

APPLICATION: MA/10/1732 Date: 5 October 2010 Received: 21 October 2010

APPLICANT: The Rochester Bridge Trust

LOCATION: STREET FARM, THE STREET, BOXLEY, MAIDSTONE, KENT, ME14 3DR

PARISH: Boxley

PROPOSAL: Demolition of redundant cattle shed and other structures and conversion of disused traditional courtyard buildings to provide 4.no. dwellings with access, parking and landscaping as shown on drawing nos. DHA/7441/01, DHA/7441/02, DHA/7441/03 RevA, DHA/7441/04 RevA, DHA/7441/05, DHA/7441/06, DHA/7441/07, DHA/7441/08, DHA/7441/09, DHA/7441/10, DHA/7441/11, DHA/7441/12 RevA, DHA/7441/13, DHA/7441/14 RevA, DHA/7441/15 RevA, DHA/7441/16 RevA, DHA/7441/17 RevA and DHA/7441/18 RevA received on 8th October 2010

AGENDA DATE: 24th February 2011

CASE OFFICER: Richard Timms

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

- It is contrary to the views expressed by Boxley Parish Council

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV31, ENV33, ENV34, ENV45

South East Plan 2009: CC1, CC6, NRM5, C3, BE6

Government Policy: PPS1, PPS3, PPS5, PPS7, PPS9, PPG13, PPS23

2. HISTORY

MA/10/0932 Demolition of redundant cattle shed and other structures and conversion of disused traditional courtyard buildings to provide 5 No. dwellings with access, parking and landscaping- WITHDRAWN

3. EXTERNAL CONSULTATIONS

- 3.1 **Boxley Parish Council:** *"Wish to see the application REFUSED and if the Planning Officer is minded to grant permission request that the application is reported to the Planning Committee. Reasons for refusal are;*

The change of use to residential properties will permanently remove the availability of agricultural buildings in an area of prime agricultural land.

The application will result in an extension of residential development into the AONB and the Strategic Gap which contravenes ENV31. As the proposed development would not meet the social and economic needs of the rural community it was felt to contravene ENV33, ENV28(1) and PPS7.

The introduction of additional light pollution where there are currently few lights would be unacceptable and if the Planning Officer is minded to agree the application a suitable condition should be included.

It is unsustainable development due to the reliance on motor cars to access any facilities such as shops, doctors, libraries etc.

Access to the site is at a pinch point in the traffic calming of the village and additional traffic will cause problems."

- 3.2 **Kent Highways:** No objections subject to conditions securing access arrangements with no vehicle or pedestrian access from Forge Lane.
- 3.3 **Environment Agency:** No objections subject to conditions requiring a contaminated land assessment, surface water drainage details.
- 3.4 **English Heritage:** No objections - *"The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice."*

4. INTERNAL CONSULTATIONS

- 4.1 **MBC Conservation Officer:** Recommends Approval - Considers buildings are 'heritage assets' as defined under PPS5 and are worthy of retention due to their contribution to the setting of the Conservation Area, Listed Buildings and character of the AONB.

He states that they are not listed themselves because listing of agricultural buildings is rather patchy and tends to concentrate on the larger buildings such as barns and oasts. The reason they are not locally-listed is that a local list has never been compiled for this area (the only area where one exists is the old pre-1974 Maidstone Borough area).

"Although individually minor in nature, this set of buildings forms an attractive traditional farmyard seemingly developed all at the same time. The buildings all appear to date from the first half of the 19th Century (all were certainly extant by the early 1870s). These buildings are of typical traditional form, built of traditional local materials (bricks of Wealden clay, clay peg-tile roofs, timber) and are a good example of small-scale buildings arranged around a regular courtyard, typical of planned farmsteads of the early 19th Century onwards...

They form attractive features of the setting of the Boxley Conservation Area, make a positive contribution to the character of the AONB, and contribute to the significance of the Grade II listed Yew Trees House which was formerly the farmhouse with which the farmyard was associated and with which the site shares an attractive brick boundary wall... The completeness of their survival together with the contribution they make to the setting and interest of the Conservation Area and Yew Tree Farmhouse adds to their value...

For all these reasons the buildings deserve to be preserved, and the conversion to residential use appears to be the only financially viable way of doing this. In addition, the opportunity to secure the removal of unattractive and overscaled modern agricultural buildings should be welcomed as it will benefit the character of the AONB and improve the setting of the Conservation Area.

In my view, therefore, the substantial heritage benefits which would ensue from this proposed development should be given substantial weight in assessing this application. Loss of the buildings by default if a new use is not found for them would be a major loss to the context and interest of the Conservation Area and to the setting of Yew Trees House.

The design of the conversion has been worked out in consultation with Council officers and is considered to be appropriate and to preserve the essential character of the buildings. The informal landscaping proposed for the farmyard is generally appropriate, although it may still be a little elaborate – for instance, I would prefer to see less in the way of trees within the courtyard as this will detract from its functional and spatial qualities – but this can be dealt with by condition.

Conditions: Samples of materials, Joinery details, Landscaping Scheme, Archaeological recording of the buildings prior to commencement of conversion works, Archaeological watching brief re below-ground works, Removal of all PD rights."

- 4.2 **MBC Environmental Health Manager:** No objections subject to conditions requiring a contaminated land assessment.

5. REPRESENTATIONS

- 5.1 One neighbour representation has been received raising the following points:

- Loss of privacy.
- Major reconstruction will be required.

- Parking inadequate.
- Vehicles from Forge Lane must not use site for access and how would proposed gate preventing this be controlled.
- Restrictions on lighting needed in AONB.
- Refuse collection area should be screened.
- No connection to mains drainage/sewerage available in this part of Boxley.
- What consideration has been given to agricultural re-use.
- How will re-roofing of building 3 be carried out as the building abuts neighbouring boundary.

5.2 **CPRE Maidstone** raises the following summarised points:

- Support the development.
- Quality of the conversion will remain paramount as will landscaping.
- Consent from the Environment Agency will be needed as the site is on a major aquifer.
- Further investigation into contamination needed.
- Aware of a considerable amount of empty office space in buildings in the urban area so do not generally support office development in the countryside.
- Holiday lets can have management problems when the buildings are not related to an existing residence.

6. **CONSIDERATIONS**

6.1 **Introduction**

6.1.1 This is a full application for the demolition of a redundant cattle shed and other structures and the conversion of three disused traditional courtyard buildings to provide 4 dwellings with access, parking and landscaping at Street Farm, The Street, Boxley, Maidstone.

6.2 **Site Location & Description**

6.2.1 The site is located on the west edge of Boxley village around 1.2km from the north edge of the defined urban boundary of Maidstone where the nearest shops, schools, health services etc. are located. The village does not have a defined settlement boundary within the Local Plan and is therefore within the countryside for planning purposes. The area also falls within the nationally protected Kent Downs Area of Outstanding Natural Beauty (AONB) also designated as a Special

Landscape Area (SLA) in the Local Plan. It also falls within a Strategic Gap under policy ENV31 of the Local Plan, which seeks to prevent significant additional development to separate Maidstone and Medway urban areas.

- 6.2.2 The site contains a number of agricultural buildings which form part of Street Farm. Three of these are redundant and of traditional construction, being brick built with timber frames and tiled roofs, which date from the first half of the 19th century. These predominantly single storey buildings, which are on the north edge and around the south edges of the site form part of a former courtyard complex with openings along the southern side and in the northwest corner. Otherwise there is a large modern agricultural cattle shed within the centre of the site and modern buildings on the west edge. None of the buildings are currently in use for agricultural purposes and the site is overgrown in places and unkempt.
- 6.2.3 The site is accessed from 'The Street' some 90 metres to the south via the farm access which has a single lane for part of its length and is shared by the dwelling, 'Boxley Oast'. This access road heads north along the west edge of the site and meets Forge Lane 75m north of the site where there is a gated access.
- 6.2.4 To the south and west of the site is a large open arable field owned by the applicant and immediately west is a large modern agricultural building. To the north are semi-detached dwellings 2 & 3 Street Farm Cottages and their gardens and to the east are the dwellings 'Malthouse Cottage' (Grade II listed), 'Yew Tree House' (Grade II listed) and 'Boxley Oast' and their gardens. The Boxley Conservation Area abuts the east boundary of the site.

6.3 Proposed Development

- 6.3.1 Full permission is sought to convert the traditional buildings to 4 houses with the demolition of the modern buildings within the centre, and on the west edge of the site. A financial viability assessment has been provided with the application to assess the suitability of alternative commercial uses. This concludes that this residential use is the only viable option, which will be discussed in detail at paragraph 6.7 below.
- 6.3.2 There would be a mix of 3 two bedroom houses and 1 one bedroom. They would have shared and private gardens laid out within the courtyard. This area would be divided up using native hedgerow, post and rail fencing and walling. The west boundary would be marked by a brick wall to continue and match the existing wall here.
- 6.3.3 Building 1 runs along the north boundary of the site and would be converted to provide a single 2 bedroom dwelling. Building 2 is in the southwest corner and is made up of a single storey barn along part of the west boundary and a two

storey building in the southwest corner, which would provide a 2 bedroom dwelling. Building 3 forms an L-shape within the southeast corner and would be split to provide 2 dwellings, a 1 bed unit along the south boundary and 2 bed unit along the east boundary.

- 6.3.4 Pedestrian access to building 1 would be via an opening through the west boundary to the north of building 2 and the other dwellings would have pedestrian access via the existing opening to the south between buildings. The area to the west of the courtyard would be cleared of buildings to provide 7 parking spaces for the dwellings with landscaping. Vehicular access would be from the south via the existing access, whilst access from the north would be prevented by installing new field gates.
- 6.3.5 The conversion works would restore the buildings to their traditional appearance with no extensions or alterations to their form or shape. Traditional materials in the form of Kent peg tiles, bricks and timber weatherboarding would be used and new glazing to maintain the historic openings in the buildings.

6.4 Planning History

- 6.4.1 This application follows a withdrawn application (MA/10/0932) from last year which sought permission to convert the buildings to 4 dwellings but with an extension to provide an additional dwelling (5 in total). This was withdrawn following advice from officers that there was no policy justification for the additional new build dwelling, and due to the conversion works failing to adequately preserve the integrity of the traditional buildings. The works under that application did not adequately preserve the open-fronted nature of the buildings proposing significant infilling with brick plinths, weatherboarding and unsympathetic windows.

6.5 Policy Background

- 6.5.1 The most relevant policy is policy ENV45 of the Local Plan, which relates to the conversion of rural buildings for residential purposes. It states that such conversion will not be permitted unless every reasonable attempt has been made to secure a suitable business re-use of the building(s). It then outlines that residential use will only be permitted for:
- *listed buildings;*
 - *unlisted buildings of quality and traditional construction which are grouped with one or more listed buildings in such a way as to contribute towards the setting of the listed buildings(s); or*
 - *other buildings which contribute towards the character of the countryside or which exemplify the historical development of the Kentish countryside.*

- 6.5.2 If these criterion are passed the policy goes on to state that the buildings must be of sound construction and can be re-used without major or complete reconstruction; their form and design is in-keeping with the surroundings; the conversion works respect local building styles; highways safety issues; that adequate outdoor space and parking is provided that doesn't cause visual harm; and that any boundary treatments do not cause visual harm.
- 6.5.3 PPS7: Sustainable Development in Rural Areas (2004) outlines that planning authorities should continue to ensure the quality and character of the wider countryside is protected, and where possible enhanced. The section on the re-use of buildings in the countryside was replaced by guidance within PPS4: Planning for Sustainable Economic Growth (2009), although this relates to commercial uses not housing developments so is not relevant.
- 6.5.4 PPS5: *Planning for the Historic Environment* (2010) under policy HE10 relates to the setting of designated heritage assets (in this case the listed buildings and Conservation Area), outlining that local planning authorities should treat favourable applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset.
- 6.5.5 The site is located within the Kent Downs AONB a nationally designated area, where significant regard must be given to the conservation of the natural beauty of the landscape and countryside under PPS7 and Local Plan policy ENV33.
- 6.5.6 The sustainability of development is a key consideration as outlined under PPS1: *Delivering Sustainable Development* (2005). The general approach being to provide new development at locations where services can be easily accessed rather than having to rely on access by car, but recognising that this may be more difficult in rural areas.
- 6.5.7 I therefore consider the main issues to be as follows –
- Are the buildings worthy of retention for residential use.
 - What attempts have been made to secure a suitable business use and the justification for four dwellings.
 - Are the conversion works acceptable and the visual impact of the proposals.
 - Impact upon residential amenity.
 - Sustainability & highway safety matters.
 - Impacts upon ecology.

6.6 Are the Buildings Worthy of Retention

- 6.6.1 The buildings are not listed or within the Conservation Area, however, the Conservation Officer considers the buildings to be 'heritage assets' as defined under PPS5 in their own right because of their architectural interest and their historic relationship with nearby designated heritage assets. Namely they are on the edge of the Conservation Area and within the setting of Grade II listed buildings and therefore have a relationship with and affect the setting of these heritage assets. The Conservation Officer considers them to be attractive buildings of traditional form, built of traditional local materials (bricks of Wealden clay, clay peg-tile roofs, timber weatherboarding and timber framed) and are a good example of small-scale buildings arranged around a regular courtyard, typical of planned farmsteads of the early 19th Century.
- 6.6.2 The applicant has provided a heritage statement in line with PPS5. Historic mapping has been used which shows the farm buildings present in the 19th century. The mapping shows that the courtyard layout has been the subject of change over time, with the earliest available map showing development on all sides with built form projecting into the centre of the courtyard. Subsequent maps show a layout more akin to the existing form.
- 6.6.3 Records show that the listed Yew Tree House immediately east of the site was historically the farmhouse at Street Farm so the buildings had an historical functional relationship with this listed building. There is a listed brick wall which separates the sites. The farm itself has been recorded from the 16th Century onwards with the land and farm associated with and owned by a succession of prominent families within the village.
- 6.6.4 Boxley village is an historic settlement with the village comprising a number of historic and listed buildings with the 12th Century Boxley Abbey, located approximately 1 mile south west of the village. The foundations remain, with the site designated a Conservation Area and Scheduled Ancient Monument.
- 6.6.5 The statement provides a summary as follows –
- "It is clear that the historical buildings at Street Farm have heritage significance associated with their age, design and form, relationship with the historic settlement and contribution to the setting of the adjacent Conservation Area and in particular the listed Yew Tree House, which warrants preservation and restoration through bringing the buildings back into viable and beneficial use compatible with the area as supported by PPS5. Failure to do so would lead to further deterioration and degradation of the site to the detriment of nearby designated heritage assets."*
- 6.6.6 The Conservation Officer has assessed the heritage statement and considers the buildings are 'heritage assets' and are of sufficient quality and of the traditional construction as required by policy ENV45 of the Local Plan. He considers they

form an attractive traditional farmyard and the completeness of their survival together with the contribution they make to the setting and interest of the Conservation Area and Grade II listed, Yew Tree Farmhouse (with which they were formerly associated) adds to their value. Overall, he considers they deserve to be preserved.

6.7 Alternative Business Uses & Justification for Four Dwellings

- 6.7.1 The buildings are redundant and have not been put to any alternative business use and have not been marketed for this purpose. As such, the applicant has assessed a number of uses through an economic viability assessment including a rural business (B1 use), tourist use, a live/work scheme and a mixed use scheme (residential and business).
- 6.7.2 The report considers that the business use would provide for a profit on cost of -20.1%. The tourist uses would provide for a profit on cost of -19.25%. The live/work would provide for a profit on cost of 10.35% but the buildings are not considered large enough to provide adequate accommodation and workspace by the planning agent. The mixed use scheme (separate residential and commercial uses) would provide for a profit on cost of 11.4% but it is stated that local agents indicate that a mixed use development would be unpopular with potential purchasers and also have a negative impact upon the value of the units. The report concludes that none of the uses are viable.
- 6.7.3 The Council's Corporate Property Manager has been consulted on the assessment and does not find any major fault with the methodology and generally agrees with the figures. He considers that the businesses uses would not be viable or attractive to any developer as they either make a loss of the profit on cost figures are too low.
- 6.7.4 To justify the number of dwellings proposed, the viability report appraises the proposed scheme, which would provide for a profit on cost of 38.8%. It also appraises a 3 unit scheme which would provide for a profit on cost of 13.4%. The report considers that a minimum return of 20% profit on cost is required for this type of development under current market conditions and so only a 4 unit scheme is a viable option. The Corporate Property Manager agrees that developers look for between 20% and 25% as a return. Based on the comments I consider that 4 dwellings are the minimum required to make the scheme viable and therefore consider this number to be justified.
- 6.7.5 Overall, I consider the appraisal assesses appropriate business uses bearing in mind the size of the buildings and its proximity to residential properties. The appraisal demonstrates that these business uses are not financially viable and therefore that a suitable business use is unlikely to materialise for the buildings.

The appraisal also shows that 4 dwellings are required to make the scheme viable.

6.8 Assessment of Conversion Works and Visual Impact on Character & Appearance of the Area

- 6.8.1 The buildings are in generally good condition and would not require major or complete reconstruction. The conversion works will require the reinstatement of some front elevation walls but the main structures will remain with other works being limited to the repair and replacement of timber beams where required and external materials. Roofs will be repaired and tiled using Kent peg tiles and reinstated in the case of building 3. Glazing would be introduced to maintain historic openings in the buildings and any new openings are minimal. Materials would be traditional clay bricks, clay roof tiles and timber where required.
- 6.8.2 Overall, I consider the buildings would not require major or complete reconstruction and the works would suitably retain the simple character and form of the buildings. The Conservation Officer also considers this the case stating that the design *"is considered to be appropriate and to preserve the essential character of the buildings."*
- 6.8.3 However, I consider it important to specify materials to be used in the works. These should be handmade clay brick and peg tiles, black stained featheredge weatherboarding and black-painted cast iron or aluminium rainwater or wastewater pipes. External joinery should be timber windows and doors and internally timber doors. I also consider it necessary to require details of any repairs or replacement timber frames. This will be ensured by condition.
- 6.8.4 The courtyard would be mainly grassed with native hedgerows and new trees. New walling, post and rail fencing and hedgerows would be introduced to divide gardens and some pathways would be provided. I acknowledge that the courtyard area will inevitably take on a domestic but I consider the division of this area will be kept to a minimum so as to retain the nature of the historic courtyard, although I tend to agree with the Conservation Officer that trees should potentially be reduced to maintain its openness as an historic courtyard, which could be dealt with under a landscaping condition.
- 6.8.5 From outside the site, the buildings can be seen clearly, although from over 100m away on 'The Street'. However, the changes to the buildings would have no significant impact here, with only a minimal number of new openings on the outside of the buildings. Clearly there are landscape benefits from removing the modern buildings in and on the west side of the site. The courtyard layout would serve to largely screen the gardens and thus any domestic trappings to prevent visual intrusion into the countryside. The parking area and refuse collection areas would have an impact but landscaping could help screen and soften this so

that it is not significant. The change to residential uses will have other visual impacts from lighting but this can be kept to a minimum by condition and clearly there is nearby lighting associated with adjacent houses.

6.8.6 For the above reasons, whilst the proposals will result in an inevitable change to the appearance of the buildings and some domestication of the site, I do not consider the changes would cause any significant harm to the character or appearance of the AONB. The proposals would preserve the buildings and courtyard layout appropriately and would subsequently significantly enhance the setting of the nearby listed buildings and the Conservation Area.

6.9 Residential Amenity

6.9.1 The conversions would provide an adequate amount of living space for future occupants and outdoor amenity areas. There would inevitably be a small degree of overlooking between some gardens at the south end of the site due to the courtyard layout, however I consider the boundary treatments and hedging in time would ensure acceptable levels of amenity. There is the potential for some overlooking between rooms in dwellings 3 and 4 due to the L-shape of the building, however this could be largely prevented by a small section of walling or fencing in the corner. Noise and disturbance from the adjacent farm use in my view would not be to such a degree that would result in poor living conditions. Overall, I consider future residents would have an acceptable level of amenity.

6.9.2 In terms of existing neighbours, there are existing windows on the north side of dwelling 1 which face into part of the garden of 3 Street Farm Cottage, which would serve a bathroom and kitchen. I consider these must be obscure glazed and non-opening to prevent any loss of privacy and I note these rooms both have other windows that can be openable. I note part of the wall in the east edge of the site is lower for a small section immediately north of dwelling 4 where views are possible to Boxley Oast. This would result in minimal, fleeting views and would not be unacceptable. Any noise and disturbance from the use and vehicles would not be to such a degree that would be unacceptable. Overall, I consider the impact upon neighbouring amenity would be low and acceptable.

6.10 Sustainability & Highway Safety Matters.

6.10.1 The site is located outside a defined settlement and I do not regard it as a sustainable location in terms of access to shops and services etc, a point the Parish Council have made. Future occupants would be mainly reliant on private cars to reach such services, however, I note here is a 1-2 hourly bus service which runs through the village between Maidstone and Medway and it is not unfeasible to cycle to Penenden Heath 1.2km away. I consider the location is not the most sustainable in terms of PPS1 guidance, however the clear heritage benefits of preserving the buildings and historic courtyard and the setting of

listed buildings and the Conservation Area, the compliance with policy ENV45 of the Local Plan and PPS5 is considered to outweigh this. I also note the Conservation Officer has supported other similar schemes in less sustainable villages such as Bicknor.

- 6.10.2 A BREEAM Ecohomes Pre-Assessment has been undertaken demonstrating how the conversion can achieve a 'Very Good' rating equivalent to a level 3 of the Code for Sustainable Homes (not applicable to conversions).
- 6.10.3 The access to the site from the south has good visibility onto the main road and no objections have been raised by KCC. Part of the access road is only a single lane, however there is room to wait off the main road to avoid any obstructions. KCC have requested that no access is taken from Forge Lane to the north due to the poor visibility onto the main road. I note that visibility is relatively poor here, however, this existing access is already used by around 10 dwellings and the farm and I do not consider the additional movements from 4 houses warrants grounds for objection. In addition, I do not consider a condition to prevent the use of this access is enforceable as it would be too difficult to gather evidence of any breach and the condition would therefore not pass the test of Circular 11/95. Notwithstanding this, I note the applicant is proposing new gates to prevent future occupants using this route and an informative can be attached to advise that this is provided.
- 6.10.4 Parking provision would be 7 spaces for the 4 dwellings, essentially 1 per bedroom, which I consider would be acceptable.

6.11 Ecology

- 6.11.1 Surveys have been carried out to verify the presence of bats, bat roosts and barn owls and a survey of the site for other protected species.
- 6.11.2 The buildings were inspected and an activity or emergence survey was carried out using ultrasonic detectors. The report concludes that no bat roosts were found during the visit. A small number of crevices within some of the bricks walls do have potential for occasional use by bats, although no evidence was found during the visit but it is recommended that these are inspected before any works are carried out. There were some disruptions to the bat activity survey but the report considers that the buildings have little potential as bat roosts and there are far more attractive sites in the neighbouring houses. No bats were identified emerging from the buildings. The report suggests that there would be no significant impacts upon bats or their habitat. Recommendations are made in respect of buildings works which can form part of a condition. Bats boxes are also proposed as part of the development which can be conditioned to enhance biodiversity.

- 6.11.3 No evidence of barn owls was found within the buildings. Most areas of the site have been used by nesting birds including a number of swallow families. An inspection of the ground at the site identified no European protected fauna and that the grassed areas do not provide the habitat requirements for reptiles. There is no clear connectivity to nearby woodland, nor any suitable water bodies available for Great Crested Newts to colonise the farm area.
- 6.11.4 Overall, I consider the proposals would have a minimal impact upon ecology and bat boxes provide an enhancement opportunity.

6.12 Other Matters

- 6.12.1 A contaminated land desktop study has been provided which recommends further intrusive investigation to be undertaken. Both the Environmental Health Manager and Environment Agency consider that a condition requiring a full contaminated land assessment should be attached to any grant of permission.
- 6.12.2 The Environment Agency outline that the site is underlain by the lower chalk principal aquifer within Source Protection Zone II for the Boxley public water supply. This abstracts groundwater directly from the chalk aquifer. For this reason and in conjunction with the contaminated land assessment, details of surface water and drainage will need to be agreed by condition.
- 6.12.3 The proposals would involve minimal new build development so would not significantly extend the built up extent of Boxley and would not be contrary to the aims of the Strategic Gap policy ENV31.
- 6.12.4 Issues raised by the Parish Council and local residents not addressed above relate to the loss of agricultural buildings and how works can be carried out to building 3. The traditional buildings are generally not suitable for modern farming needs due to their small size and the fact that they are not secure. Clearly, they are not being used at present. The modern buildings could be used, however their removal is required to facilitate the development. Works to building 3 might require access over neighbouring land but this would be an issue between land owners. The building is fully within the applicant's ownership.

6.13 Conclusion

- 6.13.1 The buildings within this courtyard are considered to be 'heritage assets' as defined under PPS5 and are worthy of retention. They are attractive buildings of traditional form, built of traditional local materials and are a good example of small-scale buildings arranged around a regular courtyard, typical of planned farmsteads of the early 19th Century. They have an historic relationship with the Grade II listed Yew Tree Farmhouse and they contribute to the setting of the Conservation Area. As such their retention is considered to have substantial

heritage benefits. It is accepted that the viable means of retaining the buildings is through their conversion to four dwellings. The location of the site is not the most sustainable in terms of PPS1 guidance, however the clear heritage benefits of preserving the buildings are considered to outweigh this. The conversion works are considered to appropriately preserve the buildings and the visual impact would not be harmful to the character of the AONB. There would be no harmful impacts upon neighbouring amenity or ecology and there are no highway objections. For these reasons the proposals accord with policy ENV45 of the Local Plan and PPS5 and I recommend the application for approval subject to the following conditions.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) A, B, C, D, E, F, G, Part 2, Class A and Part 40 Class(es) A and B to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To ensure the appearance and the character of the buildings, the setting of the listed buildings and Conservation Area is maintained in accordance with policies ENV28, ENV33, ENV34 and ENV45 of the Maidstone Borough-Wide Local Plan 2000 and PPS5.

3. The development shall not commence until, written details and samples of the materials to be used for the conversion works to the buildings and new walling to include handmade clay bricks, clay Kent-peg roof tiles and black stained featheredge weatherboarding and details of new hard surfacing hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure the appearance and the character of the buildings, the setting of the listed buildings and Conservation Area is maintained in accordance with policies

ENV28, ENV33, ENV34 and ENV45 of the Maidstone Borough-Wide Local Plan 2000 and PPS5.

4. All rainwater or wastewater pipes shall be constructed of black-painted cast iron or aluminium;

Reason: To ensure the appearance and the character of the buildings, the setting of the listed buildings and Conservation Area is maintained in accordance with policies ENV28, ENV33, ENV34 and ENV45 of the Maidstone Borough-Wide Local Plan 2000 and PPS5.

5. The development shall not commence until, full details of the following matters have been submitted to and approved in writing by the Local Planning Authority:-
 - a) Alterations and repair work to the timber frame(s), including specification of any replacement timbers
 - b) New internal joinery in the form of large scale drawings.
 - c) New external joinery in the form of large scale drawings.

External joinery shall include timber framed windows and doors and provide details of new vertical supports. Internal joinery shall include solid vertical timber doors. The development shall be carried out in accordance with the approved details;

Reason: To ensure the appearance and the character of the buildings, the setting of the listed buildings and Conservation Area is maintained in accordance with policies ENV28, ENV33, ENV34 and ENV45 of the Maidstone Borough-Wide Local Plan 2000 and PPS5.

6. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety pursuant to policy T13 of the Maidstone Borough-wide Local Plan 2000.

7. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species, and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The submitted scheme shall include the following;
- i) details of all existing trees and hedgerows on the site clearly indicating those to be removed and those to be retained together with measures for their protection in the course of development;
 - ii) details of the species, size, density and location of all new planting within the site;
 - iii) tree, hedge and shrub planting to adequately screen and soften the parking areas and refuse collection areas;
 - iv) details of the provision of bat and bird boxes within the development.

Reason: No such details have been submitted and to ensure a satisfactory visual appearance and setting to the development pursuant to policies ENV6, ENV28, ENV33, ENV34 and ENV45 of the Maidstone Borough-Wide Local Plan 2000 and PPS5 and in the interests of biodiversity and ecology pursuant to PPS9.

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(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory visual appearance and setting to the development pursuant to policies ENV6, ENV28, ENV33, ENV34 and ENV45 of the Maidstone Borough-Wide Local Plan 2000 and PPS5 and in the interests of biodiversity and ecology pursuant to PPS9.

9. The development shall not commence until, details of all fencing, walling and other boundary treatments, which shall include measures to prevent overlooking between proposed dwellings 3 and 4, measures to prevent vehicular access via Forge Lane by future occupants and the screening of refuse collection areas have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

accordance with policies ENV28, ENV33, ENV34 and ENV45 of the Maidstone Borough-Wide Local Plan 2000 and PPS5.

10. Before 'dwelling 1' is first occupied, the proposed bathroom and kitchen windows on the north elevation shall be obscure glazed and shall be incapable of being opened and shall subsequently be maintained as such;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers in accordance with policies ENV28 and ENV45 of the Maidstone Borough-Wide Local Plan 2000, PPS1 and PPS3.

11. The development shall not commence until details of surface and foul water drainage have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution prevention pursuant to PPS23 and PPS25.

12. The recommendations set out in the 'Ecological Survey' carried out by 'Roger L Jones' (received on 5th October 2010) and the 'Letter of Opinion' carried out by 'Wildthing Consultants' (received on 5th October 2010) shall be followed unless otherwise agreed in writing by the Local Planning Authority;

Reason: In the interests of biodiversity and ecology pursuant to PPS9.

13. The developer shall arrange for a watching brief by a trained bat ecologist to be undertaken during the initial phases of any development works;

Reason: In the interests of biodiversity and ecology pursuant to PPS9.

14. The dwellings shall achieve a BREEAM Ecohomes 'Very Good' Level. No dwelling shall be occupied until a Certificate has been issued for it certifying that a 'Very Good' Level has been achieved.

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

15. Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and no additional lighting shall be installed unless agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory visual appearance and setting to the development pursuant to policies ENV28, ENV33, ENV34 and ENV45 of the Maidstone Borough-Wide Local Plan 2000 and PPS5 and in the interests of biodiversity and ecology pursuant to PPS9.

16. The existing buildings indicated to be demolished on drawing no. DHA/7441/02 RevA (received on 8th October 2010) shall be demolished and the resulting materials and debris removed from the site to the satisfaction of the Local Planning Authority before the first occupation of the dwellings hereby permitted;

Reason: To ensure a satisfactory visual appearance and setting to the development pursuant to policies ENV28, ENV33, ENV34 and ENV45 of the Maidstone Borough-Wide Local Plan 2000 and PPS5 and in the interests of biodiversity and ecology pursuant to PPS9.

17. No development shall commence until the application site has been subjected to a detailed scheme for the investigation and recording of site contamination and a report has been submitted to and approved by the Local planning authority. The investigation strategy shall be based upon relevant information discovered by a desk study. The report shall include a risk assessment and detail how site monitoring during decontamination shall be carried out. The site investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology and these details recorded.

Reason: To prevent harm to human health and pollution of the environment in accordance with PPS23.

18. No development shall commence until detailed proposals in line with current best practice for removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved by the Local Planning Authority. The Contamination Proposals shall detail sources of best practice employed.

Reason: To prevent harm to human health and pollution of the environment in accordance with PPS23.

19. Approved remediation works shall be carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology. If, during any works, contamination is identified which has not previously been identified additional Contamination Proposals shall be submitted to and approved by, the local planning authority.

Reason: To prevent harm to human health and pollution of the environment in accordance with PPS23.

20. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the local planning authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved methodology. The closure

report shall 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: To prevent harm to human health and pollution of the environment in accordance with PPS23.

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

Drawing nos. DHA/7441/01, DHA/7441/02, DHA/7441/03 RevA, DHA/7441/04 RevA, DHA/7441/05, DHA/7441/06, DHA/7441/07, DHA/7441/08, DHA/7441/09, DHA/7441/10, DHA/7441/11, DHA/7441/12 RevA, DHA/7441/13, DHA/7441/14 RevA, DHA/7441/15 RevA, DHA/7441/16 RevA, DHA/7441/17 RevA and DHA/7441/18 RevA received on 8th October 2010.

Reason: To ensure the appearance and the character of the buildings, the setting of the listed buildings and Conservation Area is maintained in accordance with policies ENV28, ENV33, ENV34 and ENV45 of the Maidstone Borough-Wide Local Plan 2000 and PPS5.

Informatives set out below

Vehicular access to the site for future occupants of the dwellings should not be taken via 'Forge Lane' to the north and the proposed installation of gates should be put in place to prevent this in the interests of road safety.

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

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

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

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

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

No development shall commence until a scheme for the use of wheel cleaning, dust laying and road sweeping equipment, have been submitted to and the scheme approved in writing by the local planning authority. The approved scheme shall be implemented in its entirety once development has commenced, for the duration of demolition/construction works at the site.

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

There shall be no burning of waste materials on site.

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