

REPORT SUMMARY

REFERENCE NUMBER: 23/504516/FULL		
APPLICATION PROPOSAL: Demolition of the existing pavilion and the erection of a replacement single storey club pavilion building.		
ADDRESS: Leeds and Broomfield Cricket Club Burberry Lane Leeds Maidstone ME17 1RH		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
<p>SUMMARY OF REASONS FOR RECOMMENDATION: The National Planning Policy Framework (NPPF) reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which requires by law that planning applications “must be determined in accordance with the development plan, unless material considerations indicate otherwise”.</p> <p>The proposal will result in harm to the character and appearance of the countryside contrary to policy SP17 and there are no Local Plan policies that directly support the use. In this context as the application is not in accordance with the adopted Local Plan, it needs to be determined as to whether there are other material considerations that justify granting planning permission.</p> <p>The proposal is found to be acceptable in relation to the minimal level of harm that will be caused to the character and appearance of this rural area. The proposal is acceptable in relation to heritage impacts, neighbour amenity, and biodiversity. The access and parking arrangements are all acceptable.</p> <p>Whilst the application is not in accordance with the development plan (a departure) the material considerations outlined show minimal harm and indicate that planning permission should be approved.</p>		
REASON FOR REFERRAL TO COMMITTEE: Departure from the Local Plan.		
WARD: Leeds	PARISH/TOWN COUNCIL: Leeds	APPLICANT: Mr Paul Hicks AGENT: Cirpro Limited
CASE OFFICER: William Fletcher	VALIDATION DATE: 12/10/23	DECISION DUE DATE: 26/01/24
ADVERTISED AS A DEPARTURE: Yes		

Relevant planning history

The extensive planning history is not relevant to this application.

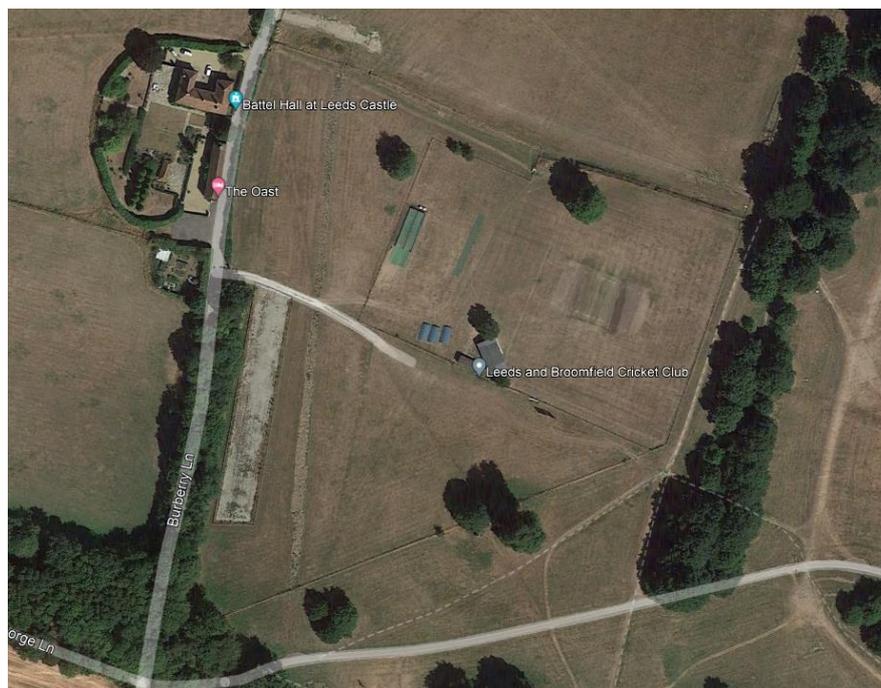
MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 In policy terms the application site is located within countryside outside of all settlement boundaries as defined within the Maidstone Borough Local Plan.
- 1.02 The application site is located within the Len Valley Landscape of Local Value and the Leeds Castle Parklands landscape character area. The area is rural in character, characterised by minimal built development.

- 1.03 The red line application site forms part of a cricket pitch with expansive views across the surrounding landscape. The current Cricket Pavilion is a modern lodge.
- 1.04 The red line application site and the associated lodge is in the setting of Battel Hall Cottages (GII), Battel Hall (GII*) and its associated Oast (GII) that are located to the east on the opposite side of Burberry Lane. The site is also within the grounds of Leeds Castle, a GII* park and garden associated with the GI listed Leeds Castle, which lies to the east of the cricket club. The site is in a mineral safeguarding area.

Aerial of application site



2. PROPOSAL

- 2.01 The application is described as "Demolition of the existing pavilion and the erection of a replacement single storey club pavilion building."
- 2.02 The existing building has a footprint of approximately 100m² and a maximum height of 4.3m with a gabled roof form. The proposed building would have a footprint of approximately 220m² with a maximum height of 4.6m also with a gabled roof form. The new building would be clad in 'black finished' timber weatherboarding with a cementitious slate roof.
- 2.03 The building would be used to provide more modern facilities for the club including accessible bathrooms and facilities as well as better equipped changing rooms and women's changing facilities. A groundskeeper's store is also incorporated into the building.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017:
SS1 – Maidstone borough spatial strategy
SP17 – Countryside
SP18 – Historic environment
DM1 - Principles of good design
DM4 - Development affecting designated and non-designated heritage assets

DM20 - Community facilities
DM30 - Design Principles in the Countryside

Maidstone Landscape Character Assessment 2012 (Updated 2013):
Application site is located within the Leeds Castle Parklands landscape character area. The Maidstone Landscape Character Assessment notes this landscape is in 'Moderate' and of 'High' sensitivity with guidelines to 'Conserve and Restore'.

The Regulation 22 Local Plan Review:

The Regulation 22 Local Plan Review (LPR) submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is therefore a material consideration and attracts some weight. The LPR has been through Stage 1 and 2 Hearings and the main modifications the Inspector considers are required to make it sound are out to public consultation, so it is at an advanced stage. However, responses to the consultation need to be considered by the Inspector along with him producing his Final Report so the LPR is considered to attract moderate weight at the current time.

LPRSS1: Maidstone borough spatial strategy

LPRSP9: Development in the countryside

LPRSP12: Sustainable transport

LPRSP14: The environment

LPRSP14A: Natural environment

LPRSP14(B): Historic environment

LPRSP14(C): Climate change

LPRSP15: Design

LPRTA2: Assessing the transport impacts of development

PRTRA4: Parking

LPRINF1: Publicly accessible open space and recreation

LPRINF2: Community facilities

LPRQ&D 1 Sustainable design

LPRQ&D 2: External lighting

LPRQ&D 4 Design principles in the countryside

4. LOCAL REPRESENTATIONS

Local residents

- 4.01 As well as the posted site notice, 3 neighbouring properties were consulted by direct mail. No representations were received.

Leeds Parish Council

- 4.02 No representations received.

5. CONSULTATIONS

Historic England

- 5.01 No advice offered.

The Gardens Trust

- 5.02 No comments.

KCC Minerals and Waste

- 5.03 No comments.

KCC PROW

- 5.04 No objection, referred to standing advice.

Mid Kent Environmental Health

- 5.05 No objection subject to conditions on:
- Foul drainage

- External lighting

MBC Conservation Officer

5.06 No objection (comments considered in the main report below).

6. APPRAISAL

6.01 The key issues are:

- Spatial strategy
- Character and appearance
- Residential amenity
- Highways
- Landscaping

Spatial Strategy

6.02 The starting point for assessment of all applications in the countryside is Local Plan Policy SP17. Policy SP17 states that development proposals in the countryside will only be permitted where:

- a) there is no harm to local character and appearance, and
- b) they accord with other Local Plan policies

6.03 Policy SP17 does not specify an acceptable level of harm and all proposals in the countryside are likely to result in some harm to local character and appearance. In this context, all development outside the designated settlements does not accord with this part of SP17.

6.04 Other Local Plan policies permit development in the countryside in certain circumstances (equestrian, rural worker dwelling etc) and subject to listed criteria. If development accords with one of these other Local Plan policies, this compliance generally outweighs the harm caused to character and appearance, with a proposal found in accordance with policy SP17 overall.

6.05 The current proposal will result in harm to the character and appearance of the countryside and there are no Local Plan policies that directly support the application. The recommendation to grant planning permission is as a result a departure from the adopted Local Plan.

6.06 The National Planning Policy Framework (NPPF) highlights that the planning system is plan-led. The NPPF reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which require by law that planning applications "must be determined in accordance with the development plan, unless material considerations indicate otherwise". The assessment below considers whether there are material considerations present here that justify approving development contrary to the development plan.

Character and appearance

6.07 The application site is located in Len Valley Landscape of Local Value. Policy SP17 states "The distinctive landscape character of the ...the Len Valley... as defined on the policies map, will be conserved and enhanced as [a] landscape...of local value".

6.08 The Landscape Character Assessment document notes that actions the LPA should take are.

- Conserve the traditional parkland character of the landscape
- Conserve the remote qualities of the Len Valley and its setting, and strengthen vegetation along the River Len and adjoining ditches to improve habitat connectivity".

6.09 In relation to SP17 a) and considering the impact of development on the character and appearance of the countryside the relevant adopted local plan polices are DM1 and DM30. Criteria (ii) of Policy DM1 (Principles of Good Design) establishes that

development proposals will be expected to respond positively to, and where possible enhance, the local, natural, or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage- incorporating a high quality, modern design approach and making use of vernacular materials where appropriate.

- 6.10 Policy DM30 (Design principles in the countryside) states that where new built development is proposed, there should 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 reflects the landscape character of the area.
- 6.11 The proposed pavilion will provide improved facilities for the cricket club and would replace an existing building. Whilst it is accepted that the new building will have a footprint 100m² larger and that some harm would be caused by this, the building height would only increase by 30cm. When considering the use of the site as well as how established this use is, on balance, it is not assessed that the development would be so harmful that a refusal would be warranted.
- 6.12 The proposal is to move the pavilion 3m south. This is due to a high pressure gas pipeline that runs through the site. The change of location is acceptable in relation to the minimal impact on the character of the countryside.
- 6.13 The proposed scheme allows the site to be continued to be used as a cricket pitch and will not cause harm to the GII* park and garden or to the setting of the nearby listed buildings. Battell Hall is the closest listed building which is 140m from the proposed building.
- 6.14 The proposed change of scale is deemed to cause no harm to the significance of the Leeds Castle Park and Garden, in terms of heritage impacts. It is concluded that the level of landscape harm from the proposal is not sufficient to justify refusal of permission. The Council's Conservation Officer has confirmed that in their view the proposal will not cause harm to any heritage assets.

Community sports facilities

- 6.15 The supporting text to policy DM20 Community facilities advises "*In order to build well-functioning, sustainable communities, it is essential that adequate community facilities are provided*" (para 6.94). The NPPF emphasises the importance of creating healthy, inclusive communities, with appropriate facilities. The Infrastructure Delivery Plan lists the key social infrastructure needed to support the level of development planned for the borough. Community facilities encompass educational...recreational facilities, including schools...and sports venues. Sport England's Planning for Sport Guidance (June 2019) sets out the importance of promoting healthy communities and achieving sustainable development.
- 6.16 The new pavilion at this cricket club will encourage wider community participation in sport including the new female and improved male changing facilities. When considering the visual harm that would result from the larger building it is concluded that the benefits to participation in sport outweigh this identified harm.

Residential amenity

- 6.17 Local Plan policy DM1 (Principles of good design) criteria (iv) explains that proposals should respect the amenities of occupiers of neighbouring properties by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion. The built form should not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.

- 6.18 With the separation distance between the application and the closest residential properties the likelihood of any detrimental impact on amenity is low. As such, the proposals is found to accord with Policy DM1 of the Maidstone Local Plan (2017).

Highways

- 6.19 The application site is served by existing parking and access arrangements which can accommodate extra demand from the additional floorspace. It is not assessed that the proposal would result in any additional on street parking issues in the area.
- 6.20 Policy DM30 details how proposals must 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.
- 6.21 It is not assessed that the development would result in an increase in traffic movements over the existing arrangements. The development would not have a harmful impact upon parking in the area, the access or the wider highway network.

Ecology

- 6.22 A planning condition is recommended requiring biodiversity enhancements around the site and in the fabric of the new building.

PUBLIC SECTOR EQUALITY DUTY

- 6.23 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.

7. CONCLUSION

- 7.01 The National Planning Policy Framework (NPPF) reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which requires by law that planning applications "*must be determined in accordance with the development plan, unless material considerations indicate otherwise*".
- 7.02 The proposal will result in harm to the character and appearance of the countryside contrary to policy SP17 and there are no Local Plan policies that directly support the use. In this context as the application is not in accordance with the adopted Local Plan, it needs to be determined as to whether there are other material considerations that justify granting planning permission.
- 7.03 The proposal is acceptable in relation to the minimal level of harm to the character and appearance of this rural area. The proposal is acceptable in relation to heritage impacts, neighbour amenity, and biodiversity. The access and parking arrangements are all acceptable.
- 7.04 It is concluded that whilst the application is not in accordance with the development plan (a departure) with the material considerations that have been outlined and the minimal level of harm, planning permission should be approved.

8. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions

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

- 2) The development shall be carried out in accordance with the following approved plans and documents:
Application for planning permission
20007-LP-01 A Location Plan
20007-EX-01 A Existing Site And Block Plan
20007-EX-02 Existing Plans And Elevations
20007-GA-01 A Proposed Site And Block Plan
20007 GA-02-A Proposed Plans and Elevations
Design and Access Statement Inc Heritage and Impact Assessment
Flood Risk Assessment
Supporting Statement
Reason: To clarify the approved plans and to ensure the development is carried out to an acceptable visual standard.
- 3) The materials to be used in the development hereby approved shall be as indicated on the approved plans.
Reason: To ensure a satisfactory appearance to the development
- 4) The development hereby approved shall not be proceed above slab level until details for the enhancement of biodiversity on the site have been submitted to and approved in writing by the Local Planning Authority. The details shall consist of the enhancement of biodiversity through integrated methods into the building structure by means such as swift bricks, bat tube or bricks as well as enhancements on nearby land such as bird boxes and insect habitats.
Reason: To protect and enhance the ecology and biodiversity on the site in the future.
- 5) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first use of the building and maintained thereafter.
Reason: To ensure an energy efficient form of development.
- 6) The development hereby approved shall not commence above slab level until details of the proposed method of foul sewage treatment must be submitted to and approved by the LPA prior to occupation of the site.
Details must include the size of any individual cesspools and/or septic tanks and/or other treatment systems. Information provided must also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation).
If a method other than a cesspit is to be used the applicant should also contact the Environment Agency to establish whether a discharge consent is required and provide evidence of obtaining the relevant discharge consent to the local planning authority.

INFORMATIVE

Adequate and suitable measures should be carried out for the minimisation of asbestosfibres during demolition, in order to prevent airborne fibres from affecting nearby properties and workers on site.

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