

## REPORT SUMMARY

<b>REFERENCE NO:</b> - 18/506662/FULL and 19/506031/LBC		
<b>APPLICATION PROPOSAL:</b> 18/506662/FULL 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. 19/506031/LBC 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.		
<b>ADDRESS:</b> Courtyard Studios Hollingbourne House Hollingbourne Hill Hollingbourne Maidstone Kent ME17 1QJ		
<b>RECOMMENDATION:</b> 18/506662/FULL : Grant planning permission subject to the recommendation and conditions set out in Section 11.0 of main report dated 20 <sup>th</sup> July 2023(Appendix 1) 19/506031/LBC : Grant Listed Building Consent subject to the recommendation and conditions set out in Section 11.0 of main report dated 20 <sup>th</sup> July 2023(Appendix 2)		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> See main reports dated 20 <sup>th</sup> July 2023		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> See main report dated 20 <sup>th</sup> July 2023		
<b>WARD:</b> North Downs	<b>PARISH/TOWN COUNCIL:</b> Hollingbourne	<b>APPLICANT:</b> Mr Paul Dixon <b>AGENT:</b> John Collins
<b>CASE OFFICER:</b> Rachael Elliott	<b>VALIDATION DATE:</b> 22/05/20	<b>DECISION DUE DATE:</b> 22/01/21
<b>ADVERTISED AS A DEPARTURE: NO</b>		

### 1.0 Background

- 1.01 These applications were withdrawn from consideration from the 20<sup>th</sup> July 2023 committee agenda following the decision to reconsult on the applications. The main body of the reports for the 20<sup>th</sup> July Committee remain unchanged and both are attached at Appendix 1 (18/506662/FULL) and Appendix 2 (19/506031/LBC). This report should be read in conjunction with the reports for the 20<sup>th</sup> July Committee.
- 1.02 Following the publication of the 20<sup>th</sup> July 2023 report a further letter of representation was received on behalf of a neighbouring occupier. The matters raised are summarised and addressed in this covering report.
- 1.03 This covering report relates to both applications 18/506662/FULL and 19/506031/LBC, as they are explicitly linked.

### 2.0 LOCAL REPRESENTATIONS

One letter has been received from Richard Buxton solicitors on behalf of the neighbouring occupier at Hollingbourne House. This was in response to the publication

of the committee report for the 20<sup>th</sup> July Committee. To date (the re-consultation period expired on 1<sup>st</sup> September 2023), no further neighbour representation has been received.

The points raised on behalf of the neighbours at Hollingbourne House are summarised below :

- No further consultation
- Listed wall allowed to fall into disrepair and be part dis-mantled
- Reduced footprint would be minimal
- Loss of business use, no evidence or consideration that the existing use would not be viable
- Current commercial use is low key
- Proposal wouldn't reduce vehicle trips
- Existing use does not impact negatively on amenity
- No consideration of part of the site currently being residential garden
- Site is of high environmental value – AONB, Setting of Heritage assets, Listed Walls and Areas of Landscaping would be lost
- Disagree with environmental benefits identified
- Local topography restricts use of sustainable modes of transport
- Public benefit in terms of heritage matters incorrectly interpreted
- Could achieve a conversion rather than rebuild (more policy support for conversion)

### **3.0 CONSULTEES (re-consultation - see Appendix 1 report for original comments)**

**Historic England** : Standing advice on circumstances for consultation

**Kent Highways** : No further comments received

**Client services** : No comments received

**Hollingbourne Parish Council** : No further comments received

**Conservation Officer** : (Comments received relating to the level of harm and public benefits, Note there has been a change in Conservation Officer and the comments principally relate to expanding on the level of harm and the public benefit, incorporated into the Heritage section of this addendum report.)

From a heritage perspective, I would raise the following as having less than substantial (LTS) impact on the setting of the listed building:

- sub-division of the Walled Garden. Whilst this is a more modern feature, the subdivision will cause LTS harm to the understanding of the space. There has been some mitigation in the design, such as a hedge as boundary line and retaining the existing paths, etc. The division of the garden will create 'two' gardens, which will reflect the owners/ occupier's taste, and therefore would be unlikely to be read as a former single garden. It is likely that the paths will be lost over time, and it would be difficult to retain these as a condition. I would suggest a building recording of the walls and the gardens to allow for future research to be undertaken, which will help with the mitigation.
- in contrast to the above, the landscaping to the front courtyard would/does cause LTS harm as it changes the space to a domestic garden, rather than a working courtyard that it was. The evidence provided shows that by the mid-1900s there was a small garden (possible associated with the Chauffeur's Accommodation) but you would have still needed hardstanding to gain access to the garages. The current flower beds, whilst attractive and soften the space, do cause harm to the setting of the listed buildings as it confuses the understanding and reading of the spaces. The loss or reduction of domestic gardens/ flower

beds, would to me, be considered a heritage benefit as it would reinstate a better space.

- The proposed works would result in less than substantial harm due to the reduction of the height of the wall. However, it is acknowledged that the Walled Garden and associated walls have altered over time to suit the changing needs of the gardens.

For public benefits, we have the housing, but the proposal would also ensure active/ sustainable use of the site. The creation of the parking is not considered to cause any impact as this was a working space, and when motorcars were introduced to the UK, a garage (now lost) in the position of the proposed site was formed. It would seem natural therefore that cars would be parked in this area. If the courtyard landscaping is removed and minimal soft landscaping applied, this would be deemed as a heritage benefit as this would return this courtyard back into how it would have been understood, and separates the polite gardens of the house, with the working spaces of the estate. The restoration of the glass house would also be a heritage benefit. As part of the mitigation, a good building recording of the structures, garden and the walls would allow for future research to be undertaken

#### **4.0 APPRAISAL**

4.01 The key issues for considerations remain as set out at 9.01 of the Appendix 1 and Appendix 2 reports, repeated here for ease of reference, those in italics will be expanded on upon in this addendum report:

- *Consideration of the proposal in relation to Policy DM5 (Development of Brownfield land) (18/506662/FULL)*
- *Loss of the existing commercial floor space and the provision of a residential use (18/506662/FULL)*
- *Design, appearance, the countryside and the Kent Downs AONB (18/506662/FULL)*
- *Heritage (18/506662/FULL and 19/506031/LBC)*
- Residential amenity. (18/506662/FULL)
- Standard of proposed residential accommodation. (18/506662/FULL)
- Transport and traffic, access and servicing, car and cycle parking (18/506662/FULL)
- Ecology and biodiversity, trees and landscape (18/506662/FULL)

#### **Consideration of the proposal in relation to Policy DM5 (Development of Brownfield land)**

4.02 Members are reminded of the thread of Policy DM5 set out at paragraph 9.03 of Appendix 1. This is an exception policy which allows for the development of Brownfield Land for residential. The report in summary reaches the conclusions that :

- The site (taken as a whole) is not of high environmental value ;
- The density of development would reflect the character and appearance of the locality ;
- The site, although including part residential garden, would on balance meet the exception test which would allow for the principle of residential development on brownfield sites, given that the proposal would solely result in the intensification of the use of the said garden area (to serve two dwellings rather than one)
- The proposal would result in significant environmental improvement
- Improvements to the sites accessibility by sustainable modes of transport is possible such that the site is considered to be reasonably accessible to a larger

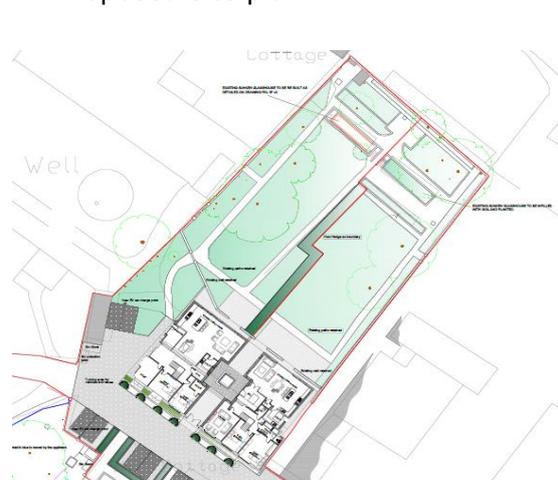
village

- 4.03 The representation received does not agree with those conclusions, however they largely concern matters of planning judgement. The representation places a higher environmental value on the site currently and disagrees with officers about whether the proposals will result in a significant environmental improvement. It also cites the topographical constraints of the site limiting cycling accessibility. The committee report at Appendix 1 addresses why the above conclusions at 4.02 above have been reached (expanded where necessary below).
- 4.04 Expanding on the point whether DM5 can apply, given that part of the site is considered to be residential garden. The policy clearly excludes residential garden and thus at face value it would seem perverse to continue to apply DM5 given that part of the site (the walled garden) is considered to be such, however that would be a simplistic application of the policy. The characteristics of the site are fairly unique, there is a juxtaposition of residential garden, situated cheek by jowl with the commercial use. The new dwellings would be situated on a similar footprint to the existing building, there would be no encroachment of built development beyond existing (it is noted that some landscaping would be lost to provide parking, but that is a matter relating more principally to other material considerations rather than the application of Policy DM5). The existing and proposed extract site plans below indicates the changes within the existing walled garden to the north-east of the site to differentiate its use for two dwellings rather than one being some hard and soft landscaping and the addition of a central hedge to demarcate the two sites.

Existing site plan



Proposed site plan



- 4.05 Given the minimal discernible changes to the walled garden (the land which is clearly partly existing residential garden land) it would in the officer's view depart from the essence of the policy to not apply Policy DM5 given the nature of the proposal. The Court of Appeal decision was clear that the site should be considered as a whole.
- 4.06 As such the site, although including part residential garden, on balance the proposal (taken as a whole) would meet the exception test of being a brownfield site which would allow for the principle of residential development on brownfield sites, given that the proposal would solely result in the intensification of the use of the said garden area as a garden (to serve two dwellings rather than one), with very minimal changes.

**Loss of the existing commercial floor space and the provision of a residential use**

- 4.07 The representation argues that the loss of the existing photographers' business use has not been adequately assessed in the context of its proposed replacement with residential use; that the Committee Report argues both that the existing use is low-key, but at the same time its removal would be beneficial in terms of reduced commercial traffic.
- 4.08 There is no policy requirement for the applicant to explicitly demonstrate that the existing use is unviable, nor that marketing has taken place, especially given that the proposal is being considered as a re-build, thus those policies relating to conversion need not apply (which have a requirement for commercial re-use).
- 4.09 in terms of the existing harm and potential benefits from an alternative use of the site from commercial to residential, the representation suggests a different judgment about those matters, but officer's view is that removing a commercial use (albeit one that is quite strictly conditioned so as to be suitable in a residential area) and replacing it with residential does contribute towards resulting in a significant environmental improvement..

### **Design, appearance, the countryside and the Kent Downs AONB**

- 4.10 The representation agrees with the Officer conclusion that the proposal is a not a conversion (Officer's rationale set out in Paragraphs 9.43 – 9.46 of the Committee Report at Appendix 1). It however highlights that policy support is more for the conversion of buildings rather than re-build, citing DM30 (iv), SP21 and DM31). The Buxton letter re-produces a previously submitted sketch drawing of how this could be achieved (for one dwelling rather than the two proposed).
- 4.11 The cited part of Policy DM30 (iv), sets out : *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.*

The appraisal at 9.85 of the Committee Report at Appendix 1 remains. As discussed in the main report at 9.43-9.46 part of the building would be retained and where rebuilt, there would be a marginal reduction in footprint. The cumulative impact of the resultant building would not be dissimilar. Policy DM30 taken holistically relates to *Design principles in the countryside*, it is concerned with achieving high quality design. Conversion and re-use is a preference where the resultant development would not achieve the required design quality or have a harmful impact on the character and appearance of the countryside. Here both are met (for the reasons set out in the main report), such that to insist on a conversion in this case would not be necessary. This is an unusual circumstance where although overall agreed that the proposal is a new build, it does include part conversion/re-use of the existing building, resulting in high quality design in the countryside. It is an assessment of harm, in this case to the countryside, and it is not considered any additional harm would result.

### **Heritage**

- 4.12 The Committee Report at Appendix 1, sets out a robust appraisal of the policy background and the impact of the proposal on the various heritage assets that the scheme could impact upon. For clarity and summary, in line with the NPPF it has been established that less than substantial (LTS) harm would result to each of the affected designated heritage assets, those being :
- Hollingbourne House (Grade II)

- Gazebo Building (Grade II)
- Donkey Wheel (Grade II)
- Brick garden walls (Curtilage Listed Grade II)
- Sunken glasshouses (partially curtilage listed)

4.13 The key areas of harm, identified in Conservation Officer comments, articulated in the recent re-consultation, are as following (to be read in conjunction with the main report):

- sub-division of the Walled Garden. Whilst this is a more modern feature, the subdivision will cause LTS harm to the understanding of the space. There has been some mitigation in the design, such as a hedge as boundary line and retaining the existing paths, etc. The division of the garden will create 'two' gardens, which will reflect the owners/ occupier's taste, and therefore would be unlikely to be read as a former single garden. It is likely that the paths will be lost over time, and it would be difficult to retain these as a condition. It is suggested a building recording of the walls and the gardens to allow for future research to be undertaken, which will help with the mitigation.

-in contrast to the above, the landscaping to the front courtyard would/does cause LTS harm as it changes the space to a domestic garden, rather than a working courtyard that it was. Evidence provided shows that by the mid-1900s there was a small garden (possible associated with the Chauffeur's Accommodation) but you would have still have needed hardstanding to gain access to the garages. The current flower beds, whilst attractive and soften the space, do cause harm to the setting of the listed buildings as it confuses the understanding and reading of the spaces. The loss or reduction of domestic gardens/ flower beds, would to me, be considered a heritage benefit as it would reinstate a better space.

- The proposed works would result in less than substantial harm due to the reduction of the height of the wall. However, it is acknowledged that the Walled Garden and associated walls have altered over time to suit the changing needs of the gardens.

4.14 The NPPF at paragraph 202 sets out :

*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.*

4.15 Government advice regarding public benefit sets out :

*The [National Planning Policy Framework](#) requires any harm to designated heritage assets to be weighed against the public benefits of the proposal.*

*Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework ([paragraph 8](#)). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.*

*Examples of heritage benefits may include:*

- *sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- *reducing or removing risks to a heritage asset*
- *securing the optimum viable use of a heritage asset in support of its long term conservation*

- 4.16 The public benefits in this case are identified throughout the assessment of Heritage at paragraphs 9.96-9.176 of the main report. As further clarification and summary these are identified and expanded upon as appropriate below.
- 4.17 - 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.
- The changes to the existing building, including elevation changes to the retained part and the new build would make a positive contribution to the setting of the Listed Wall and glass house.
  - The proposed residential use of the new building would bring the gardens back into full beneficial use.
  - Lowered listed wall would improve the relationship of the building and garden space
  - The restoration of the later glasshouse would enhance the existing historical interest in the garden area and preserve significance
  - The proposal will secure the optimum viable use of the site to provide two good quality family dwellings.
  - Securing the restoration and repair of the curtilage listed wall.
  - The creation of the parking and removal of courtyard landscaping and minimal soft landscaping, this would be deemed as a heritage benefit as this would return this courtyard back into how it would have been understood, and separates the polite gardens of the house, with the working spaces of the estate.
  - Landscaping and biodiversity improvements
  - More sustainable travel choices and use of renewable energy sources.
- 4.18 The public benefits identified above vary in degree, however taken holistically and compared with the level of harm, public benefit would arise. The proposal would result in the provision of two dwellings, which to a degree secure public benefit on social and economic terms through housing provision (although less weight can be attached as the housing targets can currently be met).
- 4.19 The proposed use would ensure the viable use of the associated heritage assets, currently the walled garden is disjointed from the Estate and remote from any associated dwelling, due to the development and sub-division of the estate
- 4.20 The curtilage listed wall is currently in need of repair and maintenance the proposal would facilitate this which would preserve the heritage asset in the long-

term and given the area a long-term sustainable use, promoting environmental and social public objectives of the NPPF.

- 4.21 The glasshouse would be restored, which would have an environmental benefit public benefit for future generations to appreciate the heritage asset.
- 4.22 The courtyard area to the south-west of the site would be returned to a working space (through the provision of parking and loss of raised beds), which would relate more readily to the defined areas of the site and its historical context, benefit socio-environmentally.
- 4.23 Sustainable travel choices, improved landscaping, biodiversity enhancements and the use of renewable energy sources which could be secured through conditions, all promote greater socio and environmental benefits, together with those economic benefits during construction (although this needs to be balanced against the limited scale of the project and the loss of an employment use).
- 4.24 These being public benefits rather than private, as they relate to the long-term optimum viable use of the site which accords with the historic use of the site, the commercial use, although not harming the setting of the heritage assets, this is not a sustainable use and put the site at risk from limited maintenance works. The residential use would be preferential for the setting of identified heritage assets for the reasons set out above, thus overall having public benefit.
- 4.25 The level of harm to the heritage assets has overall been identified as less than substantial by the Conservation Officer (as set out above and in the earlier report), this appraisal is agreed with, and it is considered that the public benefits of the proposals would outweigh any harm identified.

## **5.0 CONCLUSION**

- 5.01 This remains unchanged on both from that set out in Section 10.0 of main report dated 20<sup>th</sup> July 2023 (Appendix 1 and 2)

## **6.0 RECOMMENDATION:**

18/506662/FULL : Grant planning permission subject to the recommendation and conditions set out in Section 11.0 of main report dated 20<sup>th</sup> July 2023 (Appendix 1)

19/506031/LBC : Grant Listed Building Consent subject to the recommendation and conditions set out in Section 11.0 of main report dated 20<sup>th</sup> July 2023(Appendix 2)

Case Officer: Rachael Elliott

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