in minimising the impact of the low-lying development and, for this reason, it is considered acceptable.
- 5.42 I note the objection relating to loss of privacy around the ponds, however, the boundary treatment around the perimeter of the application site would reduce any potential for overlooking. Furthermore, the fishing ponds are not considered to be located within the more private amenity space associated with the rear of properties and, on this basis, the development proposal is considered acceptable.
- 5.43 It is noted that Environmental Services considered that the development proposal would be unlikely to result in an adverse impact regarding amenity issues in relation to noise and light and, therefore, the application is considered acceptable. However, a condition will be added to ensure that any details with regard to lighting will be submitted to the Local Planning Authority for approval.

Highways

- 5.44 Policy DM1 sets out that development proposals should provide adequate vehicular and cycle parking to meet adopted council standards, and policy DM23 also highlights this. Bin and cycle storage should also be provided along with electric vehicle charging points.
- 5.45 The current application seeks to retain the existing access arrangements with a separate access provided from the application site on to Benover Road. This access is considered acceptable in relation to highway safety. Adequate hard surface space is available within the plot for the parking of vehicles associated with the proposed mobile home use of the site and for vehicle manoeuvring enabling vehicles to enter and leave the site in a forward gear.

- 5.46 The level of additional vehicle movements to and from the site resulting from the additional mobile home and additional touring caravan on the plot is not likely to be so significant as to raise any overriding highway safety issues. The impact of the development on the local highway network including access and parking arrangements have been considered by KCC as the Local Highways Authority. KCC Highways raise no objection to the planning application.

Biodiversity

- 5.47 Policy DM3 encourages net gain in response to development proposals. KCC Ecology reviewed the ecological information and advised that the comments provided for application 18/506342/FULL are still valid.
- 5.48 They considered that the 2020 aerial photos indicated that the area of vegetation within the site has reduced since the ecological survey was carried out in 2018 and were therefore satisfied that it was unlikely that significant populations of protected species would have established on site.
- 5.49 Conditions relating to implementing the mitigation of the application as set out in the Preliminary Ecological Assessment and the provision of a simple ecological enhancement and management plan of the site should be applied

PUBLIC SECTOR EQUALITY DUTY

- 5.48 In considering this application due regard has been had to the Public Sector Equality Duty (PSED), as set out in Section 149 of the Equality Act 2010 in particular with regard to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
 - advance equality of opportunity between persons who share protected characteristics and persons who do not share it; and
 - foster good relations between persons who share protected characteristic and persons who do not share it.
- 5.49 Race is one of the protected characteristics under the Equality Act and ethnic origin is one of the things relating to race. Romany Gypsies and Irish Travellers are protected against race discrimination because they are ethnic groups under the Equality Act. This application has been considered with regard to the protected characteristics of the applicant and the gypsies and travellers who occupy the caravans. I am satisfied that the requirements of the PSED have been met and it is considered that the application proposals would not undermine objectives of the Duty.)
- 5.50 In considering this application due regard has been had to the Public Sector Equality Duty (PSED), as set out in Section 149 of the Equality Act 2010 in the absence of appropriate mitigation, there is considered to be a risk of negative impacts in relation to the future occupants of the site. Nonetheless, by reason of amendments made and the imposition of planning conditions I am satisfied that the PSED will not be undermined.

6.0 CONCLUSION

- 6.01 The plot, the subject of this application, benefits from the planning permission referenced 18/506342/FULL, granted under delegated powers on 21.12.2019 for the change of use of the land for the siting of 2 static caravans for Gypsy/traveller occupation. The current application is for an additional caravan and tourer and this development proposal, in conjunction with the incorporation of an appropriate landscaping scheme which would be secured by condition, would not have a significant and unacceptable visual and landscape impact in the locality.

- 6.02 The native species planting proposed will enhance ecology/biodiversity at the site and further ecological mitigation and/or enhancements can be secured by planning condition in accordance with Government guidance in the NPPF (para. 175).
- 6.03 This application has been designed appropriately with due consideration for landscaping and biodiversity mitigation. The proposals have been designed in accordance with National and Local Plan policies and, as such, the development is considered acceptable.
- 6.04 The FRA supplied with this application sets out that the site is at 'low risk' from surface water flooding. I consider that the addition of one more unit would not significantly increase the water run-off. A suitable condition will be added for a detailed surface water management scheme and, in addition, details of flood resistant design measures along with a flood contingency plan will be requested by condition to ensure a safe escape in the event of a flood.
- 6.05 The Conservation Officer has assessed the potential impact on the setting of Mill House, the listed building to the northeast of the application site, and has concluded that it would not have an adverse impact on its setting.
- 6.06 The residential amenity of neighbouring properties would not be adversely affected by the development proposal and future occupiers would have a reasonable standard of accommodation on this site.
- 6.07 The hardstanding will provide sufficient space to accommodate the car parking, the parking of tourers and the provision of bin storage. For this reason the development proposal is considered to be policy compliant. However, KCC Highways requested conditions relating to the provision of a construction management plan and the provision of measures to prevent the discharge of surface water onto the highway.

7.0 RECOMMENDATION

GRANT planning permission subject to the following conditions:

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

22 Sep 2020	2016-034v3-Location	Site Location Plan
22 Sep 2020		Covering Letter
22 Sep 2020		Flood Risk Assessment July 2020
22 Sep 2020		Flood Risk Assessment Nov 2018
22 Sep 2020		Preliminary Ecological Appraisal
25 Sep 2020		Caravan Brochure
06 Nov 2020	2016-034v3a-ProBlock	Proposed Block Plan
01 Dec 2020		Email confirming caravan sizes

Reason: To clarify which plans have been approved.
3. The felt roof shingles specified in the caravan brochure shall be black or brown in colour, and shall remain in perpetuity.
Reason: In order to ensure a satisfactory appearance to the development
4. The two mobile homes on the western boundary will not exceed 15 metres in length, and the mobile home on the southern boundary will not exceed 20m. The external widths of the caravans will not exceed 6.8m.

Reason: In the interests of the amenities of the future occupiers and to ensure a satisfactory appearance to the development.

5. The site shall not be used as a caravan site by any persons other than gypsies or Travellers, as defined in Annex 1 of the Planning Policy for Traveller Sites 2012;
Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted.
6. No more than six caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the land at any one time, of which no more than three shall be static caravans or mobile homes.
Reason: To safeguard the character and appearance of the countryside.
7. No commercial activities shall take place on the land, including the storage of materials;
Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside and nearby properties.
8. Submission of a Construction Management Plan before the commencement of any development on site to include the following:
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signageReason: In the interests of highway safety
9. The provision of measures to prevent the discharge of surface water onto the highway shall be constructed in accordance with details that have been submitted and approved in writing by the local planning authority and those measures shall be put into place prior to the construction of the hardstanding and remain in perpetuity.
Reason: In the interests of highway safety
10. Prior to any groundworks commencing, the mitigation detailed within Table 1 of the Updated Preliminary Ecological Assessment (Iceni Ecology; July 2018) must be implemented as detailed during the active reptile season (approx. April to September).
Reason: In the interests of biodiversity
11. Within 3 months of the occupation of the site, a simple ecological enhancement and management plan of the site must be submitted for written approval by the LPA. The management plan must be implemented as approved and retained in perpetuity.
Reason: In the interests of biodiversity
12. No vehicles over 7.5 tonnes shall be kept on site;
Reason: To safeguard the character and appearance of the countryside.
13. A landscape scheme designed in accordance with the principles of the Council's landscape character guidance shall be submitted to and approved in writing by the local planning authority prior to the occupation of the site. 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 value [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 mitigate the impact of the development on the surrounding locality.

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

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

Reason: To safeguard the character and appearance of the countryside.

15. Prior to the first occupation of the caravans hereby approved and in accordance with section 6.3 of the submitted Flood Risk Assessment (Nov 2018 ref: 88431-Bryant-OrchardPlc), details of flood resistant design measures to the mobile homes/static caravans (including details of the structural stability of the mobile homes/static caravans and how they will be permanently secured to the ground) shall be submitted in writing to the local planning authority and carried out in accordance with the subsequently approved details.

Reason: To protect future occupants at times of flood risk.

16. Prior to the first occupation of the proposal hereby approved and in accordance with sections 6.5 and 6.6 of the submitted Flood Risk Assessment (July 2020 ref: 88431-Bryant-OrchardPlc), details of a Flood Contingency Plan shall be submitted in writing to the local planning authority and carried out in accordance with the subsequently approved details.

Reason: To protect future occupants at times of flood risk.

17. The finished floor level of the static caravans or mobile homes shall be no less than 14.35mAOD;

Reason: In order to reduce the risk to occupants from flooding.

18. Any external lighting, whether temporary or permanent, 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: To prevent light pollution in the interests of the character and amenity of the area.

19. The concrete apron at the entrance to the site and the parking and turning area (comprising of permeable road planings), as shown on drawing reference 016-034v2-PropBlock, shall be completed prior to occupation of the site and permanently retained for parking and turning and shall not be used for any other purpose;

Reason: In the interest of highways safety.

Informatives

1. It is the responsibility of the applicant to ensure, 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.

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.

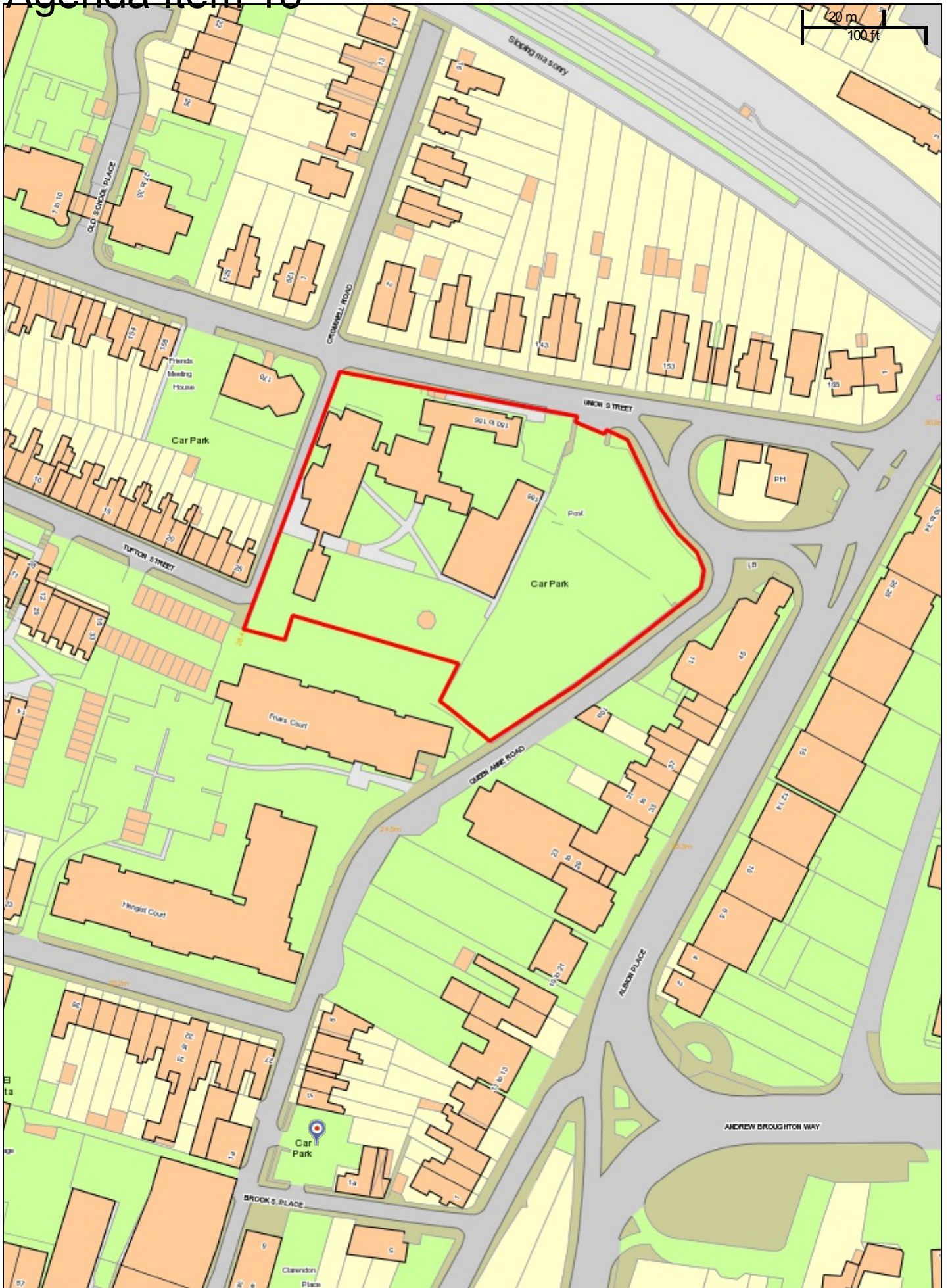
Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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.

2. The applicant should be aware that the 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.
3. The applicant is reminded that, as the development involves demolition and/or construction, broad compliance with the Mid Kent Environmental Code of Development Practice is expected.

Case Officer: Jocelyn Miller

Agenda Item 18



20/504860/FULL Maidstone Borough Council Car Park, Corner of Union Street, Queen Anne Road, Maidstone, Kent

Scale: 1:1250

Printed on: 8/12/2020 at 9:29 AM by JoannaW

REPORT SUMMARY

REFERENCE NO - 20/504860/FULL		
APPLICATION PROPOSAL		
Section 73 - Application for Variation of condition 16 (to remove: upgrading of the existing pedestrian crossing on King Street to provide additional crossing detectors and reconfiguration of the controller) pursuant to application 17/504428/FULL for - Creation of a new 48 space public car park, together with 30 flats in a stepped block backing onto Queen Anne Road. A row of 6 semi detached houses fronting Union Street and two terraced rows arranged as a 'Mews' providing 11 houses, together with a new estate road, allocated parking and soft landscaping.		
ADDRESS Maidstone Borough Council Car Park Corner Of Union Street Queen Anne Road Maidstone Kent		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION - The development is considered to be in accordance with the Development Plan and there are no overriding material considerations to indicate a refusal of planning permission.		
REASON FOR REFERRAL TO COMMITTEE - Maidstone Borough Council was the applicant on the original application under planning application reference 17/504428/FULL.		
WARD High Street	PARISH/TOWN COUNCIL	APPLICANT Purelake New Homes Limited AGENT DB Architects
DECISION DUE DATE 27/01/21	PUBLICITY EXPIRY DATE 21/12/20	OFFICER SITE VISIT DATE 30/11/20

RELEVANT PLANNING HISTORY

17/504428/FULL – Creation of a new 48 space public car park, together with 47 residential units a new estate road, allocated parking and soft landscaping – Approved – 07/03/2018

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The redevelopment of the site pursuant to 17/504428/FULL is currently under construction. The application site is to the south of Union Street and turns the corner to Queen Anne Road which is to the east and southeast.

2.0 PROPOSAL

2.01 The Applicant seeks to vary condition 16 of 17/504428/FULL

The relevant part of Condition 16 states:

No building hereby permitted shall be occupied until the following off-site highways works have been fully implemented:

.....Upgrading of the existing pedestrian crossing on King Street to provide additional crossing detectors and reconfiguration of the controller.

Reason: In the interests of highway safety and sustainable transport use.

- 2.02 The applicant now seeks to make a financial payment in lieu of this upgrade for the reasons set out below in this report.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: SP12, H1(12), DM1

4.0 LOCAL REPRESENTATIONS

- 4.01 No responses received

5.0 CONSULTATIONS

- 5.01 KCC Highways – No objection, subject to a contribution of no less than £40,000 towards off-site highway improvements at the pedestrian crossing to the Queen Anne Road junction with King Street.

6.0 APPRAISAL

- 6.01 The site is allocated in the Local Plan under policy H1(12) and this application seeks to remove the requirement for an upgraded pedestrian crossing on King Street prior to occupation of any dwelling, with an alternative financial payment offered. All other matters are in accordance with the previous planning permission and the key consideration for this application is only this single point.

Highways

- 6.02 Condition 16 of the original permission is consistent with advice provided previously by KCC Highways in response to the original application which stated:

"Pedestrians walking to/from the town centre via Queen Anne Road, which provides the direct route to the Bus Station and The Mall, can also utilise the controlled pedestrian crossing facility on King Street that is positioned close to the Queen Anne Road junction. On account of the additional pedestrian demand that will be generated at this location, the applicant should be required to upgrade this crossing to a puffin facility as part of a Section 278 Agreement."

- 6.03 In further correspondence to the original application, KCC Highways set out that the upgrade to the crossing on King Street would involve changing the display equipment and sensors to a puffin specification and it is estimated to cost in the region of £40-50k.
- 6.04 KCC Highways has outlined in their response to this application that no material changes have occurred to the development which would reduce the need for this crossing improvement and it is therefore no less required than when planning permission was granted under application reference 17/504428/FULL. However, since the granting of planning permission it has become apparent that the systems in the existing crossing are outdated to the extent that fully replacing the existing crossing would be necessary to achieve the required upgrade.
- 6.05 Paragraph 55 of the National Planning Policy Framework sets out that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

- 6.06 KCC Highways has set out in their response to this section 73 application that the costs of the upgrade would exceed the originally quoted £40-50k and has agreed that it would be disproportionate for this development to have to pay for the entire cost of the upgrade to the crossing. It is therefore considered that for this development to pay the entire cost of the upgrade would not be reasonable and therefore not meet the sixth test as set out above.
- 6.07 At present the existing crossing is out of use and has been replaced with temporary lights to accommodate a cycle lane. KCC Highways has outlined that following the cycle lane trial scheme that is intended to be removed in early 2021, permeant solutions will be sought for improving King Street in general, on the basis of public consultation feedback from the trial. However, no timeline has been provided for when the general improvements to King Street are to be completed, but KCC has outlined that it would be preferable for a payment in lieu of the crossing upgrade to allow the enhanced crossing to be brought forward as part of the wider active travel improvements in the area.
- 6.08 Until the upgraded crossing is provided, the current crossing on King Street will remain in place which will continue to maintain existing opportunities for pedestrian permeability and linkages to the surrounding area in accordance with policies SP23 and DM1 of the Local Plan. Other developments are likely to come forward in the vicinity which could also make financial contributions

7.0 CONCLUSION

- 7.01 As the applicant has no direct control over the ultimate delivery of the crossing it would be unreasonable for the occupation of much needed homes to be delayed until KCC design a solution. As the development will add a modest load to the crossing, a financial payment in lieu is both proportionate and reasonable.
- 7.02 The development with this amendment would accord with the Local Plan and it is recommend that planning permission be granted subject to the prior completion of a legal agreement to secure the financial contribution to the upgrading of the King Street crossing. All previous conditions will be attached where relevant. Condition 16 of the original permission would be replaced with condition 14 of this new permission).

8.0 RECOMMENDATION:

Subject to the prior completion of a legal agreement to provide for the Heads of Terms set out below and subject to the conditions as set out below, the Head of Planning and Development BE DELEGATED POWERS TO GRANT 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. £40,000 towards improvements for the provision of an upgraded pedestrian crossing infrastructure on King Street, Maidstone.

CONDITIONS to include

1. The development shall be carried out in accordance with the proposed slab levels approved under application reference 18/504494/SUB unless otherwise agreed in writing with the local planning authority.

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

2. The development shall be carried out in accordance with the transport related air pollution offsetting schemes approved under application reference 18/504285/SUB unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of protecting health.

3. The development shall be carried out in accordance with the Remediation Method Statement (RMS) approved under application 18/504286/SUB unless otherwise agreed in writing with the local planning authority.

A Closure Reports shall be submitted upon completion of the works. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean; Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

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

4. The development shall be carried out in accordance with the surface water drainage scheme approved under application reference 18/506607/SUB, or in accordance with any alternative scheme that may be submitted to (and approved in writing by) the local planning authority pursuant to this condition.

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.

5. The development shall be carried out in accordance with the noise exposure assessment approved under application 18/504713/SUB unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of amenity.

6. The development shall be carried out in accordance with the materials approved under application reference 18/5047079/SUB, or in accordance with any alternative materials that may be submitted to (and approved in writing by) the local planning authority pursuant to this condition.

Reason: To ensure a satisfactory appearance to the development.

7. The ragstone walls shall be constructed in accordance with the sample and details approved under application reference 19/505908/SUB, or in accordance with any alternative sample and details that may be submitted to (and approved in writing by) the local planning authority pursuant to this condition.

Reason: To ensure a satisfactory appearance to the development.

8. The development shall be carried out in accordance with the surface materials approved under application reference 18/505612/SUB, or in accordance with any alternative materials that may be submitted to (and approved in writing by) the local planning authority pursuant to this condition.

Reason: To ensure a satisfactory appearance to the development.

9. The development shall be carried out in accordance with the fencing, walling and other boundary treatments approved under application reference 18/504493/SUB, or in accordance with any alternative scheme that may be submitted to (and approved in writing by) the local planning authority pursuant to this condition.

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

10. The development shall be carried out in accordance with the details of the external meter cupboards, vents, pipes, flues, and guttering approved under application reference 19/502906/SUB, or in accordance with any alternative scheme that may be submitted to (and approved in writing by) the local planning authority pursuant to this condition.

Reason: To secure a high standard of design.

11. The development shall be carried out in accordance with the lighting details approved under application reference 18/504413/SUB, or in accordance with any alternative scheme that may be submitted to (and approved in writing by) the local planning authority pursuant to this condition.

Reason: In the interest of residential amenity and safety.

12. The development shall be carried out in accordance with the details of photovoltaic panels approved under application reference 18/504814/SUB, or in accordance with any alternative scheme that may be submitted to (and approved in writing by) the local planning authority pursuant to this condition.

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.

13. The approved details of the access points as shown on drawing no. A(0)103 RevE under application reference 17/504428/FULL shall be completed before the commencement of the use of the land or buildings hereby permitted and include the provision and maintenance of 2m x 2m pedestrian visibility splays behind the footway on both sides of the accesses with no obstructions over 0.6m above footway level.

Reason: In the interests of road safety.

14. No building hereby permitted shall be occupied until the following off-site highways works have been fully implemented:

Provision of a bus shelter at the northbound bus stop on Sittingbourne Road (to the northeast of no. 1 Sittingbourne Road upon the railway bridge).

Modifications to the existing footway on Union Street due to the new access points.

Reason: In the interests of highway safety and sustainable transport use.

15. No building 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 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; and topographical survey of 'as constructed' features.

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

16. The sustainable drainage scheme shall be implemented, maintained and managed in accordance with the approved details under application reference 19/502904/SUB, or in accordance with any alternative scheme that may be submitted to (and approved in writing by) the local planning authority pursuant to this condition.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction).

17. The semi-detached and terrace houses hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed on each property, and shall thereafter be retained for that purpose.

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

18. All planting, seeding and turfing specified in the approved landscape details (drawing nos. TD895_01B (sheet1) & TD895_02B (sheet 2)) approved under application reference 17/504428/FULL shall be carried out either before or in the first season (October to February) following the occupation of the building(s) or the completion of the development, whichever is the sooner; and 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.

19. The approved details of the vehicle parking/turning and cycle parking areas associated with the residential development (including the provision of one disabled parking bay) approved under application reference 17/504428/FULL shall be completed before the commencement of the use of the land or buildings to which they relate and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and reenacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.

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

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

Reason: To protect groundwater resources.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting that Order with or without modification), no extension of any residential properties or enlargement of any roofs shall be carried out without the permission of the local planning authority; Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers.

22. The development hereby permitted shall be carried out in accordance with the approved plans listed on the Drawing Issue Sheet 100 Series, Drawing Issue Sheet 200 Series, and Drawing Issue Sheet 300 received on 07.12.17; and plans TD895, TD895 01B, and TD895 02B received on 24.11.17 approved under application reference 17/504428/FULL and drawing numbers A(0)102 Rev G - Site Plan and A(1)300 Rev D - Block 1 Elevations approved under application reference 19/504494/NMAMD.

Reason: In the interest of visual and residential amenity and to clarify which plans have been approved.

INFORMATIVES

Case Officer: Adam Reynolds

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 19



20/503109/FULL Land to west of 70 Church Street, Boughton Monchelsea, Maidstone, Kent, ME17 4HN

Scale: 1:2500

Printed on: 8/12/2020 at 9:16 AM by JoannaW

REFERENCE NO - 20/503109/FULL		
APPLICATION PROPOSAL Erection of 24 no. new C2 extra care retirement homes, club house, bin stores and landscape scheme with associated works including roadways, parking, cycles stores, gazebo and maintenance store.		
ADDRESS Land To West Of 70 Church Street Boughton Monchelsea ME17 4HN		
RECOMMENDATION Grant (S106)		
SUMMARY OF REASONS FOR RECOMMENDATION Additional information and details lodged in terms of levels, EV charging points, integral insect bricks, construction management plan and tree protection that have been submitted since the Planning Committee's resolution to grant permission (but before the decision was issued) are all acceptable in terms of relevant policy considerations and hence those conditions should be amended accordingly into ones that simply require compliance with the relevant details. Changing the time triggers for submission of details for non-integral biodiversity net gain measures, the landscape scheme and the LEMP are reasonable, still comply with national policy on planning conditions and strike an appropriate balance in terms of facilitating development commencing without prejudicing proper consideration by the LPA of certain details, albeit later in the development programme. The removal of "wildlife pond" as required for biodiversity net gain is acceptable in this context. Requested changes other resolved conditions are therefore acceptable except in relation to surface water drainage which should remain as a pre-condition.		
REASON FOR REFERRAL TO COMMITTEE The applicant has submitted additional details and also requested changes to the wording of some conditions which were resolved to be approved by the Planning Committee of 22 October 2020.		
WARD Boughton Monchelsea And Chart Sutton	PARISH/TOWN COUNCIL Boughton Monchelsea	APPLICANT Clarendon Homes AGENT Clarendon Homes
TARGET DECISION DATE 18/12/20		PUBLICITY EXPIRY DATE 14/10/20

Relevant Planning History

16/502993/FULL

Demolition of existing buildings and construction of 18 new C2 Extra Care Retirement Homes, Club House, Car Ports, Bin Stores, Landscape Scheme and Access Road.

Demolition of garage to rear of 70 Church Street and erection of new oak framed car port to rear garden

Approved Decision Date: 06.09.2018

MAIN REPORT

1. BACKGROUND

1.01 Following a deferral from 24 September 2020, the Planning Committee of 22 October 2020 resolved to permit the application subject to:

- the prior completion of a legal agreement with the amendment of the off-site open space contribution for Salts Farm or other natural/semi-natural areas of accessible public open space within 3 km (rather than 1 km) of the

development and that occupation of the units shall be by persons of 55 years of age and over

- the conditions and informatives set out in the report with an additional condition requiring the submission of a construction management plan; and the amendment of condition 12 to specify that the landscaping scheme shall exclude the planting of Sycamore trees.

1.02 The s106 was completed in accordance with the resolution on 2 December 2020.

1.03 Since the October Planning Committee, whilst the legal agreement was being finalised, the applicants indicated that they need to start on site in January 2021 due to the impact on the business from the Covid 19 pandemic. They requested amendments to the some of the suggested conditions to allow for more details being approved up front and to push back time triggers on other conditions. This is aimed at facilitating their need for a prompt start on site whilst allowing more time for certain details to be properly formulated and then assessed by the Council. The applicant has also advised by their ecologist that they do not intend to install a wildlife pond, which is mentioned in resolved condition 4.

1.04 The previous reports and urgent updates are appended.

2. PROPOSAL

2.01 Extra information has been submitted up front on:

- proposed slab levels of the buildings and roadways relative to the existing site levels
- details and locations of EV charging points
- integral insect bricks
- construction management plan
- tree protection methodology

2.02 The levels drawing indicates all FFLs to be slightly higher than existing ground levels. There is no significant proposed dig down or build up of the slabs. On the eastern boundary to rear gardens in Church Street, the existing levels are 102.81mOD (NE) rising to 103.75mOD (SE) with FFLs of 103.00mOD and 103.85m OD respectively. ie the FFL on the plots nearest residential properties are only 10-19 cm higher than existing ground levels. Roadway/parking proposed levels also correlate closely with existing land levels.

2.03 A total of 25no. Point Solo single phase universal car charging points have been indicated.

2.04 The proposed integral insect bricks number 6, predominantly on the south and west side of buildings, at a minimum of 1 metre height from ground level, following best practice guidance. Integral bat and bird bricks have already been submitted and resolved to be approved by the Planning Committee in October.

2.05 The Construction Management Plan is similar to that approved for the extant planning permission and includes the provisions related to school times which was mentioned in the debate by the October Planning Committee.

2.06 An Arboricultural Report (BS5837 Tree Survey Tree Protection Method Statement & Specification) has been submitted to deal with the requirements of resolved condition 16 for an Arboricultural Method Statement.

- 2.07 Submission triggers requested to be altered relate to biodiversity net gain, landscape scheme, the LEMP (Landscape and Ecological Design and Management Plan) and surface water drainage.
- 2.08 They wish to remove the reference to "wildlife pond" as part of potential biodiversity net gain in condition 4 as it is stated to inappropriate to their ecological approach for this site.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017 DM1; DM3; DM6; DM30
NPPG

4. CONSULTATIONS

PC: Any response will be included in an Urgent Update

Arboricultural Officer: Any response will be included in an Urgent Update

5. APPRAISAL

Main Issues

- 5.01 Members are reminded of the policy tests for a planning condition in the NPPF are that it be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable.

Levels

- 5.02 The proposed levels of buildings and roadways are comparable with existing ground levels and are thus acceptable in terms of visual and residential amenities and accord with policies DM1 and DM30 of the MBLP 2017. They match the street scene drawings assessed by Committee in October and the layout has not changed from that resolved to be approved, ie the relationship of the proposed buildings to existing is identical. The proposed levels are therefore acceptable should be approved as part of the decision on the planning application.

EV Charging

- 5.03 The provision of 25 EV charging points, in effect one per unit plus the communal /management building, is acceptable in terms of minimising air pollution in accordance with policy DM6 of the MBLP 2017 and should be approved as part of the decision on the planning application.

Biodiversity Net Gain.

- 5.04 The extra details in terms of measures integrated into the buildings are acceptable in terms of ecology and accord with policy DM3 of the MBLP 2017 and should be approved as part of the decision on the planning application. The rest of the condition is discussed below (regarding other measures for biodiversity net gain and in terms of the time trigger for submission).

Construction Management Plan

- 5.05 The Construction Management Plan now submitted is the same as was approved for the extant planning permission and includes the restrictions related to school hours which was mentioned in the debate by the Planning Committee. I therefore consider it is acceptable and should be approved as part of the decision on the planning application.

Arboricultural Method Statement

- 5.06 The Arboricultural Report and Appendices submitted has been drawn up in accordance with BS 5837 and includes the information normally required in an Arboricultural Method Statement such that it should be approved as part of the decision on the planning application.

Other Conditions

- 5.07 Changes that have been discussed with the applicant are summarised below:
- 5.08 Condition 4 (biodiversity net gain)- The resolved trigger for submission of details and proposed timetable to secure biodiversity net gain was "no development above slab level". However, details of those biodiversity measures that are integral to the buildings (insect, bat and bird bricks) have now all been received and are acceptable. I am satisfied that this allows the trigger on submission of details of other biodiversity measures and the proposed timetable for implementation to be reasonably amended to be "approved before first occupation". There is an expectation that the timetable for implementation will be prompt as practicable after first occupation and that can be the subject of an additional informative.
- 5.09 It is accepted that their ecologist has advised that a "wildlife pond" is not appropriate to their ecological approach for this site and it is considered that these words can be removed from condition 4 without causing non-compliance with policy DM3.
- 5.10 Condition 12 (Landscape Scheme)- The resolved trigger for submission of details was "damp proof course level". However I am satisfied that a revised trigger of "roof plate level" is reasonable subject to specification of no removal of trees/hedgerows indicated to be retained prior to that trigger being reached. The condition for the implementation of the approved scheme is as normally imposed and is unchanged from that resolved by the October Planning Committee (condition 13).
- 5.11 Condition 15 (LEMP)- The resolved trigger for submission of details was "slab level". However I am satisfied that a revised trigger of "roof plate level" is reasonable and aligns with what is recommended on the landscape scheme condition discussed above.
- 5.12 Condition 17 for submission of a strategy for sustainable drainage is recommended to remain as resolved because SuDS schemes generally have to be approved before commencement as they very frequently have to be amended or additional information provided that can have implications for the layout or the extent or type of hard/soft surfacing etc. The applicant was advised that they should have a separate pre-application meeting with KCC (F&WM) to best ensure that KCC will be satisfied with the details when they are formally submitted to MBC to be discharged. It is understood that meeting has taken place and positive feedback has been received. This should help to speed up the process of subsequent formal approval of the SuDs details and so better align with their desired development programme.

PUBLIC SECTOR EQUALITY DUTY

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

6. CONCLUSION

- 6.01 Additional information and details lodged in terms of levels, EV charging points, integral insect bricks, construction management plan and tree protection that have

been submitted since the Planning Committee's resolution to grant permission (but before the decision was issued) are all acceptable in terms of relevant policy considerations and hence those conditions should be amended accordingly into ones that simply require compliance with the relevant details.

- 6.02 Changing the time triggers for submission of details for non-integral biodiversity net gain measures, the landscape scheme and the LEMP are reasonable, still comply with national policy on planning conditions and strike an appropriate balance in terms of facilitating development commencing without prejudicing proper consideration by the LPA of certain details, albeit later in the development programme. The removal of "wildlife pond" as required for biodiversity net gain is acceptable in this context.
- 6.03 Requested changes other resolved conditions are therefore acceptable except in relation to surface water drainage which should remain as a pre-condition.

7. RECOMMENDATION

GRANT planning permission (s106 already completed) 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 drawings:
 - o PL01 Rev H Proposed Site Layout Plan
 - o PL02 Rev H Proposed Site Plan
 - o PL03 Rev E Proposed Street Elevations/Site Sections
 - o PL04 Rev A Proposed Bungalow Type A Plan and Elevations
 - o PL05 Rev C Proposed Bungalow Type B Plan and Elevations
 - o PL06 Rev A Proposed Bungalow Type C Plan and Elevations
 - o PL07 Rev A Proposed Bungalow Type D Plan and Elevations
 - o PL08 Rev C Proposed Bungalow Type E Plan and Elevations
 - o PL09 Rev B Proposed Community Club House Plan and Elevations
 - o PL10 Rev A Bin Store Plan and Elevations
 - o PL11 Rev A Hard Landscaping Proposed Site Plan
 - o PL12 Rev A Boundary Treatment Plan
 - o PL13 Rev A Tree Protection Site Plan
 - o PL14 Rev A External Lighting Site Plan
 - o PL15 Rev C Bat and Bird Box Details Site Plan
 - o PL16 Rev A Refuse Strategy Site Plan
 - o PL17 Rev A Foul Drainage Strategy Site Plan
 - o PL18 Rev A Soft Landscaping Site Plan Sheet 1

- PL19 Rev B Soft Landscaping Site Plan Sheet 2
- PL20 Rev B Bicycle Storage Details
- PL21 Rev A Air Source Heat Pump Details
- PL23 Rev A Soft Landscaping Strategy Site Plan
- 14562-T01 Rev P3 Refuse Freighter Tracking
- 14562-T02 Rev P3 Pantechican Tracking
- 14562-T03 Rev P3 Fire Engine Tracking
- 1091-C(0)101 rev B Levels and EV Points
- CS/TPP/1680-02A Tree Protection Plan
- CS/TSP/1680-01 Tree Survey Plan

Reason: For the avoidance of doubt.

- 3) No unit shall be occupied until a minimum of one electric vehicle charging point has been installed to serve the relevant property as approved on drawing 1091-C(0)101 rev B which shall thereafter be retained for that purpose.

Reason: In the interests of air pollution control.

- 4) The integral bird, bat and insect bricks shall be installed as approved on drawing PL15 Rev C. No unit shall be occupied until details and a timetable to secure additional biodiversity net gain have been submitted to and approved in writing by the Local Planning Authority. The measures must be implemented as approved thereafter. The measures will be expected to result from investigation of scope for boxes for birds and bats; gaps under boundary treatments; log piles, hedgehog nesting boxes; climbing plants on walls and other vertical structures; wildflower plug/bulb planting in amenity grassland; insect hotels.

Reason: In the interests of ecological enhancement.

- 5) No lighting shall be placed or erected within the site except in accordance with details hereby approved on drawing 20-1091 PL14 Rev A. Any additional lights shall require details of a "lighting design strategy for biodiversity" for the site to be submitted to and approved in writing by the local planning authority prior to the occupation of the development. The strategy shall:

a) Identify those areas/features on site that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;

b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

c) Include measures to reduce light pollution and spillage.

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 the interests of rural amenity and ecological interest.

- 6) Above ground construction work on the approved buildings shall not commence until full details of the following matters in the form of large scale drawings (at least 1:20 scale) have been submitted to and approved in writing by the Local Planning Authority
- a) New external joinery
 - b) Details of eaves and roof overhangs
 - c) Details of projecting bays and porch canopies
 - d) Details of door and window headers and cills.

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

Reason: To ensure a high quality appearance in the rural area.

- 7) The development shall be completed strictly in accordance with the approved levels on drawing 1091-C (0)101 rev B.

Reason: In the interests of visual and residential amenities.

- 8) The hedge on the boundary with Church Street shall be maintained at less than 1m in height to maintain visibility splays. The splays shall be maintained as such thereafter.

Reason: In the interests of highway safety.

- 9) The development shall not be occupied until the approved parking areas have been provided and that areas shall not thereafter be used for any purpose other than the parking of vehicles for the development hereby approved. The 10 designated visitor spaces shall be retained for visitors only thereafter.

Reason: In the interests of highway safety.

- 10) The development shall not be occupied until a cycle rack has been installed to serve the clubhouse in accordance with details that shall be submitted to and approved by the Local Planning Authority and until the individual residents cycle stores have been provided in accordance with the drawings hereby approved.

Reason: In the interests of sustainable travel.

- 11) The clubhouse as approved shall only be used for the provision of care or for purposes ancillary to the use of the extra care units hereby approved such as social activities for residents and their guests or administration related to the C2 use of the development. It shall not be used or hired out to the general public and not licenced for the sale of alcohol.

Reason: To prevent harm to the amenities of surrounding occupiers and to reflect the low level of visitor parking.

- 12) There shall be no removal of any trees/hedgerows shown to be retained on drawing PL23 Rev A. Notwithstanding drawings 20-1091 PL18 rev A and PL19 rev B, no development above roof plate level shall take place until details of a scheme of landscaping using native species which shall include indications of all existing trees and hedgerows on the land, and a programme for the approved scheme's implementation and long term management, have been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall not include the planting of any Sycamores and shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site. The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance

schedules for all landscape areas, other than small, privately owned domestic gardens. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development and a high quality of design

- 13) There shall be no occupation of the development hereby permitted 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 ten 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: To ensure a satisfactory landscaped setting for the development

- 14) All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any parts of hedges or hedgerows removed without the Local Planning Authority's prior written consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within ten years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.
- Reason: In the interests of visual amenity and biodiversity.

- 15) The development shall not commence above roof plate level until a Landscape and Ecological Design and Management Plan has been submitted to and approved in writing by the local planning authority. The Landscape and Ecological Design and Management Plan shall include the following:

a) Purpose and conservation objectives for the proposed habitat creation and enhancements;

b) Detailed design to achieve stated objectives;

c) Extent and locations of proposed works on appropriate scale plans;

d) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;

e) Description and evaluation of features to be managed;

f) Aims and measurable objectives of management;

g) Appropriate management prescriptions for achieving aims and objectives; h) Preparation of a work schedule for the duration of the plan;

i) Ongoing habitat and species monitoring provision against measurable objectives;

j) Procedure for the identification, agreement and implementation of contingencies and/or remedial actions where the monitoring results show that the objectives are not being met;

k) Details of the body/ies or organisation/s responsible for implementation of the plan.

l) Details of interpretation boards to be incorporated in to the development site to inform residents of the sites management.

The Landscape and Ecological Design and Management Plan shall also include details of the legal and funding mechanism by which the short and long-term implementation of the management Plan will be secured by the developer with the management body responsible for its delivery. The approved Plan will be implemented in accordance with the approved details.

Reason: To ensure a high quality design, appearance and setting to the development, and to protect and enhance biodiversity.

- 16) To ensure all retained trees can be successfully integrated within the permitted scheme, the development shall be carried out in accordance with the Arboricultural Report in regard of an Arboricultural Method Statement complying with the current edition of BS 5837 in regard of working methodology/phasing for operations with the Root Protection Area (RPA) of any retained tree; the location and installation of services and drainage; a programme of site monitoring and arboricultural supervision if appropriate; a detailed schedule of re-commencement tree works and; a Tree Protection Plan showing the design and location of fencing and/or ground protection necessary. No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority.

Reason: In the interests of visual amenity and biodiversity.

- 17) Development shall not commence until a detailed sustainable surface water drainage strategy been submitted to and approved in writing by the local planning authority. It 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 100yr storm) can be accommodated and disposed of within the curtilage of the site.

Reason: To ensure the proper integration of sustainable urban drainage within the development

- 18) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the approved sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

i) A timetable for its implementation, and

ii) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

- 19) Development shall take place in accordance with the construction management plan (Construction Method Statement Dec 2020) hereby approved.

Reason: In the interests of highway safety and amenity.

INFORMATIVES

- 1) The Local Member is to be consulted on submission of details relating to landscaping.
- 2) Foul sewers should be routed outside of areas of permeable paving or cross it in dedicated service corridors, particularly where sewers will be offered
- 3) You are advised to contact Kent Police's Designing Out Crime Officer to discuss site specific designing out crime measures
- 4) 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 defence against prosecution under this act. Trees, scrub, hedgerows and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Vegetation is present on the application site and is 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.
- 5) In regard of condition 4, there will be an expectation that the timetable for implementation of non-integral biodiversity net gain measures will be as prompt as practicable after first occupation.

Case Officer: Marion Geary

REFERENCE NO - 20/503109/FULL		
APPLICATION PROPOSAL Erection of 24 no. new C2 extra care retirement homes, club house, bin stores and landscape scheme with associated works including roadways, parking, cycles stores, gazebo and maintenance store.		
ADDRESS Land To West Of 70 Church Street Boughton Monchelsea ME17 4HN		
RECOMMENDATION Pending S106		
SUMMARY OF REASONS FOR RECOMMENDATION		
<p>Whilst the site is outside the settlement boundaries and thus in the countryside, the site abuts the village and by virtue of its juxtaposition with allotments and the Village sports ground, is not within visually sensitive "open" countryside. The site is considered to be well contained from a landscape perspective. It is located well in connection with the grain of the village and its facilities.</p> <p>The accommodation provided can be strictly limited in relation to age and within the accepted C2 definition of Extra Care. There is a significant current and future need for such accommodation and the dependence on windfalls for meeting the need lends significant weight in favour of this application.</p> <p>There is an extant planning permission which is a "fallback" with a genuine likelihood of being implemented and I am of the view that overall, there is no perceptible difference in harm on the character and appearance of the countryside between the 2 schemes.</p> <p>Policies DM1 and DM30 of the MBLP are complied with in terms of design /layout and residential amenities with the imposition of relevant conditions can adequately mitigate any other potential harm.</p> <p>Information/clarification has been submitted in response to previous KCC (H&T) objection. Compared with the absence of highway concerns on the extant scheme when that was approved, I do not consider that the NPPF test for a refusal on highway grounds could be sustained from an increase of 6 units overall.</p> <p>For these reasons, it is considered that meeting a need and the lack of additional countryside or landscape harm when considered to the fallback position, taken together are considered to outweigh the harm due to its location outside the settlement boundary and there is hence a justification for the departure from the development plan.</p> <p>A communal building for social/medical /care administrative functions is key to the C2 use of the development and should be retained. The scheme as presented to the 24 September Planning Committee remains acceptable in terms of layout and respect for neighbouring residential amenities and is recommended for approval in preference to the alternative scheme which offers to relocate the clubhouse from the site entrance to being more within the site.</p>		
REASON FOR REFERRAL TO COMMITTEE Contrary to the Development Plan on account of being located in the designated countryside Called into Committee by Boughton Monchelsea Parish Council		
WARD Boughton Monchelsea And Chart Sutton	PARISH/TOWN COUNCIL Boughton Monchelsea	APPLICANT Clarendon Homes AGENT Clarendon Homes
TARGET DECISION DATE 27/11/2020		PUBLICITY EXPIRY DATE 14/10/20

Relevant Planning History

16/502993/FULL

Demolition of existing buildings and construction of 18 new C2 Extra Care Retirement Homes, Club House, Car Ports, Bin Stores, Landscape Scheme and Access Road.

Demolition of garage to rear of 70 Church Street and erection of new oak framed car port to rear garden

Approved Decision Date: 06.09.2018

MAIN REPORT

1. BACKGROUND

1.01 This case was deferred from the Planning Committee meeting of 24 September 2020 to enable:

- Further negotiations regarding the possible removal or relocation of the clubhouse; and
- The applicant to provide KCC Highways with an analysis of crash data and KCC Highways and other consultees allowed time for to respond to that information plus previously submitted updates on trip data/vehicle movements.

1.02 The previous report and urgent update are appended.

2. PROPOSAL

2.01 Most of the extra detail requested by KCC Highways was submitted before the last Committee and is summarised as follows:

- A pedestrian priority vehicle crossover access has been commenced as per the approval under 16/502993/FULL
- The clubhouse is intended for the use of residents and their guests only and not for wider public use
- Vehicle tracking to show suitable access to the spur road for units 1-7 for pantechnican, fire and refuse vehicles.
- It is considered that the proposed bin store locations are acceptable, given that on-street collection by the refuse vehicle is also possible for residents that may choose not to utilise them regularly
- One parking space per unit for residents is an increase over the KCC maximum standards for this use to cater for the more independent occupants who may still own and use vehicles.
- In total, the development provides 34 parking spaces (24 residential, six visitor and 4 for the clubhouse, eg, visiting health workers, administration, maintenance etc). The previously-consented planning application (16/502993/FULL) provided a total of 43 spaces for 18 dwellings (36 residential and 7 visitor), with no objection raised by KCC H&T.
- 4 parking spaces are proposed for the clubhouse. A maximum of 4 part-time staff will be employed who will not all be on site at the same time
- Only residents and their visitors will make use of the clubhouse, with the residential parking and additional visitor parking being able to accommodate the likely limited usage of this facility.

- The proposed parking bay sizes are 2.5m by 5.0m, with mobility impaired parking receiving 1.2m clearance to one side and at ends
- Adequate cycle parking will be provided within the curtilage of each property and the clubhouse
- There has not been a review of trip generation: the withdrawn planning application (19/504144/FULL) for an increase in unit numbers to 24 received the following response from KCC:

It is accepted that such types of development typically generate lower trip rates than traditional housing developments, with peak trip generation also being concentrated outside of the highways peak hours of operation (08:00-09:00 and 17:00 to 18:00). Consequently, it is not anticipated that the traffic generated from the 6 additional units proposed will be significant and therefore have an impact of the local highway network that could be described as 'severe.'

2.02 On 30 September 2020, the Applicant's Transport Consultants submitted details of local crash records for the 3 years before December 2019:

- 3 incidents were recorded, 2 of which were classified as 'slight' in severity and the other as 'serious'. All occurred in light, fine and dry conditions and appear to have been the result of human error, with road users not paying due care and attention when undertaking manoeuvres.

2.03 The applicant has stated that a relocation of the clubhouse is possible in a submitted alternative layout but they consider it gives a poorer quality development:

- The alternative clubhouse would be more within the site, rather than at the entrance to the site, occupying an area much bigger than it needs to.
- The comings and goings of staff, deliveries and service providers now take place within the site, rather than at the entrance to it.
- Plots 6 & 7 previously benefitted from west facing gardens. Now they have small north facing gardens (just like the extant scheme which we aimed to design out)
- Previously, the clubhouse bordered only plot 1, now it shares borders with plots 5, 8 and 9.
- The repositioning of the clubhouse building is to the detriment of the development and future residents. The request to move the building comes from the PC and one resident. Notably, the owners of the properties adjacent to the clubhouse have not objected. At the nearest point, the clubhouse is some 32 metres away from the houses. Amenity is a planning matter and has been properly considered by the planning officer.
- The communal building is for residents of the new development only as a space where residents can participate in social activities; where residents can receive treatments. It will not be for hire by the general public and not licenced for the sale of alcohol
- The communal building is for residents only and does not in any way compete with the Parish Hall and its functions.
- We believe the Committee should debate the pros and cons of each scheme to permit the one they find the best.

3. CONSULTATIONS

3.01 PC: No response at the time of writing the report, this will be included in an Urgent Update.

3.02 KCC (H&T): Raise no objection, but make the following observations:

- Turning movements can be achieved within the site; however vehicles, including refuse trucks, would not be able to turn within the site without some overhang onto the footways. As the internal roads are proposed to remain private and not be adopted as public highway, these safety concerns do not necessarily impact on highway safety.
- These proposals do not represent design conducive to encouraging healthy, active travel modes due to over-provision of parking spaces for both residents and staff (based on a C2 Residential Care Home parking standards)
- Lack of access to public transport and no provision to improve that.
- No indication of EV charging facilities.
- Adequate parking for people with impaired mobility:
- Suitable provision for cycle parking
- For a development of this scale and type, it is not expected that trip generation levels would be high enough to generate a significant impact in terms of highway capacity.
- It is important that the proposed arrangements for access to and from the highway are suitable for the rates of vehicular movements utilising that access so restrictions are needed for C2 use; residents aged 55 or over; Clubhouse for resident use only and not be available for functions or hire external to the development.
- No objections subject to conditions including a Construction Management Plan.

4. APPRAISAL

- 4.01 The last Planning Committee asked for consideration of the loss of the clubhouse but that would go against what is considered as a key feature of this type of use Class being C2 (over and above controls on age and care needs to be specified in the legal agreement). In a recent appeal decision for a C2 site near Staplehurst, the Inspector said the following:

"The need for additional extra care housing in the borough within Use Class C2 is not disputed by the Council and a unilateral undertaking intended to ensure such housing is provided has been submitted.....Equally important to ensure a C2 use is the nature and use of the on-site communal facilities".

- 4.02 I therefore would strongly advise the Committee **not** to seek the removal from the scheme of the communal building referred in the application as the "clubhouse" which is envisaged would be a space where residents would participate in social activities, receive treatments and where centralised administration of the care packages could take place.
- 4.03 In terms of the suggested alternative layout relocating the communal building, this does result in a poor cramped siting of 2 semi-detached bungalows in place of the clubhouse. It should be borne in mind that a scheme needs to be considered on its own merits rather than compared to any other scheme not before Members for determination. I remain of the view that the clubhouse being sited at the front of the site is acceptable in terms of neighbouring residential amenities. I consider there is no necessity in planning terms for inclusion of a "buffer" when the intervening distances between buildings are well over 30m and the new development is low rise single storey.
- 4.04 The detailed restrictions in the use of the clubhouse as described by the applicant and also requested by KCC (H&T) can be encompassed in a suggested revised condition 11.

- 4.05 In terms of highways issues, KCC no longer objects. The crash data now submitted for them to review does not cause them concerns in regard to this planning application.
- 4.06 The increase in 6 units compared to the extant fallback scheme of 18 units would not justify a refusal of the proposal in highway safety terms nor due to any severe residual cumulative impacts on the road network.
- 4.07 The request of KCC (H&T) and Environmental Protection for a planning condition for EV charging is included. A Construction Management Plan is not considered reasonable in this size of scheme set well back from the public highway but the need for considerate construction is included in a suggested detailed informative.
- 4.08 The concerns of KCC that 30 parking spaces on the site is over-parking is in contrast to the concerns of the PC and local residents detailed in the previous report, which suggest that there is inadequate on site car parking. I am satisfied that the C2 use proposed for Extra Care Bungalows likely to be occupied by couples is not reasonably likened to parking required for a more traditional "Care Home" and the right balance has been struck.

5. CONCLUSION

- 5.01 In addition to the conclusions made previously, it is considered that a communal building for social/medical /care administrative functions is key to the C2 use of the development and should be retained. The scheme as presented to the 24 September Planning Committee remains acceptable and is recommended for approval in preference to the alternative draft scheme which relocates the clubhouse from the site entrance to being more within the site.

6. 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):

- Contribution of £17,280 towards NHS healthcare
- Contribution of £37,800 off-site Open Space contribution to be spent at Salts Farm or other Natural/semi-natural areas of accessible public open space within 1km of the development.
- Maintenance of the remainder of the cobnut platt, to be retained in perpetuity as communal amenity
- Occupation only within Class C2 by those aged over 55 with at least one occupant of each unit being subject to a care need assessment and commitment to a minimum 2 hour per week care package which is to be approved by the Local Planning Authority
- MBC s106 Monitoring Fees of £1000 for the first and then £500 for each additional planning obligation.

and the imposition of the conditions as set out below:

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2) The development hereby permitted shall be carried out in accordance with the following drawings;

20-1091 PL01 G Proposed Site Layout; 20-1091 PL02 Rev G Proposed Site Plan; 20-1091 PL03 Rev D Proposed Street Elevations/Site Sections; 20-1091 PL04 A Type A Plans and Elevations; 20-1091 PL05 Rev C Proposed Bungalow Type B Plan and Elevations; 20-1091 PL06 A Type C Plans and Elevations; 20-1091 PL07 A Type D Plans and Elevations; 20-1091 PL08 Rev C Proposed Bungalow Type E Plan and Elevations; 20-1091 PL09 B Community Club House; 20-1091 PL10 A Bin Stores Plans and Elevations; 20-1091 PL11 Proposed Hard Landscaping Plan; 20-1091 PL12 Boundary Treatment Plan; 20-1091 PL13 Tree Protection Plan; 20-1091 PL14 External Lighting Plan; 20-1091 PL15 Rev A Bird and Bat Box Plan; 20-1091 PL16 Refuse Strategy Plan; 20-1091 PL17 Foul Drainage Strategy Plan; 20-1091 PL18 Rev A Soft Landscaping Plan Sheet 1; 20-1091 PL19 Rev A Soft Landscaping Plan Sheet 2; 20-1091 PL20 Rev A Bicycle Storage Details; 20-1091 PL21 Air Source Heat Pump Details; 20-1091 PL23 Soft Landscaping Strategy;

Reason: For the purposes of clarity.

- 3) No development above slab level shall take place until details of plots where electric vehicle charging points can be installed have been submitted to and approved in writing by the Local Planning Authority for that phase. The approved plots shall not be occupied until a minimum of one electric vehicle charging point has been installed on each property, and shall thereafter be retained for that purpose.

Reason: In the interests of air pollution control.

- 4) No development above slab level shall take place until details and a timetable to secure biodiversity net gain have been submitted to and approved in writing by the Local Planning Authority. The measures must be implemented as approved thereafter. The measures will be expected to result from investigation of scope for both boxes and integral bricks for birds and bats; insect bricks; gaps under boundary treatments; log piles, hedgehog nesting boxes; climbing plants on walls and other vertical structures; wildflower plug/bulb planting in amenity grassland; a wildlife pond.

Reason: In the interests of ecological enhancement.

- 5) No lighting shall be placed or erected within the site except in accordance with details hereby approved on drawing 20-1091 PL14. Any additional lights shall require details of a "lighting design strategy for biodiversity" for the site to be submitted to and approved in writing by the local planning authority prior to the occupation of the development. The strategy shall:

a) Identify those areas/features on site that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;

b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

c) Include measures to reduce light pollution and spillage. 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 the interests of rural amenity and ecological interest.

- 6) Above ground construction work on the approved buildings shall not commence until full details of the following matters in the form of large scale drawings (at least 1:20 scale) have been submitted to and approved in writing by the Local Planning Authority
- a) New external joinery
 - b) Details of eaves and roof overhangs
 - c) Details of projecting bays and porch canopies
 - d) Details of door and window headers and cills.

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

Reason: To ensure a high quality appearance in the rural area.

- 7) The development shall not commence until details of the proposed slab levels of the buildings and roadways relative to the existing site levels 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.

- 8) The hedge on the boundary with Church Street shall be maintained at less than 1m in height to maintain visibility splays. The splays shall be maintained as such thereafter.

Reason: In the interests of highway safety.

- 9) The development shall not be occupied until the approved parking areas have been provided and that areas shall not thereafter be used for any purpose other than the parking of vehicles for the development hereby approved. The 10 designated visitor spaces shall be retained for visitors only thereafter.

Reason: In the interests of highway safety.

- 10) The development shall not be occupied until a cycle rack has been installed to serve the clubhouse in accordance with details that have been submitted to and approved by the Local Planning Authority and until the individual residents cycle stores have been provided in accordance with the drawings hereby approved.

Reason: In the interests of sustainable travel.

- 11) The clubhouse as approved shall only be used for the provision of care or for purposes ancillary to the use of the extra care units hereby approved such as social activities for residents and their guests or administration related to the C2 use of the development. It shall not be used or hired out to the general public and not licenced for the sale of alcohol.

Reason: To prevent harm to the amenities of surrounding occupiers and to reflect the low level of visitor parking.

- 12) Notwithstanding drawing 20-1091 PL18 A and PL19 A, no development above damp proof course level shall take place until details of a scheme of landscaping using native species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of development in the form of a Tree Protection Plan undertaken by an appropriately qualified party in accordance with BS5837:2012

and a programme for the approved scheme's implementation and long term management, have been submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site.

The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned domestic gardens. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development and a high quality of design

- 13) There shall be no occupation of the development hereby permitted 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 ten 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: To ensure a satisfactory landscaped setting for the development

- 14) All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any parts of hedges or hedgerows removed without the Local Planning Authority's prior written consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within ten years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and biodiversity.

- 15) The development shall not commence above slab level until a Landscape and Ecological Design and Management Plan has been submitted to and been approved in writing by the local planning authority. The Landscape and Ecological Design and Management Plan shall include the following:

- a) Purpose and conservation objectives for the proposed habitat creation and enhancements;
- b) Detailed design to achieve stated objectives;
- c) Extent and locations of proposed works on appropriate scale plans;
- d) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;

- e) Description and evaluation of features to be managed;
- f) Aims and measurable objectives of management;
- g) Appropriate management prescriptions for achieving aims and objectives; h) Preparation of a work schedule for the duration of the plan;
- i) Ongoing habitat and species monitoring provision against measurable objectives;
- j) Procedure for the identification, agreement and implementation of contingencies and/or remedial actions where the monitoring results show that the objectives are not being met;
- k) Details of the body/ies or organisation/s responsible for implementation of the plan.
- l) Details of interpretation boards to be incorporated in to the development site to inform residents of the sites management.

The Landscape and Ecological Design and Management Plan shall also include details of the legal and funding mechanism by which the short and long-term implementation of the management Plan will be secured by the developer with the management body responsible for its delivery. The approved Plan will be implemented in accordance with the approved details.

Reason: To ensure a high quality design, appearance and setting to the development, and to protect and enhance biodiversity.

- 16) The development shall not commence until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS shall incorporate details appropriate to the construction operations being undertaken and shall include, but not be limited to, a working methodology/phasing for operations with the Root Protection Area (RPA) of any retained tree; consideration of the location and installation of services and drainage; a programme of site monitoring and arboricultural supervision if appropriate; a detailed schedule of re-commencement tree works and; a Tree Protection Plan showing the design and location of fencing and/or ground protection necessary to ensure all retained trees can be successfully integrated within the permitted scheme. No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority.

Reason: To ensure a satisfactory external appearance to the development.

- 17) Development shall not commence until a detailed sustainable surface water drainage strategy been submitted to (and approved in writing by) the local planning authority. It 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 100yr storm) can be accommodated and disposed of within the curtilage of the site.

Reason: To ensure the proper integration of sustainable urban drainage within the development

- 18) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the approved sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) A timetable for its implementation, and
- ii) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

INFORMATIVES

- 1) The Local Member is to be consulted on submission of details relating to landscaping.
- 2) Foul sewers should be routed outside of areas of permeable paving or cross it in dedicated service corridors, particularly where sewers will be offered
- 3) You are advised to contact Kent Police's Designing Out Crime Officer to discuss site specific designing out crime measures.
- 4) 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 defence against prosecution under this act. Trees, scrub, hedgerows and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Vegetation is 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
- 5) You are advised to adhere to a Construction Management Plan as follows:
 - Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
 - Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
 - Provision of measures to prevent the discharge of surface water onto the highway.
 - Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
 - Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.
 - Provision and permanent retention of the vehicle loading

Case Officer: Marion Geary

Item 19 Pages 102 - 131

Land To West Of 70 Church Street Boughton Monchelsea

APPLICATION: 20/503109/FULL

PC

The Parish Council still feel that the proposal represents over-development of the site. The application should be approved only on the basis of the alternative layout provided, ie with the club house in the centre of the development and not close to existing properties.

We would encourage the applicant to provide a green buffer to the east of the site to mitigate the detrimental effect on existing Church Street properties. The permitted scheme for 18 homes included such a green buffer and could easily be achieved in this 24 home proposal
In accordance with KCC Highways comments, waste collection and delivery vehicles must have a satisfactory way of turning around within the site. This must be fully addressed before approval is given as it would be completely unacceptable and dangerous for these vehicles to be reversing into the development from Church Street

Discussion:

As detailed in the main agenda report, officers are of the view that the originally submitted scheme is acceptable in planning policy terms and that the alternative scheme presented for discussion has negative impacts for the amenity and outlook of 2 of the bungalows which have been re-sited at the site entrance. The location of the communal building (clubhouse) at the site entrance and the lack of a "buffer" are both satisfactory for neighbouring residential amenities.

The refuse freighter tracking shows some minimal overhang of the kerbs when manoeuvring. However, I do not consider that this is to such an extent that would prevent on-site turning and necessitate the freighter reversing onto Church Street.

The recommendation remains unchanged

REFERENCE NO - 20/503109/FULL		
APPLICATION PROPOSAL Erection of 24 no. new C2 extra care retirement homes, clubhouse, bin stores and landscape scheme.		
ADDRESS Land To West Of 70 Church Street Boughton Monchelsea Kent ME17 4HN		
RECOMMENDATION Application Permitted		
SUMMARY OF REASONS FOR RECOMMENDATION <p>Whilst the site is outside the settlement boundaries and thus in the countryside, the site abuts the village and by virtue of its juxtaposition with allotments and the Village sports ground, is not within in visually sensitive "open" countryside. The site is considered to be well contained from a landscape perspective. It is located well in connection with the grain of the village and its facilities.</p> <p>The accommodation provided can be strictly limited in relation to age and within the accepted C2 definition of Extra Care. There is a significant current and future need for such accommodation and the dependence on windfalls for meeting the need lends significant weight in favour of this application.</p> <p>There is an extant planning permission which is a "fallback" with a genuine likelihood of being implemented and I am of the view that overall, there is no perceptible difference in harm on the character and appearance of the countryside between the 2 schemes.</p> <p>Policies DM1 and DM30 of the MBLP are complied with in terms of design /layout and residential amenities with the imposition of relevant conditions can adequately mitigate any other potential harm.</p> <p>Whilst some information/clarification on the KCC (H&T) objection is awaited from the applicant, compared with the absence of highway concerns on the extant scheme when that was approved, I do not consider that the NPPF test for a refusal on highway grounds could be sustained.</p> <p>For these reasons, it is considered that meeting a need and the lack of additional countryside or landscape harm when considered to the fallback position, taken together are considered to outweigh the harm due to its location outside the settlement boundary and there is hence a justification for the departure from the development plan.</p>		
REASON FOR REFERRAL TO COMMITTEE Contrary to the Development Plan on account of being located in the designated countryside Called into Committee by Boughton Monchelsea Parish Council		
WARD Boughton Monchelsea And Chart Sutton	PARISH/TOWN COUNCIL Boughton Monchelsea	APPLICANT Clarendon Homes AGENT Clarendon Homes
TARGET DECISION DATE 09/10/20		PUBLICITY EXPIRY DATE 26/08/20

Relevant Planning History

16/502993/FULL

Demolition of existing buildings and construction of 18 new C2 Extra Care Retirement Homes, Clubhouse, Car Ports, Bin Stores, Landscape Scheme and Access Road.
Demolition of garage to rear of 70 Church Street and erection of new oak framed car port to rear garden
Approved Decision Date: 06.09.2018

19/502737/SUB

Submission of Details to Discharge Condition 7 - Construction Method Statement subject to 16/502993/FULL.
Approved Decision date: 03.07.2019

19/503990/SUB

Submission of details pursuant to Conditions 2: Details of materials, 5: Details of pedestrian priority junction, 13: Reptile mitigation strategy, & 16: Archaeological field evaluation/investigation (original application ref: 16/502993/FULL).

Part Permitted Part Refused Decision date: 30.10.2019
(refused in terms of conditions 2 and 5)

19/506162/SUB

Submission of details pursuant to conditions 2 (materials); 3 (slab levels); 5 (pedestrian priority junction); 9 (landscaping); 12 (landscape and ecological design and management plan); 14 (biodiversity enhancements); and 15 (arboricultural method statement) for 16/502993/FULL.

Part Permitted Part Refused Decision date: 06.02.2020
(refused in terms of conditions 2 (part); 9; 12; 15)

19/506227/SUB

Submission of details pursuant to condition 17 (sustainable surface water drainage strategy) of application 16/502993/FULL.

Refused Decision date: 06.02.2020

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site lies to the west of Church Street and to the north of Heath Road with the remainder of the village of Boughton Monchelsea to the north and north east. The site occupies a relatively central location within the village as it is located between the village allotments, sports ground and pitches and residential properties. The site has access to pedestrian footpaths which run along the western side of Church Street.
- 1.02 The site was formerly a cobnut plantation which was largely cleared in February/March 2016 under exemptions of a TPO and which is now open ground across over the majority of the site with a smaller area of cobnut trees remaining to the western 30m of the site. Part of the site borders the village sports field to the south by an established hedgerow which is 3-4m in height and the remaining part of the cobnut plantation borders the western part of the site. The site includes a widened access road from the south east corner from Church Street that was formed from a 3m wide strip of former garden of no.70 Church Street. This has incorporated pedestrian priority to those using the footpath of Church Street.
- 1.03 The gardens of 4 residential properties on Church Street back onto the eastern boundary of the site which is bounded by a hedgerow. These dwellings are at distances from the common boundary ranging from 25 to 30m. A further hedgerow lies along the northern boundary which borders agricultural grazing land to the north of the site (which has been submitted as potential residential development site in the Call for Sites).
- 1.04 The application site is relatively flat in topography with just a gentle slope down from south to north and due to the boundary hedgerows, it is relatively well contained from the wider landscape.
- 1.05 The site lies in an Area of Archaeological Potential. The site is still subject to a TPO albeit there is no way to legally require the replanting of the Cobnut trees removed as exemption to the TPO.

2. PROPOSAL

- 2.01 The planning application is the subject of a Planning Performance Agreement and development proposals have been revised since a Member Briefing.
- 2.02 This 24 unit scheme is from a different applicant to who secured the 18 unit scheme but is effectively a revision of an extant planning permission ref 16/502993/FULL granted on 6 September 2018 for the construction of 18 x 2-bedroom C2 extra care units together with a communal clubhouse building. The total floor area was 2042 sqm with the units ranging from 83 sqm to 149 sqm. The on-site clubhouse building was to be the central base for the on-site management and would provide 24hr care for the occupants. That planning permission was granted subject to a s106 legal agreement with financial healthcare contributions and occupation by those aged over 55 with at least one occupant of each unit being subject to a care need assessment and commitment to a minimum care package. The approved care package was: the managing agent to be Xtracare Ltd (registered with the Care Quality Commission) and being in receipt of a General Practitioner certificate stating a disability/medical condition or registered visually impaired and contracted to receive Personal Care for a minimum of 2 hours per week.
- 2.03 This revision proposes 24 units and a similar sized clubhouse and overall footprint but with the units generally being smaller and more evenly sized ranging from 74 sqm to 82.5 sqm. There are indicated to be 10 pairs of semi-detached bungalows with heights to the ridges of 6-7m and eaves of 2.5m high and 4 detached bungalows with heights to the ridges of 6-6.5m and eaves of 2.5m. Materials will be a red Multi stock brick, red clay roof tiles, dark brown coloured artificial timber effect boarding, pale render to some of the bay windows, white UPVC windows, soffits and fascias and black UPVC rain water goods.
- 2.04 There will be brick faced garden boundary walls to the most prominent side garden boundaries and cleft rail fencing elsewhere between gardens with timber rabbit fencing along the northern and southern hedgerows.
- 2.05 The clubhouse is still single storey and is now proposed behind no. 70 Church Street, nearest the entrance rather than in the centre of the site as in the extant scheme. The clubhouse scales at 5m in ridge height with a footprint of 123 sqm. It will be the location where communal events, visiting support services and activities can take place. The Clubhouse includes a reception and waiting area, function room, kitchen, consulting/treatment room, office for the visiting manager and disabled WC.
- 2.06 The site layout has changed radically from the 18 unit scheme, essentially the units are no longer all inward facing and there is less soft landscaping to the frontages and a greater overall level of hardstanding due to more parking/access being needed. However, three sets of car ports are no longer proposed and all the parking is on-plot open parking. Parking is 1 space per plot with 10 visitor spaces overall with the bays and the access way in block paving (charcoal and brindle colours) and footpaths in permeable resin bonded gravel.
- 2.07 A Transport Statement indicates that trip rates (both in and out) for this scale and type of use are:
- Morning peak = 4
 - Evening peak = 3
 - Daily average = 50 (7am to 7pm)
 - Average = 1 car movement every 14 mins (7am to 7pm).
- 2.08 Six communal bin stores are indicated to be in enclosures of timber hit and miss panels, sited adjacent to parking bays. Turning for refuse freighters is indicated to be possible within the site.

- 2.09 The scheme has been designed to have a traditional appearance of bungalows and a low physical profile whilst retaining the existing landscape structure including hedgerows with open space to the rear of the development in the form of retained cobnut trees covering approx 0.194ha.
- 2.10 A new Landscape and Visual Impact Assessment dated July 2020 concludes that the overall effect upon visual amenity is considered to be "Negligible to Minor" compared to its current state of an open field.
- 2.11 Lighting will be via PIR lantern style units to front and back doors and low height timber bollards with unidirectional lighting. Timber cycle stores/sheds will be sited in each rear garden.
- 2.12 Ecology benefits include 6 integral Sparrow Terraces and 4 integral Swift bricks plus 5 tree mounted bat boxes and 2 tree mounted owl boxes and several wood piles within the cobnut platt. The northern and southern hedgerow adjacent to the fields and rear of Church Street dwellings will be infilled with hornbeam, hawthorn and privet with 3 Beech trees being retained. The Cobnut coppice will be cleaned out and thinned prior to coppicing. Within the area of retained cobnut planting, a new footpath, gazebo, garden store and wildflower garden provide further communal space for the residents.
- 2.13 A 2016 reptile survey found no reptiles present. Dormice and Great crested newts are not expected to be present, nor signs of badgers or bats roosting sites. Nesting birds are likely to be present as are hedgehogs. Suggested biodiversity enhancements for the site could include the following: hedgehog nesting boxes and gaps in fencing; provision of bat roosting spaces within the new buildings; climbing plants on walls and other vertical structures; wildflower plug/bulb planting in amenity grassland; a wildlife pond. The agent has confirmed that most of the fences will be open style not close boarded and that a condition requiring biodiversity enhancements (eg also insect bricks) will be acceptable.
- 2.14 The application includes a SBEM assessment of the Clubhouse (in excess of a 15% saving in carbon dioxide emissions). There will be a total saving in carbon emissions of 12.9% site wide. Heating and hot water to each dwelling is to be provided via the air source heat pumps, there will be attention in the build to air permeability, thermal bridging, low energy lighting and low water usage.
- 2.15 In support of the new scheme, the applicant states:
- The Borough Council's evidence base supporting the Local Plan has an established a need of 960 new C2 Use Class dwellings during the Plan period
 - It meets central government policy to provide a range of homes suitable for an ageing population
 - The concept is for delivering care needs at a cost effective rate through providing an alternative freehold home, the style of living allows independence later into life
 - Lack of high service charges opens up the development to a wider range of people than the typical Retirement Village model.
 - Small scale of the development responds to its rural location
 - All dwellings are designed according to Lifetime Homes principles and are adaptable to the needs of the users.
 - The homes are purchased by qualifying occupiers aged over 55
 - Screening process to confirm eligibility from an existing care need: at least one person from each qualifying household will receive some form of care in

accordance with the basic minimum care package comprising at least 2 hours per week of personal care and support assistance.

- Residents may increase their care provision as and when required which reduces the pressure on having to move into a Care Home.
- The communal areas of the site shall be managed by the Management Company which could also include management of private gardens.
- The care that will be provided will be managed/operated by an organisation which is registered as a domiciliary care agency with the Care Quality Commission as a single cohesive community

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017 Policies SS1; SP11; SP12; SP17; ID1;DM1; DM3; DM4; DM8; DM19; DM20; DM21; DM23; DM30;
Neighbourhood Plans Boughton Monchelsea Neighbourhood Plan (Submission Version)
Kent Minerals and Waste Local Plan 2016
Supplementary Planning Documents n/a
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Local Residents:

4.01 2 letters of support.

4.02 4 Objections received from local residents raising the following (summarised) issues

- overdevelopment of the site
- inadequate parking
- lack of a green buffer on the eastern side
- the clubhouse would be better positioned next to the communal space
- a big increase in traffic movements across the Church Street footpath used heavily by pedestrians including children, causing danger and accidents
- traffic volume Church Street increased from Lyewood Farm (earmarked for 25 dwellings on the Local Plan, but now standing at 85)
- danger to cyclists
- parking problems in Church Street, hindering emergency and refuse vehicles
- Regular high number of serious accidents on Heath Road
- Poor bus services to Coxheath
- Bus service to Maidstone is too slow compared to driving.

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)

Parish Council

Support C2 use of the site but objects as follows:

- Over-development
- Parking inadequate
- More visitor parking needed
- Such a large communal space is unnecessary- prefer a looser layout and a green buffer on the east of the site rear of Church Street.
- Clubhouse location will affect amenity of Church Street properties.
- Clubhouse should be adjacent the communal space
- Highway impact of another 6 properties across the Church Street footpath

Environment Agency

5.01 No Comments

Kent and Medway CCG

5.02 s106 contributions of £17,280 needed as there will be demand on primary healthcare.

Kent Police

5.03 More site specific designing out crime measures are needed.

KCC (Flood and Water Management)

5.04 No objection: additional ground investigation will be required to support the use of infiltration. Note permeable paving is proposed: foul sewers should be routed outside of areas of permeable paving or cross it in dedicated service corridors, particularly where sewers will be offered for adoption. Conditions are needed.

Southern Water

5.05 Initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development.

KCC (Highways)

5.06 A holding objection:

- Junction of B2163 Heath Road / Church Road / Church Hill: as the development proposals will route trips through this junction, these needs to be investigation to see if there is a safety consideration that may be exacerbated by the proposals.
- Spur road for units 1-7. Drawings need to illustrate collection from the bin store and access by fire tender and pantechnican.
- Communal bin stores: some appear to be some distance from properties, which may be a problem for the more elderly residents.
- Clubhouse parking is not adequate if serves the wider area.
- More details of cycle parking are needed, including for clubhouse.
- Car parking exceeds the standard of 1 space per 2 units for this use class.
- The trip generation needs to be reviewed: TRICS using 'Retirement and Care Community' may be more appropriate. The high provision of car parking and more mobile residents referred to in the Transport Statement will likely lead to higher trip numbers and there could be commuting trips from this site.

KCC Ecology

5.07 A reptile survey has been undertaken as part of condition 13 (19/503990/SUB) of planning permission 16/502993/FUL and the conclusions of the survey detailed that reptiles are considered likely absent, and as the grassland has been left unmanaged

for less than year we accept that it is unlikely that reptiles will have re-established on site.

- 5.08 Suggest informative on mitigation for breeding birds. Information is needed confirming the numbers and location of the integrated bat boxes within the buildings. Condition suggested for a management plan to be produced and implemented to ensure that the open space in the site can be benefit biodiversity.

KCC Archaeology

- 5.09 No response

Parks & Open Spaces

- 5.10 As the application documents do not indicate any publicly accessible 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. 24 units x £1,575 per unit = £37,800 off-site Open Space contribution. To be spent at Salts Farm or other Natural/semi-natural areas of accessible public open space within 1km of the development.

Environmental Protection

- 5.11 Condition suggested for EV Charging Points.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:

- Principle of Development
- The Extant Planning Permission
- Design and Layout
- Residential Amenity
- Highways and Parking

Principle of Development

- 6.02 Policy SS1 of the MBLP is the spatial strategy for development and states that protection will be given to the rural character of the borough. The main part of the site lies outside but abutting the development boundary for Boughton Monchelsea which is a larger village, subject to Policies SP11 and SP12 in the MBLP. Whilst the context to the site includes adjoining residential development, sports pitches and allotments to 3 of its boundaries and is also in central village location, the site is nevertheless designated as a countryside area in policy terms. Such an area is subject to policy SP17 which restricts development of this type and requires development to preserve or enhance the character of the countryside.
- 6.03 Policies SP11 and SP12 seek to focus new development within the settlement boundaries: Boughton Monchelsea being a larger village where limited growth could support local services and facilities.
- 6.04 Therefore, in locational terms, the development would be a departure from the Development Plan. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

- 6.05 It is the case that the scheme approved in 2018 under ref 16/502993/FULL was similarly contrary to the same adopted Development Plan so it is necessary to re-assess whether the same mitigating material considerations still apply and if they continue to outweigh the harm to the countryside or any other harm.
- 6.06 The scheme approved in 2018 was intrinsically linked to care provision with proximity to public transport, shopping, community and adequate access for residents and health providers. The legal agreement restricted the use and occupier type such that it was distinct from traditional housing schemes as it would deliver a specialist housing type, intrinsically linked to the provision of care as well as that of the aging population. This was considered to meet the needs identified by the Strategic Market Housing Assessment (SHMA) as well as the wider range of benefits of such provision including reducing pressure on social and health services, freeing up larger homes (as the older population typically under occupy their existing homes) and allowing the opportunity for older people to retain their independence into old age. These considerations continue to apply to the revised scheme.
- 6.07 It is still the case that MBC has considered extra care as a C2 use and that the units at Ledian Farm were approved outside the development boundary for Leeds village so there remains a similarity- Ledian Farm was actually of a much larger scale and Leeds is not a "larger village" under SP11. It is still the case that it is a material consideration that there is a significant unmet existing and future need for such accommodation and that there is no policy mechanism to deliver identified need for C2 with any certainty. The Council is still solely dependent on windfall sites coming forward (ideally within the settlement boundaries) to meet the aforementioned significant need. Planning permission 16/502993/FULL was a windfall development for 18 units towards the target and permitting the current application would add a further 6 windfall units towards the total without any expansion of the size of the application site.

The Extant Planning Permission

- 6.08 An additional material planning consideration in favour of the scheme is the extant planning permission in terms of whether it represents a "fallback" with a genuine realistic prospect of being implemented. In this case, the access has been built in accordance with the approval and there have been applications to discharge some of the conditions on the planning permission, albeit not all of the pre-commencement conditions have been approved (specifically the hardstanding materials, soft landscaping, the LEMP, the Arboricultural Method Statement and the SuDS scheme). I do consider that those conditions do not go to the heart of the planning permission and could be approved within the time limits without having been prejudiced by the first part of the access road having been already constructed. Hence I am of the opinion that the fallback is a genuine option for the developers and so a comparison of the 2 schemes is necessary to attribute a weight to the fallback as a material consideration.
- 6.09 The extra units in the current scheme would be achieved without an increase in harm to the appearance and character of the area when viewed from outside the site because the extra built form is in the central area of the development and there is only a minor increase in harm to the appearance and character of the countryside once viewed from within the centre of the site itself. Moreover, it could be argued that the change in the layout of the units on the northern boundary to make them perpendicular not parallel to it, introduces large gaps to the roofline and so overall reduces the visual impact compared to the continuous roof ridgeline of the approved scheme from the countryside to the north. The current application also has a layout of units on the northern edge that takes more account of the need to have reduced proximity to 3 Beech trees which are being retained. Only one of the Beech trees is shown to be in a private rear garden location whereas in the approved layout, all 3 are in private rear gardens. On balance, I am of the view that

there is no material difference in harm on the character and appearance of the countryside between the 2 schemes.

- 6.10 In terms of the detail of the development, the built form remains restricted to single storey with the use of pitched roofs but still relatively low rise. It was accepted that the access road would afford views from Church Street, but that was from a built context and was not considered to cause significant harm to the character of the countryside. The same conclusions are reached in the latest LVIA.
- 6.11 The site still lies within the village context of Boughton Monchelsea and is located near to village amenities and residential properties and is within walking distance of the village shop and facilities such as the social club, the allotments and bus stops on Heath Road. It will be less than 2km from the new GP surgery planned at Linton/Coxheath which is specifically to have good access by non car modes as part of its planning permission. The site remains well related to the village in a geographical sense and is considered a relatively sustainable location in access terms. It therefore has a role in complying with Policy SP12 of the MBLP which does state that key services in Boughton Monchelsea will be supported.
- 6.12 The development is also considered to still accord with the NPPF which requires the relationship between travel and development to have regard to other policies within the framework, including rural areas, which refers to the role of new housing in supporting the ongoing vitality of rural communities and local facilities. Whilst this development is not housing in the normal sense, it provides similar benefits.

Design and Layout

- 6.13 The remaining part of the cobnut plantation will act as a buffer between the units and the western boundary to the site along with further landscaping along the boundaries including tree planting. This western part of the site will be laid out as open space with footpath route through this from the housing units. This was originally to reference the former use of the site and the continuation of that is supported.
- 6.14 The revisions made since the Member Briefing include a change in the balance of private open space from being mostly in rear gardens to more generously sized front gardens and this visually softens the development, as well as encouraging more engagement between residents.
- 6.15 The development incorporates elements of traditional architecture with use of pitched clay tile roofs, cladding and stock brick. The development is single storey throughout and architectural variation is achieved by projected and recessed elements such as bay windows and front feature gables. One element of the design which did not initially respond to pre-application advice was that a number of the units on corner plots were not adequately dual aspect (plots 7, 8 and 24). The applicant has now amended them to add kitchen windows to make these visually prominent flanks more interesting as well as improve the interior of the dwellings and provide better surveillance of the main access.
- 6.16 Having regard to the extant permission, I consider the scheme would represent an appropriate scale of development within the site in relation to its edge of village location.
- 6.17 The individual units will be designed to meet the Building for Life principles and Lifetime Homes standards. The units represent adaptable homes which are considered to achieve the balance between independence and the future care needs of the occupiers including the potential to accommodate live-in carers in future years.

- 6.18 In summary it is considered the scheme on the whole, represents an acceptable standard of design that has taken account of its immediate environs and the wider village and thus will accord with policies DM1 and DM30 of the MBLP.

Residential Amenity

- 6.19 The site abuts 4 rear gardens of dwellings in Church Street which are approximately 25-30 metres in length and back onto the eastern boundary of the site which currently has a hedgerow of around 1.2m high with a number of trees along the boundary. It is the case, as pointed out by the PC and some of the objectors that this scheme does have a closer relationship with that boundary.
- 6.20 However, the development is single storey and the nearest units to the neighbouring gardens are plots 1-4 which only have ground floor windows facing. The proposals will include new planting on this boundary and it would be possible to impose a condition to require fencing/landscaping to prevent views into the adjacent gardens, although the roofs will be visible. The length of the adjoining gardens and the single storey nature of the development would also ensure there would be no impact of way of adverse outlook caused by the new built form.
- 6.21 The Clubhouse is shown to be approx. 5m from the rear boundaries of 68 and 70 Church Street but this building is only 5m to the ridge and would be a total of over 30m from both of these neighbouring houses. Whilst it is appreciated that having these buildings set further from Church Street would be preferable to those occupiers, I do not consider that there is any need for a "buffer" and consequent reduced area of Cobnut platt. The scheme before Members has to be judged as to whether it would cause harm to neighbouring residential amenities and it is my view that it does not.
- 6.22 I do not share the PC's concern that the clubhouse will be noisy for a use of this nature. A condition is suggested to ensure that there is no external use or hiring out to non-residents.
- 6.23 In terms of the impact of the access road on adjacent properties, there is a relatively low frequency of trips related to such use such that there would not be an adverse impact on the amenities of the adjoining properties.
- 6.24 Overall, Policy DM1 of the MBLP is complied with in terms of residential amenities with the imposition of relevant conditions.

Highways and Parking

- 6.25 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.26 Policy DM1 of the MBLP requires the safe accommodation of the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access. Policy DM 21 requires development proposals to demonstrate that the impacts of trips generated to and from the development are accommodated, remedied or mitigated to prevent severe residual impacts. Policy DM 23 on parking standards requires that vehicle parking for non-residential uses should not exacerbate on street car parking to an unacceptable degree.
- 6.27 The applicant has been notified of the KCC (H&T) objection and any response or further clarifying information will be reported in an update.
- 6.28 The extant planning permission had 3 carports of 6 spaces each and each had driveway spaces making potentially 36 private spaces and 7 visitor spaces. There were no KCC objections to that level of provision. This scheme has no driveway

spaces so the total number of spaces is less. Hence it is not a justifiable concern that this scheme has excessive parking. Members will note that there is concern from local residents that Church Street should not take any overflow parking from this site so under provision of on-site parking would also be a concern.

- 6.29 The submission indicates that there will be sheds in each of the 24 rear gardens that can accommodate storage for cycles. Bearing in mind that the clubhouse is for on-site use (which will be conditioned), I am of the view that there does not need to be more parking for external visitors. There is scope however to provide a cycle rack for use by staff near to the clubhouse.

Other Matters

- 6.30 A development of this scale is clearly likely to place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable financial contributions to make the development acceptable in planning terms can be sought in line with policy ID1 of the Local Plan in terms of Open Space and NHS monies (this form of development is not subject to CIL). The applicant has agreed these 2 requests to be in a s106 legal agreement.
- 6.31 The site is located within Flood Zone 1 which is at the lowest risk of flooding. The Flood Risk Assessment and Surface Water Management Plan show that SuDS could be incorporated into the design as the site also has a low risk from contamination. This is proposed to be achieved through the use of soakaways and storage crates. This information has been reviewed by KCC Drainage and they are generally content with the approach and methodology in principle but require further investigation and an assurance that foul drainage is not compromised. Conditions are suggested.
- 6.32 An informative on designing out crime is suggested to take account of the representations made by Kent Police. The site lies in an AAP but an archaeological evaluation has taken place in connection with the extant planning permission and fifteen evaluation trenches were excavated with no significant archaeological features or deposits encountered.
- 6.33 As detailed above, there are no particular ecological issues that cannot be dealt with by the imposition of a condition for biodiversity net gain. Tree protection measures also need to be subject of a condition bearing in mind the need to protect the screening function of trees and hedgerows to ensure the conclusions of the LVIA are met.
- 6.34 A condition needs to be imposed for ensure there are enough EV charging points.

PUBLIC SECTOR EQUALITY DUTY

- 6.35 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 Whilst the site is outside the settlement boundaries and thus in the countryside, the site abuts the village and by virtue of its juxtaposition with allotments and the Village sports ground, is not within in visually sensitive "open" countryside. The site is considered to be well contained from a landscape perspective. It is located well in connection with the grain of the village and its facilities.

- 7.02 The accommodation provided can be strictly limited in relation to age and within the accepted C2 definition of Extra Care. There is a significant current and future need for such accommodation and the dependence on windfalls for meeting the need lends significant weight in favour of this application.
- 7.03 There is an extant planning permission which is a "fallback" with a genuine likelihood of being implemented and I am of the view that overall, there is no perceptible difference in harm on the character and appearance of the countryside between the 2 schemes.
- 7.04 Policies DM1 and DM30 of the MBLP are complied with in terms of design /layout and residential amenities with the imposition of relevant conditions can adequately mitigate any other potential harm.
- 7.05 Whilst some information/clarification on the KCC (H&T) objection is awaited from the applicant, compared with the absence of highway concerns on the extant scheme when that was approved, I do not consider that the NPPF test for a refusal on highway grounds could be sustained.
- 7.06 For these reasons, it is considered that meeting a need and the lack of additional countryside or landscape harm when considered to the fallback position, taken together are considered to outweigh the harm due to its location outside the settlement boundary and would justify the departure from the development plan.

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):

- Contribution of £17,280 towards NHS healthcare
- Contribution of £37,800 off-site Open Space contribution to be spent at Salts Farm or other Natural/semi-natural areas of accessible public open space within 1km of the development.
- Maintenance of the remainder of the cobnut platt, to be retained in perpetuity as communal amenity
- Occupation only within Class C2 by those aged over 55 with at least one occupant of each unit being subject to a care need assessment and commitment to a minimum care package to be approved by the Local Planning Authority

and the imposition of the conditions as set out below:

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2) The development hereby permitted shall be carried out in accordance with the following drawings;

20-1091 PL01 G Proposed Site Layout; 20-1091 PL02 Rev G Proposed Site Plan; 20-1091 PL03 Rev D Proposed Street Elevations/Site Sections; 20-1091 PL04 A Type A Plans and Elevations; 20-1091 PL05 Rev C Proposed

Bungalow Type B Plan and Elevations; 20-1091 PL06 A Type C Plans and Elevations; 20-1091 PL07 A Type D Plans and Elevations; 20-1091 PL08 Rev C Proposed Bungalow Type E Plan and Elevations; 20-1091 PL09 B Community Club House; 20-1091 PL10 A Bin Stores Plans and Elevations; 20-1091 PL11 Proposed Hard Landscaping Plan; 20-1091 PL12 Boundary Treatment Plan; 20-1091 PL13 Tree Protection Plan; 20-1091 PL14 External Lighting Plan; 20-1091 PL15 Bird and Bat Box Plan; 20-1091 PL16 Refuse Strategy Plan; 20-1091 PL17 Foul Drainage Strategy Plan; 20-1091 PL18 Soft Landscaping Plan, 1; 20-1091 PL19 Soft Landscaping Plan, 2; 20-1091 PL20 Bicycle Storage Details; 20-1091 PL21 Air Source Heat Pump Details; 20-1091 PL23 Soft Landscaping Strategy;

Reason: For the purposes of clarity.

- 3) No development above slab level shall take place until details of plots where electric vehicle charging points can be installed have been submitted to and approved in writing by the Local Planning Authority for that phase. The approved plots shall not be occupied until a minimum of one electric vehicle charging point has been installed on each property, and shall thereafter be retained for that purpose.

Reason: In the interests of air pollution control.

- 4) No development above slab level shall take place until details and a timetable to secure biodiversity net gain have been submitted to and approved in writing by the Local Planning Authority. The measures must be implemented as approved thereafter. The measures will be expected to result from investigation of scope for both boxes and integral bricks for birds and bats; insect bricks; gaps under boundary treatments; log piles, hedgehog nesting boxes; climbing plants on walls and other vertical structures; wildflower plug/bulb planting in amenity grassland; a wildlife pond.

Reason: In the interests of ecological enhancement.

- 5) No lighting shall be placed or erected within the site except in accordance with details hereby approved on drawing 20-1091 PL14. Any additional lights shall require details of a "lighting design strategy for biodiversity" for the site to be submitted to and approved in writing by the local planning authority prior to the occupation of the development. The strategy shall:

a) Identify those areas/features on site that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;

b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

c) Include measures to reduce light pollution and spillage. 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 the interests of rural amenity and ecological interest.

- 6) Above ground construction work on the approved buildings shall not commence until full details of the following matters in the form of large scale drawings (at least 1:20 scale) have been submitted to and approved in writing by the Local Planning Authority

- a) New external joinery
- b) Details of eaves and roof overhangs
- c) Details of projecting bays and porch canopies
- d) Details of door and window headers and cills.

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

Reason: To ensure a high quality appearance in the rural area.

- 7) The development shall not commence until details of the proposed slab levels of the buildings and roadways relative to the existing site levels 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.

- 8) The hedge on the boundary with Church Street shall be maintained at less than 1m in height to maintain visibility splays. The splays shall be maintained as such thereafter.

Reason: In the interests of highway safety.

- 9) The development shall not be occupied until the approved parking areas have been provided and that areas shall not thereafter be used for any purpose other than the parking of vehicles for the development hereby approved. The 10 designated visitor spaces shall be retained for visitors only thereafter.

Reason: In the interests of highway safety.

- 10) The development shall not be occupied until a cycle rack has been installed to serve the clubhouse in accordance with details that have been submitted to and approved by the Local Planning Authority and until the cycle stores on drawing 20-1091 PL20 have been provided.

Reason: In the interests of sustainable travel.

- 11) The clubhouse as approved shall only be used for the provision of care or for purposes ancillary to the use of the extra care units hereby approved.

Reason: To prevent harm to the amenities of surrounding occupiers.

- 12) Notwithstanding drawing 20-1091 PL18 and PL19, no development above damp proof course level shall take place until details of a scheme of landscaping using native species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of development in the form of a Tree Protection Plan undertaken by an appropriately qualified party in accordance with BS5837:2012 and a programme for the approved scheme's implementation and long term management, have been submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site.

The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development and a high quality of design

- 13) There shall be no occupation of the development hereby permitted 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 ten 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: To ensure a satisfactory landscaped setting for the development

- 14) All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any parts of hedges or hedgerows removed without the Local Planning Authority's prior written consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within ten years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.
Reason: In the interests of visual amenity and biodiversity.

- 15) The development shall not commence above slab level until a Landscape and Ecological Design and Management Plan has been submitted to and been approved in writing by the local planning authority. The Landscape and Ecological Design and Management Plan shall include the following:

- a) Purpose and conservation objectives for the proposed habitat creation and enhancements;
- b) Detailed design to achieve stated objectives;
- c) Extent and locations of proposed works on appropriate scale plans;
- d) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) Description and evaluation of features to be managed;
- f) Aims and measurable objectives of management;
- g) Appropriate management prescriptions for achieving aims and objectives;
- h) Preparation of a work schedule for the duration of the plan;
- i) Ongoing habitat and species monitoring provision against measurable objectives;
- j) Procedure for the identification, agreement and implementation of contingencies and/or remedial actions where the monitoring results show that the objectives are not being met;
- k) Details of the body/ies or organisation/s responsible for implementation of the plan.
- l) Details of interpretation boards to be incorporated in to the development site to inform residents of the sites management.

The Landscape and Ecological Design and Management Plan shall also include details of the legal and funding mechanism by which the short and long-term implementation of the management Plan will be secured by the developer with the

management body responsible for its delivery. The approved Plan will be implemented in accordance with the approved details.

Reason: To ensure a high quality design, appearance and setting to the development, and to protect and enhance biodiversity.

- 16) The development shall not commence until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS shall incorporate details appropriate to the construction operations being undertaken and shall include, but not be limited to, a working methodology/phasing for operations with the Root Protection Area (RPA) of any retained tree; consideration of the location and installation of services and drainage; a programme of site monitoring and arboricultural supervision if appropriate; a detailed schedule of re-commencement tree works and; a Tree Protection Plan showing the design and location of fencing and/or ground protection necessary to ensure all retained trees can be successfully integrated within the permitted scheme. No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority.

Reason: To ensure a satisfactory external appearance to the development.

- 17) Development shall not commence until a detailed sustainable surface water drainage strategy been submitted to (and approved in writing by) the local planning authority. It 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 100yr storm) can be accommodated and disposed of within the curtilage of the site.

Reason: To ensure the proper integration of sustainable urban drainage within the development

- 18) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the approved sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

i) A timetable for its implementation, and

ii) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

INFORMATIVES

- 1) The Local Member is to be consulted on submission of details relating to landscaping.
- 2) Foul sewers should be routed outside of areas of permeable paving or cross it in dedicated service corridors, particularly where sewers will be offered for adoption.
- 3) You are advised to contact Kent Police's Designing Out Crime Officer to discuss site specific designing out crime measures.

Case Officer: Marion Geary

Item 13 Pages 9 - 26

Land To West Of 70 Church Street Boughton Monchelsea

APPLICATION: 20/503109/FULL

Applicant:

The applicant has responded to the representations of KCC Ecology and KCC Highways and Transportation as follows:

Ecology: Amended drawings indicate the mounting of the bat and bird boxes noted as tree or pole mounted subject to site investigation plus details of the integrated bird and bat boxes.

Highways: DHA transport consultants have prepared a response to KCC (H&T) and additional tracking drawings as requested. The Design and Access Statement REV B has amendments made to the parking provision to align with the transport statement. Drawing PL20 which gave details of secure bike storage to each bungalow, has been updated to include provision for visitors secure cycle parking on a 6 bike rack adjacent plot 24.

Consultees:

KCC Ecology have commented on the additional information:

The submitted bird and bat box plan has confirmed that the following will be erected on/within the buildings:

- 6 integrated sparrow terraces
- 5 integrated swift boxes
- 4 integrated bat boxes

The landscaping plan has confirmed the following will be implemented within the west of the site/site boundaries. The bat and bird boxes will be erected on trees or poles of the trees cannot support them – To be agreed when the boxes are being erected.

- Retention and enhancement of cobnut orchard
- 2 owl box
- 5 bat boxes
- Wildflower meadow.

KCC (H&T) have yet to comment on the recently received additional/revised information. Any response will be verbally reported.

Discussion:

The applicant has confirmed that there will be 15 integrated bat/bird boxes/bricks and 7 securely affixed boxes elsewhere on trees or poles as necessary. This is considered to be satisfactory.

The information/clarification requested by KCC (H&T) has been provided, other than crash record data. As detailed in the main agenda report, I do not consider that there is a sustainable highways reason to refuse.

The indication of scope for a visitor cycle rack is welcomed but the position indicated (on the opposite side of the road to the clubhouse) needs further review in my view to ensure it is best sited and this can be addressed by an amendment to suggested condition 10.

Informatives on Breeding Birds and Construction Management are also suggested.

Pages 21-23

Condition 2: updated to reflect additional/revised drawings

Condition 10: updated to reflect revised drawings but to require revised details of the location of the cycle rack to serve the clubhouse

Condition 12: updated to reflect revised drawings

Additional Informatives:

4) 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 defence against prosecution under this act. Trees, scrub, hedgerows and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Vegetation is 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

5) You are advised to adhere to a Construction Management Plan as follows:

Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.

Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.

Provision of measures to prevent the discharge of surface water onto the highway.

Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.

Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.

Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.

The recommendation remains unchanged

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 17th December 2020**

APPEAL DECISIONS:

- 1. 19/506376/FULL** Retrospective application for additional obscure glazing to previously approved application 19/504830/FULL.

APPEAL: Allowed

29 The Landway
Bearsted
Maidstone
Kent
ME14 4BE

(Committee)

- 2. 19/504381/FULL** Erection of single storey rear extension to existing dwelling and erection of 1no. new semi detached dwelling.

APPEAL: Dismissed

2 Elder Close
Kingswood
Maidstone
Kent
ME17 3PR

(Delegated)

- 3. 19/502435/FULL** Erection of two storey extensions to 1 and 2 New Cottages, to form 4no. terraced properties in place of a pair of semi detached properties.

APPEAL: Dismissed

1 & 2 New Cottages
Upper Street
Hollingbourne
Maidstone

Kent
ME17 1UJ

(Delegated)

4. 19/502289/FULL

Erection of 2no. four bedroom semi-detached houses with access road, car parking and bin storage facilities.

APPEAL: Allowed

Land Adjoining 12
Lower Fant Road
Maidstone
Kent

(Delegated)

5. 19/505738/FULL

Demolition of carport structure and erection of two storey dwelling including refurbishment, rehabilitation and retention of existing cast iron mill wheel and walling. Creation of vehicular access off existing driveway and proposed timber gate for public right of way

APPEAL: Dismissed

The Oast House
Polhill Lane
Harrietsham
Maidstone
Kent
ME17 1LG

(Delegated)

6. 19/505673/LAWPRO

Lawful Development Certificate for proposed single storey side and front extension

APPEAL: Dismissed

Ringles Gate
Grigg Lane
Headcorn
Ashford
Kent
TN27 9LY

(Delegated)