

PLANNING COMMITTEE MEETING

Date: Thursday 16 December 2021
Time: 6.00 pm
Venue: Town Hall, High Street, Maidstone

Membership: To be appointed at the Ordinary Meeting of Council to be held on 8 December 2021

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

<u>AGENDA</u>	<u>Page No.</u>
1. Apologies for Absence	
2. Notification of Substitute Members	
3. Notification of Visiting Members	
4. Items withdrawn from the Agenda	
5. Date of Adjourned Meeting - Monday 20 December 2021	
6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting	
7. Disclosures by Members and Officers	
8. Disclosures of lobbying	
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
10. Minutes of the meeting held on 18 November 2021	1 - 9
11. Presentation of Petitions (if any)	
12. Deferred Item	10
13. 21/505452/LBC - Mote Park, A20 Ashford Road Junction With Willington Street, Maidstone, Kent, ME15 7SU	11 - 19

Issued on Wednesday 8 December 2021
Over/:

Continued

Alison Broom

Alison Broom, Chief Executive

14.	20/501427/OUT - Land To Rear Of Kent Police Training School Off St Saviours Road, Maidstone, Kent, ME15 9DW	20 - 36
15.	21/504281/HYBRID - Farm Villa, Maidstone Hospital, Hermitage Lane, Maidstone, Kent, ME16 9PH	37 - 55
16.	21/505160/FULL - Land At Highlands Farm, Yalding Hill, Yalding, Maidstone, Kent, ME18 6AL	56 - 68
17.	19/506112/FULL - Bletchenden Farm, Bletchenden Road, Headcorn, Ashford, Kent TN27 9JB	69 - 99
18.	21/504963/FULL - 48 Tydeman Road, Bearsted, Maidstone, Kent, ME15 8LU	100 - 106
19.	20/505662/FULL - Land At 59 Linton Road, Loose, Maidstone, Kent, ME15 0AH	107 - 130
20.	21/505218/TPOA - East Lodge, St Andrew's Road, Maidstone, Kent, ME16 0WE	131 - 134
21.	21/506124/TPOA - Woodland Off The Mallows, Maidstone, Kent	135 - 142
22.	Appeals List	143

PLEASE NOTE

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

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

For full details of all papers relevant to the reports on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection; please follow this link: <https://pa.midkent.gov.uk/online-applications/>

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

In order to speak at the meeting in person or by remote means, please call 01622 602899 or email committee@maidstone.gov.uk by 4 p.m. on Wednesday 15 December 2021. You will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated for each application on a first come, first served basis.

If you require this information in an alternative format please contact us, call 01622 602899 or email committee@maidstone.gov.uk

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MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 18 NOVEMBER 2021

Present: Councillor Spooner (Chairman) and Councillors Brindle, Cox, English, Harwood, McKay, Munford, Perry, Round, Springett, Trzebinski and Young

Also Present: Councillor Russell

147. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Eves, Holmes and Kimmance.

148. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Round for Councillor Holmes
Councillor Springett for Councillor Eves

149. NOTIFICATION OF VISITING MEMBERS

Councillor Russell had given notice of her wish to speak on the report of the Head of Planning and Development relating to application 21/503225/OUT (The Packhouse, Queen Street, Paddock Wood, Kent), and attended the meeting in person.

150. ITEMS WITHDRAWN FROM THE AGENDA

The Development Manager advised the Committee that applications 21/504384/LAWPRO and 21/502853/LDCEX relating to 3-5 Bower Place, Maidstone had been withdrawn by the applicant for commercial reasons. There was currently a breach of planning control and the applicant had indicated that he would be re-submitting applications for another Lawful Development Certificate or planning permission in the New Year.

151. URGENT ITEMS

The Chairman said that he intended to take the update reports of the Head of Planning and Development and the verbal updates in the Officer presentations as urgent items as they contained further information relating to the applications to be considered at the meeting.

152. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Brindle said that she was a Member of Boxley Parish Council. However, she had not participated in the Parish Council's discussions relating to application 21/503982/FULL (Newnham Court Shopping Village, Bearsted Road, Weaving, Kent), and intended to speak and vote when it was considered.

Councillor Munford said that he was the Chairman of Boughton Monchelsea Parish Council. However, he had not participated in the Parish Council's discussions relating to application 21/504879/FULL (Loddington Lane Cottage, 2 Loddington Lane, Boughton Monchelsea, Maidstone, Kent), and intended to speak and vote when it was considered.

153. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

Item 13.	21/504879/FULL - Loddington Lane Cottage, 2 Loddington Lane, Boughton Monchelsea, Maidstone, Kent	Councillors Brindle, Cox, English, Harwood, Perry and Young
Item 14.	21/503225/OUT - The Packhouse, Queen Street, Paddock Wood, Kent	No lobbying
Item 15.	19/506112/FULL - Bletchenden Farm, Bletchenden Road, Headcorn, Ashford, Kent	Councillors Harwood, Perry, Round, Spooner, Trzebinski and Young
Item 18.	21/503982/FULL - Newnham Court Shopping Village, Bearsted Road, Weaving, Kent	Councillors Brindle, Harwood, Perry, Spooner, Springett and Young
Item 19.	5008/2021/TPO - Becketts Croft, Malling Road, Teston, Maidstone, Kent	No lobbying

154. EXEMPT ITEMS

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

155. MINUTES OF THE MEETING HELD ON 21 OCTOBER 2021

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

Note: Councillor McKay joined the meeting during consideration of the Minutes of the meeting held on 21 October 2021. He said that he had no disclosures of interest or of lobbying.

156. PRESENTATION OF PETITIONS

There were no petitions.

157. DEFERRED ITEM

20/505611/SUB - SUBMISSION OF DETAILS TO DISCHARGE CONDITION 18 - FOUL AND SURFACE WATER SEWERAGE DISPOSAL SUBJECT TO 14/502010/OUT - DICKENS GATE, MARDEN ROAD, STAPLEHURST, TONBRIDGE, KENT

The Development Manager said that he had nothing further to report in respect of this application at present.

158. 21/504879/FULL - CONVERSION OF EXISTING COTTAGE TOGETHER WITH ERECTION OF TWO STOREY REAR/SIDE EXTENSION TO CREATE 2(NO) DWELLINGS AND ERECTION OF 1(NO) DETACHED DWELLING. (RE-SUBMISSION OF 21/500798/FULL) - LODDINGTON LANE COTTAGE, LODDINGTON LANE, BOUGHTON MONCHELSEA, MAIDSTONE, KENT

The Committee considered the report and the urgent update reports of the Head of Planning and Development.

Mr Beech, an objector, and Councillor Roome of Boughton Monchelsea Parish Council addressed the meeting remotely.

Mr Latham addressed the meeting in person on behalf of the applicant.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, the Committee considered that:

The proposal will result in an intensification and loss of open space between buildings at the focal point northern end of Loddington Lane and would result in clear harm to the functioning of the Conservation Area. The proposed built form and layout is uncharacteristic of and undermines the openness and rhythm and distinctly rural nature of this part of the Greensand Ridge.

The proposed parking court covering the width of the rear of the site would introduce a jarring and urbanising feature immediately adjacent to a designated Historic Park and Garden (Linton Park) which causes harm to its character and the Conservation Area.

The proposal would result in ribbon development compromising important open spaces and views through the existing developed area causing harm to the character and appearance of the countryside hereabouts.

The proposed car parking court will divorce the application site from the adjacent woodland and result in a negative impact upon local biodiversity by virtue of habitat fragmentation and disturbance.

The proposal would result in an unneighbourly form of development which will have an overpowering and unneighbourly form of development principally on Rose Cottage.

The Development Manager requested that delegated powers be given to the Head of Planning and Development to structure the relevant Local Plan and Neighbourhood Plan policies within the reasons for refusal, including policies RH1, PWP4, RH6 and RH8 of the Boughton Monchelsea Neighbourhood Plan and policies SS1, SP17, SP18, DM1 and DM4 of the Maidstone Borough Local Plan 2017.

RESOLVED:

1. That permission be refused for the following reasons:

The proposal will result in an intensification and loss of open space between buildings at the focal point northern end of Loddington Lane and would result in clear harm to the functioning of the Conservation Area. The proposed built form and layout is uncharacteristic of and undermines the openness and rhythm and distinctly rural nature of this part of the Greensand Ridge.

The proposed parking court covering the width of the rear of the site would introduce a jarring and urbanising feature immediately adjacent to a designated Historic Park and Garden (Linton Park) which causes harm to its character and the Conservation Area.

The proposal would result in ribbon development compromising important open spaces and views through the existing developed area causing harm to the character and appearance of the countryside hereabouts.

The proposed car parking court will divorce the application site from the adjacent woodland and result in a negative impact upon local biodiversity by virtue of habitat fragmentation and disturbance.

The proposal would result in an unneighbourly form of development which will have an overpowering and unneighbourly form of development principally on Rose Cottage.

2. That delegated powers be given to the Head of Planning and Development to structure the relevant Local Plan and Neighbourhood Plan policies within the reasons for refusal, including policies RH1, PWP4, RH6 and RH8 of the Boughton Monchelsea Neighbourhood Plan and policies SS1, SP17, SP18, DM1 and DM4 of the Maidstone Borough Local Plan 2017.

Voting: 12 – For 0 – Against 0 – Abstentions

Note: The meeting was adjourned for ten minutes to enable Members to formulate the wording of the proposed reasons for refusal in consultation with the Development Manager.

159. 21/503225/OUT - OUTLINE APPLICATION FOR PROPOSED DEVELOPMENT OF SITE WITH LIGHT INDUSTRIAL/STORAGE BUSINESS UNITS AND ASSOCIATED FACILITIES (ACCESS BEING SOUGHT) - THE PACKHOUSE, QUEEN STREET, PADDOCK WOOD, KENT

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

In introducing the application, the Development Manager advised the Committee that, given the wide-ranging nature of the description of the development, he wished to amend condition 3 (Size Parameters) to add a floor area limitation of no more than 345 square metres to provide an element of control over the floor space.

Mrs Ayling, an objector, and Councillor Brown of Yalding Parish Council addressed the meeting remotely.

Councillor Russell (Visiting Member) addressed the meeting in person.

RESOLVED:

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

The amendment of condition 3 (Size Parameters) to add a floor area limitation of no more than 345 square metres;

The amendment of condition 25 (Hours of Opening) to reduce the hours of opening of the premises on Saturdays from 08:00-18:00 to 08:00-13:00; and

An additional informative advising the applicant that when the details of the reserved matter of landscaping are submitted, the Council will not wish to see such an extensive area of hardstanding and by virtue of condition 15 (Landscape Scheme) that will need to be mitigated to soften the impact.

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

Voting: 11 – For 0 – Against 1 – Abstention

160. 5008/2021/TPO - BECKETTS CROFT, MALLING ROAD, TESTON, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning and Development relating to Tree Preservation Order No. 5008/2021/TPO which was made to protect a group of 11 Lime trees and a single Lime tree growing on land at Becketts Croft, Malling Road, Teston. It was noted that:

- The Tree Preservation Order (TPO) was made in direct response to notification of proposed works to trees in a conservation area. The Local Planning Authority could respond to such notifications in two ways; either to raise no objection to the works proposed or to make a TPO to prevent the works.
- A standard Tree Evaluation Method for Preservation Orders assessment was carried out by the Officers and this indicated that the trees met the standard amenity criteria for protection. It was considered by the Officers that the proposed works were inappropriate arboricultural management and that it was expedient to make a TPO to prevent the works from being carried out.
- A total of 13 objections to the making of the TPO were received, including a detailed report by an Arboricultural Consultant on behalf of the owners of the trees, an objection from Teston Parish Council and 11 objections from local residents.
- The trees merited protection on amenity grounds, but the owners intended to approach future works in such a way that the threat of inappropriate management was significantly reduced and had expressed a clear wish for the trees to not be subject to a TPO. The Council would continue to have control over future works proposals due to the location of the trees in a conservation area. If future works proposals were again considered to be inappropriate management, the Council could respond by making a new TPO. On balance, it was not considered expedient to confirm the TPO and it was therefore recommended that it be allowed to lapse.

RESOLVED: That Tree Preservation Order No. 5008/2021/TPO be allowed to lapse on 19 November 2021.

Voting: 11 – For 1 – Against 0 – Abstentions

161. 19/506112/FULL - CONVERSION OF HERITAGE THRESHING BARN TO RESIDENTIAL, INCLUDING THE DEMOLITION OF MODERN POLE BARN AND ERECTION OF SINGLE-STOREY EXTENSION TO SIDE AND ERECTION OF DETACHED TRIPLE GARAGE (PART RETROSPECTIVE) - BLETCHENDEN FARM, BLETCHENDEN ROAD, HEADCORN, ASHFORD, KENT

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

Mr Osborne addressed the meeting in person on behalf of the applicant.

Contrary to the recommendation of the Head of Planning and Development, the Committee was minded in principle to approve the application subject to appropriate conditions and, in this connection, requested that a full list of proposed conditions be submitted to the next meeting to enable a final decision to be made.

In making this decision, the Committee, on balance, considered that the proposed scheme interpreted the historic form of the farm buildings on the site in a successful manner and that the enclosure provided by the surrounding woodland enabled the larger scale of development proposed without harmful impact on the wider countryside. Further, the Committee was cognisant of the views of the Council's Conservation Officer of which they were generally supportive.

It was suggested that the proposed conditions should cover, inter alia, materials, integral niches for wildlife, external lighting (potentially use of red filters to reduce harm to wildlife), renewables (a sensitive approach given the historic nature of the building), landscaping (taking cues from a traditional Low Weald farm settlement and incorporating a specimen Black Poplar tree) and removal of permitted development rights.

RESOLVED:

1. That the Committee is minded in principle to approve this application subject to appropriate conditions and that a full list of proposed conditions be submitted to the next meeting to enable a final decision to be made.
2. That the list of proposed conditions should cover, inter alia, materials, integral niches for wildlife, external lighting (potentially use of red filters to reduce harm to wildlife), renewables (a sensitive approach given the historic nature of the building), landscaping (taking cues from a traditional Low Weald farm settlement and incorporating a specimen Black Poplar tree) and removal of permitted development rights.

Voting: 11 – For 1 – Against 0 – Abstentions

162. 21/503982/FULL - RETROSPECTIVE APPLICATION FOR RETENTION OF THE EXISTING CONCRETE SLAB HARDSTANDING AREA - NEWNHAM COURT SHOPPING VILLAGE, BEARSTED ROAD, WEAVERING, KENT

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

Mr Cook, an objector, addressed the meeting in person.

During the discussion on this application, the Development Manager sought delegated powers to (a) consider the removal of the requirement for an acoustic survey from condition 1 and its inclusion as a separate condition subject to the timing for compliance being consistent with the other requirements set out within condition 1 and (b) implement this change if considered appropriate.

RESOLVED:

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

The amendment of condition 1(i)(d) (Management Plan) to require details of a planted bund along the north eastern boundary instead of the hedgerow; and

Delegated powers being given to the Head of Planning and Development to (a) consider the removal of the requirement for an acoustic survey from condition 1 and its inclusion as a separate condition subject to the timing for compliance being consistent with the other requirements set out within condition 1 and (b) implement this change if considered appropriate.

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

Voting: 12 – For 0 – Against 0 – Abstentions

FURTHER RESOLVED: That a letter be sent on behalf of the Committee to Kent County Council expressing concern about the way in which this application has been progressed in isolation and recommending that when the application for the construction of the service road is determined by Kent County Council as County Planning Authority, serious consideration needs to be given to the provision of strategic landscaping along the new road area because it is within the foreground of the AONB.

Voting: 12 – For 0 – Against 0 – Abstentions

163. LONG MEETING

Prior to 10.30 p.m., during consideration of application 21/503982/FULL (Newnham Court Shopping Village, Bearsted Road, Weaving, Kent), the Committee considered whether to adjourn at 10.30 p.m. or to continue until 11.00 p.m. if necessary.

RESOLVED: That the meeting should continue until 11.00 p.m. if necessary.

164. APPEAL DECISIONS

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

RESOLVED: That the report be noted.

165. 21/504384/LAWPRO - LAWFUL DEVELOPMENT CERTIFICATE FOR THE PROPOSED RENDERING OF THE FRONT OF THE HOUSE - 3-5 BOWER PLACE, MAIDSTONE, KENT

See Minute 150 above

166. 21/502853/LDCEX - LAWFUL DEVELOPMENT CERTIFICATE (EXISTING) FOR CONVERSION OF LOFT INTO HABITABLE SPACE, WITH HIP TO GABLE ROOF ALTERATIONS AND INSERTION OF A REAR DORMER AND 4 NO. FRONT ROOFLIGHTS - 3-5 BOWER PLACE, MAIDSTONE, KENT

See Minute 150 above

167. DURATION OF MEETING

7.00 p.m. to 10.55 p.m.

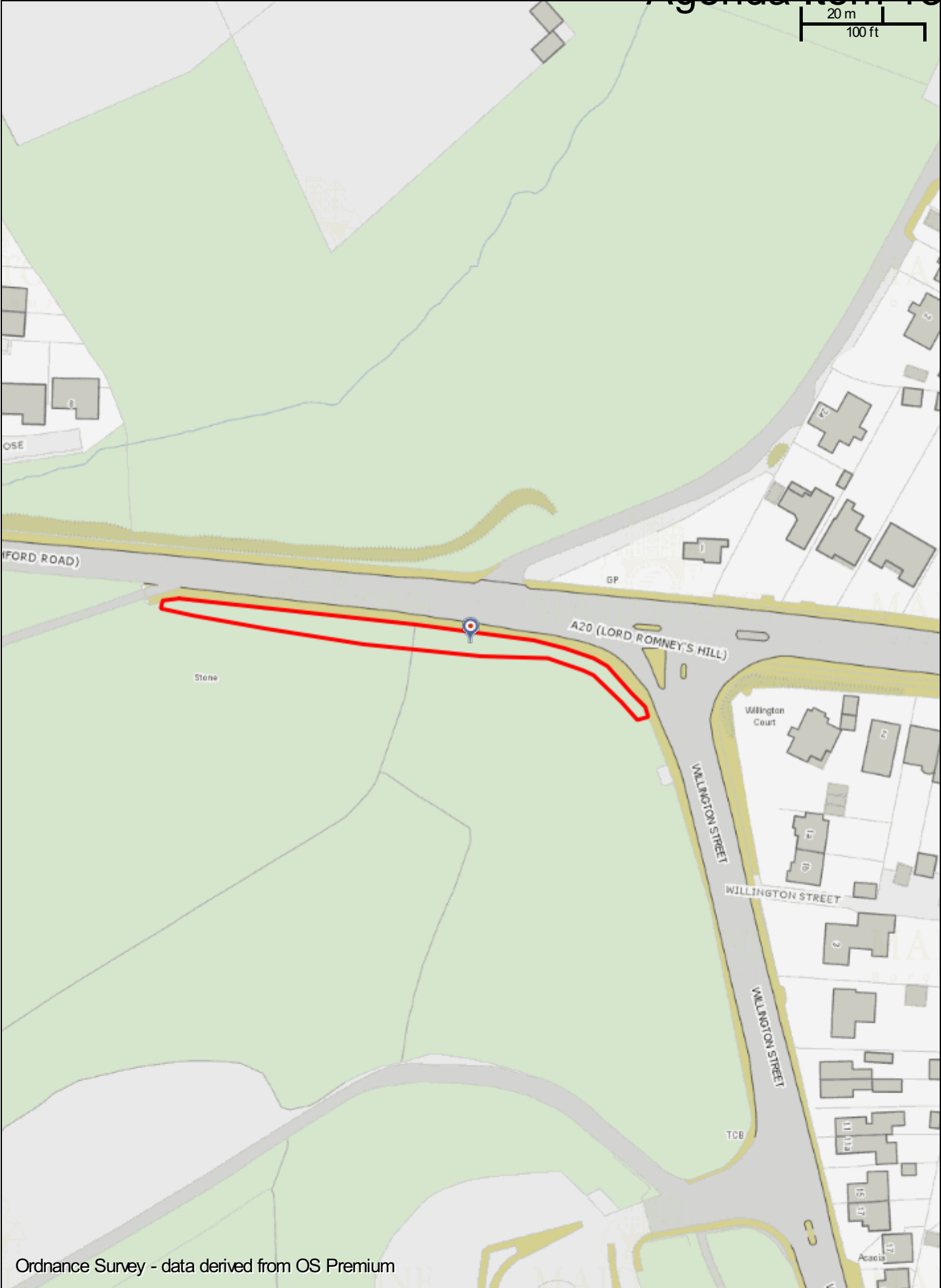
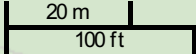
Agenda Item 12

MAIDSTONE BOROUGH COUNCIL
PLANNING COMMITTEE
16 DECEMBER 2021
REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEM

The following application stands deferred from a previous meeting of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation.

APPLICATION	DATE DEFERRED
<p><u>20/505611/SUB - SUBMISSION OF DETAILS TO DISCHARGE CONDITION 18 - FOUL AND SURFACE WATER SEWERAGE DISPOSAL SUBJECT TO 14/502010/OUT - DICKENS GATE, MARDEN ROAD, STAPLEHURST, TONBRIDGE, KENT</u></p> <p>Deferred:</p> <p>(1) To ask the applicant to provide further information to clarify:</p> <p style="padding-left: 40px;">(a) The foul drainage flows from the site; and</p> <p style="padding-left: 40px;">(b) The volume of capacity being provided (by the holding tank) and how it will be maintained to ensure that it retains such capacity.</p> <p>(2) For the additional information to be reviewed by an independent expert drainage consultant.</p> <p>This is to satisfy the Committee that the volume of flows will be accommodated by the proposed works.</p>	<p>22 July 2021</p>



Ordnance Survey - data derived from OS Premium

21/505452/LBC Mote Park, A20 Ashford Road Junction with Willington Street, Maidstone, Kent

Scale: 1:1250

Printed on: 3/12/2021 at 9:32 AM by JoannaW



REFERENCE NO - 21/505452/LBC		
APPLICATION PROPOSAL Listed Building Consent for works to re-position/re-build a section of ragstone wall (to facilitate the A20 Ashford Road and Willington Street Junction Capacity Improvement Scheme)		
ADDRESS Mote Park, A20 Ashford Road Junction with Willington Street, Maidstone		
RECOMMENDATION – APPROVE WITH CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> • The proposals will result in a relatively low level of 'less than substantial' harm to the listed wall through its physical removal but mainly because the historic boundary of the Park here would be lost. • The works are required in connection with planned improvements to the A20/Willington Street junction to achieve additional capacity which is identified as a key and critical scheme in Maidstone Council's Infrastructure Delivery Plan; is identified within Kent County Council's Local Transport Plan as part of the 'Maidstone Integrated Transport Package'; is largely funded by the Government's 'Local Growth Fund'; and which has been endorsed by Maidstone Council and Kent County Council through the Joint Transport Board. • The economic and social public benefits associated with the planned junction improvements, which will provide improved capacity at a key junction in the Maidstone urban area and assist in accommodating general background traffic growth and increased traffic from new employment and housing sites in the Local Plan, are considered to outweigh the relatively low level of heritage harm identified. This is in accordance with the NPPF and policy DM4 of the Local Plan. 		
REASON FOR REFERRAL TO COMMITTEE		
<ul style="list-style-type: none"> • The application site falls upon land owned by Maidstone Borough Council and so in the interest of transparency. 		
WARD Shepway North	PARISH – N/A	APPLICANT Kent County Council (Transportation and Waste) AGENT WSP
TARGET DECISION DATE 10/12/21		PUBLICITY EXPIRY DATE 18/11/21

1.0 DESCRIPTION OF SITE

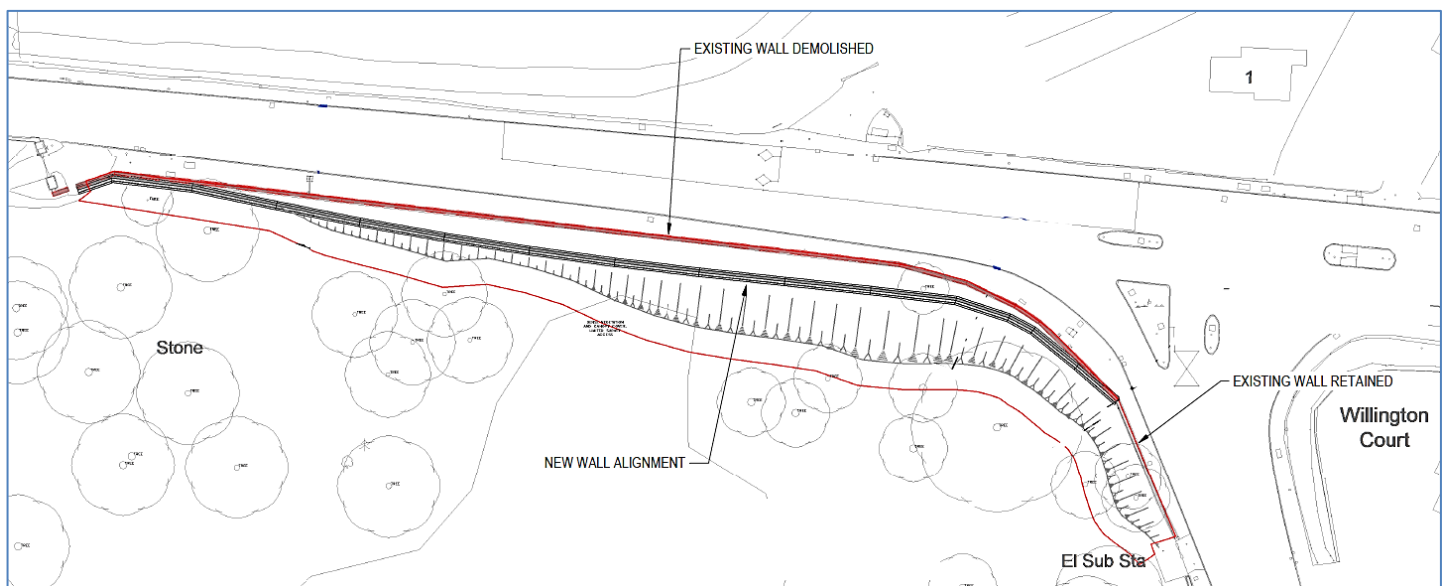
- 1.01 The application site relates to a parcel of land on the south side of the A20 west of its junction with Willington Street and includes a listed ragstone wall. The land falls within the grounds of Mote Park and extends approximately 125m from Willington Street westwards to the gated entrance to the Park.

1.02 The focus of this listed building consent application is the listed wall which in places retains the land behind, is relatively low in height at the east end by the junction, and then increases in height as it heads west. Behind the wall the land is mainly overgrown with scrub and trees.

1.03 The wall is listed by virtue of it being a structure within the curtilage of the Grade II* listed Mote House, the curtilage of which is considered to be the grounds of Mote Park. Mote Park itself is a 'Grade II registered Park and Garden' and the majority of the wall and application site falls within its boundaries.

2.0 PROPOSAL

2.01 The application seeks listed building consent to re-position/re-build a section of the listed wall further back from its current position as shown below. The length of wall that would be re-positioned is approximately 130m and the maximum set-back is 3m in the centre.



2.02 The reason for the proposal is to accommodate planned works to the A20/Willington Street junction to improve capacity and reduce traffic congestion. The junction works themselves, which includes the engineering works required to move the wall back, do not require planning permission and can be carried out under the Highway Authorities permitted development rights.

2.03 In order to ensure the minimum works necessary are proposed the applicant has been questioned as to why the extent of works/set-back of the wall is required as a grass verge would be left in front of the re-positioned wall. The applicant has advised that the widening of the carriageway requires the kerb line to be moved to the south, such that it would coincide with or be slightly behind the current wall location. The underground services, signal equipment, street lighting, and the digital message sign (that are in the existing grass verge) would then be within/under the widened road and so

would need to be relocated into a new verge. The verge width of 2.5m is the minimum required to accommodate all the services and sign, which have to be safely accessible for inspection and maintenance. The 'Design Manual for Roads and Bridges' also seeks such verges in the interest of safety. This is considered reasonable to justify the extent of proposed works to set-back the listed wall.

2.04 The applicant has submitted a Method Statement for re-building the wall which outlines that it will be carefully dismantled and re-built using the existing stone where feasible and with an appropriate lime mortar mix. New reinforced footings will be used to ensure the long-term stability of the wall.

3.0 POLICY AND OTHER CONSIDERATIONS

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

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** No representations received.

5.0 CONSULTATIONS

5.01 **Historic England:** Do not wish to offer any comments and suggest seeking the views of our specialist conservation adviser.

5.02 **MBC Conservation Officer: No objections subject to conditions.**

"I agree with the assessment made by the applicant that taking down the wall and relocating it will cause harm to the wall and I would also agree that the harm is at a level of less than substantial. The NPPF requires the applicant to explain why there is a public benefit in moving the wall and to ensure that any harm is kept to an absolute minimum."

6.0 APPRAISAL

6.01 The only considerations for listed building consent applications are the architectural or historic interest of the listed building and its setting. So, the assessment relates to the impact upon the listed wall and the setting of Mote House and no other matters can be taken into account. If harm is caused, then any public benefits of the proposals should be weighed against this harm.

Impact upon the architectural or historic interest of the listed wall

6.02 The wall is constructed of Kentish ragstone and the applicants Heritage Statement states that the wall, *"was constructed in the 1790s when the park was enlarged by the 3rd Baron Romney. The section of the boundary wall within the Site, which is proposed to be relocated, is likely to be a combination of the original boundary wall along the western stretch, and a*

rebuilt section dating circa 1940s/50s along the eastern stretch, where OS maps show a reconfiguration."

6.03 The condition assessment carried out by a qualified surveyor concludes that, *"although overall the wall is in a fair structural condition, there are areas which require attention. There are a few cracks and areas of damage and/or loss of stone along the wall, most of which has been caused by vegetation and tree roots growing into the wall, pushing on its structure. The vegetation in general is encroaching on the wall in some areas, which will eventually lead to more damage."*

6.04 The applicant has described the 'significance' of the listed wall as required by the NPPF stating that, *"The Ragstone Boundary Wall is an integral and historic part of Mote Park dating from the late-18th century and is of medium significance. The wall is split into two distinct halves, one which has been rebuilt and one which is in original condition. The section of ragstone boundary wall located within the western half of the Site is original, does not appear to have been altered or rebuilt, and for this reason is an asset of medium significance derived from its historic and aesthetic values."*

"The section of ragstone boundary wall located within the eastern half of the Site comprises a rebuilt corner section and the section along the southern side of Ashford Road terminating just before the historic gate. This section of the wall, is of low heritage significance, as derived from its limited evidential, historical and aesthetic value. The relocation and rebuilding of the wall has reduced its significance, but it still continues to mark the corner boundary of the park providing a continuation of the historic wall. Furthermore, this section of wall is at the very distant edge of the park, far away from the historic core where the key landscape features and other designated assets are situated. Its immediate setting adjacent to the busy Ashford Road also impacts on its significance."

6.05 I would agree that the main significance and value of the wall is the fact that it defines the historic boundary of the Park. I also consider that it's prominence as the boundary of the Park is important. Whilst broken in places by entrances, it continues alongside the A20 for approximately 1km west towards Maidstone town centre and approximately 1.3km south alongside Willington Street and is in the main, highly visible. However, the section of wall to which this application relates includes parts that were rebuilt in the 20th century and just under half (61m) is low in height (around 0.8m) and so this part does not contribute as positively as the higher section, which at the application site is around 1.6m high.

6.06 It is considered that the proposals will inevitably result in harm to the listed wall through its physical removal but mainly as it would be moved and so the historic boundary of the Park here would be lost. However, I agree with the applicant and Conservation Officer that this level of harm would be 'less than substantial'. I consider it would be a relatively low level of such harm because it would only relate to a very small section of the Park's overall historic boundary, relates in part to a re-built and low section of walling, and it would be only be moved by a maximum of 3m.

Public Benefits

- 6.07 Paragraph 200 states that, *"Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification."* The works are proposed to accommodate the planned junction improvements, and these is considered to represent a sound justification for some heritage impact.
- 6.08 Paragraph 202 states that where there is 'less than substantial harm' this should be weighed against the public benefits of the proposal. The only reason for the proposed works and thus the associated public benefits are those which arise from the junction improvement.
- 6.09 The junction improvement is identified as a key and critical scheme in Maidstone Council's Infrastructure Delivery Plan and is identified within Kent County Council's Local Transport Plan as part of the 'Maidstone Integrated Transport Package', a project approved by the South East Local Enterprise Partnership and which is largely funded by the Government's 'Local Growth Fund'. Improvements at this junction to achieve additional capacity have also been endorsed by Maidstone Council and Kent County Council through the Joint Transport Board.
- 6.10 The junction currently operates over capacity in the AM and PM peaks and KCC's consultation document on the scheme estimates considerable improvements to congestion in region of 35% in the AM and PM peaks and states:
- "The key objectives for this scheme are to:*
- *Improve the efficiency of the junction thereby reducing congestion.*
 - *Improve journey times and the reliability of journey times.*
 - *Improve Road Safety.*
- Achieving these will unlock other benefits including:*
- *Increasing capacity on the network to better accommodate further development.*
 - *Improve air quality."*
- 6.11 For these reasons, there are clear public benefits from such a critical scheme, which will provide improved capacity at a key junction in the Maidstone urban area and assist in accommodating general background traffic growth and increased traffic from new employment (Woodcut Farm) and housing sites in the Local Plan. This will deliver economic and social benefits by supporting such housing and employment growth and these benefits are considered to attract significant weight. So, whilst giving great weight to the conservation of heritage assets in line with the NPPF, it is considered that there is sufficient justification for the works to facilitate junction improvements, and the associated public benefits are sufficient to outweigh the relatively low level of heritage harm identified. This is in accordance with the NPPF and policy DM4 of the Local Plan.

Impact upon the Setting of Mote House

- 6.12 Whilst it is considered that the wider registered Park and its boundaries form part of its setting, in view of the small section of the Park's overall historic boundary that would be altered and the distance from the building (0.5km), it is considered that the proposals would not result in any harm to the setting of Mote House itself.

Conditions

- 6.13 Conditions are attached requiring that the Method Statement, which was amended on request of the Conservation Officer, is adhered to. Other conditions will ensure the works only take place in connection with any junction improvements, historic recording of the wall, and a sample panel of new walling.

Other Matters

- 6.14 As stated earlier in the report, under listed building consent only the architectural or historic interest of listed buildings and their settings can be taken into account. However, the applicant is conscience that moving the wall and the subsequent engineering operations (which do not require planning permission) will result in other impacts including the removal of lower grade trees, and on ecology. They have carried out ecological appraisals and liaised with MBC's Parks & Open Spaces Team to agree some replacement tree planting and new landscaping (woodland edge and grassland planting), wildlife boxes, and log piles which would provide some ecological benefits. These have been provided for information purposes and informatives are attached to request that these are carried out.

7.0 CONCLUSION

- 7.01 The proposals will result in a relatively low level of 'less than substantial' harm to the listed wall through its physical removal but mainly because the historic boundary of the Park here would be lost.
- 7.02 The works are required in connection with planned improvements to the A20/Willington Street junction to achieve additional capacity which is identified as a key and critical scheme in Maidstone Council's Infrastructure Delivery Plan, is identified within Kent County Council's Local Transport Plan as part of the 'Maidstone Integrated Transport Package', is largely funded by the Government's 'Local Growth Fund', and which have been endorsed by Maidstone Council and Kent County Council through the Joint Transport Board.
- 7.03 The economic and social public benefits associated with the planned junction improvements, which will provide improved capacity at a key junction in the Maidstone urban area and assist in accommodating general background traffic growth and increased traffic from new employment and housing sites in the Local Plan, are considered to outweigh the relatively low level of heritage harm identified. This is in accordance with the NPPF and policy DM4 of the Local Plan.

8.0 RECOMMENDATION

Approve Listed Building Consent subject the conditions set out below:

Conditions:

1. The works to which this consent relates must be begun before the expiration of three years from the date of this consent.

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

70075920-PA-0100-001 Rev 1 (Site Plan)
A20-WSP-ZZ-00-DR-S-001 Rev P2 (New Wall Alignment Plan and Section)
A20-WSP-ZZ-00-DR-S-003 P1 (Existing and Proposed Elevations)

Reason: To clarify which plans have been approved and to ensure the replacement wall is of sufficient quality.

3. The works to the listed wall shall not commence until a timeframe for carrying out the works to the wall and commencing the junction improvements has been submitted to and approved in writing by the local planning authority. The works to the wall shall be carried out in accordance with the approved details.

Reason: To ensure the works only take place in connection with the junction improvements as the associated public benefits are the only justification for the approved works.

4. The demolition of the existing wall shall not commence until a Historic England Level 2 Historic Building Recording of the wall has been undertaken and submitted to and approved in writing by the local planning authority.

Reason: To record the character, appearance and alignment of the existing wall which is of historical significance.

5. Works on rebuilding the wall shall not commence until a sample panel for the new wall has been constructed on site for inspection and approval in writing by the local planning authority. The wall re-build shall be undertaken in accordance with the approved details.

Reason: To ensure the appearance and construction of the replacement wall is acceptable.

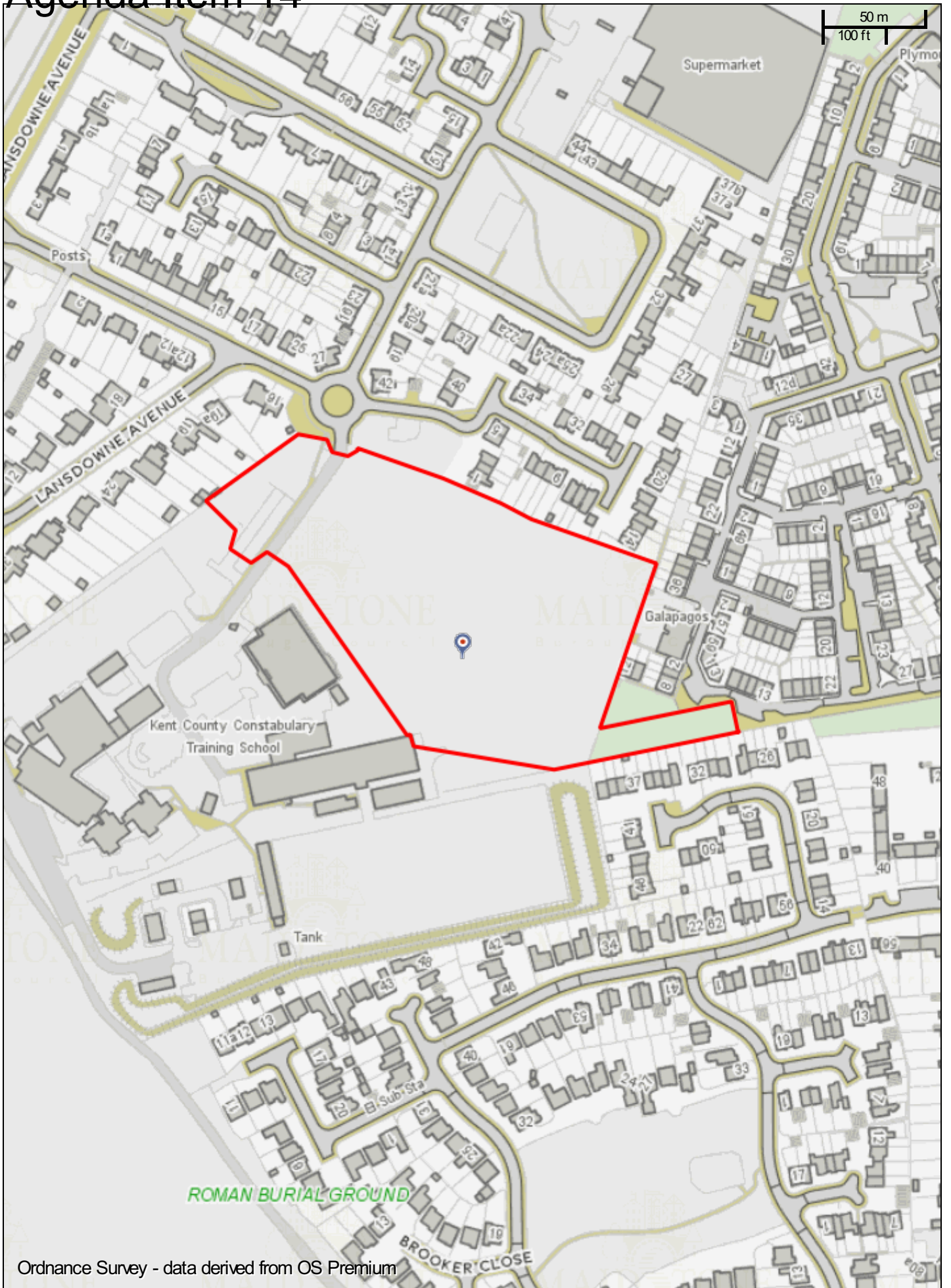
6. The demolition of the existing wall and construction of the replacement wall shall be carried out in accordance with the Heritage Method Statement dated November 2021.

Reason: To ensure the appearance and construction of the replacement wall is acceptable.

Informatives:

1. The applicant should ensure the landscaping scheme as shown on drawing no. 70075920-DD-A20-3000-001 Rev P01 is carried out in the first available planting season following completion of the approved works.
2. The applicant should ensure that wildlife legislation, and any relevant ecological surveys and recommendations are adhered to, and works should proceed under Precautionary Methods of Working to prevent any risks to protected species.
3. The applicant should ensure the biodiversity enhancements as outlined at paragraph 3.1.15 of 'Planning, Design and Access Statement' are carried out following completion of the approved works.
4. The applicant should agree with the Council's Parks & Open Spaces Section an Arboricultural Method Statement including a tree protection plan to ensure retained trees are suitably protected.

Agenda Item 14



Ordnance Survey - data derived from OS Premium

20/501427/OUT Land to rear of Kent Police Training School off St Saviours Road, Maidstone, Kent ME15 9DW

Scale: 1:2500

Printed on: 3/12/2021 at 9:59 AM by JoannaW

REFERENCE NO - 20/501427/OUT		
APPLICATION PROPOSAL Outline planning application for residential development of up to 76 no. dwellings (all matters reserved except access).		
ADDRESS Land To Rear Of Kent Police Training School Off St Saviours Road Maidstone Kent ME15 9DW		
RECOMMENDATION Approved subject to conditions and a s106 legal agreement		
SUMMARY OF REASONS FOR RECOMMENDATION The application site is suitable for 76 dwellings at 35 dph as it is located within the urban confines of Maidstone, is allocated for residential development within the Local Plan under Policy H1 (28) and there was a recently expired outline planning permission for 90 units granted in 2017. The sports pitches being lost are not designated for sporting use in planning terms and are not secured for such a use through any agreement (planning or otherwise). The site is not available for use by the general public. This stance is consistent with the position taken when the recently expired outline planning permission was granted. There are limited views of the openness of the site from the public domain and so the visual impact is acceptable. Existing trees can be retained and impact on neighbouring TPO trees can be avoided. The site is sustainably located. There are no objections from KCC (H&T) to the proposal subject to a Travel Plan and s106 contributions to local highway improvements. On site Open Space could serve as semi natural habitat and amenity green space and financial contributions should be sought towards nearby Queen Elizabeth Square play area and Pested Bars Recreation Ground. A legal agreement can secure 30% affordable housing to accord with the SPD. Conditions can be imposed to ensure that matters such as noise mitigation, surface water drainage, ecology, biodiversity net gain, low carbon energy, lighting, air quality mitigation and archaeological interest are adequately dealt with at Reserved Matters Stage.		
REASON FOR REFERRAL TO COMMITTEE There is a significant level of local public interest.		
WARD Park Wood	PARISH/TOWN COUNCIL Boughton Monchelsea	APPLICANT The Police And Crime Commissioner For Kent AGENT DHA Planning
TARGET DECISION DATE 24/12/21		PUBLICITY EXPIRY DATE 29/11/21

Relevant Planning History

12/0987

Outline application for residential development for up to 90 dwellings with associated development with all matters reserved for future consideration.
Approved 07.04.2017

03/0826

Two storey extension to firing range and single storey extension to driver training school, as shown on dwg nos 92502.02, 03, 04 received on 24.04.03.
Approved 02.09.2003

95/0141

Regulation 3 application by KCC for new indoor firearms training range and additional car park. .

No Objection 02.03.1995

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site relates to an area of land approximately 2.2 hectares in area located at the Kent Police Training Centre which is open in nature and has private sports pitch laid out. There are existing trees on the northern and western boundaries and a smaller cluster of trees on the SE boundary.
- 1.02 The site is within the urban area of Maidstone. The site is an allocated site for 90 dwellings in the Maidstone Borough Local Plan H1(28).
- 1.03 There is a row of trees running along the north western and north eastern edges of the site and there are a few trees on the rear boundaries of neighbouring dwellings in Morris Close. There is a group of trees beyond the eastern boundary are covered by TPO 3 of 2008 Group of Trees G2 consisting of 19 Oak and 27 Pine.

2. PROPOSAL

- 2.01 The application is in outline form and for residential development up to 76 dwellings with access detailed but all other matters reserved for future consideration. The application was initially submitted showing an indicative 90 dwellings.
- 2.02 The vehicular access is the existing access road into the Kent Police Training Centre.
- 2.03 Approx 0.167ha of the site (approx. 8%) is indicated to be semi-natural and amenity green space.
- 2.04 The Transport Statement concludes that the site is sustainable and forthcoming highway improvements set to increase capacity and reduce congestion locally.
- 2.05 The agent has indicated that Kent Police are willing to enter into a Section 106 agreement to secure affordable housing (30%) and any justified financial contributions including off site highway works.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017: SP20; H1 (28); DM1, DM3, DM4, DM6, DM8, DM12, DM19, DM21, DM23,
Neighbourhood Plans: Boughton Monchelsea (made July 2021)
PWP 4: Provision for new housing development
RH 4: Housing allocations and phasing
RH 5B: Kent Police Training School
Kent Minerals and Waste Local Plan 2013-30 as amended by Early Partial Review (2020)
Supplementary Planning Documents: Public Art Guidance 2017; Affordable Housing
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Building for Life 12

4. LOCAL REPRESENTATIONS

Local Residents:

4.01 35 representations received from 24 local residents raising the following (summarised) issues

- Traffic
- Impact on highway safety
- Damage, noise and pollution by construction
- Housing in an area where residents will need to commute to work
- Buses unreliable so people will drive
- No local housing need
- Emergency access needed
- Outdated traffic reports
- Parking congestion on local roads
- Headlight nuisance
- Harm to Air Quality
- Adding to problems of inadequate parking due to "minimum" standards
- Overlooking
- Overshadowing including from proposed tree planting
- Flats and coach housing would be out of keeping
- Sewers cannot cope
- Loss of security/increased crime
- Noise, smells and activity.
- Loss of open view
- Anti-social behaviour
- Affordable housing could become unsightly and neglected.
- Tree loss
- Harm to wildlife habitat
- Density
- Local GPs, dentist and schools are oversubscribed
- Lack of play areas
- Noise bund needed for noise protection and enhance and connect the nature corridors around the Kent Police College
- Will prevent access to Training Centre by helicopters due to CAA regulations
- Loss of area for Police to get fit
- Will undermine the Training school's security
- Police should not be spending money making planning applications including ones that are not fully truthful
- Some residents were unaware of the previous planning permission.

1 letter of support to revised scheme:

- Prefer 2 storey properties moved away from our boundary, happier that the acoustic barriers will be used and the tree line will be thinned out and looked after instead of being overgrown and unkept by the police training college.

- 4.02 Issues such as Training Centre operational impact; financial motive of the Kent Police Estates in seeking planning permission; loss of open view; damage, noise and pollution by construction; that affordable housing could become unsightly and neglected are not material planning considerations and therefore cannot be taken into account in the determination of this application. The other matters raised by neighbours and other objectors are discussed in the detailed assessment below.

5. CONSULTATIONS

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

Boughton Monchelsea Parish Council:

- 5.01 Due to outline planning permission no objections but the development must have good space and density standards; renewable energy sources; EV charging points; exclusively native planting within any landscape plan; provision of swift and bee bricks, bat and bird boxes; wildlife friendly boundaries
- 5.02 Need control over routes and timings for construction traffic and measures to minimise noise and disturbance to existing residents. The vehicular gate at the corner of Pested Bars Road should be permanently closed to prevent inappropriate and unsafe use of the network of local country lanes.

KCC Highways

- 5.03 Initial Comments: No concerns on the access, or sustainability of the location. A Travel Plan and monitoring fee of £948 needed.
- 5.04 The proposals will generate 40 two-way movements (*combined arrivals and departures*) in the AM peak and 45 two-way movements in the PM peak. Over the course of a 12-hour day the proposals are anticipated to generate 391 two-way movements. Junction analysis:

A274, Sutton Road junction with St Saviours: additional local congestion would be created at this junction but limited additional delay is anticipated. However, the residual impact of this development is likely to be additional local traffic generation and some consequent increase in congestion, which the applicant cannot fully mitigate.

A274, Sutton Road junction with Queen Elizabeth Square: the junction is anticipated to continue to operate within capacity

A274, Sutton Road junction with A229, Loose Road (Wheatsheaf Junction): no excessive or unacceptable levels of delay following the implementation of KCC Highways strategic improvements and a contribution is needed in mitigation

A274, Sutton Road junction with Wallis Avenue and Willington Street: KCC Highways is continuing to explore options for the junction catering for the additional traffic from known committed developments.

- 5.05 Taking account of how conditions have worsened on this section of highway network since the original planning permission, KCC Highways require a financial contribution towards KCC Highways planned improvements along the A274, Sutton Road/A229 Loose Road corridor.
- 5.06 Conditions also requested, including on Construction Management.
- 5.07 Final Comments: Awaited and will be reported in an Urgent Update.

KCC Infrastructure

- 5.08 Noted that the development will be CIL liable but will still have an impact on County services that cannot be accommodated within existing capacity.

KCC (Waste and Minerals)

- 5.09 No objections

Kent Police

- 5.10 Subsequent details should include crime prevention measures and design.

Southern Water

- 5.11 No objections

KCC (Flood and Water Management)

- 5.12 Additional ground investigation will be required to support the use of infiltration.

KCC (Heritage)

- 5.13 The site of proposed application is situated in an area of Iron Age and particularly Romano-British activity. Needs geophysical survey followed by a phased programme of archaeological fieldwork and detailed mitigation.

MBC Parks and Open Spaces

- 5.14 Initial comments (90 units): no on-site open space indicated in the application, the location is underprovided for in terms of the open space typologies, natural, outdoor sport, allotments and play.

- 5.15 Final Comments: 76 residential dwellings and 0.167 of on-site open space requires £1,434.5 per property for off-site existing open space within a two-mile radius of the site.

MBC Environmental Protection

- 5.16 Noise mitigation will be required for future residents and suitable off-setting emission measures in the form of standard mitigation such as installation of Electric Vehicle charging points. Suggest attach a watching brief type of contaminated land condition and condition regarding any external lighting.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:

- Principle of Development
- Visual Impact
- Highways
- Landscaping and Open Space

Principle of Development

- 6.02 The application site is located within the urban confines of Maidstone and is allocated for residential development within the Local Plan under Policy H1 (28) and Boughton Monchelsea Neighbourhood Plan and there was a recently expired outline planning permission for 90 units granted in 2017. Therefore, residential development of 76 units is acceptable in principle. This is at 35 dph so accords with Policy H1(28) which requires a medium density scheme.

Visual Impact

- 6.03 The site is open land and residential development would clearly have an impact visually on the site. However, the site is enclosed by the training school buildings and housing and so there are limited views of the openness of the site from the public domain.
- 6.04 The negotiated reduction in the number of dwellings should reduce the impact of the development on the locality compared to the previous planning permission. It is the access area which is indicated to form most of the open space of the layout and so the overall visual impact from the surrounding area is further reduced. This element of the indicated layout will need to be secured by condition so that it is reflected in any subsequent RM application.
- 6.05 The site encompasses elements of soft landscaping, particularly along the north-western and north-eastern boundaries where the majority of existing hedgerows and trees should be retained by imposition of condition. The reduction in number of dwellings will allow more space to the NE boundaries to better ensure long term retention of the trees by reducing pressure from units sited too closely to their canopies.
- 6.06 The introduction of development into this site would not in itself cause significant harm to the character of the area but the detail and the pattern and heights of the development would need careful consideration at the RM stage.

Highways

- 6.07 Policy DM21 refers to the assessment of the transport impacts of development. The site is sustainably located, ensuring any future occupiers can access services and public transport within a short distance
- 6.08 As the access road already exists, it is considered suitable for the site and proposed development. Parking can be provided in accordance with relevant standards and comply with policy DM23.
- 6.09 There are no objections to the principle of the development from KCC (H&T) subject to payment of contributions for local highway improvements to mitigate the impact.
- 6.10 The adopted policy H1(28) requires the following:
5. *Bus prioritisation measures on the A274 Sutton Road from the Willington Street junction to the Wheatsheaf junction, together with bus infrastructure improvements.*
 6. *Improvements to capacity at the junctions of Willington Street/Wallis Avenue and Sutton Road.*
 7. *Package of measures to significantly relieve traffic congestion on Sutton Road and Willington Street.*
 8. *Improvements to capacity at the A229/A274 Wheatsheaf junction.*
 9. *Improvements to frequency and/or quality of bus services along A274 Sutton Road corridor.*
- 6.11 The s106 of the expired planning permission secured £3000.00 (index linked) per dwelling towards Highway capacity improvements at Loose Road /Sutton Road and Town Centre Bridge gyratory. No public transport improvements were secured in that s106.

- 6.12 KCC now say that contributions are required towards improvements to capacity at the junctions of Willington Street/Wallis Avenue and Sutton Road and towards KCC Highways planned improvements along the A274, Sutton Road/A229 Loose Road corridor. These are off site highway improvements are necessary to make the specific development acceptable and so should be included in a s106 legal agreement. The amount needed is now £3600 per dwelling
- 6.13 The public transport requirements of the MBLP also need to be included in the s106 to ensure compliance with H1(28). The s106 would need to be drafted to ensure the prospect of a repayment of unspent funds if such measures referred to are not progressed within a reasonable period of time

Landscaping and Open Space

- 6.14 Based on the changes secured to the indicated layout and reduction in the numbers to a maximum of 76, I am satisfied that adequate tree retention can be secured at RM stage and thereby accords with policy DM3.
- 6.15 The adopted plan policy H1 (28) required contributions towards improvements to Mangravet Recreation Ground, Queen Elizabeth Square play area, sports facilities at Parkwood Recreation ground or Mote Park Adventure Zone and additional on/off-site provision and/or contributions towards off-site provision/improvements as required in accordance with policy DM19.
- 6.16 In terms of this site, it is relatively near to existing play areas so one is not necessarily needed on site. The indicative layout shows 0.167ha (0.4acre) of Open Space which could serve both a semi natural habitat and amenity green space which as detailed above, adequately assists in placemaking of the scheme.
- 6.17 As mentioned above, Policy RH 5B of the very recently adopted Neighbourhood Plan requires contributions are made to the provision and/or improvement of local play and open space facilities. It is considered that contributions should be sought towards Queen Elizabeth Square play area as that is conveniently walkable from the application site and also to Pested Bars Recreation Ground which is also close to the application site and lies in Boughton Monchelsea Parish. As the requirement for the contribution derives from the Neighbourhood Plan, the PC should be involved in developing projects on which the contribution will be spent.

Other Matters

- 6.18 Building for Life 12: the scheme is in outline so most of the criteria will be considered at Reserved Matters stage but the site scores well in terms of proximity to facilities and services and public transport and connections to the surroundings.
- 6.19 Species protection involving more up to date ecological surveys and mitigation measures and Biodiversity Net Gain can both be secured by condition to comply with policy DM3 of the MBLP and low carbon energy can also be required by condition. An ecological lighting condition is also suggested to accord with policies DM8 and DM3 and an air quality mitigation condition would secure the objectives of policy DM6.
- 6.20 Archaeological interest can be secured by condition to comply with policy DM4.
- 6.21 Residential amenity is mentioned in many of the objections and often this relates to the indicative layout plan. The application is in outline with only access submitted for approval at this stage and so residential amenity in terms of privacy, outlook and loss of natural daylight or sunlight would be looked subsequently in accordance with policy DM1 of the MBLP. I am satisfied that 76 dwellings have been demonstrated to be achievable without unacceptable impact on amenities of properties neighbouring the site.

- 6.22 The line of the noise mitigation bund/fence and its relationship with the site is now clearly indicated in the layout drawing and it is envisaged that this will take the form of a 2m high acoustic fence atop a 2m high gabion wall, both with climbing vegetation. The indicative layout shows that there is scope for an acceptable juxtaposition of the 4m high structure with the dwellings and private gardens to avoid it being overbearing or causing too much loss of light to ensure compliance with policy DM1 of the MBLP.
- 6.23 Affordable housing policy SP20 requires 30% affordable housing at this urban location which the applicant will provide to a tenure and mix that meets local needs in accordance with the SPD, and this can be secured by legal agreement.
- 6.24 The site is over 50 units/1ha and MBC's Public Art Guidance 2017 would require a spend of £3 per sq metre of gross internal floor area on the provision of public art on site.
- 6.25 Health, Education and KCC services needs are now CIL funded forms of infrastructure.
- 6.26 In terms of the PC request for the vehicular gate at the corner of Pested Bars Road should be permanently closed it is not considered that such a requirement would meet the legal test of being sufficiently related to the development being applied for. It can however be the subject of an informative.
- 6.27 The request of the PC for planning control of routes and timings for construction traffic to minimise noise and disturbance to existing residents is not considered to be justified as Environmental Protection legislation is a more appropriate and reactive control of this matter.
- 6.28 KCC also asked for a Construction Management condition. In my view, it is not appropriate here with the site being close to the strategic highway network and capable of having enough space on site to accommodate all operatives and wheel washing etc but can be the subject of an informative.

CIL

- 6.29 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved, nevertheless, a development of this scale would be likely to generate a significant CIL receipt towards infrastructure, 25% of which would be paid to the Parish Council. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

PUBLIC SECTOR EQUALITY DUTY.

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

7. CONCLUSION

- 7.01 The application site is suitable for 76 dwellings at 35 dph as it is located within the urban confines of Maidstone, is allocated for residential development within the Local Plan under Policy H1 (28) and there was a recently expired outline planning permission for 90 units granted in 2017.

- 7.02 The sports pitches being lost are not designated for sporting use in planning terms and are not secured for such a use through any agreement (planning or otherwise). The site is not available for use by the general public. This stance is consistent with the position taken when the recently expired outline planning permission was granted.
- 7.03 There are limited views of the openness of the site from the public domain and so the visual impact is acceptable. Existing trees can be retained and impact on neighbouring TPO trees can be avoided.
- 7.04 The site is sustainably located. There are no objections from KCC (H&T) to the proposal subject to a Travel Plan and s106 contributions to local highway improvements.
- 7.05 On site Open Space could serve as semi natural habitat and amenity green space and financial contributions should be sought towards nearby Queen Elizabeth Square play area and Pested Bars Recreation Ground.
- 7.06 A legal agreement can secure 30% affordable housing to accord with the SPD.
- 7.07 Conditions can be imposed to ensure that matters such as noise mitigation, surface water drainage, ecology, biodiversity net gain, low carbon energy, lighting, air quality mitigation and archaeological interest are adequately dealt with at Reserved Matters Stage.

8. RECOMMENDATION

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

- the prior payment of s106 monitoring fees of £4,500
- Travel Plan Monitoring Fee of £948
- Affordable Housing at 30%
- £1,434.5 per dwelling towards Open Space at Queen Elizabeth Square play area and/or sport facilities at Pested Bars Open Space, to be spent in liaison with Boughton Monchelsea PC.
- £3600 per dwelling towards:
 - Improvements to capacity at the junctions of Willington Street/Wallis Avenue and Sutton Road and to KCC Highways planned improvements along the A274, Sutton Road/A229 Loose Road corridor.
 - Package of measures to significantly relieve traffic congestion on Sutton Road and Willington Street.
 - Bus prioritisation measures on the A274 Sutton Road from the Willington Street junction to the Wheatsheaf junction, together with bus infrastructure improvements.
- Improvements to frequency and/or quality of bus services along A274 Sutton Road corridor

and the imposition of the conditions as set out below:

- 1) The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:

a) Layout, b) Scale; c) Appearance; d) Landscaping.

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

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

- 2) No dwelling shall be occupied unless it aligns with the delivery of the necessary sewerage infrastructure in accordance with a foul drainage phasing strategy that shall have been submitted to and approved by the Local Planning Authority.

Reason: To accord with Policy RH 5B of the Boughton Monchelsea Neighbourhood Plan.

- 3) The details submitted pursuant to condition 1 above shall provide for the following:

i) Retention of the tree screen along the northern boundary at least 3m wide that shall lie outside private garden boundaries.

ii) Provision of a landscaped buffer to supplement the tree screens along the northern boundary.

iii) An updated arboricultural implications assessment and tree protection plan to reflect the proposed details of layout.

i) An Arboricultural Method Statement in accordance with the current edition of BS 5837

ii) Open Spaces of a size, function and location as those indicated on drawing DHA/14082/03 Rev C (Open Space Plan).

Reason: To ensure a satisfactory appearance and setting to the development and adequate on-site Open Space.

- 4) All existing trees and hedges on, and immediately adjoining, the site, shall be retained, unless identified on the approved site plan (or block plan in the absence of a site plan) as being removed, except if the Local Planning Authority gives prior written consent to any variation. All trees and hedges shall be protected from damage in accordance with the current edition of BS5837. Any trees or hedges removed, damaged or pruned such that their long term amenity value has been adversely affected shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions to mitigate the loss as agreed in writing with the Local Planning Authority.

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

- 5) The development hereby approved shall not commence above slab level until a landscape scheme predominantly of native or near native planting and designed in accordance with the principles of the Council's Landscape Character Guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on-site replacement planting to mitigate any loss of amenity and biodiversity value together with the location of any habitat piles and include a planting specification, a programme of implementation and a 5 year management plan.

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

- 6) The approved landscape details shall be carried out during the first planting season (October to February) following first occupation of the development. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation die or become so seriously damaged or diseased that their long-term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

- 7) The details required by Condition 1 shall demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm can be accommodated within the proposed development layout.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts.

- 8) Development shall not commence until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved by the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk and Drainage Assessment dated 17th February 2020 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm) can be 2 accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

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

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

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

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

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

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

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

Reason: In the interests of highway safety.

- 11) The details submitted pursuant to condition 1 shall include details of cycle parking and vehicle parking/turning areas and these shall be completed as approved before the first occupation of the related buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.

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

- 12) The development shall not reach damp proof course level until written details and photographs of samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved by the Local Planning Authority and the development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

- 13) The development shall not commence until details of the proposed finished floor, eaves and ridge levels of the building(s) and the existing site levels have been submitted to and approved in writing by the local planning authority and the development shall be completed strictly in accordance with the approved levels.

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

- 14) Above ground construction work on the approved buildings shall not commence until details of all fencing, walling and other boundary treatments 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 and retained thereafter.

Reason: To ensure a satisfactory appearance to the development and in the interests of residential amenity.

- 15) The details submitted pursuant to Condition 1 shall show noise mitigation to be carried out in accordance with the acoustic report carried out by Loven Acoustics (ref LA/1683/01R/ML dated November 2019) and the drawing DHA/14082/06 (Noise Bund) hereby approved including details of which plots require the mitigation measures.

Reason: In the interest of the amenity of future occupants.

- 16) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:
- (i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - (ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded, and that due regard is had to the preservation in situ of important archaeological remains.

- 17) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported. Upon completion of the building works, this condition shall not be discharged until a verification report has been submitted to and approved in writing by the Local Planning Authority. The verification report shall include details of;
- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
 - b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.
 - c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: There is always the potential for unexpected contamination to be identified during development groundworks.

- 18) No external lighting shall be installed until a detailed lighting design plan for biodiversity has been submitted to and approved in writing by the Local Planning Authority. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of biodiversity and amenity.

- 19) There shall be no occupation until a scheme for the provision of a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and

modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Reason: In the interests of sustainability.

- 20) No development shall commence until a scheme detailing and where possible quantifying what measures or offsetting schemes are to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation. The report should be submitted to and approved by the Local planning authority and the development shall be carried out in accordance with the approved details.

Reason: In the interests of air quality. This information is required prior to commencement to ensure that any impact on air quality during the construction phase is considered.

- 21) 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 have been submitted to and approved by the local planning authority. Measures shall include EV charging points to each dwelling. The approved details shall be installed prior to first occupation and maintained thereafter. Any PV panels installed shall be flush with the roof tiles and any that become defective shall be replaced as soon as is reasonably practicable.

Reason: In the interests of sustainable and energy efficient form of development

- 22) The details submitted pursuant to Condition 1 shall be accompanied by updated ecological surveys including any required mitigation and enhancement measures to improve biodiversity and shall be implemented as approved.

Reason: To ensure a satisfactory appearance and setting to the development and in the interests of biodiversity protection and enhancement.

- 23) The development hereby approved shall not commence above slab level until details of a scheme for biodiversity net gain of at least 10% on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods (such as swift bricks, bat tubes and bee bricks) and through the provision within the site (such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and native hedgerow corridors) and use of hedgehog friendly boundary treatments. The development shall be implemented in accordance with the approved details prior to first occupation and all features shall be retained thereafter.

Reason: To enhance the ecology and biodiversity on the site

- 24) No development shall take place until details of measures to minimise the risk of crime have been submitted to and approved in writing by the Local Planning Authority. The scheme shall accord with the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason: To minimise the risk of crime in the light of the adjacent land uses.

- 25) The details submitted pursuant to Condition 1 shall include details of facilities for the storage of refuse on the site and the approved facilities shall be provided before the first occupation of the dwellings hereby approved and maintained thereafter.

Reason: No such details have been submitted and in the interest of amenity

- 26) Prior to the first occupation, a scheme and timetable for the provision of Public Art in accordance with Maidstone Borough Council's Public Art Guidance 2017 shall be submitted to and approved by the Local Planning Authority. Should a piece of artwork be commissioned, it shall be installed thereafter as approved.

Reason: To provide cultural benefits

- 27) No development above slab level shall take place until a site-wide landscape and ecological management plan (LEMP), including timetable for implementation, long term design objectives, management responsibilities and maintenance schedules for all landscaped, open space, and drainage areas, but excluding privately owned domestic gardens, has been submitted to and approved in writing by the local planning authority. Landscape and ecological management shall be carried out in accordance with the approved plan and its timetable unless the local planning authority gives written consent to any variation. The management plan must clearly set out how the habitat and enhancement features will be managed in the long term. The management plan must include the following:

- a) Details of the habitats to be managed
- b) Overview of the proposed management
- c) Timetable to implement the management
- d) Details of who will be carrying out the management
- e) Details of on-going monitoring.
- f) Details of the management regime for retained and new areas of rough/tussocky grassland

The management plan must be implemented as approved.

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

INFORMATIVES

- 1) The Parish Council requests that the vehicular gate at the corner of Pested Bars Road should be permanently closed to prevent inappropriate and unsafe use of the network of local country lanes.
- 2) All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection) as in the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list.
- 3) You are encouraged to devise a Construction Management Plan before the commencement of any development on site to include the following:
 - Routing of construction and delivery vehicles to / from site
 - Timing of deliveries
 - Temporary traffic management / signage
 - Before and after construction of the development, highway condition surveys for highway access routes should be undertaken and a commitment

- provided to fund the repair of any damage caused by vehicles related to the development.
- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
 - Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
 - Provision of measures to prevent the discharge of surface water onto the highway.
 - Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- 4) A Code of Construction Practice should be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003). The code shall include:
An indicative programme for carrying out the works
Measures to minimise the production of dust on the site(s)
Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
Design and provision of site hoardings
Measures to manage the production of waste and to maximise the re-use of materials
Measures to minimise the potential for pollution of groundwater and surface water
The location and design of site office(s) and storage compounds
The location of temporary vehicle access points to the site(s) during the construction works
The arrangements for public consultation and liaison during the construction works
- 5) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 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.
- 6) The developer will be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. This should be available for inspection by the Local Authority at any time prior to and during the development.
- 7) There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of soakaways and the water table.

Case Officer: Marion Geary



Ordnance Survey - data derived from OS Premium

21/504281/HYBRID Farm Villa, Maidstone Hospital, Hermitage Lane, Maidstone, Kent ME16 9PH
Scale: 1:2500
Printed on: 3/12/2021 at 10:21 AM by JoannaW

REFERENCE NO - 21/504281/HYBRID		
APPLICATION PROPOSAL Hybrid Planning Application comprising: Full Application for the erection of an Older Adult Acute Mental Health Unit with associated parking and hard and soft landscaping (including removal of TPO trees) and Outline Application (all Matters Reserved) for the demolition of existing buildings known as Farm Villa, George Villa and Bay Tree House and erection of 3 no. buildings comprising a women's psychiatric intensive care unit, a section 136 unit (Health Based Place of Safety), a high dependency psychiatric rehabilitation unit and a clinical shared service unit for Mental Health Services, all for Kent and Medway Partnership Trust.		
ADDRESS Farm Villa Maidstone Hospital Hermitage Lane Maidstone Kent ME16 9PH		
RECOMMENDATION Grant Permission		
SUMMARY OF REASONS FOR RECOMMENDATION The project meets a need of the NHS England Mental Health Improvement Programme (MHIP). By co-locating with facilities at Maidstone to consolidate and centralise services, it is the only practical location. The phasing and the specialised nature of the type of use means unique security and safety needs dictating the utilitarian form, size and layout of the building/s. By causing tree loss (including loss of TPO trees), the scheme does not comply with policy DM3 of the MBLP. However, the very specific design and layout configurations cannot be adjusted or repositioned as might a more organic building form. There will be replacement tree planting of suitable species and high quality landscaping will be essential. No severe impacts on highway congestion or safety. The public benefits of the scheme in terms of safer communities and health and wellbeing significantly outweigh the loss of the significance of the non-designated heritage asset of Farm Villa.		
REASONS FOR REFERRAL TO COMMITTEE Contrary to Policy DM3 of the MBLP in regard of the loss of 15 trees (7 subject to a Tree Preservation Order). The loss of the significance of the non-designated heritage asset of Farm Villa is contrary to Policy DM4 of the MBLP.		
WARD Heath	PARISH/TOWN COUNCIL	APPLICANT Kent And Medway NHS & Social Care Partnership Trust AGENT Lee Evans Partnership
TARGET DECISION DATE 20/12/21		PUBLICITY EXPIRY DATE 03/11/21

Relevant Planning History

None

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is 1.7ha and slopes down towards a drainage pond beyond the NE corner of the site.
- 1.02 Although they occupy adjoining sites, The Kent and Medway Partnership Trust (KMPT) is functionally and managerially separate from the main Maidstone hospital site, which is managed by the Maidstone and Tunbridge Wells Trust.
- 1.03 The application site is open to the southerly frontage and includes extensive car parking and 3 single storey buildings which will be demolished.
- 1.04 Most of the application site is laid to closely mown grass with a number of mature trees, 10 of which are subject to a Tree Preservation Order (TPO 1 of 1994).
- 1.05 Access to the site is from a private road that leads to the traffic light junction with Hermitage Lane.

2. PROPOSAL

- 2.01 This application is the subject of a Planning Performance Agreement.
- 2.02 The projects aim to deliver the NHS England Mental Health Improvement Programme (MHIP). Phase 1 (approx. 1635sqm) is a detailed full application and Phase 2 is an outline application (indicated at approx. 4250sqm) for additional mental healthcare facilities. This will give improved compliance with Care Quality Commission and the Disability Discrimination Act requirements. The Maidstone site has sufficient land available for the catchment area. It will release greater capacity elsewhere for acute and general medicine and much needed additional ward space.
- 2.03 The Phase 1 proposal is to build on the open land of grass/trees and is planned to be constructed during 2022.
- 2.04 The vision for the Phase 1 Older Adult Ward is to create a series of high quality enclosed courtyard spaces. It will be positioned north of the existing large car park extended by 16 spaces (also a drop off bay). Servicing by larger vehicles for phase 1 will necessitate use of the car park of the Trever Gibbens building.
- 2.05 The materials for phase 1 will be a buff brick and standing seam metal roofing of contemporary form in a cruciform shape with enclosed quadrant gardens which need high fencing around them (3m high) due to the security and safety needs of the use.
- 2.06 Phase 2 is hoped to be completed in 2025 but is subject to funding. The Phase 2 Mental Care services are currently unavailable locally, with Kent residents having to leave the county for specialist placements.
- 2.07 Phase 2 would form the new public frontage of the complex. It will require the demolition of the existing Farm Villa, Bay Tree House and George Villa buildings. This allows an amalgamated car park for the overall facility.
- 2.08 No details of the design of phase 2 are included but it is expected to reflect the form and materials of phase 1.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017 SS1; SP1; DM1, DM2; DM3; DM4; DM5; DM6; DM8; DM23;
Kent Minerals and Waste Local Plan 2013-30 as amended by Early Partial Review (2020)
Supplementary Planning Documents
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 None received.

5. CONSULTATIONS

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

KCC Minerals

- 5.01 No objections or further comments

Kent Police

- 5.02 The entire hospital site perimeter must be enclosed; security needed for bicycles, Motorbikes, Mopeds, Electric bikes and similar. The service yard should be well lit and all outer doors should have access control to prevent unauthorised access. CCTV surveillance is needed.
- 5.03 Landscaping must not prevent natural surveillance from occurring between the perimeter and the building shell, nor shall it reduce the effectiveness of any CCTV system. Defensive planting is encouraged
- 5.04 Final Comments: our concerns have been addressed.

KCC Ecology

- 5.05 Additional information is sought prior to determination in regard of botanical composition of the habitats within the application site, Biodiversity Metric calculations, pond to the north – east, great crested newts, reptiles and bats.
- 5.06 Final comments: We have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided. Suggest condition securing ecological avoidance and mitigation measures and the implementation of ecological enhancements.

Southern Water

- 5.07 Foul sewer connection can be made. SuDS will need arrangements for the long-term maintenance.

KCC Flood and Water Management

- 5.08 Recommend that infiltration testing is completed and calculations are required to support the drainage system. The building is proposed in an area of high to medium surface water flood risk: land raising means that flood risk may be increased elsewhere. Concern is that the surface water volume may overwhelm the pond.
- 5.09 The calculations required should be simulated using a 1 in 1 year storm, 1 in 30 year storm and 1 in 100 year storm plus 40% climate change.
- 5.10 Clarification is required in relation to onsite surface water flood risk. The building is proposed in an area of high to medium surface water flood risk. Raising floor levels may mean flood risk is increased elsewhere.
- 5.11 Final Comments: no information has been submitted to respond to the concerns of pursuing discharge to a limited pond system with unknown connections so potentially may need connection to the sewer system. The calculations required should be simulated using a 1 in 1 year storm, 1 in 30 year storm and 1 in 100 year storm plus 40% climate change.

Environment Agency

- 5.12 Elevated concentrations of several contaminants were identified. It has been noted that sink holes are present on this site.
- 5.13 The proposed development site is located upon Principal aquifer, so conditions are needed on remediation of contamination and a piling risk assessment so that there is no resultant unacceptable risk to groundwater.

KCC Highways

- 5.14 Initial comments: The proposals will provide 40 additional beds across both phases. Access will remain unchanged. The site is located in a sustainable location, with good opportunities for travel by sustainable modes.
- 5.15 Traffic forecasts utilise data provided by hospital clinical and operational staff is acceptable given the uniqueness of the development. The applicant anticipates that the development will generate 17 two-way movements in the AM peak period and 27 two-way movements in the PM peak period: 248 movements over a 24-hour period.
- 5.16 Traffic impact quantification needed to demonstrate claim of immaterial traffic in the context of existing or future predicted traffic flows on Hermitage Lane.
- 5.17 Eleven car parking spaces are proposed. Vehicle Parking Standards requires a maximum of 17 car parking spaces to be provided. Two cycle parking spaces are proposed: these should be in covered and secured locations near to main entrance.
- 5.18 Final Comments: Current and likely future conditions on the local highway network are likely to be worsened, but not a severe impact on congestion or safety (as per NPPF). However, the residual impact of this development is likely to be characterised by additional local traffic generation and some consequent increase in congestion, which the applicant cannot fully mitigate.
- 5.19 Conditions suggested on Construction Management Plan, cycle and vehicle parking/turning and servicing.

KCC Archaeology

- 5.20 Farm Villa is a building is of historic interest especially in view of its connection with the late 19th century/early 20th century development of mental health facilities at this hospital. I would encourage the applicant to consider ways to preserve the building and incorporate it in to the new scheme. Retention of the building in view of its historical importance would be very positive.

Tree Officer

- 5.21 15 out of the 32 trees surveyed will need to be removed, 7 are subject to a large TPO which covers trees throughout the wider hospital grounds. 14 of the trees have been graded as B (tree of moderate quality) and 1 as C (tree of low quality). The trees proposed to be removed have amenity value somewhat restricted/blocked by the buildings, but they still perform an important landscape feature by softening the existing buildings/layout and providing important biodiversity and ecological features. It is imperative that the proposed development has suitable landscape mitigation to replace those trees lost, whilst giving the opportunity to improve the biodiversity and amenity of the site.
- 5.22 Woodland fringe planting, wildflower meadows, introduction of a swale with damp planting mix, native tree and hedge planting enhancements are welcomed. Would have expected to see at least some small stature trees included within these courtyard areas.

Environmental Protection

5.23 Comments as follows:

- Dust impacts
- The Hoare Lea AQ Assessment should be implemented by condition.
- Ground Investigation Report notes outstanding rounds of both groundwater and gas monitoring to be completed. Needs a formal remediation strategy.
- Elevated levels of lead were identified on part of the site but this will be beneath parking and permanent hardstanding so any changes to the site layout may require further risk assessment.
- Elevated levels of PAH have been identified which will also be under permanent building and so does not require remediation. CT13 and CT13A should be paid particular attention in a discovery strategy
- Piled foundations could cause contaminants to be pushed into the ground so Environment Agency should approve the piling method.
- Due to the presence of sinkholes in the area, soakaways should not be used.
- Ventilation noise levels need a condition.
- Asbestos should only be removed by a licensed contractor.
- External lighting fixtures for the parking area acceptable

5.24 Final Comments: The discovery and remediation strategies have a satisfactory approach. How PAH impact soils are dealt with must be very clearly explained in the verification report.

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Design
- Trees and Landscaping
- Highways and Parking
- Heritage

Design

6.02 The Phase 1 building has centralised day spaces with bedroom and staff wings, creating a cruciform layout. The same principle has been applied for the Phase 2 departments and dictates their positioning on the overall site and the spread of the built form over the site.

6.03 The Administrative and Clinical community building needs to be centralised for shared services to the four department buildings on the site and an enclosed link to the existing Priority House for staff support spaces.

6.04 The specialised use with the need for security and an appropriate level of care means that the interrelationship of buildings and services is the key consideration in designing the scheme. The spaces are laid out so that they do not provide opportunities for hiding or concealment. Externally, secure ward gardens are required that again do not provide opportunities for hiding or concealment.

- 6.05 The high eaves comes from the requirement for internal ceilings to be clear of potentially dangerous elements (minimum 2.7m in mental health design and 3m in a secure unit)
- 6.06 The materials are a light buff brick paired with a standing seam metal roof and complementary window frames. Some façade elements have treated timber.
- 6.07 The pitched roof design houses support services/plant well away from the ward accommodation below. The brickwork façade walls have internalised rainwater pipes and high eaves to prevent climbing access to roof areas. This gives a rather unconventional form but is justified in terms of the very specific use and health and safety criteria that have to be applied. It is also appropriate in the context of the wider hospital setting.
- 6.08 The need for secure ward quadrant gardens has resulted in a design of 3m high anti-climb timber fencing to the outer facades of the phase 1 building. These are not ideal in visual terms but they are not visible from the public domain and again are justified by the overriding need for health and safety for this very unique use.
- 6.09 The proposed addition of phase 2 means that plain gables are proposed which is understandable to avoid abortive work if phase 2 proceeds as expected.
- 6.10 The position of the Service yard for phase 1 is at the front of the building, adjacent to the main entrance so that it has good vehicular access to the delivery bay. Unfortunately, it has a relatively poor visual impact, However, in Phase 2 it would be more hidden by the new buildings being forward of Phase 1. Therefore, the pragmatic approach would be to secure as attractive a screening as feasible by condition.
- 6.11 Overall, the design is utilitarian but acceptable as not prominent and is of a type and complies with design criteria of policy DM1 of the MBLP.

Trees and Landscaping

- 6.12 TPO 1 of 1994 relates and covers both phases, 15 trees will need to be removed of which 7 are TPO trees (3 due to phase 1 and another 4 due to phase 2). One further tree (T8) is shown to be retained but that will be questionable over the long term as it will be close to the indicative footprint of phase of Phase 2.
- 6.13 Of the trees shown to be removed, 14 (and all the TPO trees) have been graded as B (tree of moderate quality) and one as a C (tree of low quality).
- 6.14 Policy DM3 of the MBLP requires protection of trees with significant amenity value from inappropriate development and avoidance of significant adverse impacts.
- 6.15 The loss of any good quality tree, particularly those subject to a TPO, has to be balanced by the need for the development and the resultant loss of amenity that would occur. The trees proposed to be removed currently grow around and close to the existing buildings so their overall broader amenity value is somewhat restricted/blocked by the building albeit they still perform an important landscape biodiversity and ecological features.
- 6.16 The applicant has justified the loss of the trees and especially the loss of TPO trees due to the rigid design considerations for the very specific use. The ward layout is derived from past experience and good practice in terms of safety for patients, staff and visitors. It comprises a series of interlocking cruciforms, the size, shape and layout of which cannot be adjusted or repositioned to avoid trees as might a more organic building form.

- 6.17 On the basis that the tree loss is acceptable on balance, it is essential that the proposed landscaping has suitable mitigation to replace trees lost and improving the biodiversity and visual amenity of the site.
- 6.18 In terms of mitigation, there will be a tree lined approach to the main entrance with seating areas and pocket spaces, a new car parking arrangement with trees and ornamental planting and sitewide greening connecting the site into the wider green network.
- 6.19 Replacement trees proposed are as root-balled and will include *Fagus sylvatica*, *Betula pendula*, *Acer campestre*, *Quercus petraea*, *Prunus avium*, *Quercus Robur*; *Carpinus betulus*. Minimum tree sizes are as follows:
- Proposed entrance plaza tree: 20-25cm girth
 - Proposed Street tree: 18-20cm girth
 - Proposed woodland edge tree: 18-20cm girth / 20-25cm girth
- 6.20 Landscaping proposed includes site wide biodiverse planting palettes
- Woodland fringe planting
 - Ecological planting mix
 - Wildflower meadows
 - Swale with damp meadow planting mix
 - Native hedge planting
- 6.21 Overall, the scheme does not comply with policy DM3 of the MBLP. However, the applicant has justified the tree loss (including loss of TPO trees) due to the very specific design and layout configurations necessary for properly functioning modern mental health care facilities. The landscaping will compensate for the harm caused as far as possible by replacement tree planting of suitable species.

Highways

- 6.22 The admission/assessment suites are available 24/7. The new expanded unit will centralise the existing suites across the county. The assessing team would be based in the suite Monday– Friday 9am-5pm with an out of hours assessing team to conduct assessments consisting of an Approved Mental Health Practitioner and 2 no. Section 12 doctors who would all arrive independently. Overall, 2 additional staff members are expected over the existing.
- 6.23 The unit is predicted have a maximum staff number of 26 on site at any one time during the day. The existing Site is well served by public transport with buses and rail services. The maximum number of staff on site at any one time is 14 staff in total. Family visiting hours will be approximately 10-4pm.
- 6.24 The level of proposed parking has been confirmed by the Trust to meet the operational needs of the development and is in accordance with the KCC vehicle parking standards. In addition, 10% of parking provided in Phase 2 will have electric vehicle charging points. Disabled, cycle and motorcycle parking will be provided in accordance with the KCC parking standards for these parking types.
- 6.25 A BREEAM Travel Plan Addendum has been submitted which sets an overall target to reduce car use and dependency by staff and visitors. Shower and changing facilities will also be provided for staff who cycle. To ensure that unauthorised parking does not occur, visiting patients will be warned of the restricted parking on site and in the area when appointments are booked.

- 6.26 The largest vehicle to serve the completed layout is a refuse collection vehicle (RCV) which will access the delivery bay via the small Trevor Gibbens car park on the eastern side of the Site.
- 6.27 KCC advise that they are satisfied that the traffic levels are relatively low compared to the size of the new buildings due to the unique use and that the busy times of use does not unacceptably increase peak traffic levels. There are concluded to be no severe impacts on congestion or safety that would warrant refusal of the application under the terms of the NPPF para 111 which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.28 There is not considered to be a risk of overflow parking on nearby residential streets as overall, the parking on the Trust's land is not affected by what is happening at the Main Hospital as that is in different ownership. Of course, the Covid 19 pandemic may also reduce parking demand from some of the Trust's staff in the future as they may work more from home.
- 6.29 Accordingly, policies DM21(Transport Impact) and DM23 (Parking Standards) are complied with.

Heritage

- 6.30 The site is in an Area of Archaeological Potential. The KCC Heritage officer considers that the Farm Villa building should be retained and not demolished (to provide car parking for phase 2) due to its role in the social history of the medical model of mental illness. Farm Villa is neither nationally or locally listed and is not in a Conservation Area. However, the NPPF defines a Heritage asset as "*a buildingidentified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.*"
- 6.31 Farm Villa was built in the late 1800s. Although altered, the building retains original architectural features (the decorative chimneys some moulded windows and some original moulded doors and timber casement windows) and has evidential and historic interest due to its association as the county asylum hospital at the turn of the 20th century.
- 6.32 Paragraph 199 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).*
- 6.33 It is the case that paragraph 203 of the NPPF states that: *the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*
- 6.34 Therefore it is necessary in the planning balance to assess if there are other material considerations that outweigh the harm caused by the total loss of a building of some significance.
- 6.35 The applicants were asked for justification for total removal and evidence that all reasonable efforts had been made to find viable new uses and/or incorporate the building into new development. The response was that:

- Farm Villa was considered in the concept stages but the essential facilities proposed and scope of buildings required preclude any opportunity to retain the existing buildings on site.
 - archaeological consultants consider that the late Victorian and early twentieth-century elements of Farm Villa do not merit preservation in situ, but only by record (and appropriate publication)
 - a balanced judgement must be applied taking account of the assessment/conclusion by the archaeological consultants but also incorporating the value to be attributed to the proposed development and its benefit to the community.
- 6.36 Taking into account the practical reasons given by the applicant for the demolition of Farm Villa in the redevelopment comprised in phase 2 of the overall masterplan, I am of the conclusion that there are overriding positive public benefits from:
- major development for consolidated, modern and safe facilities for Mental Health Care in the County to meet the NHS England Mental Health Improvement Programme (MHIP)
 - providing a fuller range of local Mental Health Care facilities for Kent residents who currently have to leave the county for specialist placements
 - ensuring full compliance with Care Quality Commission criteria and the Disability Discrimination Act
 - with fully designed with elements of established good practice in terms of safety for patients, staff and visitors
 - releasing greater capacity on the Medway Maritime Hospital site for acute and general medicine and much needed additional ward space
- 6.37 It is therefore considered that the public benefits of the overall redevelopment in terms of safer communities and health and wellbeing significantly outweigh the loss of the significance of the non-designated heritage asset of Farm Villa.
- 6.38 The applicant has committed to a full photographic record and accompanying report ensuring preservation by record and publication, contributing to the history of the former Oakwood Hospital. An interpretation board with a short history of the preceding structures and their use will preserve their legacy on the site.

Other Matters

- 6.39 In terms of drainage, this will mainly use permeable pavers and a large pond beyond the north-eastern part of the site which currently takes surface water outflow from the main hospital site, as well as runoff from the surrounding grassed area. It is considered that any potentially significant ecological impacts from the installation of the drainage system can be suitably mitigated by compliance with the submitted Code of Construction Practice.
- 6.40 The pond is considered unlikely to have protected amphibian presence. No Great Crested Newt records have been recorded in the area for 30 years as and no GCN Licences are found nearby. The pond's location and habitat on the development site is unsuitable so there is concluded to be no issue with GCNs, negligible potential in buildings or trees for roosting bats and the submitted reptile mitigation strategy can be secured by condition. BNG has been calculated by the applicant's consultant as a 10% net gain on each phase with wildflower meadow and bioswale. The scheme is therefore considered to comply with the nature conservation requirements of Policy DM3 of the MBLP.

- 6.41 Natural ventilation via openable windows will be provided wherever feasible. Any mechanical ventilation will be designed to meet comfort and healthcare requirements taking into account the provision for future maintenance.
- 6.42 The submitted Energy Strategy is a fabric first approach to maximise reduction in energy. High efficiency ventilation units and high efficiency heat recovery are proposed. It will be an all-electric scheme and no additional energy combustion sources are proposed. There will be use of efficient electric lighting fittings (LED) and automatic lighting controls where safety is not compromised. Air Source heat pumps are proposed to provide space heating and cooling, as well as domestic hot water. Renewable energy from a PV array is proposed with a total area of 15sqm. A BREEAM condition can be imposed in accordance with Policy DM2 of the MBLP which relates to sustainable design.
- 6.43 Phase 1 external lighting to the car park will be via LED Column Mounted Luminaires and there will also be in-ground lighting and External wall mounted luminaires near the entrance doors. Lighting for both phases can be controlled by condition to ensure compliance with policies DM3 (Natural Environment) and DM8 (External Lighting) of the MBLP.

CIL

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

PUBLIC SECTOR EQUALITY DUTY

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

7. CONCLUSION

- 7.01 The project meets a need of the NHS England Mental Health Improvement Programme (MHIP). By co-locating with facilities at Maidstone to consolidate and centralise services, it is the only practical location
- 7.02 The phasing and the specialised nature of the type of use means unique security and safety needs dictating the utilitarian form, size and layout of the building/s.
- 7.03 By causing tree loss (including loss of TPO trees), the scheme does not comply with policy DM3 of the MBLP. However, the very specific design and layout configurations cannot be adjusted or repositioned as might a more organic building form.
- 7.04 There will be replacement tree planting of suitable species and high quality landscaping will be essential.
- 7.05 No severe impacts on highway congestion or safety.
- 7.06 The public benefits of the scheme in terms of safer communities and health and wellbeing significantly outweigh the loss of the significance of the non-designated heritage asset of Farm Villa.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The detailed element of phase 1 of 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 within phase 2, the outline element of the development, shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:
a. Access b. Layout c. Scale d. Appearance e. Landscaping
Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 3) The development of phase 1 (detailed application) hereby permitted shall be carried out in accordance with the following drawings:
IMHS-RYD-OA-01-DR-A-3001-S4-P14
IMHS-RYD-OA-00-DR-A-3000-S4-P16
IMHS-RYD-OA-ZZ-DR-A-3062-D2-P7
IMHS-RYD-OA-ZZ-DR-A-3620-D2-P5
IMHS-RYD-OA-ZZ-DR-A-3621-S4-P5
IMHS-RYD-OA-ZZ-DR-A-3622-S4-P4
IMHS-RYD-OA-ZZ-DR-A-3830-S4-P5
IMHS-RYD-OA-ZZ-DR-A-3831-D2-P2
C13256-PER-ZZ-XX-DR-C-0159-P2
C13256-PER-ZZ-00-DR-C-0161-P1
5411-OOB-ZZ-00-DR-L-0001_P10
5411-OOB-ZZ-00-DR-L-0002_P04
5411-OOB-ZZ-00-DR-L-0010_P07
5411-OOB-ZZ-00-DR-L-0020_P07
5411-OOB-ZZ-00-DR-L-0041_P03
Reason; For the avoidance of doubt.
- 4) Phase 1 (detailed application) shall be carried out to the levels hereby approved. Phase 2 (outline application) shall not commence until, details of the proposed finished floor, eaves and ridge levels of the building(s) and the existing site levels have been submitted to and approved in writing by the local planning authority and the development shall be completed strictly in accordance with the approved levels;
Reason: In order to secure a satisfactory form of development having regard to the topography of the site.
- 5) Development shall not begin above foundation level on phase 1 (detailed application) nor on any part of phase 2 (outline application) until a detailed

sustainable surface water drainage scheme relating to that phase has been submitted to and approved by the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance) that:

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

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

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

- 6) No phase hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system of that phase and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing, and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

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

- 7) The development shall be carried out in accordance with the Remedial Strategy by Listers and a Verification Report shall be submitted for approval by the Local Planning Authority upon completion of each phase of the works. The verification report for each phase 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. Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: To avoid pollution and harm to health.

- 8) If during construction/demolition works evidence of potential contamination is encountered, works shall not continue except in accordance with the Listers Geo

Discover Strategy report 21.05.014c Oct 2021. All necessary supplementary remedial works shall be carried out in accordance with an appropriate scheme that has been submitted to and approved by the Local Planning Authority.

Upon completion of the building works of each phase, a verification report shall be submitted for approval in writing by the Local Planning Authority. The report shall include details of:

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

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

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

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

- 9) No piling shall be carried out except in accordance with a piling risk assessment that has been submitted to and approved by the Local Planning Authority

Reason: To protect groundwater.

- 10) The development of each phase shall be carried out in accordance with the Plowman Craven Biodiversity Net Gain (BNG) reporting file notes for phase 1 and Phase 2, Preliminary Ecological Appraisal [PEA] Nov 2021 (including reptile mitigation) and each phase shall achieve a minimum of 10% Biodiversity Net Gain

Reason: In the interests of biodiversity.

- 11) Site clearance and construction shall be carried out in accordance with the Code of Construction Practice and the recommendations in Section 5 of the Preliminary Ecological Appraisal by Plowman Craven dated November 2021 hereby approved. The development shall be carried out in accordance with the approved details and the location and timing of sensitive works should avoid harm to biodiversity features; specialist ecologists shall be present on site to oversee works where necessary and there shall be use of protective fences, exclusion barriers and warning signs as appropriate.

Reason: To ensure that any adverse ecological impacts of construction activities are avoided or suitably mitigated.

- 12) Neither phase 1 nor phase 2 hereby approved shall commence above slab level until a Biodiversity Enhancement Strategy (BES) setting out details for the ecological enhancement of the relevant phase of development shall be submitted to the local planning authority for approval. The BES shall be based on the outline proposals in Section 5 of the submitted Preliminary Ecological Appraisal by Plowman Craven dated November 2021 and will provide details of how the Biodiversity Net Gain set out in that report will be delivered. It shall include the following:

a) Purpose and conservation objectives for the proposed works including creating suitable habitat for reptiles and creating new wildflower meadows;

b) Detailed design(s) and/or working method(s) to achieve stated objectives;

- c) Extent and location/area of proposed works on appropriate scale maps and plans;
- d) Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- e) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- f) Persons responsible for implementing the works;
- g) Details of initial aftercare and long term maintenance;
- h) Details for monitoring and remedial measures;
- i) Details for disposal of any wastes arising from works (where relevant).

The BES shall be implemented in accordance with the details approved in writing by the local planning authority and all features shall be retained and managed in that manner thereafter. The scheme shall consist where practical of integrated methods such as swift bricks, bat tubes or bee bricks, and through the provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, hedgehog gaps, wildflower planting and hedgerow corridors.

Reason: To ensure that the losses of biodiversity can be compensated for and a net gain in biodiversity delivered in accordance with the requirements of the NPPF, July 2021, and that the proposed design, specification and planting can demonstrate this.

- 13) The development shall be carried out in accordance with the Hoare Lea Sustainability Stage 2 Report - Energy Strategy Revision 02 – 20 July 2021.
Reason: In the interests of sustainable and energy efficient form of development
- 14) Phase 1 (detailed application) shall be carried out in accordance with the Hoare Lea Air Quality Assessment Rev 01 April 2021. Phase 2 (outline application) shall be carried out in accordance with an Air Quality Assessment that shall have been submitted to and approved by the Local Planning Authority prior to first occupation.
Reason: To minimise air pollution.
- 15) Neither phase 1 nor phase 2 shall not continue above slab level until written details and photographs of samples of the materials to be used in the construction of the external surfaces of the buildings in that phase have been submitted to and approved by the local planning authority and the development shall be constructed using the approved materials.
Reason: To ensure a satisfactory appearance to the development
- 16) The building shall be built to minimum standard of of BREEAM 'very good'
Reason: In the interests of sustainable and energy efficient form of development
- 17) Notwithstanding the details hereby submitted, prior to first use of each phase. a lighting design plan for biodiversity for the relevant phase should be submitted to and approved by the Local Planning Authority. The plan will show the type and locations of external lighting, demonstrating that areas to be lit will not disturb fauna. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. No lighting shall be

installed except in accordance with the approved scheme which shall be retained and operated in accordance with the approved scheme.

Reason: In the interests of biodiversity and amenity.

- 18) Phase 1 shall not be occupied until access to the site from the adopted highway has been carried out in accordance with details hereby approved.
Reason: In the interests of highway safety.
- 19) The development shall be carried out in accordance with the Oakwood Site Travel Plan Document 2021-2025 and the BREEAM Travel Plan Addendum 65202948-SWE-ZZ-XX-RP-TP-0002 Revision: 02
Reason: In the interests of sustainability.
- 20) Phase 1 (full application) shall not be occupied until cycle parking of 2 secure and covered cycle parking spaces have been provided in accordance with the drawings hereby approved and they shall be retained thereafter. Phase 2 (outline application) shall not commence above dpc level until details of cycle parking have been submitted to and approved in writing by the local planning authority. The approved details shall be completed before the commencement of the use of the phase 2 buildings hereby permitted and shall thereafter be kept available for such use.
Reason: In the interests of sustainable travel.
- 21) Phase 1 (detailed application) shall not be occupied until vehicle parking and turning areas have been provided as hereby approved and those areas shall not be used for any other purpose thereafter. Phase 2 (outline application) shall not commence above dpc level until details of the parking spaces and sufficient turning area to enable vehicles to enter and leave the site in forward gear have been submitted to and approved in writing by the local planning authority. The approved details of the parking/turning areas shall be completed before the commencement of the use of the phase 2 buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;
Reason: Development without adequate parking is likely to lead to parking inconvenient to other road users and in the interests of road safety.
- 22) Landscaping of Phase 1 shall be in accordance with 5411-OOB-ZZ-00-DR-L-0030 Revision P07. Phase 1 (detailed application) shall not commence above slab level until a landscape planting specification, a programme of implementation and a 10-year management plan has been submitted to and approved by the Local Planning Authority.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 23) Phase 2 (outline application) shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance and primarily comprised of native/near-natives species has been submitted to and approved by the local planning authority. The scheme shall include a planting specification, a programme of implementation and a 10-year management plan.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 24) The approved landscape details of each phase shall be carried out during the first planting season (October to February) following first occupation of any phase of the development. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 25) Phase 1 (detailed application) shall not be occupied until hard landscape details hereby approved have been completed in full. Phase 2 (outline application) shall not continue above slab level until details of hard landscape works have been submitted to and approved 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.
Reason: To ensure a satisfactory appearance to the development.
- 26) Notwithstanding the submitted boundary treatment details, above ground floor level construction work on phase 1 shall not commence until details of fencing of the service area have been submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation and maintained thereafter.
Reason: To ensure a satisfactory appearance to the development.
- 27) The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142: 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be low as can be possible. In general, this is expected to be 5dB below the existing measured background noise level LA90, T.
Reason: In the interests of aural amenity.
- 28) The details of phase 2 submitted pursuant to condition 2 shall include details of the retention of the existing gate piers in front of Farm Villa. For both phases, the developer shall arrange for a Watching Brief to be undertaken by Canterbury Archaeological Trust (or an alternative archaeologist first approved by the local planning authority) so that the excavation is observed and items of interest and finds are recorded. The mitigation for the demolition of Farm Villa detailed in the Archaeology and Heritage Statement shall be carried out in full within 3 months of the first use of phase 2 of the development hereby permitted.
Reason: To enable the retention and/or recording of any items of historical or archaeological interest.

INFORMATIVES

- 1) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 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.
- 2) The developer will be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. This

should be available for inspection by the Local Authority at any time prior to and during the development.

- 3) The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.

Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to the Position statement on the Definition of Waste: Development Industry Code of Practice and the Environmental Regulations page on GOV.UK

- 4) Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water
- 5) Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- 6) It is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can

be found at

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

Case Officer: Marion Geary

Agenda Item 16



Ordnance Survey - data derived from OS Premium

REFERENCE NO: 21/505160/FULL		
APPLICATION: Change of use of land for stationing of 2(no) static mobile homes, 2(no) touring caravans and 4(no) parking spaces for gypsy/traveller family, including hardstanding, stable building and the keeping of horses; barn; storage shed and poultry cages and kennels (retrospective).		
ADDRESS: Land at Highlands Farm Yalding Hill Yalding Maidstone Kent ME18 6AL		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: Yalding Parish Council has requested application is considered by Planning Committee if officers are minded to approve application. This request is made for reasons outlined in the consultation section below.		
WARD: Marden & Yalding	PARISH COUNCIL: Yalding	APPLICANT: Mr Cooke AGENT: SJM Planning Limited
TARGET DECISION DATE: 20/12/21		PUBLICITY EXPIRY DATE: 21/10/21

RELEVANT PLANNING HISTORY

Application site

- 19/502962 – Stationing of 2 mobile homes, 2 tourers, dayroom & stable for use by Gypsy & Traveller family – Refused for following (summarised) reasons (delegated):
 - Proposal would result in significant visual harm to appearance of landscape and undeveloped rural character of site contrary to policies SP17, DM1, DM3, DM15 and DM30 of Local Plan, Maidstone Landscape Character Assessment, and NPPF.
 - Insufficient information has been submitted to confirm proposal would not have detrimental impact on biodiversity value of site contrary to policies DM1 and DM3 of local plan and NPPF.

Land to immediate west of site

- There appears to be no relevant planning history. Land appears to be part of the certified Caravan Club site, known as Highlands Park.

Land to west of Highlands Park

- 19/504447 – Erection of day room - Refused
- 16/504014 – Retrospective application for change of use of land for the stationing of 2 Static mobile homes for Gypsy/Traveller occupation with associated hard and soft landscaping works – Approved (permanent non-personal permission)

MAIN REPORT

1.0 DESCRIPTION OF SITE

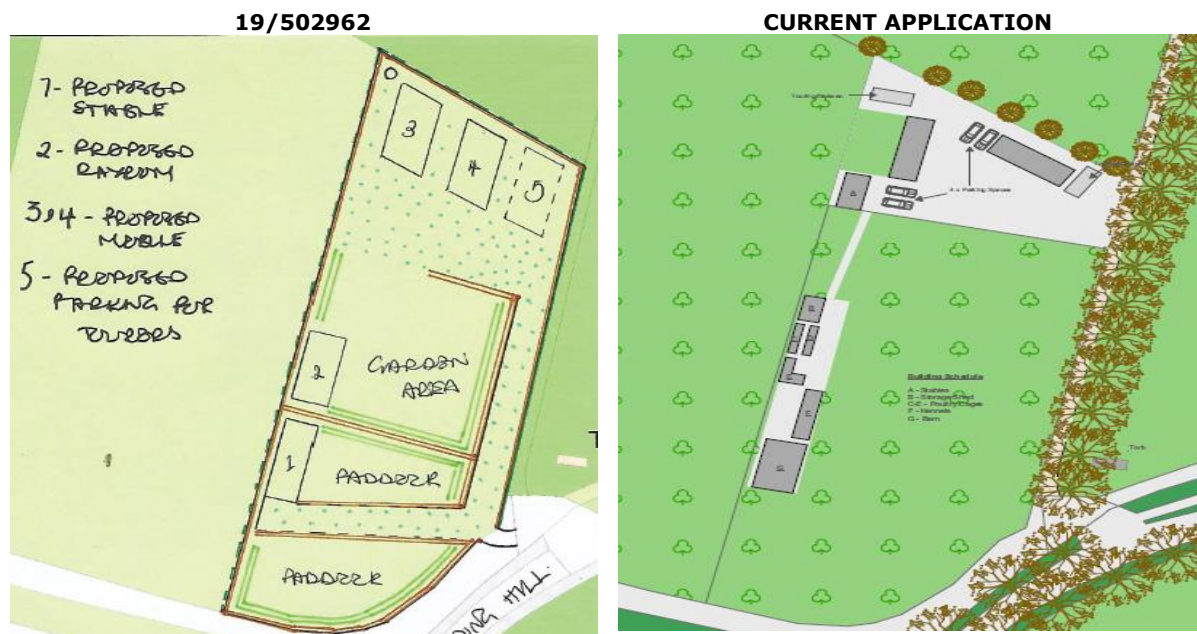
- 1.01 The application site is located on the northern side of Yalding Hill, some 600m to the south-west of the junction with Smiths Hill and Shingle Barn Lane. To the north of the site are polytunnels; to the east, what appears to be a wood yard; and to the west is a holiday park, with an authorised Gypsy site beyond this. The site is largely an orchard, with the northern end of the site already in residential use; and close boarded fencing is present. There is a public footpath (KM190) to the east of the site that runs in a general north/south direction.
- 1.02 For the purposes of the Local Plan the application site is within the designated countryside, with the Greensand Ridge Landscape of Local Value to the south of the site. The site is within an area of archaeological potential and a KCC Minerals Safeguarding Area.

2.0 DESCRIPTION OF DEVELOPMENT

2.01 The application is described as: *Change of use of land for stationing of 2 static mobile homes, 2 touring caravans and 4 parking spaces for gypsy/traveller family, including hardstanding, stable building and keeping of horses; barn; storage shed and poultry cages and kennels. The application is retrospective.*

2.02 As set out above, the mobile homes are sited at the northern end of the site; the hardstanding is of permeable road planings and tarmac; and the submission shows the retention of most of the existing orchard to the front of the site. Vehicle access is from Yalding Hill, with the site's driveway running along the eastern boundary of the site. There are a number of outbuildings on the site, those being: stables; a storage barn; poultry cages/personal kennels; and a barn. The barn (the southern-most building) stands some 3.3m in height and the other buildings stand less than 2.5m in height. In terms of keeping horses, the agent has confirmed that horses are not kept on site full-time, and the stables are often empty when the applicant's horses are turned out elsewhere. The static caravans on site are of composite panels (white/cream in colour); the roofs are of composite slate or felt shingles; the static caravans measure some 12.5m by 4.5m; and they stand some 3.7m in height with pitched roofs.

2.03 For comparison, the drawings below show the layout of the scheme refused under 19/502962 and this current application.



3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Local Plan (2017): SS1, SP17, DM1, DM3, DM8, DM15, DM30, DM41
- National Planning Policy Framework (2021) & National Planning Practice Guidance
- Landscape Character Assessment (2013) & Supplement (2012)
- Landscape Capacity Study: Sensitivity Assessment (2015)
- Planning Policy for Traveller Sites (2015)
- Gypsy & Traveller and Travelling Showpeople Topic Paper (2016)
- Gypsy & Traveller & Travelling Showpeople Accommodation Assessment (2012)
- Para 99 of Govt Circular (ODPM 06/2005) & Natural England Standing Advice
- Kent Minerals & Waste LP (2013-30) (amended by Early Partial Review 2020)
- Regulation 19 Local Plan

- 3.01 Local Plan policy DM15 allows for gypsy and traveller accommodation in the countryside provided certain criteria are met; and policies SP17 and DM30 allow development provided it does not result in harm to the character and appearance of the area.
- 3.02 The Maidstone Landscape Character Assessment identifies the application site as falling within the Coxheath Plateau Landscape Character Area (Area 28). The landscape guidelines for this area are to '*CONSERVE & REINFORCE*'. Within the Council's Landscape Capacity Study, the Coxheath Plateau Landscape Character Area is assessed as being of '*MODERATE*'.
- 3.03 The NPPF is clear that good design is a key aspect of sustainable development and that permission should be refused for development that is not well designed; and section 12 of the NPPF refers to achieving well-designed places. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
- 3.04 Government guidance set out in the Planning Policy for Traveller Sites (PPTS) places emphasis on the need for increased gypsy and traveller site provision, supporting self-provision (as opposed to local authority provision), and it acknowledges that sites are more likely to be found in rural areas. This is an exception to the principle of restraint in the countryside. In terms of broad principles, Local Plan policies and central government guidance both permit gypsy and traveller sites to be located in the countryside as an exception to policies which otherwise seek to restrain development. It is also noted that officer assessments for the previous application on the site (19/502962) and on the established site to the west (16/504014) did not consider this area to be so far removed from basic services and public transport opportunities as to justify refusal in terms of being unsustainable.
- 3.05 Following recent approval by members, the Council's Regulation 19 Local Plan is out to public consultation, and within this Plan it states that there is a potentially significant emerging need for Gypsy & Traveller accommodation. Whilst this document is a material planning consideration, at this time it is not apportioned much weight. At the end of the consultation period, the weight to be attached to individual policies will be adjusted upwards or downwards depending on whether objections have been received. The current programme involves submission to the Planning Inspectorate in Spring 2022.

4.0 LOCAL REPRESENTATIONS

Local Residents: No representations received.

5.0 CONSULTATIONS

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

- 5.01 **Yalding Parish Council:** Wish to see application refused and reported to Planning Committee if officers are minded to recommend approval for the following reason:

Proposal would result in significant visual harm to appearance of the landscape and the undeveloped rural character of the site.

- 5.02 **KCC Biodiversity Officer:** Raises no objection to application.
- 5.03 **KCC Highways:** Development does not meet criteria to warrant their involvement.
- 5.04 **KCC Public Rights of Way Officer:** Confirms that PROW KM190 footpath runs past boundary of the site and should not affect the application.

6.0 APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Need for Gypsy sites
- Supply of Gypsy sites
- Gypsy Status/personal circumstances
- Visual impact
- Biodiversity implications
- Other matters

Need

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

6.03 The Gypsy & Traveller and Travelling Showpeople Accommodation Assessment: Maidstone (January 2012) provides the evidence of the need for Gypsy & Traveller pitches in the borough for the Local Plan period (October 2011 to March 2031).

6.04 The Assessment drew on existing information about sites in the borough (including caravan count data, information from stakeholders and council information about the planning status of sites) and used the results of face to face interviews with Gypsies & Travellers (and Travelling Showpeople) residing in the borough. To help encourage participation, the interview team included two members of the Gypsy & Traveller community. Interviews were undertaken with 37% of the estimated resident population in the borough, considered to be sufficient as a sample of the total Traveller population across all the accommodation types.

6.05 The GTAA Assessment found that there is a need for a total 187 additional permanent pitches in the borough 2011-31, broken down in phases as follows:

Oct 2011 – March 2016 - 105 pitches

Apr 2016 – March 2021 - 25 pitches

Apr 2021 – March 2026 - 27 pitches

Apr 2026 – March 2031 - 30 pitches

Total: Oct 2011 – March 2031 = 187 pitches

6.06 The target of 187 additional pitches is included in policy SS1 of the Maidstone Local Plan. The Assessment was undertaken prior to the change to the definition of Gypsy & Travellers in the Planning Policy for Traveller sites (PPTS) in August 2015 to exclude those who have permanently ceased travelling. At the Local Plan Examination some representors (parish councils; residents) argued that this meant it was outdated. The Inspector specifically considered this and concluded that the changed definition would result in relatively little change to the needs figure. He confirmed that the assessment provides an adequate evidential basis for the Local Plan.

6.07 A new GTAA is being prepared to support the Local Plan Review. Survey work on the new GTAA commenced in 2020 but has been delayed due to Covid 19. The new GTAA will outline the current and future need for gypsy, traveller and travelling showpeople provision for Maidstone Borough until 2037 and will form the evidence base for a dedicated Gypsy, Traveller and Travelling Showpeople DPD.

6.08 The adopted Local Plan (MLBP) provides for the 187 pitch requirement through:

- *The permanent planning consents which have already granted*
- *Specific site allocations in policy GT1(1)-(16) for 41 pitches (some been granted permission)*
- *Application of Policy DM15 for applications on windfall sites*

6.09 The Local Plan Inspector was satisfied with the Plan's policy approach to meeting needs (Inspector's Report paragraphs 245-246). He drew on information in the Gypsy & Traveller Topic Paper which the Council had prepared as a background document for the Examination to explain its approach. In particular, the Topic Paper explains why the Council's partial reliance on the delivery of windfall sites to meet needs is sound (see pages 12-15 and Appendix B of the Topic Paper). The Inspector noted that the Local Plan Review will be the time to make further site allocations should windfall sites not come forward as expected.

Supply

6.10 Accommodation for Gypsies and Travellers is a specific type of housing that councils have the duty to provide for under the Housing Act (2004). Local Plan Policy DM15 accepts that subject to certain criteria, this type of accommodation can be provided in the countryside. Since 1st October 2011, the base date of the GTAA, the following permissions for pitches have been granted (as of 30th November 2021):

Permanent non-personal – 222

Permanent personal – 30

Temporary non-personal – 4

Temporary personal – 41

6.11 A total of 252 pitches have been granted permanent consent since October 2011. These 252 pitches exceed the Local Plan's 187 pitch target. This illustrates that the rate at which permanent permissions have been granted in the first 10 years of the plan period is ahead of the rate of need by the GTAA. Furthermore, the sites allocated through Policy GT1 in the Local Plan, sites granted permanent permissions on suitable windfall sites (in accordance with policy DM15), and pitch turnover on the two public Gypsy & Traveller sites in the borough, will continue to increase the number of pitches in the borough.

6.12 The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight when considering the expediency of granting consent on a temporary basis. The Council's position is that it can demonstrate 6.2yrs worth year supply of Gypsy and Traveller sites at the base date of 1st April 2021. As the Council considers itself to be in a position to demonstrate more than a 5 year supply, paragraph 27 of the PPTS would not apply in the determination of this application and the direction to positively consider the granting of a temporary consent does not apply.

Gypsy status/personal circumstances

6.13 The Government's PPTS (August 2015) sets the planning definition of 'gypsies & travellers', and this excludes those who have ceased to travel permanently. The current definition is as follows (Annex 1):

'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show-people or circus people travelling together as such.'

6.14 The definition still includes those who are of a nomadic habit of life, and those who have ceased to travel temporarily because of their own, or their dependants, health or education needs, or old age.

6.15 This current submission confirms one mobile home is occupied by Mr Own Penfold and Britannia Penfold, who is Joanne Penfold's mother. The second mobile home is occupied by Mr William Cook and Joanne Penfold and their three children. Evidence has been submitted to demonstrate that the children are registered to local primary schools; that the adults are registered to a local doctors surgery; and that Joanne Penfold is a registered carer for her mother.

6.16 Under 19/502962 the status of the families was considered as follows:

"A supporting statement has been submitted with the application. This states that the family have an established gypsy status. The men still travel for work and have a nomadic lifestyle and the family regularly travel to horse fayres for trading activities and therefore still travel for economic purposes. It goes on to state that the women on the site have ceased travelling for a temporary period to assist with the members of the family that have medical issues, but this is not permanent and so that the children can attend school. Regardless they still all go away as a family to the horse fayres and to specific traveller events but are limited by the medical issues of the mother in law.

It continues that the applicants are part of a long-established English Romany traveller family and are a well-known family, related to most of the larger traveller families across Kent and the UK and that there has never been a challenge to the Gypsy status of the family and there is no reason to believe that this will ever change as the intended occupants and their family have only ever lived on Gypsy sites and maintained and upheld a Gypsy lifestyle. The family head grew up on a Gypsy site and the parents live on the Gypsy site and have a cultural bias to live on a Gypsy site. The different family members often travel together as a unit with extended family members and close friends.

The family are principally involved in small building works, landscaping and horse trading. Wherever possible every effort is made to stay on existing sites with friends and family and often when the family are away from Kent, they have worked in London, Coventry, Warwickshire and Cardiff. The statement advises that the applicants attend several horse fayres around the UK including: Peterborough, Nottingham, Leicester, Dartford, Kenilworth, Barnsley, Stow-on-the-Wold, Wickham, Appleby, Cambridge, Slough, Staplehurst, New Forest and Somerset; and that this also provides an ideal opportunity to trade horses and exchange work. It is considered that the gypsy status of the current occupiers of the site is demonstrated in the application".

6.17 The agent has confirmed that this application is for the same families as before and that the above information remains relevant. With everything considered, it is reasonable to say that the occupants of the site continue to travel for work purposes to make a living; and it is accepted that the Gypsy status has been met in accordance with the provisions of the Government's PPTS. The occupation of the site can be controlled by way of condition.

Visual impact

6.18 Guidance in the Planning Policy for Traveller Sites (PPTS) states that local planning authorities should very strictly limit new traveller development in the countryside but goes on to state that where sites are in rural areas, considerations are that sites do not dominate the nearest settled community and do not place undue pressure on local infrastructure. No specific reference to landscape impact has been outlined however this is addressed in the relevant Local Plan policies and the NPPF. Specifically, policy DM15 of the Local Plan allows for Gypsy accommodation in the countryside provided certain criteria are met. This includes allowing development that does not result in significant harm to the landscape and rural character of the area.

6.19 Historic aerial photographs show the application site to have been undeveloped orchard and it is accepted that the development has in part altered the character of the site. However, the mobile homes and associated parking areas are well contained to the northern end of the site, set back more than 55m from Yalding Hill; the other outbuildings are modest in scale and design, sited along the western

boundary of the site and largely screened from public view; and the access is discretely sited along the eastern boundary of the site; and the majority of the site is retained orchard. The mobile homes themselves are of a typical style and appearance; they appear to fall within the definition of a caravan (Section 29 of the Caravan Sites and Control of Development Act 1960); and the palette of external materials is not objectionable. In addition, the erected close boarded fencing is possible under permitted development rights and the site boundary closest to Yalding Hill is of appropriate timber post and rail fencing. The layout allows the site to retain an open and rural feel with the development not appearing entirely incongruous, given the context of existing development in the locality of the site including the polytunnels immediately to the north of the site; the lawful Gypsy site to the west; and Spindlebush Farm shop to the east.

- 6.20 Furthermore, there are existing landscape features providing some screening of the site that are expected to be retained in the long term. Such features include the on-site orchard; existing planting along the northern boundary of the site; and the row of mature trees that run along the eastern boundary of the site. Non-native hedging runs around the south-eastern/southern boundary of the site. As this is in close proximity of Yalding Hill, it is considered that this should be replaced with more appropriate native hedgerow planting, to help supplement existing landscaping in and around the site.
- 6.21 When coming up Yalding Hill, public views of the site are limited given the road is set down from surrounding land level and there is existing roadside planting and fencing. Furthermore, the site's access is set back from the road and the site itself is angled away from the direction of the road; and the onsite landscaping also provides screening. When approaching the site from the east along Yalding Hill, the short range views are limited to glimpses of the tops of the mobile homes and the southern-most barn, given the well-established boundary trees and the set back of the development; and again there would only be short range views of the development from the public footpath immediately to the east of the site. The application site is also set back more than 100m from Small Profits to the north of the site, with polytunnels and existing trees interrupting any public views of the development from this road. With this considered, public views of the development are limited and the site does not appear visually dominant or incongruous from any public vantage point. To further safeguard the amenity of the surrounding landscape, external lighting can be restricted by way of an appropriate condition.
- 6.22 It is considered that the development is markedly different to the previously refused submission, as it no longer includes the erection of a dayroom nor the removal of the existing orchard and the laying of extensive hardstanding; and nor does it include the creation of a large 'garden' area and paddock to the south of the site. Furthermore, the stable building on site is noticeably smaller and better located to the north of the site.
- 6.23 With everything taken into account, including the retention of existing landscaping and the potential for mitigation/further planting, it is considered that the development would not harmfully consolidate sporadic and urbanising development in the countryside, and it would not cause unacceptable harm to the character and appearance of the area hereabouts. In visual amenity terms, the development is therefore considered to be in accordance with the relevant policies of the Local Plan and the aims of the NPPF.

Biodiversity implications

- 6.24 Unlike the previous application (19/502962), this submission is accompanied by a Preliminary Ecological Survey (PEA). The KCC Biodiversity Officer has reviewed the submission and acknowledges that the submitted PEA is almost 2yrs old and that the habitats on site have changed since the report was produced; and that the site is

largely retrospective. Notwithstanding this, the Biodiversity Officer raises no objection and advises that sufficient ecological information has now been provided to determine the application, subject to recommended conditions relating to external lighting and ecological enhancements. It should also be noted that whilst the PEA assessed this orchard as being a Traditional Orchard Priority Habitat under Section 41 of the 2006 Natural Environment and Rural Communities Act (NERC), the Biodiversity Officer advises that the orchard is unlikely to be a Traditional Orchard Priority Habitat. Section 40 of the NERC and paragraph 180 of the NPPF, refer to biodiversity being maintained and enhanced through the planning system. Additionally, in alignment with paragraph 180 of the NPPF, the implementation of enhancements for biodiversity should be encouraged (to demonstrate a net biodiversity gain). On this basis, no objection is raised to the application in ecological terms, and the recommended conditions are considered reasonable and shall be duly imposed.

Equestrian implications

- 6.25 Whilst the conversion of an existing building is preferable, that is not possible here and it is noted that the modest stable building is located close to the mobile homes at the northern end of the site and well screened from public view. Furthermore, the stable building is considered to be appropriate in terms of its scale and appearance and it would not have a harmful impact upon the rural landscape. Suitable conditions are also recommended to restrict the keeping of only two horses on the site at any one time (for non-commercial purposes), to ensure the safety and comfort of the horses; to request details of a scheme for the disposal of run-off from the stables (inc. washings); and to restrict the burning of manure and waste materials on the site. A suitable informative will remind the applicant of how manure should be stored; and the site is in the countryside with reasonable access to bridleways. It is therefore considered that the development would be in accordance with Local Plan policy DM41.

Other matters

- 6.26 Given the separation distances of the development from any dwelling, and given that a residential use is not generally a noise generating use, this development would not have an adverse impact upon the living conditions of any neighbouring resident, including in terms of general noise and disturbance. It is also considered that the development would not have an unacceptable impact upon the existing residential community, when considered cumulatively with other lawful gypsy sites in the vicinity. The site falls within Flood Zone 1 and no objection is raised in terms of flood risk; and surface water is disposed of by way of soakaway and foul sewage disposal via a septic tank, and no further details are required in this respect. The site's access is not considered to raise a highway safety objection and there is ample parking/turning provision on the site; and the traffic generation as a result of two mobile homes here is not thought to have a severe impact upon the local road network. No objection is raised in arboricultural terms.
- 6.27 The site is within a KCC Minerals Safeguarding Area an area of archaeological potential, however, given the nature of the development, it is considered that there are no objections raised in this respect and no further details are required. The representations made by Yalding Parish Council have been considered in the assessment of this application.
- 6.28 In accordance with national planning policy, the issue of intentional unauthorised development has been a material consideration in the determination of this application, however in this instance there is not considered enough justification to refuse this application on this basis. The development is not EIA Screening and not within an AONB.

- 6.29 The applicant will be reminded that it would be necessary to make an application for a Caravan Site Licence under the Caravan Sites and the Control of Development Act 1960 within 21 days of planning consent having been granted.
- 6.30 Regard should be given to the Human Rights Act 1998 and rights under Articles 3 and 8, and the Public Sector Equality Duty under the Equality Act 2010. This protects the right of an individual to, amongst other things, a private family life and home; there is a duty to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it; and the courts have held that the best interest of the children shall be a primary consideration in planning decisions concerning children, including requiring a settled base. In addition to this, race is one of the protected characteristics under the Equality Act 2010 and ethnic origin is one of the things relating to race. Romany Gypsies and Irish Travellers are protected against race discrimination because they are ethnic groups under the Equality Act. This application has been considered with regard to the protected characteristics of the applicant and his family who occupy the caravans, and it is considered that the requirements of the PSED have been met and approving this development would not undermine the objectives of the Duty.

7.0 CONCLUSION

- 7.01 In Local Plan policy terms, there is resistance to residential caravans in the countryside. As an exception to this general policy constraint, Local Plan policy DM15 allows for gypsy and traveller accommodation in the countryside provided certain criteria are met; and policies SP17 and DM30 allow for development provided it does not result in harm to the character and appearance of the area.
- 7.02 In this instance, Gypsy status has been established in accordance with the Government's planning definition and there is no reasonable justification to object to the development on sustainability grounds in terms of location. Furthermore, the development is not considered to cause unacceptable harm to the character and appearance of the countryside; and there are no other planning objections raised to the development.
- 7.03 With everything considered, the development is therefore acceptable with regard to the relevant provisions of the Development Plan, the Loose Neighbourhood Plan, the NPPF and all other material considerations such as are relevant. In consequence of this finding, a permanent permission is recommended and restricted only by a gypsy and traveller occupation condition.

8.0 RECOMMENDATION

8.01 GRANT planning permission subject to the following conditions:

- (1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan (1:1250); 2021-116v1-Block; and 2021-116v1-Mobile.

Reason: For the avoidance of doubt and in the interests of proper planning.

- (2) The site shall not be used as a caravan site by any persons other than Gypsies or Travellers, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015 (or any subsequent definition that supersedes that document).

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted.

- (3) No more than four caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the land at any one time, of which no more than two shall be static caravans or mobile homes. The caravans shall be positioned on the site as set out on the submitted drawings.

Reason: To safeguard the character and appearance of the countryside that falls within the Greensand Ridge Landscape of Local Value.

- (4) If the lawful use of the site ceases, all caravans, structures, equipment and materials bought onto the land for the purposes hereby permitted including hardstandings and buildings shall be removed within two months from the date of the use ceasing.

Reason: To safeguard the character and appearance of the countryside that falls within the Greensand Ridge Landscape of Local Value.

- (5) No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site, and not more than 6 vehicles shall be stationed, stored or parked on the site at any one time.

Reason: To safeguard the character and appearance of the countryside that falls within the Greensand Ridge Landscape of Local Value.

- (6) No commercial activities shall take place on the land, including the storage of materials.

Reason: To prevent inappropriate development; to safeguard the character and appearance of the countryside that falls within the Greensand Ridge Landscape of Local Value; and in the interests of residential amenity.

- (7) The application site shall only provide for the private stabling of two horses at any one time and shall at no time be used for any equestrian business or commercial purposes whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.

Reason: To safeguard the character and appearance of the countryside that falls within the Greensand Ridge Landscape of Local Value; to prevent the introduction of commercial uses onto the site; and to ensure the safety and comfort of the horses.

- (8) No manure or waste materials shall be burned on the land within the application site.

Reason: In the interests of residential amenity.

- (9) Notwithstanding the provisions of Schedule 2 Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land other than those expressly authorised by this permission (as shown on the approved plans).

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside that falls within the Greensand Ridge Landscape of Local Value; and in the interests of residential amenity.

- (10) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (vi) below:

(a) Within 3 months of the date of this decision a scheme, hereafter referred to as the Site Development Scheme, shall have been submitted for the written approval of the local planning authority. The Site Development Scheme shall include details of:

- (i) all existing external lighting (whether temporary or permanent);
- (ii) details of a sensitive lighting scheme to avoid impacts to the local bat population and prevention of light pollution. These measures shall be based on those outlined in Guidance Note 08/18 Bats and Artificial Lighting in the UK (Bat Conservation Trust and the Institute of Lighting Professionals);
- (iii) In accordance with the submitted Preliminary Ecological Appraisal, a scheme for the enhancement of biodiversity on the site;
- (iv) landscaping scheme (in accordance with the principles established in the Council's adopted Landscape Character Assessment) that shall include details of species, plant sizes, proposed numbers and densities, planting plans and arrangements for maintenance; the retention of the orchard (as shown on the submitted plans); and a new 100% mixed native hedgerow along the south-eastern/southern boundary of the site. Any planting which fails to establish or any trees or plants which, within five years from the date of this permission hereby approved, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme;
- (v) a scheme for the disposal of run-off from the stables (inc. washings); and
- (vi) a timetable for implementation of the Site Development Scheme.

(b) If within 11 months of the date of this decision the local planning authority refuse to approve the Site Development Scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

(c) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted Site Development Scheme shall have been approved by the Secretary of State.

(d) The approved Site Development Scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved Site Development Scheme specified in this condition, that Scheme shall thereafter be maintained/retained. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside that falls within the Greensand Ridge Landscape of Local Value; and in the interests of residential amenity and ecological enhancement/biodiversity gain.

- (11) Notwithstanding the existing external lighting details required in condition 10 of this permission, no future and additional external lighting, whether temporary or permanent, shall be placed or erected within the site unless details are submitted to and approved in writing by the local planning authority. Any details to be submitted shall be in accordance with the 2005 Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01 (and any subsequent revisions), and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The submission shall also include details of a sensitive lighting scheme to avoid impacts to the local bat population and prevention of light pollution (in accordance with Guidance Note 08/18 Bats and Artificial Lighting in the UK: Bat Conservation Trust and the Institute of Lighting Professionals). The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interest of amenity.

Informatives:

- (1) The applicant is advised that it will be necessary to make an application for a Caravan Site Licence under the Caravan Sites and the Control of Development Act 1960 within 21 days of planning consent having been granted. Failure to do so could result in action by the Council under the Act as caravan sites cannot operate without a licence. The applicant is advised to contact the Maidstone Housing & Communities Support Team in respect of a licence or apply online at:
<https://www.gov.uk/apply-for-alicence/caravanand-camping-site-licence/maidstone/apply-1>

- (2) Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at:
<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highwayland/highwayboundary-enquiries>

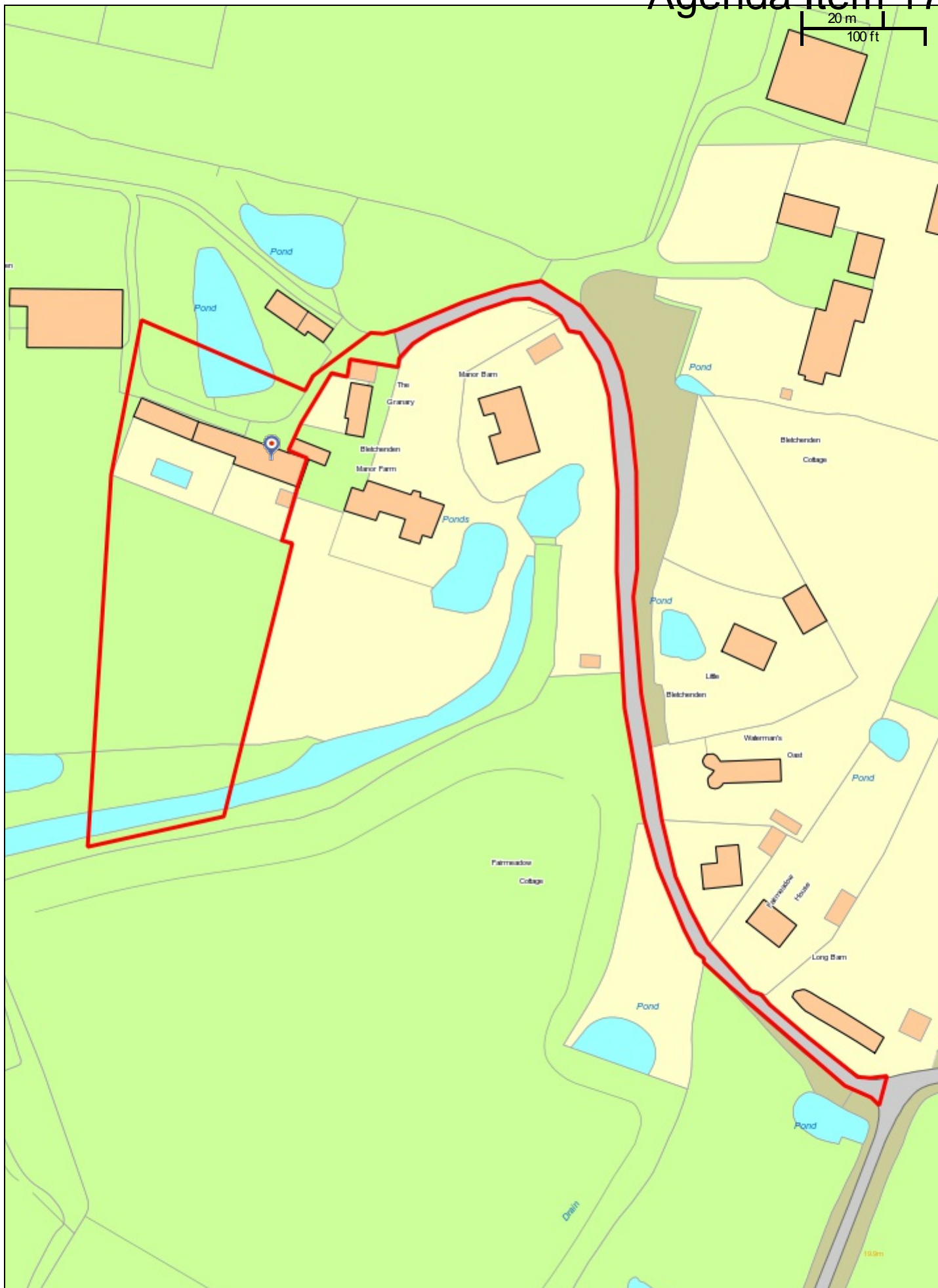
The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- (3) The granting of planning permission confers no other permission or consent on applicant. It is therefore important to advise that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:
- The applicant pays for the administration costs
 - The duration of the closure is kept to a minimum
 - Alternative routes will be provided for the duration of the closure.
 - A minimum of 6wks notice is required to process any applications for temporary closures.

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

- (4) Manure should be stored at least 10m away from any watercourse and sited in accordance with the Code of Good Agricultural Practice for the protection of Waters in order that there is no risk of polluting run-off entering either ground or surface waters and causing pollution. It should be noted that any containers for the storage of animal waste should be sheeted to prevent nuisance from odour and/or flies. In addition, waste should be accumulated for a minimal time only before disposal and should be stored at a location on site which will minimise the likelihood of nuisance being caused to neighbours.

Case Officer: Kathryn Altieri



19/506112/FULL Bletchenden Farm, Bletchenden Road, Headcorn, Kent, TN27 9JB

Scale: 1:1250

Printed on: 13/9/2021 at 14:00 PM by JoannaW

REPORT SUMMARY

REFERENCE NO - 19/506112/FULL		
APPLICATION PROPOSAL Conversion of Heritage Threshing Barn to residential, including the demolition of modern pole barns and erection of single-storey extension to side and erection of detached triple garage (part retrospective)		
ADDRESS Bletchenden Farm Bletchenden Road Headcorn Ashford Kent TN27 9JB		
RECOMMENDATION – In accordance with Members in principal decision, Approve the application, subject to the conditions set out in 2.0		
SUMMARY OF REASONS FOR RECOMMENDATION The Committee, on balance, considered that the proposed scheme interpreted the historic form of the farm buildings on the site in a successful manner and that the enclosure provided by the surrounding woodland enabled the larger scale of development proposed without harmful impact on the wider countryside. Further, the Committee was cognisant of the views of the Council’s Conservation Officer of which they were generally supportive.		
REASON FOR REFERRAL TO COMMITTEE Members resolved in principle to Grant Planning permission at the meeting dated 18/11/21 subject to the consideration of the suggested conditions (Copy of minutes attached at Appendix A)		
WARD Headcorn	PARISH/TOWN COUNCIL Headcorn	APPLICANT Mr & Mrs D Pearce AGENT Country House Homes Ltd
DECISION DUE DATE 05/08/20	PUBLICITY EXPIRY DATE 12/07/21	OFFICER SITE VISIT DATE 08/01/20
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
See Appendix B – Copy of Committee report from 18/11/21 meeting		

MAIN REPORT

1.0 Background

- 1.01 This report should be read in conjunction with the copy of the Committee Report attached at Appendix B and the Committee Minutes attached at Appendix A. Members resolved in principle to approve the application subject to consideration of the planning conditions. The suggested conditions are set out below.
- 1.02 Due to the retrospective nature of aspects of the proposal, the conditions set out below have been drafted to require the details submitted to be within given timescales. A number of the details are to be required in respect of the submission of a Plan, amalgamating conditions which would otherwise be dealt with separately with the permission falling away should the requirements not be met.
- 1.03 Listed Building Consent has previously been approved for the works to the Listed

Building and included those conditions detailed in the copy of the decision notice attached at Appendix C.

Conditions 3, 4 and 5 have been sought to be discharged by application reference 20/505881/SUB. This has yet to be determined awaiting the determination of the FULL application.

Conservation Officer comments have been sought on those details, which primarily support the submission subject to amendments to the soffit details and confirmation of the handmade clay ridge and bonnet tiles would be used.

Those amended details/confirmation have now been submitted, confirming handmade clay ridge and bonnet tiles would be used and removed the fascia board from the cross-section details and replaced with gutter supported by a side arm to the rafter.

Those amended details and clarification is considered acceptable.

- 1.04 As conditions relating to materials, joinery and schedule of works are attached to the Listed Building Consent, those conditions are not to be repeated in the same terms, but requiring details when related to works that require planning permission but not Listed Building Consent. It should also be noted that significant construction work has already taken place utilising the specified materials, these being :

Facing bricks : Freshfield Lane Facing Bricks – First Quality Multi's
Roof Tiles : Loxleigh Canterbury Handmade Clay Plain
Weathboarding : Ebony Stained 7" Deep Timber
Matt Cast Iron Finish Gutter and Downpipes
Black Stainless Steel Powder Coated Chimney Flue

2.0 Suggested conditions

- (1) The development hereby permitted shall be carried out in accordance with the following approved plans being drawing nos:

Bat Mitigation Strategy carried out by KB Ecology dated 26th June 2020
Phase 1 Ecological Habitat Survey Report carried out by Hone Ecology dated the 24th May 2015
Great Crested Newt Survey and Mitigation Strategy dated 26th June
Flood Risk Assessment dated 24th June 2021
Flood Risk Management measures set out in Monson Engineering Report 5th November 2015 regarding mitigating flood risk
Drawing No. 500-DP-006 (Proposed Garage Plans and Elevations)
Drawing No. 1544-100 A (Proposed Block Plan)
Drawing No. 500/DP/004/C (Proposed Floor Plans)
Drawing No. 500/DP/005/C (Proposed Elevations and Indicative Sections)
Drawing No. 500/DP/007/A (Existing and Proposed Site Layout Plans)

Reason: To clarify which plans have been approved.

- (2) The extensions and detached garage hereby permitted shall be removed and all associated materials taken off the site and the land restored to its former condition before the development took place within 6 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below and the Curtilage Listed Barn shall

be secured and made water tight in accordance with the details approved under (l) below within 3 months of that date:

- (i) within 4 months of the date of this decision a management plan hereafter referred to as the 'Plan', shall have been submitted for the written approval of the Local Planning Authority. The Plan shall include details of:
- a) Details of surface and waste water disposal ;
 - b) Details to demonstrate that the works have been and/or will continue to be carried out in accordance with the recommendations set out in the extended phase 1 Ecological Habitat Survey Report carried out by Hone Ecology dated the 24th May 2015 (in particular paragraphs 8.2-8.17 (inc)), and the Great Crested Newt Survey and Mitigation Strategy dated 26th June 2020 and the Bat Mitigation Strategy carried out by KB Ecology dated 26th June 2020 ;
 - c) Details of measures to provide a net biodiversity gain, in accordance with the recommendations in the extended phase 1 Ecological Habitat Survey Report carried out by Hone Ecology dated the 24th May 2015 (in particular paragraphs 8.2-8.17 (inc)), the Great Crested Newt Survey and Mitigation Strategy dated 26th June 2020 and Bat Mitigation Strategy carried out by KB Ecology dated 26th June 2020, including integrated wildlife niches ;
 - d) Details of any proposed external lighting associated with the use of the application site, including measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors as necessary. External lighting should be in accordance with Bat Conservation Trust guidelines ;
 - e) 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 ;
 - f) Details of site barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations' ;to protect existing trees and landscaping ;
 - g) A native species landscaping scheme designed in accordance with the principles of the Council's landscape character guidance and taking cues from a traditional Low Weald farm settlement and incorporating a specimen Black Poplar tree shall be submitted to and approved in writing by the local planning authority. The scheme, which shall be implemented in the first available planting scheme following first occupation of the development hereby approved, shall show all existing trees and hedgerows to be retained specify the areas of new planting, the type, size and density of any planting along with long term management details of the landscaping scheme ;
 - h) Report produced by a competent expert to demonstrate the archaeological potential of the site has been suitably safeguarded as a result of works undertaken and the works yet to be completed, including details of any necessary further archaeological investigation, recording and reporting ;
 - i) Report produced by a competent expert to demonstrate the contamination risk of the site has been suitably safeguarded as a result of works undertaken and the works yet to be completed, including details of as necessary a risk assessment, site investigation and a remediation method statement (RMS) ;
 - j) Details of proposed fencing, walling and other boundary treatments ;
 - k) Details and samples of all external surfacing materials including those to be used for permeable surface materials, access ways, parking and turning areas
 - l) Details of a Schedule of works to be carried out to secure the Curtilage Listed Barn to ensure it is water tight, safe and structurally sound (should the requirements of (i) – (iv) not be met within the specified time periods)

m) The said Plan shall include a timetable for its implementation with the requirements of the approved Plan followed permanently thereafter.

(ii) within 11 months of the date of this decision the Plan shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Plan or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

(iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Plan shall have been approved by the Secretary of State.

(iv) the approved Plan shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.

Reason: In the interests of amenity.

(3) The joinery to be used in the extensions hereby permitted and the detached garage shall match those specified in the Supporting Statement and Drawing No. 500/DP/101 (Joinery and external wall details) accompanying application 20/505881/SUB

Reason: To ensure that the character, fabric and appearance of the heritage asset is safeguarded.

(4) The materials used in the external construction of the extensions hereby permitted and the detached garage shall match those specified in the Supporting Statement accompanying application 20/505881/SUB.

Reason: To ensure that the character, fabric and setting of the heritage asset is safeguarded.

(5) The landscaping approved as part of the Plan shall be carried out during the planting season (October to February) following first occupation of the dwelling hereby permitted. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

(6) The site barriers and/or ground protection approved under the Plan to protect trees and existing landscaping shall be erected prior to any further works take place and these shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas.

Reason: In the interests of visual amenity and protection of trees.

(7) No external lighting other than that approved under the Plan shall be erected within the site.

Reason: To safeguard the nighttime rural environment and in the interests of wildlife

protection.

(8) Prior to first occupation a Closure Report is submitted upon completion of the works. The closure report shall include full verification details of any matters raised as part of The Plan. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Reason: In the interests of amenity and public safety.

(9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) A, AA, B, C, D, E, F and H and Part 2, Class A to that Order shall be carried out without the permission of the Local Planning Authority.

Reason: To safeguard the character, fabric and setting of the heritage asset

(10) The additional accommodation to the principal dwelling hereby permitted (namely identified as guest accommodation and the first floor accommodation in the garage) shall not be sub-divided, separated or altered in any way so as to create a separate self-contained unit; and shall only be used as ancillary accommodation to the main dwelling currently known as Bletchenden Farm, Bletchenden Road, Headcorn, Ashford, Kent, TN27 9JB (or any subsequent address the property shall be known as)

Reason: Its use as a separate dwelling would be contrary to the provisions of the development plan for the area within which the site is locate

(11) The dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed in accordance with details submitted to and approved by the Local Planning Authority and shall thereafter be retained for that purpose.

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

(12) The works to convert the existing barn as detailed in the Schedule of Works as accompanying application 20/505881/SUB shall be carried out within 12 months or within a time scale submitted to and approved by the Local Planning Authority of first occupation of the extensions hereby permitted.

Reason: To ensure the works to the Listed Building are carried out

(13) The development hereby permitted shall be carried out in accordance with the Flood Risk Management Measures set out in paragraphs 7.06-7.16 of the Monson Engineering Flood Risk Assessment dated 5th November 2015 and the applicant should sign up to the Environment Agency's flood line prior to first occupation.

Reason : To safeguard future occupiers from flood risk

INFORMATIVES

- (1) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant

details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

- (2) Due to seasonal shallow groundwater in underlying soils, it is suggested that only shallow trench soakaways would function appropriately in this location. We accept that a modern cesspit at this location is suitable, based on site specific hydrogeological information, but as the site is in a sensitive setting for local surface waters, careful maintenance of the facility and pipework will be required. A level alarm should be fitted to ensure timely emptying is undertaken, avoiding any risk of overflow. Any issues with the operation should be reported as pollution incident to the EA pollution hotline, as this is in an area where there is likely to be seasonal shallow groundwater.

Case Officer: Rachael Elliott

APPENDIX A

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

Mr Osborne addressed the meeting in person on behalf of the applicant.

Contrary to the recommendation of the Head of Planning and Development, the Committee was minded in principle to approve the application subject to appropriate conditions and, in this connection, requested that a full list of proposed conditions be submitted to the next meeting to enable a final decision to be made.

In making this decision, the Committee, on balance, considered that the proposed scheme interpreted the historic form of the farm buildings on the site in a successful manner and that the enclosure provided by the surrounding woodland enabled the larger scale of development proposed without harmful impact on the wider countryside. Further, the Committee was cognisant of the views of the Council's Conservation Officer of which they were generally supportive.

It was suggested that the proposed conditions should cover, inter alia, materials, integral niches for wildlife, external lighting (potentially use of red filters to reduce harm to wildlife), renewables (a sensitive approach given the historic nature of the building), landscaping (taking cues from a traditional Low Weald farm settlement and incorporating a specimen Black Poplar tree) and removal of permitted development rights.

RESOLVED:

1. That the Committee is minded in principle to approve this application subject to appropriate conditions and that a full list of proposed conditions be submitted to the next meeting to enable a final decision to be made.
2. That the list of proposed conditions should cover, inter alia, materials, integral niches for wildlife, external lighting (potentially use of red filters to reduce harm to wildlife), renewables (a sensitive approach given the historic nature of the building), landscaping (taking cues from a traditional Low Weald farm settlement and incorporating a specimen Black Poplar tree) and removal of permitted development rights.

Voting: 11 – For 1 – Against 0 - Abstentions

REPORT SUMMARY

REFERENCE NO - 19/506112/FULL			
APPLICATION PROPOSAL Conversion of Heritage Threshing Barn to residential, including the demolition of modern pole barns and erection of single-storey extension to side and erection of detached triple garage (part retrospective)			
ADDRESS Bletchenden Farm Bletchenden Road Headcorn Ashford Kent TN27 9JB			
RECOMMENDATION : REFUSE for the reason set out in Section 8.0 of the report			
SUMMARY OF REASONS FOR RECOMMENDATION The principle of the conversion of the existing barn to residential is considered acceptable, however the proposal includes a large side extension which is unjustified insofar as it would require major reconstruction to extend and alter the existing barn and would be harmful to the character and appearance of the countryside by the resulting form of development that would elongate the existing barn, harmful to its contribution it makes to the character and appearance of the countryside. Cumulatively with the proposed detached garage the proposal would result in an unwarranted form of development which would introduce excessive built form which would compete with the existing curtilage listed barn and result in the overdevelopment of the site, with the proposals not appearing as modest additions or in keeping with the landscape character and design and form of the existing barn. The proposal would as such be contrary to local and national planning policy. Other material planning considerations could be satisfactorily dealt with by planning conditions, but these matters do not outweigh the harm that would result.			
REASON FOR REFERRAL TO COMMITTEE Headcorn Parish Council have requested the application be presented to the Planning Committee, though it should be noted that the recommendation is not contrary to their view which recommends refusal on grounds of flooding impact.			
WARD Headcorn	PARISH/TOWN COUNCIL Headcorn	APPLICANT Mr & Mrs D Pearce AGENT Country House Homes Ltd	
DECISION DUE DATE 05/08/20	PUBLICITY EXPIRY DATE 27/07/20	OFFICER SITE VISIT DATE	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
19/506113/LBC	Listed Building Consent for the internal and external works involved in the conversion of Heritage Threshing Barn and modern pole barn to residential	Approved	29/1/2020
18/503021/FULL	Removal of Condition (11) - Flood Risk Management and warning regime (12) - No Sleeping accommodation shall be provided on the ground floor and (13) - Ground floor level shall be 400mm, of planning permission 16/501954/FULL - (Demolition of attached outbuildings - conversion and extension of barn to provide dwelling).	Approved	20/8/2018
16/501954/FULL	Demolition of attached outbuildings - conversion	Approved	12/1/2018

	and extension of barn to provide dwelling.		
16/501955/LBC	Listed Building Consent for internal and external alterations and extension of barn in connection with conversion to dwelling.	Approved	12/1/2018
15/506450/FULL	Convert a redundant barn and adjoining structures into a new dwelling, demolish three structures.	Refused	18/12/15
On the grounds of lack of information on flood risk, design of the conversion works to the barn and the associated extension would have a detrimental impact on the character of the existing historical agricultural barn and a negative impact on the setting of the listed building and lack of windows and ventilation to the upstairs bedroom would provide poor living conditions to the future occupiers of the property			
15/506451/LBC	Listed Building Consent : Convert a redundant barn and adjoining structures into a new dwelling, demolish three structures.	Refused	18/12/15
On the grounds that the design of the conversion works to the barn and the associated extension would have a detrimental impact on the character of the existing historical agricultural barn and a negative impact on the setting of the listed building. The increased ridge height of the barn, the bulk of the proposed extension and the excessive use of glazing to the front and rear elevations would no longer appear agricultural in its design, and would therefore appear incongruous in this location.			
05/1064	Conversion of redundant barn & adjoining stables/store to dwelling with associated internal & external alterations	Approved	31/1/2006
Bletchenden Farm (Buildings to the north-west and north of application site)			
17/506518/PNQCLA	Prior Notification for change of use of agricultural buildings to 2no. dwellings (Class C3) and for associated operational development. For it's prior approval to: - Transport and Highways impacts of the development - Contamination risks on the site - Flooding risks on the site - Noise impacts of the development - Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed - Design and external appearance impacts on the building.	Prior approval granted	12/3/2018
Bletchenden Farm (Building to the north-west of application site)			
18/506485/FULL	Removal of condition 11 of 15/503223/FULL (Part Retrospective - Change of use and conversion of cattle shed to tourist accommodation and construction of flood defence bund) to allow the property to be used as a residential dwelling.	Approved	28/3/2019
18/504436/FULL	Removal of condition 11 of 15/503223/FULL (Part Retrospective - Change of use and conversion of cattle shed to tourist accommodation and construction of flood defence bund) to allow the property to be used as a residential dwelling.	Refused	22/10/2018
17/500638/NMAMD	Non material amendment to application ref: 15/503223/FULL to raise the ridge height by	Permitted	13/2/2017

	400mm.		
15/503223/FULL	Part Retrospective - Change of use and conversion of cattle shed to tourist accommodation and construction of flood defence bund	Approved	21/9/2016

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 This application relates to a threshing barn which is estimated to date from circa 16th or 17th century. The barn is timber framed with timber weatherboarding to its walls and it currently has an unsympathetic corrugated roof. The building is considered to be curtilage listed, lying within the curtilage of Bletchenden Manor which is Grade II listed. The adjacent granary is also Grade II listed.
- 1.02 To the south of the barn is a detached circa Edwardian building which is of unknown origin and function. At the time of submission there were existing stables attached to the barn which are considered of an unsympathetic appearance, these have since been demolished.
- 1.03 The site lies within the parish of Headcorn. It is situated within Environment Agency designated Flood Zone 3, with a number of ponds surrounding the site and its proposed curtilage. An area of woodland to the west of the site (but not adjoining) is designated as Ancient Woodland and Public Rights of Way (PROW) are situated along the access road to the site, together with footpaths to the north and south. The site is within the open countryside as set out within the Local Plan and The Low Weald Landscape of Local Value swathes across the site.
- 1.04 Planning permission/prior notification applications have been approved for further barns adjacent to the application site to the north/north-east to be converted to residential use. At the time of the officers most recent site visit it would appear work has commenced to implement those consents.
- 1.05 Works have also now commenced on site in terms of the current submission, whereby the existing threshing barn has been stripped and is currently being supported by acro-pillars, the adjoining stables have been demolished and footing for part of the proposed extension have been laid. As such the description has been amended accordingly to refer to 'part retrospective'

2.0 PROPOSAL

- 2.01 The proposal is for the conversion of the existing heritage threshing barn to residential, with the demolition of the attached modern pole barns (demolition complete) and erection of a single storey side extension. A detached triple garage is also proposed.
- 2.02 The description of development has been changed since the original consultation to take into account recent demolition works, the commencement of some footings and to reflect that the works to the side would be an extension rather than a conversion.

Conversion of barn

The existing barn would be stripped back (these works appear to have been carried out) to its timber frame and the external walls would be finished in painted black timber weatherboarding and the existing corrugated roof removed and replaced with traditional Kent peg tiles. Windows would be added at ground floor with rooflights to the rear facing roofslope. Floor to ceiling, glazed porch elements would be added, with pitched roofs to the front and rear elevations, together with an entrance door to the front.

Internally a mezzanine would be provided in part the building to create a first floor master bedroom with a further 3-bedrooms, bathroom, dining room/lounge at ground floor.

Single storey extension

Linked to the existing barn by a wide opening, a single-storey extension is proposed to the side which would have two distinct pitched roofed elements with a joining glazed link. This part would accommodate a guest suite, kitchen/utility/snug area and a secondary entrance.

Both pitched roofed elements would measure 11m in width, by approximately 5m in depth, with the glazed link measuring approximately 3m by 3m. The total width of the extension would therefore be approximately 25m. The pitched roofs would have an eaves height of 2.2m and a ridge height of 5.4m.

The extension would have a grey painted timber weatherboarded finish with a tiled roof.

Triple garage

The proposed garage would be sited at right angles to the dwelling and would measure approximately 9.6m in width, 5.8m in depth and would have a pitched roof with an eaves height of approximately 2.6m and a ridge height of 6m.

The garage would accommodate 3 cars and an internal staircase leading to first floor loft annex space.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017 : SS1, SP17, SP18, DM1, DM2, DM3, DM4, DM23, DM30, DM31, DM32 and DM33,
Local Plan Review, Draft Plan for Submission (Regulation 19) October 2021 :
Policies LPRSP9: Development in the Countryside
Policy LPRSP14 – Environment
Policy LPRSP14A – Natural Environment
Policy LPRSP14B – Historic Environment
Policy LPRSP15: Principles of Good Design.
Policy LPRHOU11: Rebuilding, extending and subdivision of dwellings in the countryside
Policy LPRQ&D 4 – Design principles in the countryside
Policy LPRENV 1 – Historic Environment
Policy LPRQ&D1 – Sustainable Design
Policy LPRQ&D5 – Conversion Rural Buildings

The Regulation 19 draft is a material consideration and some weight must be attached to the document because of the stage it is at but its weight is limited, as it has yet to be the subject of an examination in public.

Supplementary Planning Documents: Residential extensions SPD

4.0 LOCAL REPRESENTATIONS

4.01 Representations have been received from two local residents, to all consultations/re-consultations. One raises the fact that the site is very near the Headcorn Aerodrome, where there is a certain level of noise associated and the second raises the following (summarised) issues :

- Access road isn't solely owned by the applicant
- Incorrect Certificate B Notice served/not received
- Existing Cesspit will need to be upgraded or replaced
- Works already commenced
- Debris spread around the site and in pond (impact on ecology)
- Site can now be seen from Public Footpath since tree removal has taken place
- Demolition has taken place and was not in accordance with the bat survey
- Ecology/protected species not being protected correctly

4.02 Cllr Chappell-Tay – E-mail received commenting that she agrees with Headcorn Parish Council comments in relation to flooding matters.

5.0 CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary, the responses are also the most recent representation received following re-consultation)

5.01 Headcorn Parish Council

The revised detail was reviewed by committee and they registered their disappointment at the comments by the Environment Agency - despite this being in Flood Zone 3 and the increasing flood risk in Headcorn no site visit was undertaken.

The committee see no reason to change their stance with regards to this development in Flood Zone 3 and still wish to see the application refused and referral to committee is required.

No revised comments were received regarding the most recent focused re-consultation regarding the revised FRA.

5.02 KCC Ecology

No objections subject to conditions.

5.03 Environment Agency

We have reviewed the information submitted and regarding Groundwater Protection and Flood Risk we have no additional comments to make, we ask you to please refer to our previous response on the 23/06/20, reference KT/2019/126468/03.

23/6/20 response below

We have reviewed the submitted documents and, based on the information provided in the Flood Risk Assessment (FRA) ref 9146A, dated 7 May 2020 from Monson Engineering Ltd, consider that it satisfactorily addresses our earlier concerns.

Subject to conditions, we therefore withdraw our previous objection, KT/2019/126468/02-L01, dated 24 January 2020

5.04 KCC Developer Contributions

Whilst we appreciate this application will pay the CIL adopted by Maidstone Borough and that the County Council cannot request contributions through a s106 agreement, the development will still have an impact on County services that cannot be accommodated within existing capacity.

It is requested that these impacts be noted in determining the application and that Maidstone Borough Council allocates CIL funds received from the development to ensure the impacts of the development can be met and the development regarded as sustainable.

5.05 KCC Highways

Development doesn't meet criteria for comments.

5.06 Conservation Officer

The amended windows are an improvement, and the overall proposals are now acceptable from a conservation perspective.

5.07 KCC Archaeological Officer

No objection subject to condition.

6.0 APPRAISAL

The key issues in relation to this proposal are considered to be (a) principle (b) impact on rural character and the area of Local landscape Value. (c) amenity (d) heritage considerations (e) flooding (f) ecology and (g) highways.

Background

6.01 Planning permission has previously been granted for the residential conversion of this building under ref: 05/1064 and more recently under application 16/501954/FULL, varied by application 18/503021/FULL. The latter consent expired on the 12th January 2021, and although works have been undertaken to demolish the attached outbuildings, it should be noted that none of the conditions on the 2016 or 2018 permissions have been sought to be discharged and as such the consents could not be lawfully implemented until the pre-commencement conditions have been approved (particularly those that go to the heart of the permission relating to contamination, ecology and archaeology). These consents therefore do not remain extant in perpetuity as a lawful implementation is not considered to have occurred.

6.02 Works beyond demolition have also occurred on site to provide footings for an extension, but these relate to implementing the proposal under consideration on this

application rather than to implement the 2016 consent. The existing barn has also been stripped back.

6.03 The site does however benefit from an extant consent for Listed Building Consent for the works proposed under this application, approved under reference 19/506113/LBC. The delay in determining this application and the alternative recommendation now put forward are a result of various factors. In this respect it is useful to provide a timeline and outline of the background.

6.04 June 2019 : Applicants sought pre-application advice under reference 19/503265/PAMEET. This proposed an extension to the side akin to the scale and proportions of that approved under the 2016 consent, but included a link to an existing outbuilding and a greater use of the first floor. A three bay garage was also approved with accommodation in the roof. A response was sent dated 6 August 2019, this supported the principle of the conversion but recommended removing the link between the barn and the outbuilding and the further extension into the first floor. It was suggested that :

It was considered that a more suitable option might be to consider lengthening the single-storey wing whilst maintaining its linear form – this section of the building is clearly much more modern and of lower significance and therefore alterations in this area are much less likely to be considered to result in harm.

The principle of a detached three bay garage was supported, but recommended that the dormers be omitted.

Some latter informal e-mail correspondence followed the pre-application, culminating in plans of a similar ilk to that now for consideration.

6.05 December 2019, both planning and listed building consent applications were submitted for the works currently under consideration (References 19/506112/FULL and 19/506113/LBC). The Listed Building Consent was approved on 29th January 2020 (a copy of the delegated report is attached at Appendix 1).

Late December 2019 an objection was received from the Environment Agency, this elicited additional information submitted mid-January 2020, re-consultation occurred.

Late January 2020, a further objection was received from the Environment Agency (due to the submitted information being based on outdated modelling).

An extension of time was agreed to enable the agent to provide updated Flood Risk Assessment and further ecological information. This information was submitted Ealy June 2020.

Late June 2020 Environment Agency removed their objection subject to conditions. KCC Ecology raised further matters which were addressed in further information received mid-July 2020.

November 2020, the Full application was re-allocated to another case officer and following discussions with a senior manager it was not considered that the application could be supported. The agent was made aware.

Mid-December meeting took place between the agent, case officer and Development Manager. Key discussions were the matters relating to flooding and the proposed scale of extensions, together with the unauthorised works.

Applicant wanted the opportunity to address the flooding matters prior to determination, this would involve undertaking works to increase the private bund. Due to earlier delays this was agreed and the case officer would wait until the works had taken place and a further FRA submitted.

Late June 2021, revised Flood Risk Assessment submitted, indicating that the bund height had increased and re-modelling carried out.

- 6.06 The above sets out a brief history of this application, outlining that there has been delays principally to address matters that have arisen due to lack of or out-dated information submitted and the applicant has been given the opportunity to address these matters. It is however acknowledged that there have been times during the application process where it has been left dormant and not progressed as quickly as the officers would have liked.
- 6.07 It is also acknowledged that the recommendation is a departure from the pre-application advice and earlier indications by the original case officer. The following report sets out the balanced rationale and reasoning for this recommendation change.

Principle of Development

- 6.08 The assessment of the proposal in relation to the above concerns largely revolves around whether the proposal meets the key provisions of policy DM31 of the local plan. Policy DM31 states, amongst other things, that the reuse and adaption of existing rural buildings meeting the following criteria will be permitted which, in summary, are:
- Building reinforces local character;
 - Is capable of conversion without major reconstruction;
 - That any alterations are in character;
 - Sufficient room to park vehicles without harming the character of the countryside and;
 - Suitably sensitive means of enclosure.
- 6.09 Policy DM31 also states, amongst other things, that residential reuse **will not** be permitted unless the following are also addressed, in summary, being:
- Every reasonable attempt has been made to secure a reasonable business reuse of the building;
 - Is the only means of securing a suitable reuse for a listed building, unlisted building of quality grouped with one or more Listed Buildings in such a way as to contribute to the setting of the Listed Building/s or other building/s of quality and;
 - Acceptable amenity space provision.
- 6.10 The site does not currently benefit from an extant consent for its use as residential, although the weight given to the previous consents diminishes with the expiry of the permissions. It is not considered any objection in principle to the conversion can be raised. By meeting the provisions of policy DM31 and having regard to the well enclosed, inward looking and self contained nature of the site, facing away from open countryside and forming part of an equally self contained grouping of buildings on this side of the track, it is considered there will be no material impact on the rural or

landscape character of the area by the conversion of the existing building relating to the conversion itself.

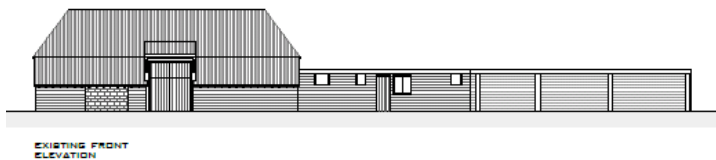
6.11 It has been previously accepted that residential use is preferable over business re-use and that main barn itself is structurally capable of conversion. This application is not accompanied by any information to further substantiate this past position. However, as the proposal also seeks to secure the re-use of this curtilage listed barn and it is also acknowledged that a number of the surrounding buildings are currently undergoing conversion to residential (albeit under the prior notification route rather than through full planning permission). On balance it is considered that the conversion of the barn itself is considered in principle acceptable subject to the material considerations set out below.

6.12 In setting out that conversions should take place *without major reconstruction*, implying that conversions should be as such and extensions to facilitate conversions in principle would not be supported. This is not to say that other material considerations could weigh in favour of extending, these matters are discussed below.

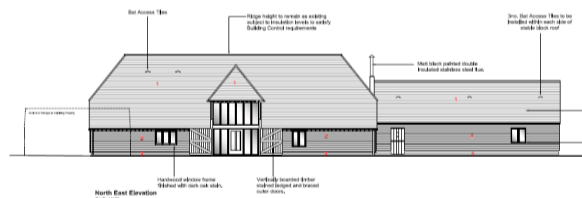
Impact on rural character and the area of Local landscape Value

6.13 Where the proposal differs from the earlier consent is the size of the proposed extension to the side, together with the addition of a detached garage. The proposed extension would effectively be doubling the size of the previously approved scheme, with the proposed garage introducing further built development onto the site. Below the front elevations show the existing (prior to demolition of the pole barns), approved scheme and the proposed scheme :

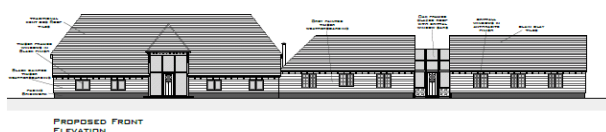
Existing



Previously approved



Proposed



- 6.14 The proposed footprint of the dwelling would clearly be larger than the previously approved scheme. Allowing the extension on the earlier approval was weighed in favour of limiting the use of the loft space. The scheme would have provided three bedrooms at ground floor, together with a kitchen and living room and one further bedroom at first floor. In comparison to the proposed scheme which would provide the same accommodation at first floor, a re-arrangement of the three bedrooms at ground floor to provide an enlarged kitchen/snug in the footprint of the earlier extension and a guest suite, shower room and boot room in the enlarged extension.
- 6.15 The proposed detached garage, would introduce further built form. The garage would be sizeable, designed to accommodate 3 cars and have useable roof space. The height of the garage would also exceed that of the extensions to the original barn, together with introducing an additional outbuilding whereby an existing building on the site would be retained.
- 6.16 Although the conversion has yet to take place, the Residential Extensions SPD is pertinent when considering the extensions to the building and the new garage. It sets out :

'Extensions to dwellings in the countryside which have been converted from buildings originally in non-residential use, such as oast houses, barns and other farm buildings, will not normally be permitted where this would have an unacceptable impact on the original form such as a rectilinear floor plan which fits well with their original function and the character of the countryside and others have an historic form and character which should be retained. In granting consent for conversions the Council seeks to preserve the original form and character of the building. Proposals for extensions to such buildings should not therefore destroy that form or character and will not normally be considered acceptable.' (para 5.14)

'Extensions will not be permitted to dwellings created from traditional rural buildings including oast houses, barns and other farm building where they would have an unacceptable impact on the form or character of the original building.'

'Garages and other outbuildings should not impact detrimentally on the space surrounding buildings. They must be smaller in scale and clearly ancillary to the property.' (para 5.28)

'Their scale should not exceed what might reasonably be expected for the function of the building. Garages and outbuildings for domestic purposes do not normally need to exceed a single storey in height or have excessive volume; (para 5.29)

'Garages and outbuildings should not compete with the main house and consequently should be sympathetically positioned away from the front of the house and should be simpler buildings. Often secondary buildings or extensions were traditionally erected with a simplicity of design and more easily available materials. This may be used to good effect to reinforce the distinction between the original building and the subservience of the extension.'

- 6.17 The form of the proposed extension would very much mirror the footprint of the outbuildings which were attached to the barn. The outbuilding have since been demolished and as such for planning purposes their earlier existence carries very limited weight and although described as a pole barn, the structures were very much more informal, low key, single storey and flat roofed structures.
- 6.18 Even if weight was given to the earlier outbuildings on the site, by contrast the proposed single storey extensions would be of a much more formalised arrangement,

with additional bulk and mass at roof level that would compete with the original barn. Planning policy generally does not wholly support extensions to converted buildings and it is not considered this case is any different. A fairly sizeable extension was permitted under the earlier approvals and there is no justification provided as to why an extension of a similar scale would now be unviable. Conversions of former agricultural buildings should preserve the character and appearance of the building, whilst recognising its former use. The extensions as proposed do not seek to achieve this, the building would appear as extremely elongated and have a 'sprawling' form, which does not reflect the barns simple rectilinear form. The extensions would be wider than the remaining original barn (with the barn measuring approximately 18m in width and the extension measuring 24m) and introduce varying roof forms and unacceptable additional bulk and mass.

- 6.19 The proposed garage would further exacerbate the harm identified above. The garage would be higher than the proposed extensions to the barn (6m compared to a height of 5.4m for the extension), it would be of a scale to the size of extension approved under the 2016 consent and at right angles to the proposed dwelling and in very close proximity to the proposed extensions (and in part overlapping the frontage), the building would not appear as wholly detached, but would appear as a continuation of the built form, resulting in a greater sprawling form of development, not respecting the existing barn and the contribution it makes to the intrinsic character and appearance of the countryside.
- 6.20 Overall it is considered that although the conversion of barn, together with a small-scale extension could be supported, the current proposal would result in an extremely elongated building, which would diminish the form and original character and appearance of the barn contrary to policies which seek to preserve the countryside and its intrinsic openness. The extensions to the barn, both individually and cumulatively with the detached garage are not considered appropriate in this location.

Residential Amenity

- 6.21 The property most likely to be affected by the proposal is Bletchenden Manor Farm abutting the application site to the east. Given that the bulk and profile of the barn to the converted will not change and a 'flank to flank' separation distance in excess of 10 metres is maintained, no material harm is identified to the outlook or amenity of Bletchenden Manor Farm. Furthermore the run down condition of the building and site in general means the proposed development will bring an uplift to the area and improvement to the visual amenity of properties abutting or overlooking the site.
- 6.22 In terms of the amenity of future residents, the size of the dwelling, its amenity area with the site occupying are well screened and the secluded position means no objection is identified in this respect.

Heritage considerations

- 6.23 The proposed conversion involves (a) retention of the existing barn along with its key internal and external features (b) minimal external changes thereby avoiding the building appearing overly domestic and retaining the 'memory' of its previous agricultural use and (c) removal of outbuildings and their consolidation into a single storey extension clearly subordinate in scale and appearance to the converted barn. The proposal will also provide a long term use of this currently run down heritage asset.

- 6.24 It should be noted that the concurrent Listed Building Consent application under reference 19/506113/LBC was approved in January 2020.
- 6.25 As such given the positive comments of the Conservation Officer, the proposal is considered to meet the heritage requirements of the NPPF and policy DM4 of the local plan in terms of the impact the works would have on the Listed Building itself.
- 6.26 With regard to the proposed extensions the Listed Building Consent report reads :

With regards to the extension, this replaces unsympathetic elements which detract from the character and appearance of the listed barn and again, whilst an extension would normally be resisted in principle, as this is a simple, functional, former farm building, in this case the principle of an extension is not objectionable because there is already something attached to this end of the barn of a significant length. The extension would have a hipped roof on the end closest to the barn, which is considered an improvement over the extant scheme, which had a gabled roof, as this would bring the roof of the extension further away from the barn to provide better visual separation. It is noted that the extension would be increased in length, but this is not considered to result in material harm to the barn, as the additional part of the extension would be set well away from the barn and the key point in any case is the principle of an extension here, which has already been established. The extension would utilise different windows and different coloured weatherboarding which would help to differentiate this part of the structure from the main barn, which again is to be welcomed.

- 6.27 The Local Planning Authority has a statutory duty to have special regard to the desirability of preserving listed buildings or its settings under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.28 Policy DM4 of the local plan requires that the significance of designated heritage assets and their settings are conserved, and, where possible, enhanced and Policy SP18 similarly seeks to protect and enhance the quality of heritage assets. Policy DM4 requires that the relevant tests in the National Planning Policy Framework are applied when determining applications for development which would result in the loss of, or harm to, the significance of a heritage asset and/or its setting.
- 6.29 Policy SP18 of the local plan requires that, *inter-alia*, the characteristics of heritage assets are protected and design is sensitive to heritage assets and their settings. Policy DM4 of the local plan requires applicants to ensure that new development affecting heritage assets conserves, and where possible enhances, the significance of the heritage asset. It points out in paragraph 6.30 that small scale changes over time can erode the special character of places such as listed buildings.
- 6.30 It requires a proportionate Heritage Assessment which takes account of the significance of the asset and the impact on the identified significance. Paragraph 6.33 also advises that regard will be given to paragraphs 131 to 135 of the The National Planning Policy Framework (NPPF).
- 6.31 Since the adoption of the local plan, a revised NPPF has come into force, with the relevant section being chapter 16.
- 6.32 Paragraph 189 of The NPPF states that heritage assets “*are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations*”.
- 6.33 To this end paragraph 199 advises:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation... This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

And paragraph 200:

“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.”

- 6.34 Curtilage listed by its association with Bletchenden Manor Farm to the east of the site, the building also lies to the east of The Granary, again Grade II Listed. The application site, together with the barns to the north and west (both currently undergoing residential conversions), form part of this group of now former agricultural buildings. Their relationship to the host listed buildings, the character and appearance of the barn and its relationship with the wider countryside, helps define the qualities of the buildings listed status.
- 6.35 The Conservation Officer has raised no objection to the internal works to the original barn or to the extensions and a decision has previously been taken that the extensions would not harm the Listed Building itself.
- 6.36 In terms of changes in circumstances since the granting of the Listed Building Consent, the main difference is that the attached outbuildings have been demolished and the 2016 consents are no longer extant. As such for planning purposes these no longer exist and the scheme is to be determined on the basis of the main barn only. Some weight was given to the existence of those extensions in granting Listed Building Consent *‘because there is already something attached to this end of the barn of a significant length.’* However this was not the sole reason why the proposal was considered acceptable in terms of the impact on the Listed Building, it was also considered acceptable due to the design compared to the then extant consent, the proposed materials, its separation and the character and appearance of the listed barn itself.
- 6.37 As the Conservation Officer has raised no objection and that the impact on the Listed Building has previously been agreed, in terms of impact on the Listed Building it is not considered that a differing conclusion can be made to that previously concluded under the Listed Building Consent and the works would preserve the special interest, character, appearance and significance of the listed building and the proposals are considered to comply with policies DM4 and SP18 of the local plan and the aims of the NPPF.

Flooding

- 6.38 Having regard to the site’ location in an area at risk of flooding (Flood Zone 3) and that the proposal represents a flood sensitive use, the application was accompanied by an FRA dated August 2005. Following concerns this was significantly out of date a revised FRA was submitted dated 5th November 2015, this again was considered to be out of date. An updated report was therefore requested and submitted as Flood Risk Assessment dated 7th May 2020. The findings of this report are considered satisfactory to the Environment Agency provided that the development is carried out in accordance with the mitigation measures specified, these in summary are as follows :

- Raising of the existing clay bund constructed around the properties at Bletchenden Farm from 20.44m AoD, to 20.57m AoD (an increase of approximately 130mm.)
- 6.39 The applicant was advised that this matter could not be conditioned as the bund is situated outside the applicants ownership and neither falls within the red or blue line of the submitted application. As such the applicants have carried out the works to increase the height of the bund and this has resulted in the land being re-surveyed and a revised Flood Risk Assessment being submitted.
- 6.40 In accordance with the NPPF and NPPG the proposed use of the site for residential is classified as '*More Vulnerable*'. Such development can be acceptable subject to the Sequential and Exception Tests being applied and passed. Furthermore, local planning authorities should also ensure that flood risk is not increased elsewhere, this can be aided with site specific FRA being used to assist the Local Planning Authority in applying the Sequential and then if necessary, the exception test.
- 6.41 It is not the role of the E.A to apply the sequential test, this is the role of the Local Planning Authority assisted by the E.A's advice and the NPPG advises the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases it may be identified from other Local Plan policies, such as the need for affordable housing within a town centre, or a specific area identified for regeneration. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives.
- 6.42 The NPPG also advises that when applying the Sequential test, a pragmatic approach on the availability of alternative sites should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere.
- 6.43 In this case there are clear arguments that as the building is a heritage asset which should be preserved and as such applying the sequential test to a wider area is not appropriate as the development could not take place elsewhere. In addition residential use has previously been considered acceptable at the site and neighbouring buildings have been given permissions to convert to residential. Overall the site could be considered as sequentially acceptable.
- 6.44 In applying the exception tests, it is considered that the wider sustainability benefits to the community which outweigh flood risk would be in the form of the preservation of the building which is considered as curtilage listed and a positive example of a threshing barn which is estimated to date from circa 16th or 17th century
- 6.45 Matters relating to the residual risk, i.e whether suitable emergency measures are in place, the ability to gain suitable egress/ingress to areas of high ground during extreme events and the impact on the emergency services are all considered could/have been mitigated by the increase in the bund height and could be secured through the submission of a Flood Warning and Evacuation Plan if the scheme was considered acceptable in all other respects.

- 6.46 The Environment Agency has been reconsulted, their comments have not changed insofar as they still raise no objection subject to the bund being increased in height. As these works have taken place it is not considered that any condition would be necessary and that the application satisfactorily addresses the flooding implications of the development such that the application could not be refused on flooding grounds and passes the sequential and exception tests.

Ecology

- 6.47 The wildlife assessment submitted with the proposal identified water features, trees and semi improved grassland all as having some wildlife potential though it concluded the majority of site has low potential due to the prevalence of hardstandings, paved areas and introduced garden plants preventing notable flowering plants from establishing.
- 6.48 The water features identified in or close to the application site all contained significant fish stocks making them unlikely habitats for Great Crested Newts though the site contains habitats capable of supporting reptiles. There was also evidence the existing building providing habitat for breeding birds though no evidence of badger activity.
- 6.49 A bat emergence survey concluded that the barn had had high potential to support roosting bats. As the site lacks wooded areas it does not provide a suitable habitat for dormice while no evidence of protected invertebrates was identified.
- 6.50 Based on the above the following mitigation/enhancement measures are proposed being:
- Work only to be undertaken outside bird breeding season.
 - Provision of bat lofts.
 - Vegetation cleared in a way to safeguard reptiles along with the erection and maintenance of exclusion fencing.
 - Use of native broadleaved trees and plants to be sourced locally
 - Two martin/swallow nest boxes on the newly proposed buildings.
 - Placing a bat roost box on one of the willow trees along the adjacent pond.
- 6.51 The Bat mitigation strategy was formulated following the demolition of the attached outbuilding, but prior to the further stripping back of the main barn, the photographs below show the barn at the time of the survey and following officers site visit in November 2020.

Photographs from June 2020 ecology report



After demolition of outbuildings and stripping back works



6.52 The submitted mitigation strategy regarding bats sets out that two bat lofts would be created, one above the existing main barn and one above part of the wider extension. The report sets out that a European protected species mitigation licence and mitigation strategy would be required prior to works commencing. Works are recommended in the report to start in September, outside the hibernation season (November to March) and once a licence has been granted. Firstly bat boxes are to be installed in trees, a EPS licence applied for and granted, bat roosts dismantle under the supervision of a licensed ecologist and then building conversion and construction works can take place.

6.53 The following information has been requested from the agent relating to ecological matters :

- Confirmation Bat boxes were installed in trees (photographs of these boxes and a plan showing their location should provide sufficient evidence)
- Copy of the EPS licence being applied for and granted
- Details of the licensed ecologist who undertook watching the dismantling of any bat roosting features
- Confirmation of the dates that the works took place
- Any other evidence relating to ecological works undertaken prior to the barn being stripped back

Members will be updated regarding any response received.

- 6.54 In the absence of the above information it is currently unknown for certain whether the works carried out to date have been in accordance with the Bat mitigation strategy or whether any offences have been committed.
- 6.55 However the mitigation strategy in terms of the provision of the bat lofts could still be carried out should the works be considered acceptable in every other regard, thus providing suitable mitigation, albeit the bat potential may have been destroyed. All other ecological mitigation could be conditioned should the application be considered acceptable in all other respects.

Highways

- 6.56 In the absence of previous objections to the residential reuse of this building, minimal traffic generation and that sufficient on site parking and turning space is available no harm identified to the proposal on highway grounds.

Other matters

- 6.57 The site of the application is considered to be the site of a medieval moated manor complex (*SMR NO: TQ 84 SW 9*) which became a fairly extensive post medieval farm. The medieval residence may have been surrounded by a moat of which the current ponds could be remnants. The 1st Ed OS map also seems to indicate a possible outbuilding close to the building to be converted. Remains associated with the medieval and post medieval use of the site may be impacted by groundworks and conversion works. As such it is considered that a condition could be attached to secure an archaeological watching brief should the proposal be acceptable in all other respects.
- 6.58 There is a likelihood of contamination due to the former use of the site and as such ground investigation should take place on the site. Again these matters could be dealt with by condition should the application be acceptable in all other respects.
- 6.59 A neighbour has made representation about incorrect certificate B being served on the owners of the access track. The agent has supplied a letter detailing whom notice has been served upon and it is considered for planning purposes that the correct notification has been undertaken.

7.0 CONCLUSION

- 7.01 The principle of the conversion of the existing barn to residential is considered acceptable, however the proposal includes a large side extension which is unjustified insofar as it would require major reconstruction to extend and alter the existing barn and would be harmful to the character and appearance of the countryside by the resulting form of development that would elongate the existing barn, harmful to its contribution it makes to the character and appearance of the countryside. Cumulatively with the proposed detached garage the proposal would result in an unwarranted form of development which would introduce excessive built form which would compete with the existing curtilage listed barn and result in the overdevelopment of the site, with the proposals not appearing as modest additions or in keeping with the landscape character and design and form of the existing barn. The proposal would as such be contrary to local and national planning policy. Other material planning considerations could be satisfactorily dealt with by planning conditions, but these matters do not outweigh the harm that would result.

8.0 RECOMMENDATION – REFUSE for the following reason:

- (1) The proposal would require major reconstruction to extend and alter the existing barn, resulting in a form of development that would elongate and destroy the original functional form and legibility of the agricultural character of the barn which is to be converted, thus severely compromising its character, unacceptably diminishing the positive contribution the application building makes to its rural surroundings, to the detriment of the character and appearance of the countryside. To permit the proposal would therefore be contrary to policies SP17, DM1, DM30, DM31 and DM32 of the Maidstone Borough Local Plan 2017, the guidance contained in the Council's adopted residential extensions SPD and the central government planning policy contained in the National Planning Policy Framework (2021).
- (2) The proposed garage, by reason of its size, height, scale, mass and position, when taken individually or cumulatively with the proposed extensions to the barn would result in an excessive form of development which would read as a further extension to the proposed dwelling which would not appear as modest, harmful to the openness and character of the countryside. To permit the proposal would therefore be contrary to Policies SP17, DM1, DM30, DM31 and DM32 of the Maidstone Borough Local Plan 2017, the advice given in the adopted Supplementary Planning Document "Residential Extensions", and the central government planning policy set out in The National Planning Policy Framework (2021).

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.



Mr & Mrs D Pearce
C/O Country House Homes Ltd
FAO Mr Guy Osborne
Chegworth Manor Barn
Chegworth Road
Harrietsham
Maidstone
ME17 1DD

29 January 2020

PLANNING DECISION NOTICE

APPLICANT:	Mr & Mrs D Pearce
DEVELOPMENT TYPE:	LBC (alterations/extensions)
APPLICATION REFERENCE:	19/506113/LBC
PROPOSAL:	Listed Building Consent for the internal and external works involved in the conversion of Heritage Threshing Barn and modern pole barn to residential
ADDRESS:	Bletchenden Farm, Bletchenden Road, Headcorn, Ashford, Kent, TN27 9JB

The Council hereby **GRANTS** permission/consent for the proposal referred to above subject to the following Condition(s):

- (1) The works to which this consent relates must be begun before the expiration of three years from the date of this consent;

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

MKPS – Working in Partnership with: Maidstone Borough Council

Please Note: All planning related correspondence for MBC should be sent to:

Mid Kent Planning Support, Maidstone House, King Street, Maidstone ME15 6JQ

Email: planningsupport@midkent.gov.uk

Access planning services online at: www.maidstone.gov.uk; or submit an application via www.planningportal.co.uk

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

Drawing numbers 500/DP/001, 500/DP/004/C, 500/DP/005/C and 500/DP/007/A received on 27/01/20;

Reason: To clarify which drawings have been approved and to preserve the character, appearance and special interest of the listed building.

- (3) The works shall not commence until written details and samples of the materials to be used in the construction of the external surfaces of the works hereby permitted, including rainwater goods, flues and vents, and details of the finish of all of the materials to be used in the construction of the external surfaces of the works hereby permitted, have been submitted to and approved in writing by the Local Planning Authority and the works shall be completed using the approved materials with the approved finishes;

Reason: To ensure a satisfactory appearance and that the historic significance of the listed building is maintained.

- (4) The works shall not commence until joinery details of the proposed windows, doors, internal joinery and internal partitions have been submitted to, and approved in writing by, the Local Planning Authority. The details shall specify materials and finishes and include large scale plans at a scale of 1:20 showing long and cross profiles of the mullions, transoms, cills and internal partitions. Work shall only be carried out in accordance with the approved details and retained as such at all times thereafter.

Reason: To safeguard the character and fabric of the heritage asset.

- (5) The works shall not commence until a full schedule of works to be carried out, including a schedule of repairs and details of any internal or external insulation to be used, has been submitted to, and approved in writing by, the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details;

Reason: To safeguard the character and fabric of the heritage asset.

Informative(s):

- (1) Asbestos
Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

With regards to insulation, the applicant is encouraged to have regard to the Historic England guidance documents upon insulation available upon their website including in terms of any roof insulation and ensuring that any insulation is appropriate and breathable. The proposed rooflights should be metal and flush fitting.

Please note you must comply with all the conditions attached to this consent; otherwise the consent may not be valid and any works may be unauthorised.

R. L. Jarman

**Rob Jarman
Head of Planning Services
Maidstone Borough Council**

IMPORTANT - YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

NOTIFICATION TO APPLICANT FOLLOWING REFUSAL OF PERMISSION OR GRANT OF PERMISSION SUBJECT TO CONDITIONS

This decision does not give approval or consent that may be required under any act, bylaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority (LPA) to refuse permission for the proposed development, or to grant it subject to Conditions, then you can appeal to the Secretary of State (SoS) under Section 78 of the Town and Country Planning Act 1990. **Please see “Development Type” on page 1 of the decision notice to identify which type of appeal is relevant.**

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and if you want to appeal against the LPAs decision on your application, then you must do so within **28 days** of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the LPA’s decision on your application, then you must do so within **28 days** of the date of service of the enforcement notice, or within **6 months [12 weeks** in the case of a **householder** or **minor commercial** application decision] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a **Householder** application or a **Minor Commercial** application and you want to appeal the LPA’s decision, or any of the conditions imposed, then you must do so within **12 weeks** of the date of this notice.
- In all other cases, you will need to submit your appeal against the LPA’s decision, or any of the conditions imposed, within **6 months** of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

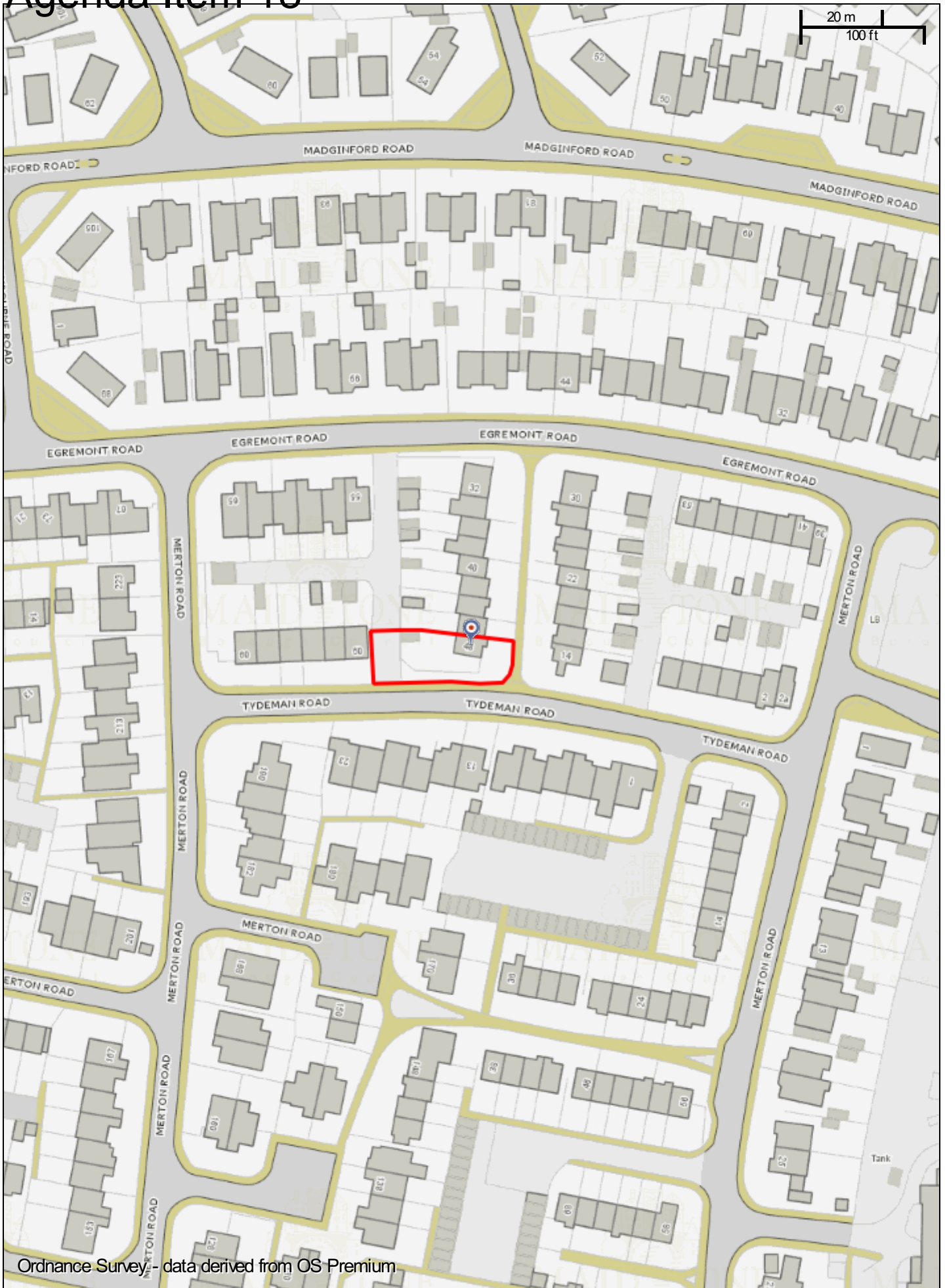
If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority (planningappeals@midkent.gov.uk) and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

The SoS can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The SoS need not consider an appeal if it seems to the SoS that the LPA could not have granted planning permission for the proposed development or could not have granted it without

the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Agenda Item 18



Ordnance Survey - data derived from OS Premium

21/504963/FULL 48 Tydeaman Road, Bearsted, Maidstone, Kent ME15 8LU

Scale: 1:1250

Printed on: 3/12/2021 at 9:18 AM by JoannaW

100



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REFERENCE NO - 21/504963/FULL		
APPLICATION PROPOSAL Two storey side extension and single storey rear extension		
ADDRESS 48 Tydeman Road Bearsted Maidstone Kent ME15 8LU		
RECOMMENDATION Application Permitted		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal would not cause visual, amenity or highways harm and therefore accords with local and national planning policy.		
REASON FOR REFERRAL TO COMMITTEE Councillor Springett has called the application to committee on the basis of some concerns about the impact on the openness and amenity of the area. The main concern lies with the impact on light, amenity and loss of outlook to the adjoining property, which lies to the north of number 48, in contravention of Policy DM9. Referral to the planning committee for determination to allow existing residents who object to raise their concerns directly with the committee.		
WARD Bearsted	PARISH/TOWN COUNCIL Bearsted	APPLICANT Remake Ltd AGENT Mr Paul Fowler
TARGET DECISION DATE 09/11/21		PUBLICITY EXPIRY DATE 12/10/21

Relevant Planning History

21/501875/FULL
Erection of an attached one bedroom dwelling.
Refused 04.06.2021

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The application site consists of an end of terrace dwelling located on a corner plot in the Maidstone Urban Area. The front of the dwelling faces on to a pedestrian walkway, with the blank side elevation facing to the highway. The side elevation is set back at an angle approx. 4m from a tall side garden fence, which is set back a further 2.5 from a lower fence which sits adjacent to the pavement. The rear elevation of the dwelling faces the flank elevation of No.50 at a distance of approx. 22m. A garage sits at the end of the rear garden. This is accessed via a shared vehicular access which sits to the side of No.50.

2. PROPOSAL

2.01 It is proposed to erect a 2 storey extension to the side of the dwelling, and a single storey extension to the rear. The two storey extension would project 2.5m to the side of the existing flank elevation and would retain a gap to the existing tall garden fence of 1.3-2.3m. The two storey extension is of the same height and roof form as the existing dwelling and is shown using fenestration and materials to match the existing, with all flank windows to be obscurely glazed.

2.02 The single storey extension is shown as almost the width of the dwelling and extending 2.5m back into the garden at an eaves height of 4.8m with a pitched roof

that slopes upwards towards the rear elevation to a height of 6.7m. Materials are shown to match the existing dwelling.

3. POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) (2021)
National Planning Practice Guidance (NPPG)
Development Plan: Maidstone Local Plan (2021): Policy SS1 - Maidstone Borough Spatial Strategy, Policy SP1 – Maidstone urban area, Policy DM1 – Principles of good design, Policy DM2 – Sustainable design, Policy DM9 – Residential extensions, conversions and redevelopment within the built-up area.
Emerging Policies - Regulation 19 Draft Local Plan: Policy LPRSP15 – Principles of Good Design, Policy LPRHOU2 : Residential extensions, conversions, annexes and redevelopment in the built-up area

Residential Extensions SPD

- 3.01 Maidstone Borough Council has published the Draft for Submission version of its Local Plan Review, which sets out proposed planning policies for development over the period 2022-2037. Regulation 19 draft is a material consideration, and some weight must be attached to it, but this weight is limited

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 3 representations received from local residents raising the following (summarised) issues
- Rear extension will impact on daylight / sunlight to neighbouring dwelling and garden and fail to meet 45degree test
 - Will affect views from 46 and 14.
 - The proposal will result in increase in car ownership and impact on parking / highway safety
 - A tree was previously removed
 - Cannot establish whether a foul water sewer will be covered and made inaccessible.
 - Being built by developers from off the estate with the view of making money from the development
- 4.02 One comment neither objecting or supporting to the proposal but commenting that the removed tree had been planted by an occupier of the dwelling in 1988.
- 4.03 Issues relating to sewer accessibility (a matter regulated through building regulations), who wishes to build the extension, and the previous removal of a (non protected) tree are not material planning considerations and therefore cannot be taken into account in the determination of this application. The other matters raised by neighbours and other objectors are discussed in the detailed assessment below.

5. CONSULTATIONS

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

- 5.01 Bearsted Parish Council
Recommend approval

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Visual Impact
- Amenity Impact
- Highways Impact

Visual Impact

6.02 Policy SP1 (Maidstone urban area) relates to the area outside of the town centre and the policy outlines that this area will be a focus for new development. The policy outlines that the urban area will continue to be a good place to live and work, and this will be achieved by permitting development and redevelopment or infilling of appropriate urban sites in a way that contributes positively to the locality's distinctive character.

6.03 Furthermore, policy DM9 (Residential extensions, conversions and redevelopment within the built up area) sets out the criteria for determining applications which involve extensions within built up areas. The policy reiterates the requirements highlighted in paragraph 118(e) of the NPPF above. Such proposals are permitted if;

- i. 'The scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the street scene and/or its context;
- ii. The traditional boundary treatment of an area would be retained and, where feasible, reinforced;
- iii. The privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents would be safeguarded; and
- iv. Sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene.'

6.04 The application site is situated in a sustainable location within the Maidstone Urban Area, as such, the principle of development in this location is considered acceptable subject to the impacts of the design of the development.

6.05 Policy DM1 (Principle of good design) outlines the importance of high-quality design for any proposal. This includes taking into account the scale, height, materials, detailing, mass, bulk, articulation and site coverage, respecting the amenities of neighbouring occupiers and properties, incorporating adequate storage for waste and recycling, providing adequate parking facilities to meet adopted Council standards, protect and enhance biodiversity.

6.06 Policy DM9, as stated above, of the Local Plan also requires that the scale, height, form and appearance should fit the character of the existing local area.

6.07 The proposed side extension would continue the existing pattern of development in the terrace, using materials, fenestration and a roof form that will harmonise with the dwelling and the match the surrounding character. Although it would bring the amount of built form at the end of the terrace closer to the highway, a significant gap would still be retained with both the tall garden fence and then the lower palisade fence, ensuring that a gap of 3.6-4.8m is retained in the area where the open space adjoins the pavement. On this basis, the spatial quality and a satisfactory degree of relief at the corner plot would be retained.

- 6.08 Although visible within the streetscene, this set back at the side boundary, along with the accordant size and form of the extension would not disrupt the uniform character of the dwelling, its terrace or the street scene.
- 6.09 The rear extension would extend an acceptable distance from the host dwelling in a modest manner that would not dominate the existing dwelling, and would appear proportionate and subservient to it. The extension would be visible above the side fencing, but would not be out of keeping with other built form in the locality (for example at No.60), and of a size and appearance as is to be expected in such a setting.
- 6.10 For the above reasons, the proposed two storey side extension and single storey rear extension are considered to fit unobtrusively with the existing building and would not result in detrimental harm to the character of the street scene or its context. As such, no objection is raised regarding the size, design or scale of either extension.

Amenity Impact

- 6.11 Policy DM1 of the Local Plan requires development to respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.12 The two storey element is sited a sufficient distance from the neighbouring dwellings to ensure that daylight/sunlight privacy would be acceptable and that there would be no detrimental impact on neighbouring privacy. Concern has been raised about loss of outlook along Tydeman Road. This is not a material consideration to which any weight can be attached. Regardless, the two storey extension would protrude such a significant distance from the flank elevation to intrude upon neighbouring amenity or appear as an overbearing form of development.
- 6.13 While it would sit in close proximity to the neighbouring occupier, the rear element, due to its single storey nature would not impact on privacy or have a significant overlooking impact. There would be some loss of daylight / sunlight / overshadowing of the rear elevation of the neighbouring dwelling, but this would not impact on any habitable primary window, and as such passes the 45 degree test.
- 6.14 The proposed development would accord with the parameters set out in the Residential Extensions SPD, whilst still providing an adequate level of amenity space internally.

Highways Impact

- 6.15 Concern has been raised about increased demand for parking as a result of the proposal. Appendix B of Policy DM23 of the local plan sets parking standards for housing development. In a suburban area it requires 1 space per 1/2 bed dwelling and 1.5 space per 3 bed dwelling. The extension would increase the size of the dwelling from a 2 bed to a 3 bed house. As such, the standard would rise by half a space.
- 6.16 As a site within the Maidstone Urban Area, close to transport links and in an area not subject to on street controls and with sufficient on street parking availability, the

requirement and under provision of half a space would not be sufficient grounds to warrant refusal of the proposal. The NPPF is clear at paragraph 11 that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

- 6.17 For the reasons detailed above, the under provision of half a parking space would not result in an unacceptable impact on highway safety, and as such, in this regard the proposal is acceptable.

Other Matters

- 6.18 Policy DM1 of the local plan sets out at point viii that proposals should 'protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide mitigation.' The NPPF encourages the enhancement of biodiversity in the interests of sustainable development. The submitted plans show the integration within the extension of a bat brick and swift brick. This would secure a net gain in the biodiversity value of the site.

7. PUBLIC SECTOR EQUALITY DUTY

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

8. CONCLUSION

- 8.01 The proposed extensions would not have a detrimental impact on neighbouring amenity, and would appear as coherent and proportionate additions to the existing dwelling that would protect the spatial quality of the locality and would not have an unacceptable on highway safety. The proposal would therefore accord with national and local planning policy and as such it is recommended that permission be granted for the works.

9. RECOMMENDATION

GRANT planning permission subject to the following conditions:

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

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

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

- 21/864/03: Proposed Site, Floor Plans and Elevations;
- Site location plan;
- Bat Box Photograph, received 9th September 2021;
- Swift Brick Photograph, received 9th September 2021;
- Design and Access Statement, received 9th September 2021;
- Application Form.

Reason: To clarify which plans have been approved.

- 3) The materials to be used in the development hereby approved shall be as indicated on the approved plans unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development.

- 4) The bat brick and swift bricks shown on drawing number 21/864/03 shall be provided in accordance with the approved details prior to first use of the extensions and all features shall be maintained thereafter.

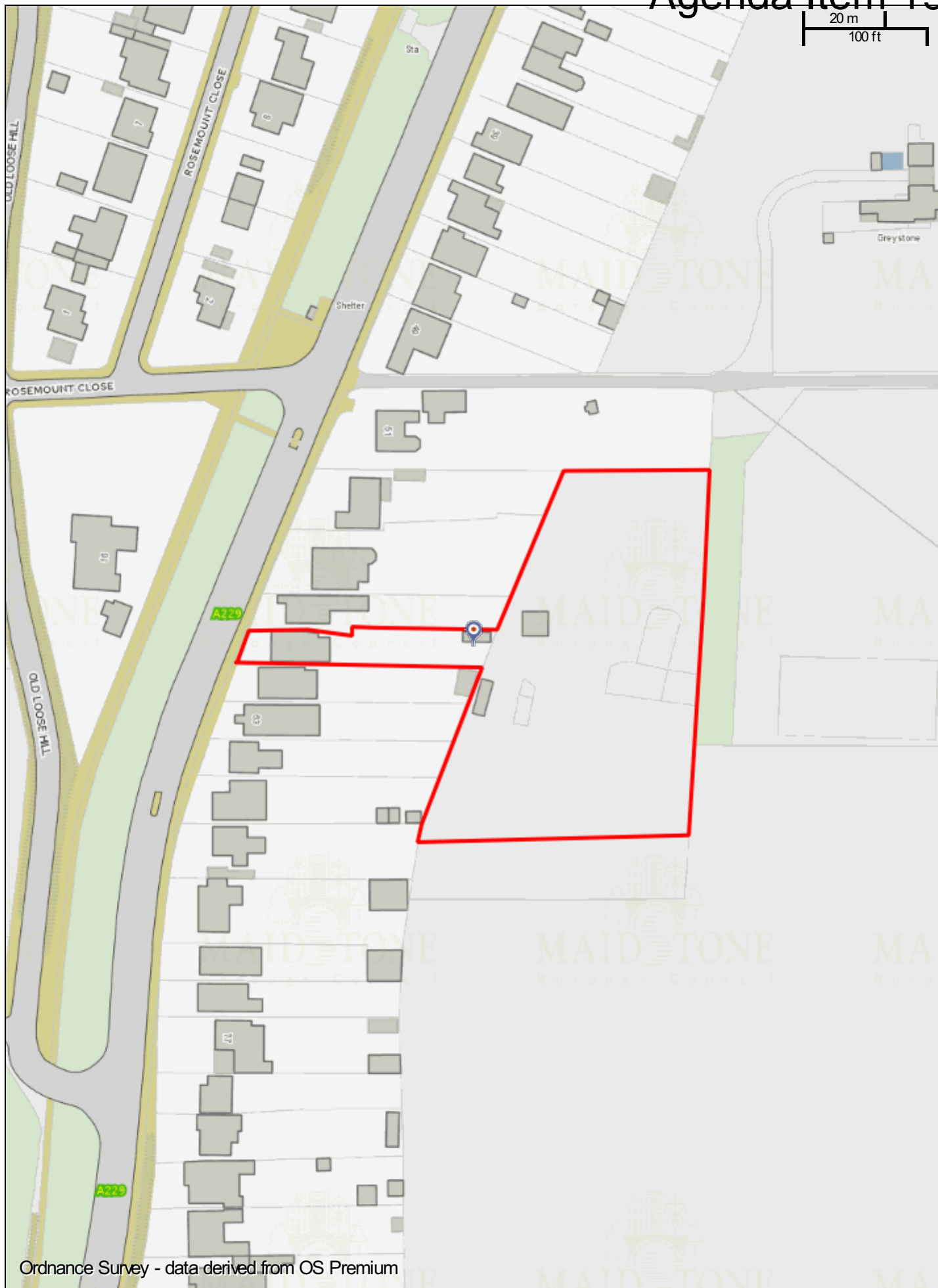
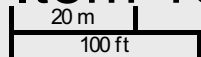
Reason: To enhance the ecology and biodiversity on the site in the future.

INFORMATIVES

Your attention is drawn to the following working practices which should be met in carrying out the development:

- Your attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition: if necessary you should contact the Council's environmental health department regarding noise control requirements.
- Plant and machinery used for demolition and construction should 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.
- Vehicles in connection with the construction of the development should only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.
- The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours is advisable. Where possible, the developer shall provide residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work.
- Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

Case Officer: Joanna Russell



Ordnance Survey - data derived from OS Premium

REFERENCE NO - 20/505662/FULL		
APPLICATION PROPOSAL		
Demolition of existing buildings and erection of 9no. dwellings associated parking, hardstanding, landscaping and area of ecological enhancement, infrastructure and earthworks and enlarged crossover from the A229 Linton Road.		
ADDRESS		
Land At 59 Linton Road Loose ME15 0AH		
RECOMMENDATION		
Grant permission subject to conditions and a £14,750 contribution towards biodiversity net gain in the form of habitat creation (and improvements to access for all) at the adjacent Salts Wood scheme, together with an appropriate monitoring fee. (The application is accompanied by a signed s106 agreement)		
SUMMARY OF REASONS FOR RECOMMENDATION		
<p>The principle of development is considered to accord with the relevant considerations within both the Local and Neighbourhood Plans, with the latter identifying the site as lying within the 'built' area of the village and providing more detailed guidance on how MBLP Policy SP17 is applied in this particular location.</p> <p>The application has been tested against the more recent Neighbourhood Plan policies relating to potential impacts on the character and appearance of the village and the surrounding countryside and responds positively to those tests, with no adverse impacts upon the character of the village or the wider landscape.</p> <p>As required by Policy the development is of a density that is in keeping with the established housing density in the area. The site is discretely located and whilst the layout of the development is a departure from the traditional pattern in the area, it has no adverse impact upon the character of the village.</p> <p>The layout and design of the scheme will ensure that the amenity of existing neighbours is protected, with, for example, separation distances between dwellings comfortably exceeding standards.</p> <p>Elements of the scheme and the proposed mitigation measures have been enhanced following dialogue with immediate neighbours.</p> <p>There are no adverse ecological or arboriculture impacts and the scheme will secure both on-site and off-site enhancements.</p> <p>The heritage officer is satisfied that there is no adverse impact upon the adjacent conservation area and the landscape officer considers there to be no impact upon the Loose Valley LLV, which is separated from the site by existing built development.</p> <p>Whilst KCC raise no objection on traffic safety grounds, Officers have secured additional improvements to the access to ensure that vehicles and pedestrians / cyclists are able to access / enter the site safely.</p>		
REASON FOR REFERRAL TO COMMITTEE		
Whilst the application accords with the development plan and neither the Ward nor Parish Councillors had originally called it in, Loose PC subsequently requested that it come before Committee.		
WARD	PARISH/TOWN COUNCIL	APPLICANT / AGENT
Loose	Loose	Esquire Developments
TARGET DECISION DATE		PUBLICITY EXPIRY DATE
23/12/21		05/01/21

RELEVANT PLANNING HISTORY

16/507854/FULL Demolition of existing dwelling and ancillary buildings, erection of 14 dwellings. Refused 21.03.2017

19/506413 Demolition of existing buildings and erection of 9no. dwellings.
(Withdrawn in order to carry out further ecological surveys and to test relevant Neighbourhood Plan policy considerations)

MAIN REPORT

1. BACKGROUND

- 1.01 Application 16/507854/FULL, which was for a materially larger scheme than now proposed, was refused in 2017 on the grounds that it would be harmful to the character and appearance of the countryside. Since the 2017 decision there have been material changes in circumstances, which are addressed in the assessment below. Most notable is the 'adoption' of the Neighbourhood Plan in Autumn 2019, which now identifies the site as lying within a 'built' area of the village. There are also material changes to the setting of the site and its relationship with the wider open countryside.
- 1.02 This application is a re-submission of a withdrawn scheme, but proposes some minor amendments to plots and a fresh review of the following material considerations:
1. Clarity as to the relevant policy framework within the Neighbourhood Plan.
 2. Changes to the site's relationship with open countryside and its future visual setting.
 3. Additional ecological survey / mitigation details.
 4. Further information relating to affordable housing viability.

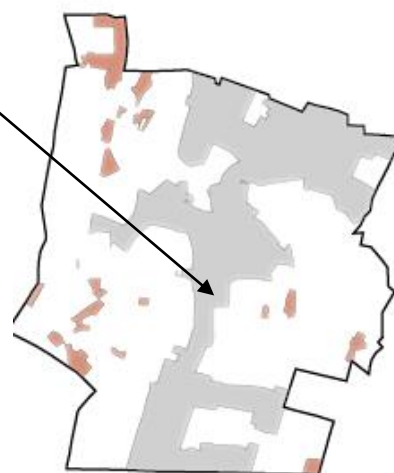
2. DESCRIPTION OF SITE

- 2.01 The application site lies in the village of Loose. Within the 2017 Maidstone Borough Local Plan, there is no defined village boundary. However, the more recent Neighbourhood Plan provides clarity.

"3.5 Built Environment.....Larger tracts of primarily residential development (grey shaded areas) can be found to the north of the parish and along a central spine around the A229 main road."

- 2.02 It should also be noted that the the site is not within the Loose Valley LLV.

- 2.03 The site lies on the A229, 2.5 miles south of Maidstone Town Centre; with Coxheath and Boughton Monchelsea circa 1 mile to the south. Access to the site is via Linton Road, which at this location has a 40mph limit and good visibility. Opposite the site, the western side of Linton Road is open with no facing properties or driveways



to create conflicts. As detailed below, KCC Highways raise no objection to the access on safety grounds, but Officers suggest some improvements to the design.



View North from Proposed Access Point

- 2.04 The western part of the site, fronting Linton Road, comprises an existing single storey dwelling with access to a second parcel of land to the rear via what appears to be a shared access with No.57. It is understood that the roadside section of the existing shared access drive will revert solely to use by No.57 and does not form part of the application site.



**Existing House to be demolished No.59
(Shared access to revert to No.57)**

- 2.05 As illustrated on the following aerial images, the rear land parcel, at the time of the site visit, contained a number of poor quality or semi derelict structures, including a storage building, together with the remaining framework or footings of other structures and a static caravan. In addition, there were a number of abandoned vehicles and other machinery / equipment and areas of uncleared remnants.

2.06 Historical aerial images show the site being used for the storage of materials and vehicles since circa the 1990's.



Google
2015



Rear Plot - Static caravan, derelict storage buildings / structures and numerous abandoned vehicles



- 2.07 Whilst owned and used by the previous owner of No.59, the land does not appear to have been used as a traditional domestic garden for some considerable time, nor is there planning permission for such use. On this basis it is not part of the residential curtilage of No.59.
- 2.08 The rear land parcel extends along the boundaries of Nos 53 to 69, along which is a mature hedgerow and tree line. Rear gardens to the established Linton Road properties are typically around 35m deep. To the south of the application site, properties are typically single storey, but increase to two stories immediately to the north. The density of the established housing along Linton Road is circa 18dph.
- 2.09 An overgrown area to the south of the application site of circa 0.1ha will be left to 'wild', providing a buffer between the proposed new housing and the 'Salts Wood' new woodland scheme.
- 2.10 To the north the site borders the rear garden of 51 Linton Road, which is considerably deeper than its neighbours, the boundary being marked by a blockwork wall. The Loose Valley Conservation Area lies to the east and north of the site, the boundary of which is drawn to exclude the application site. The boundary between the eastern part of the site and the conservation area is marked by a mature tree line and hedgerow, with no visual or functional interaction.
- 2.11 The southern boundary with the former farmland has historically been more open, with a lower hedgerow separating the application site from what were arable fields. However, a new woodland scheme is now being brought forward by the Boughton Monchelsea Amenity Trust.
- 2.12 The 32 acre *Salts Wood* scheme is being brought forward with support from the Forestry Commission and the Woodland Trust. Circa 20,000 trees are to be planted with the creation of new public footpaths. The Salts Wood scheme materially changes the setting of the application site.
- 2.13 The former open agricultural land will become newly planted woodland, severing the application site from the wider open fields to the south/south east, creating a visually enclosed parcel of land with no historical, functional or visual relationship to the adjacent countryside.
- 2.14 This represents a material change in the setting of the site since the consideration of the previous application/s.
- 2.15 Notwithstanding the site's location outside of the Maidstone Urban Area, as identified in this report, this is considered to be a sustainable location for housing development, subject to satisfying the relevant development plan policies.



3. PROPOSAL

- 3.01 The overall site measures 0.55ha, which comprises an access drive of 0.06ha and a net developable area of 0.49ha.
- 3.02 The proposal involves the erection of 9 new dwellings (but a net gain of 8). The existing dwelling at No.59 is to be demolished to create the access drive. The existing crossover onto Linton Road is to be widened. Visibility splays of 80metres are shown in both directions.
- 3.03 Car parking is shown at circa two spaces (plus garage) for each dwelling. Cycle parking is provided at 1 space per bedroom. Each property will have an EV charging point and either ASHP (the applicant's preferred option) or solar PV.
- 3.04 The 9 new dwellings are set around a landscaped turning head. Plots 1 and 9, which are the closest to existing residential properties, are single storey with hipped roof to further reduce their massing. The separation distances between existing houses and the side elevations of the two new bungalows is circa 48m, which is well above standards. The remaining dwellings are two storeys. All dwellings are detached and designed to avoid overlooking.



- 3.05 Materials and building styles are contextually derived and typically red multi-brick, clay hanging and roof tiles and some weatherboarding.



- 3.06 New landscaping involves native trees within the site with native shrubs along the site access, together with new low level planting. Existing boundary hedgerows will be retained and enhanced with further new native planting.
- 3.07 Within the centre of the site a green amenity area will incorporate new tree and shrub planting as well as wildflower habitat creation, with further pockets of habitat around the margins and access.
- 3.08 Service vehicles will be able to access and exit the site in forward gear.

4. POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan 2017: SS1, SP17, SP18, SP19, SP20, ID1, DM1, DM3, DM4, DM5 DM6, DM8, DM23, DM30
- Loose Neighbourhood Plan (NP) (2019) LP1, LP3, LP4 DQ1 and DQ2
- Building for Life 12: Maidstone Edition (2018)
- Kent Minerals and Waste Local Plan 2013-30 (as amended)
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Maidstone Borough Local Plan Review Regulation 19 Draft 2021

5. LOCAL REPRESENTATIONS

- 5.01 Representations received from 9 local residents, which raise the following (summarised) issues:
- risk of increased traffic congestion and blocking of access points
 - safety concerns due to the proximity of the bus stop to the site entrance
 - safety risks due to poor visibility and traffic speeds / levels
 - access of an inadequate width
 - recommend left only exit
 - concerns over capacity of local infrastructure
 - out of character with established bungalows
 - loss of rural character and views
 - loss of habitats / proposed habitats inadequate
 - loss of amenity from noise and fumes
 - loss of privacy
 - risk of precedents
 - approval would be contrary to the previous decisions
 - concerns from the immediate neighbour that adequate access can be achieved without impeding their own access
 - proposed tree planting will impinge on neighbour amenity
 - uncertainty regarding un-determined application.
- 5.02 These points are discussed in the detailed assessment in Section 7 below.

6. CONSULTATIONS

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

KCC Highways

- 6.01 The location has good access to bus services. No personal injury records in the previous 3 years. Acceptable sight lines can be achieved. Swept path details are acceptable. Support EV charging provision. Consider that trip generation is *"not expected to have a detrimental impact on the highway"*. Raise no objection subject to conditions requiring; a CMP, provision and retention of parking, cycle provision and EV charging to 7kw.

MBC Environmental Protection

- 6.02 Question whether an acoustic fence can be installed along the site access, if not an acoustic assessment may need to be conditioned. Request EV charging points. External lighting should be controlled by condition.

MBC Heritage

- 6.03 Refer to their comments on the previous scheme; *"Although this proposed development abuts the adjacent conservation area I think the site layout and tree screening will mitigate the impact. I therefore have no reason to raise any objection to the proposals."*

MBC Landscape

- 6.04 Refer to their comments on the previous scheme; *"There are no Tree Preservation Orders protecting trees on, or immediately adjacent to, this site but trees to the east of the boundary are protected by virtue of being located within the Loose Conservation Area. The submitted Arboricultural Report is considered to be acceptable in principle. I therefore raise no objections on arboricultural grounds subject to a condition requiring compliance with the said report."*

KCC Ecology

- 6.05 Consider that adequate ecological information has been submitted, subject to clarification of the reptile receptor site. Recommend conditions to cover: works to be carried out in accordance with the Ecological Impact Assessment (including further enhancement measures) and biodiversity sensitive lighting (note that the reptile relocation strategy has now been carried out to the approval of KCC).

KCC Archaeology

- 6.06 Recommend a condition requiring archaeology investigation works.

Loose Parish Council

- 6.07 Recommend refusal on the following grounds: the scheme is not significantly different to the previous scheme for 14 units; backland development would be out of character; adverse impacts on the conservation area; concerns regarding highway safety due to traffic speeds; loss of amenity to residents adjacent to the access by way of noise, vehicle emissions and lights.

KCC Minerals

- 6.08 No objection

KCC Flood Authority

- 6.09 No comments

7. APPRAISAL

Main Issues

7.01 The key issues for consideration relate to:

- The principle of development
- Landscape and visual impacts
- Highways access
- Arboriculture, ecology and biodiversity
- Heritage considerations
- Residential amenity
- Affordable housing

Principle of Development

7.02 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is a core principle that the planning system is plan-led. The MBLP 2017 and the Loose Neighbourhood Plan 2019 are the principal Development Plan Documents and in the context of these proposals they are up-to-date and can be afforded significant weight. It should be noted that the Loose NP was not in place at the time of the 2017 determination.

7.03 The National Planning Policy Framework (NPPF) provides the national policy context and is a material consideration in the determination of the application. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this again means approving development that accords with the development plan.

7.04 Both the NPPF and the MBLP recognise the importance of housing delivery, with the NPPF further emphasising the role that small sites can make to local housing targets. Windfall sites such as this make a material contribution to the Council's windfall targets and respond to Government initiatives to support the role of SME's in delivering housing on smaller sites.

7.05 Within the Local Plan, the site does not lie within a defined settlement boundary. In effect Loose Village 'as a whole' is within the countryside. However, a material change in the development plan since the 2017 decision relates to the 2019 Loose Neighbourhood Plan, which provides a finer grain of guidance, particularly in respect of guiding development within different character areas. (see also para' 2.01 above).

7.06 Figure 2 of the Loose NP identifies the various character areas that make up the overall 'landscape' of the Parish; identifying, for example, that this includes "built up" areas (shown blue). This character assessment was not in place at the time of the 2017 decision.

7.07 Figure 11 of the NP, which accompanies Policy LP3 identifies those areas that are within / outside the "built areas". This diagram shows the site as lying within the built area (as does Figure 2). It is considered that weight must be afforded to the NP's assessment of the



site's character being 'built', albeit that the 'built' character areas are still within the wider countryside.

7.08 Policy LP3 is not a policy that seeks to resist development per se, but one which guides its acceptability and character. There are two parts to policy LP3. Parts 1&2 respectively guide the "Design of Development" within either the open countryside or the built-up character areas. This test was not available at the time of the 2017 decision.

7.09 It is clear from Figure 11 (above) that LP3 (2) applies to this site. It reads:

LP3 (2) development proposals within the built areas of Loose, as illustrated on figure 11, will have regard to the specific design principles for this area set out in this neighbourhood Plan. In particular, new development proposals and supporting infrastructure should:

- A) provide for high quality design*
- B) ensure new development respects and complements the rural settlement form, pattern, character and its landscape setting*
- C) maintain the relationship between the historic settlement core and the landscape setting through the protection of views and vistas*
- D) use appropriate local materials*
- E) seek to retain existing landscape features*
- F) protect and enhance on-site biodiversity features.*

7.10 Assessing the scheme against these NP policy guidelines:

A. Design quality / D. Materials

The development itself is considered to be of an appropriate quality and layout, using contextual building typologies, detailing and materials, the implementation of which will be managed through planning conditions. The density of the proposed development is in keeping with the density of the established housing on Linton Road.

It is considered that the application accords with the design quality expectations as set out in NP Policy DQ1 and MBLP Policy DM1.

The development has also been assessed against Maidstone's BFL12 and achieves a positive score.

B. Respect and complement the rural settlement form, pattern and character,

The previous assessment afforded weight to the fact that the frontage of Linton Road is linear and principally single storey. In terms of building heights, in street-scene terms the site will not be viewed in the context of Linton Road and the existing buildings are generally closely spaced with no more than glimpses between buildings towards the site. Furthermore, the site's boundary planting screens views into it from Linton Road.

It must also be noted that immediately north of the site access and along its north western boundary, the predominant building height is two storeys. As such the one to two storey heights proposed within the development broadly reflect the range of established building heights in the immediate area.

Within the scheme, the closest buildings to Linton Road are also single storey. The remainder are 1.5 and 2 storeys. The scheme would be visible briefly as people walk past the site entrance. However, the only buildings that are visible would be set 92m back from the site entrance and set behind a new landscape area with trees.

I therefore do not consider that the height of the proposed buildings would adversely affect the character of the area.



In terms of the linear pattern of development, it is again relevant to have regard to Figure 11 of the NP. This illustrates that whilst the pattern of development immediately to the south is broadly linear, the site sits at a transition point where the built area of the village opens out.

Whilst the landscape character assessments identify linear development being a particular characteristic of the wider area, it is not the only form. This section of Linton Road is not identified as a built area that has a positive quality, indeed it is excluded from the adjacent conservation area. The development would have no material impact on the view of the existing built form along Linton Road nor the settlement pattern of Loose as a whole.

As detailed above, since the previous submissions were assessed, the Salt's Wood scheme is now being brought forward. This has the effect of containing the site, both physically and visually. Indeed, it is noted that in relation to Salts Wood the NP states "This land was purchased in order to prevent development that would cause the coalescence of the built areas of Loose and Boughton Monchelsea." This reinforces the assessment that the site forms part of the built character area and that the land south of the site is intended to perform as a buffer, which in effect contains the application site within the built area of the village.

As such, it is not considered that the development would have a harmful impact upon the character and form of the village, nor its relationship with the surrounding open countryside.

C. Protection of views

NP Policy LP1 seeks to protect identified views. The site sits in the lower mid-ground of View 1, which is a long-distance view southwards, over the valley. This view already includes significant built-up elements and the site is not readily visible within the setting, being screened by existing buildings / trees. Having regard to the adjacency of existing built development and the visual containment of the site, it is not considered that the development would be readily apparent in this view and so would not adversely affect the setting of the village. As such the proposals comply with this element of NP Policies LP1 and LP3.

The site also lies outside the Loose Valley LLV and would not affect its setting, so accords with NP Policy LP2.

Whilst a ProW crosses the field to the east, the established natural screening is extensive and will also be reinforced. The development will not adversely affect the setting of the ProW, from which any glimpses of the site will be set against the backdrop of existing development on Loose Road,

E. Retain existing landscape features

The site does not possess any features of landscape interest, with the exception of the boundary hedgerows and trees, which will be retained and enhanced.

F. Protect Biodiversity

Refer to the assessment below

- 7.11 In terms of the Maidstone Borough Local Plan (MBLP), recognising the site's location within the wider countryside, albeit within the 'built up' character area of the NP, MBLP **Policy SP17** is a relevant consideration. As Members will be aware, Policy SP17 is a permissive policy, albeit one that naturally requires caution. It states that new development in the countryside will be permitted where, inter alia:
- it accords with other policies in the Local Plan;
 - it is of a high quality design;
 - it will not result in harm to the character and appearance of the area, and maintains, or where possible, enhances the local distinctiveness of an area;
 - it will protect and enhance any on-site biodiversity features where appropriate, or provide sufficient mitigation measures; and
 - it will respect the amenities of occupiers of neighbouring properties.
- 7.12 Having regard to the wider conclusions in this report, it is considered that the proposals accord with the requirements of policy SP17, in particular, the proposals will not harm the character or appearance of the wider countryside and accord with the local character as defined by the NP. As demonstrated below, there will be no adverse impact upon residential amenity, no loss of habitat and a material contribution to enhancing adjacent habitat creation schemes will be secured. The design is high quality and appropriate to the site's setting.
- 7.13 MBLP policy DM5 states that development on brownfield land will be acceptable subject to a number of criteria.

The site is not of high environmental value

The site currently has no positive impact upon the local landscape or townscape and is in a poor visual condition. Indeed, it is considered that in its present state it detracts from the overall character of the area. With the exception of the mature boundaries, there are no features of environmental interest within the main part of the site.

The density and character of development reflects its surroundings

As identified above, the density of the existing housing on the Linton Road frontage is circa 18 dph. Subject to whether the proposed density is based upon the overall site area including the access or solely the net developable area, the density of the scheme is between 16.4 and 18.4 dph and so is in keeping with local character.

Within the broader countryside, Policy DM5 introduces additional tests:

The site is, or can be made sustainable

As identified above, reflecting the site's location within the built area of the village, it is considered to be a sustainable location, with access to local amenities available without relying upon the car, with no mitigation required.

The proposals will result in significant environmental improvement.

The existing site is in poor condition, with a character of neglect, with dilapidated structures and abandoned vehicles. Benefits arising from the scheme include:

- Enhanced boundary planting and new habitat creation
- Contributions to enhancing the adjacent Salt's Wood scheme

- Returning circa 0.1 ha of 'wild' land to the Salts Wood scheme
- Incorporation of energy efficient building design and use of renewables.
- Encouraging a sustainable pattern of development.

7.14 It is therefore considered that policy DM5 is relevant to the scheme and that the proposals respond positively to it.

Landscape and Visual Impacts

7.15 The impact upon the character of the area has primarily been assessed above.

7.16 As identified, the site is visually enclosed and does not appear within sensitive views. The development will not have a material impact upon the character of Linton Road. It is well screened from surrounding open land. Whilst PROWs pass to the north and east, from the north views towards the site are screened by existing planting and residential curtilages, whilst to the east the existing boundary screen is extensive and the site is viewed against the backdrop of existing housing, such that there will be no material impact upon the setting of the PROWs.

7.17 The Salts Wood scheme to the south is in its early stages. It will incorporate extensive areas of woodland and meadow habitat, introducing new public routes. The woodland will have the impact of creating a visual barrier to the south of the site, in effect enclosing what the NP defines as built area. Together with new boundary planting within the development and the wilding area, it is considered that a robust boundary will be created between built/and natural character areas and their individual roles strengthened.

7.18 It is therefore considered that the proposals accord with MBLP Policies DM3 and SP17, as well as the relevant NP policies addressed above.

Highways and Access

7.19 The policy context is as follows:

NPPF / PPG - Development should be focussed in sustainable locations with access to a range of non-car modes. Safe, appropriate site access arrangements should be secured for both residents and services. Development should only be resisted where impacts are severe

MBLP 17 - Policy DM23 requires adequate parking provision.

7.20 As identified above, this is considered to be, in principle, a sustainable location for new residential development, with a bus stop close the site and access on foot to a range of local services.

7.21 A number of residents raise concerns on highway related matters. The A229 is recognised to be a busy traffic corridor. The nearest road junctions are 70 and 115m from the proposed access, so do not risk causing conflict with movements related the proposed site access. Sight lines of circa 80m in both directions are provided, which KCC confirm is acceptable. Drawings showing vehicle tracking demonstrate that the site access can accommodate service vehicles. In addition, there is a wide central gap between the two traffic lanes that assists vehicles turning into / out of the site.



- 7.22 As reported above, KCC highways raise no objection to the development.
- 7.23 Whilst KCC raise no objection, having reviewed the access, it is considered that modifications are appropriate to ensure that there is no conflict between vehicles entering or exiting the site and therefore reducing any potential safety risks that could arise if, for example, a vehicle turning into the site encounters another vehicle or pedestrian close to the exit. Firstly, the width of the driveway at the entrance point could be widened slightly to be at least 6m for say two vehicle lengths. Secondly, the suggested visitor parking spaces should be annotated as a passing bay to further reduce potential conflicts. Both these measures would ensure that the access can operate more effectively and thus address the concerns raised by some objectors.
- 7.24 The Applicant has agreed to these amendments, which will be secured via a condition.
- 7.25 Bus stops are located close to the site, with a range of services, including two frequent services, Nos 5 and 89, plus 3 school bus services. Local primary and secondary schools fall within recommended walking distances. A PROW to the north connects to a number of recreational footpaths. As such it is considered that the development accords with the principles of para 110 of the NPPF
- 7.26 Parking is provided in accordance with the standards of MBLP Policy DM23, but is not excessive. Plot sizes are such that they can accommodate visitor parking.
- 7.27 It is therefore considered that the proposals comply with the highway safety requirements of the NPPF and MBLP Policy DM23.

Arboriculture, Ecology and Biodiversity

- 7.28 The NPPF aims to protect and enhance biodiversity and where appropriate, secure opportunities for net gain. MBLP Policy DM3 requires development proposals to assess their potential arboricultural and ecological impacts. NP Policy LP4 seeks to protect and enhance the natural environment.
- 7.29 The Environment Act 2021 became law on 9 November 2021. It will introduce a mandatory requirement for new developments to provide a 10% biodiversity net gain. However, this requirement has no legal effect as yet and will be brought into force through further legislation. A notable feature of the Act is that gains must be secured for the long term.
- 7.30 The application is accompanied by both arboricultural and ecological assessments. The former identifies that all grade A and B trees will be retained, with those to be

removed being graded C1, which the assessment suggests offer no significant amenity value.

- 7.31 In response to comments previously made regarding the adequacy of the ecological assessment, the applicant has carried out further surveys and provided an updated ecological impact report. The report, which KCC consider to be robust, notes that:
- The majority of the site comprises modified grassland with dispersed shrubs, with trees mainly sited around the boundaries
 - The eastern boundary comprises a mainly native hedgerow, the retention of which is important in providing future habitat for dormouse and birds
 - There was no evidence of any bat roosts in buildings or trees and the site offers a poor foraging opportunity
 - No evidence of GCN and no nearby habitats
 - No evidence of other protected species
 - No significant impact upon nesting birds
 - A small population of grass snakes was evident.
- 7.32 In terms of responding mitigation measures, the following is recommended / proposed:
- Pre-commencement re-survey and managed demolition / site clearance to minimise the risk of disrupting / harming any species present at the time
 - Protection of the eastern hedge during construction
 - Bat and other species sensitive external lighting
 - Provision of a reptile receptor area within the Applicant's ownership (Members should note that this exercise has now been completed).
- 7.33 Proposed enhancement works include:
- New native tree planting to provide year-round foraging
 - Native hedgerow creation / enhancement of the site boundaries
 - Nectar rich wildflower planting
 - Bird and bat boxes (in addition conditions will require swift and bee bricks)
 - Log piles.
- 7.34 In addition to the above on-site measures, the Applicant has offered a financial contribution to the adjacent Salt's Wood scheme. The contribution, which is supported by The Trust, will be used toward habitat creation and also accessibility improvements to the land, particularly for those with mobility limitations. The sum has been calculated using the guidance provided by the Council's Parks team. This will assist in enhancing new habitat in the immediate vicinity of the site and provide enhanced access for future occupants of the site and the general public to the adjacent amenity / nature conservation area.
- 7.35 It is considered that there are no adverse ecology impacts arising from the scheme, that in advance of the 10% BNG metric becoming law, the new /enhanced habitat creation within the site is proportionate and appropriate and that together with off-site enhancements is appropriate and in accordance with MBLP Policy DM3 and the relevant provisions of the NPPF and NP Policy LP4.

Heritage Considerations

- 7.36 The Loose Valley Conservation Area lies to the north / north east of the site boundaries. There is currently no CA character assessment or management plan.
- 7.37 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon decision makers to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. MBLP Policy DM4 and NP Policy DQ2 seek to protect the setting of heritage assets.
- 7.38 The adjacent areas covered by the CA designation include dwellings and other buildings of a much earlier period, plus open spaces that have a clear visual/physical relationship to the river valley. In contrast, the application site sits adjacent to more contemporary housing and is of no merit in landscape terms. It is well screened from the conservation area, such that the proposed development, with the benefit of enhanced landscaping will not affect its setting. The heritage officer raises no objection.

Residential Amenity

- 7.39 Policy DM1 of the MBLP requires development to respect the amenity of neighbours by way of, for example, overlooking, loss of natural light, light pollution or noise.
- 7.40 As identified in section 2 above, the rear gardens to properties in Linton Road are relatively long, resulting in a separation distance between existing and the closest of the proposed properties being in excess of twice the recommended minimum distances. In addition the closest proposed dwellings would be single storey and side-on to the neighbours thus avoiding principal windows facing existing gardens.
- 7.41 With the existing mature hedge and the scope for additional planting it is considered that there would be no harmful overlooking. The rearmost part of the garden to No.51 does extend along the northern boundary of the site. Plots 7, 8 and 9 have rear boundaries abutting the garden of No.51. No.9 is a bungalow so would not result in direct overlooking, whilst plots 7 and 8 have garden depths of circa 18m. However, it is not considered that the rear-to-rear garden boundary relationship would result in an unacceptable loss of amenity.
- 7.42 Having regard to the separation between existing and proposed properties, it is not considered that there would be an unacceptable impact upon natural light levels. Some representations refer to the potential for new boundary planting, if too tall, resulting in a loss of light, but this can be managed through the approval of details pursuant to conditions.
- 7.43 The EHO considers that light pollution from new artificial lighting could impact on neighbouring properties if not well designed. A condition will require details of lighting along the driveway, with an emphasis upon low level, motion triggered lighting; plus limitations on external lighting facing towards existing properties and Salts Wood.
- 7.44 The activity associated with the proposed access driveway has the potential to cause noise along the boundaries of Nos.57 and 61. The EHO does not raise an objection on these grounds, but recommends acoustic fencing (preferably a solid wall) be provided for the access route. This will principally be focussed on the rear garden areas as the front of the properties are adjacent to Linton Road where there are already active traffic conditions and associated noise levels and where adequate sight lines need to be created.
- 7.45 Under Policy DM1 it is also relevant to assess whether future residents of the development will receive acceptable levels of amenity. For the reasons stated

above, they will not be overlooked by existing neighbours. Proposed houses are arranged such that they will not overlook each other or their rear gardens. The buildings and gardens are designed to ensure good levels of natural light. It is therefore considered that the proposed dwellings comply with MBLP DM1 in respect of amenity considerations.

Affordable Housing

- 7.46 Policy SP20 of the LP seeks the provision of affordable housing on sites of 11 units or more and is therefore not triggered as the application proposes a net gain of only 8 units. However, the NPPF adopts a different approach. Para 64 of the NPPF states:

Provision of affordable housing should not be sought for residential developments that are not major developments...

- 7.47 The glossary to the NPPF defines major development as "development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more." This definition is inconsistent with that in both the new Environment Act and the GDPO, which only apply the 0.5ha threshold if the number of units is not known or the total is effectively 10 or more units
- 7.48 As identified above, the red line area is stated to be 0.55ha, which comprises an access route of 0.06ha and a net developable area of 0.49ha. The Applicant makes the case that the NPPF threshold should be taken as the net developable area.
- 7.49 In practical terms, for calculating net densities, whilst site areas are measured excluding say major distributor roads, they would include internal access/circulation roads. In the case of this application, the site access only serves the development and so it is included within the net site area, this is despite the fact that it offers no development potential, indeed involves the loss of a dwelling.
- 7.50 The Applicant was therefore asked to demonstrate whether the development could deliver affordable housing.
- 7.51 It should be noted that whilst the site area is slightly over the NPPF threshold, this does not automatically suggest that the site has the capacity to accommodate a level of development or profit that can sustain affordable housing.
- 7.52 The applicant highlights that there is a negative cost associated with the acquisition of No.59 at (or above) market value, but then its subsequent demolition. The applicant has provided what is considered to be a realistic/optimistic GDV for the completed development without affordable housing, together with development costs information. Following land and build costs, professional fees, finance and tax, plus CIL/s106 charges, this shows a profit level of 15.9% on GDV, which is below the typical target of 20%. At this marginal level of profitability, the scheme would be unable to sustain either on-site affordable housing or a commuted payment. This is to be expected for a small net-8 unit scheme.
- 7.53 In terms of housing mix, the scheme provides both single storey and two-storey dwellings. The former would be particularly suited to elderly households or those with mobility restrictions. Whilst there are no 1 or 2 bedroom units within the scheme, having regard to the small size of the development and the character of the site, it is not considered that flatted units would be appropriate. It is therefore considered that the scheme provides a reasonable response to MBLP Policy SP19.

Other Matters

- 7.54 The site is not within an area of flood risk.
- 7.55 In terms of climate change matters, each dwelling will be provided with EV charging and a condition is proposed seeking the provision of either ASHP (the developer's preferred option) or solar PV.
- 7.56 With regard to minerals safeguarding, the site is too small for viable extraction, with no appropriate access for large vehicles. No objection is raised by KCC
- 7.57 In terms of open space, Policy DM19 would require 200 sq.m of green amenity space / play area and 0.14ha of semi/natural space. In response the scheme proposes a central landscaped area of circa 350 sq.m and thus exceeds to requirements. The semi/natural requirements of DM19 are clearly unrealistic on such a small site and like sports or allotments would normally be addressed through CIL. However, the scheme incorporates some areas of semi/natural planting and also enables the wilding of the adjacent 0.1 ha plot. The proposed contribution towards improvements to the new woodland mitigates the semi/natural open space requirement on-site by supporting the enhancement of publicly accessible natural open space immediately adjacent to the site and this outweighs any on-site shortfall.
- 7.58 As such, as a material public benefit, some weight is afforded to the financial contribution, but in the context of the scheme as a whole, it is not relied upon in concluding that the development is acceptable.
- 7.59 The illustrative plans suggest that the central amenity area within the scheme would contain broad canopy trees, underplanted with shrubs and meadow flower planting. This would provide an ecological benefit, but it is considered that as the semi-natural requirements are in-part mitigated off-site, this area should also contain a space where, residents can, for example, gather and engage - as encouraged in BfL12. This will be secured under the future landscape scheme by condition. In addition, the character of the shared surface cul-de-sacs offer the opportunity for safe, supervised play to supplement the private gardens.
- 7.60 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.
- 7.61 As a wholly private development, subject to any deductions for the existing building it is estimated that the development will yield circa £87,500 – 95,000 in CIL payments, with 25% going to the Parish Council as there is a NP in place.
- 7.62 At the time of writing this report, the Regulation 19 draft Local Plan is out for consultation. Whilst the draft plan is a material consideration, at this stage of the process very limited weight is attached to the draft plan; nor does the plan contain any draft policies that would necessarily lead to a different conclusion on this application.

Public Sector Equality Duty

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

8. CONCLUSION

8.01 The proposals is considered to represent sustainable development and is of a high quality design. The proposals accord with the relevant Local and Neighbourhood Plan policies. There are no adverse environmental or neighbour impacts.

8.02 All matters raised by statutory consultees have been addressed.

9. RECOMMENDATION

9.01 GRANT planning permission subject to the following heads of terms and conditions:

9.02 Heads of Terms:

- Payment of £14,750 to the Boughton Monchelsea Amenity Trust (via Boughton Monchelsea Parish Council or MBC) to be used solely towards habitat and/or accessibility for all improvements to wider the 'Salts Wood' woodland creation scheme.
- A s106 monitoring fee of £500

9.03 Conditions:

Time Limit

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

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

Plans

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

Site Location Plan 23317A / 01
Existing Block Plan 23317A / 02
Existing Site Section A-A B-B C-C 23317A / 03
Existing Building Plans and Elevations 23317 / 04
Proposed Site Plan 23317A / 10 Rev A
Proposed Street Elevations A-A B-B C-C 23317A / 30
Refuse Collection Plan 23317A / 15 Rev A
Fire Fighting Plan 23317A / 16 Rev A
Proposed Plans and Elevations Plot 1 23317A / 20
Proposed Plans and Elevations Plot 2 23317A / 21
Proposed Plans and Elevations Plot 3 & 8 23317A / 22 Rev A
Proposed Plans and Elevations Plot 4 23317A / 23 Rev A
Proposed Plans and Elevations Plot 5 & 6 23317A / 24 Rev B
Proposed Plans and Elevations Plot 7 23317A / 25 Rev B
Proposed Plans and Elevations Plot 9 23317A / 26 Rev A
Garage Drawing 23317A / 27
Proposed Crossover Access Drawing 14108 H-01 P1
Landscape Strategy 0269/19/B/20B
Ecological Impact Assessment Native Ecology
Transport Statement - DHA Transport
Drainage Strategy - Infrastructure Design Ltd

Arboricultural Assessment - GRS Arboricultural
Phase 1 Desk Study and Site Reconnaissance Report - Leap Environmental

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

Unknown Contamination

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

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

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

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

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

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

Material Samples

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

Reason: To ensure a satisfactory appearance to the development.

Renewable Energy

5) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved in writing by the local planning authority. Measures shall include:

(i) EV charging points to each dwelling

(ii) The provision of either ASHP solar PV to each dwelling.

The approved details shall be installed prior to first occupation of the relevant dwelling and maintained thereafter;

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

Landscaping & Biodiversity

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

The soft planting scheme shall and shall accord with the principles set out within the approved 'Landscape Strategy' Plan 0269/19/B/20B and demonstrate that the use of native planting is utilised in a manner that optimises wildlife habitat opportunities and identify management responsibilities and maintenance schedules for all landscaped and open areas other than privately owned domestic gardens.

All planting, seeding and turfing specified in the approved landscape details shall be completed no later than the first planting season (October to February) following first use or occupation. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the Local Planning Authority gives written consent to any variation.

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

7) The development hereby approved shall not commence above slab level until details for a scheme for the fabric-led enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall accord with the principles set out within the submitted Ecological Impact Assessment and consist of the enhancement of biodiversity through integrated methods into the design and appearance of the buildings including swift bricks, bat tube or bricks, measures to accommodate solitary bees and hedgehog friendly boundaries. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

Boundary Treatments / Acoustic Protection

8) The development hereby approved shall not commence above slab level until, details of all fencing, walling and other boundary treatments 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. Such details shall include an acoustic fence / wall between access route and neighbouring properties.

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

Tree Protection

9) The tree protection measures identified in the submitted Arboricultural Assessment and method statement prepared by GRS Arboricultural shall be

implemented prior to the commencement of any works on site, including works of demolition. . All trees to be retained must be protected by barriers and/or ground protection in accordance with the approved details. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

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

Access

10) Notwithstanding drawing 14108 H-01 P1, prior to the commencement of development, details shall be submitted to and approved by the LPA, to show an optimised access width of circa 6metres extending no less than 12m from the back edge of pavement. Such details shall also include a signed passing bay within the access route.

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

Reason: To provide enhanced opportunity for vehicles to pass within the access route and in the interests of highway safety.

Parking/Turning Implementation

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

Reason: In the interests of road safety.

PD Rights

12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Class(es) B or C shall be carried out on any west facing roofs of Plots 1 and 9 without the permission of the local planning authority;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of their occupiers.

Drainage

13) Any part of the development hereby approved shall not be occupied prior to the completion of the relevant part of the drainage scheme set out within the

approved Foul & Surface Water Drainage Strategy - IDL/994/01 - Issue 2 - 20th November 2020

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

External Lighting

14) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The scheme shall also employ wildlife friendly lighting. Any illumination of the access route shall be low level only. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interest of visual amenity

15) Archaeological Written Specification

No development shall take place until the applicant has secured and had implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the local planning authority;

Reason: To enable the recording of any items of historical or archaeological interest.

16) Construction Traffic Management Plan

The development hereby approved shall not commence until a construction traffic management plan has been submitted to and approved by the local planning authority. The CTMP shall include measures to: ensure safe access/egress for construction traffic; protect the safety of pedestrians and cyclists; avoid conflict with the adjacent bus stop; manage and mitigate the impact of vehicles accessing the site upon neighbouring amenity.

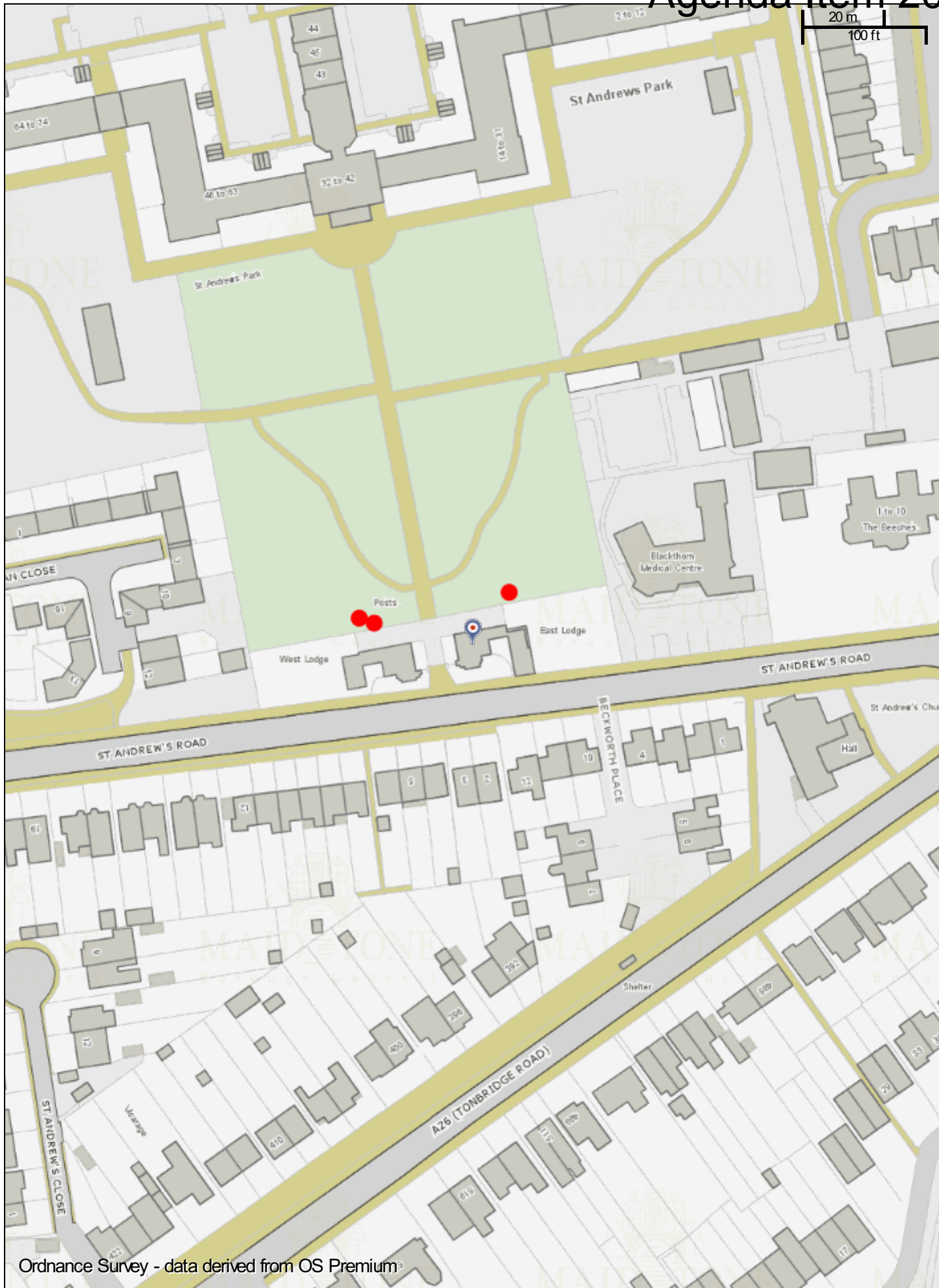
Reason: To protect the safety of pedestrians and road users and to protect the amenity of neighbours.

Informative

- 1 Landscaping details to be provided under 6 shall include low level planting adjacent to the site boundaries with No.57, in order to preserve existing levels of natural light.
- 2 The preferred acoustic boundary treatment sought under condition 8 is for a solid wall construction extending adjacent to the side boundaries of Nos. 57 and 61.

Case Officer: Austin Mackie

This report has been reviewed by Rob Jarman Head of Planning



Ordnance Survey - data derived from OS Premium

21/505218/TPOA East Lodge, St Andrews Road, Maidstone, Kent, ME16 0WE

Scale: 1:1250

Printed on: 3/12/2021 at 9:45 AM by JoannaW

REPORT SUMMARY

REFERENCE NO - 21/505218/TPOA		
APPLICATION PROPOSAL TPO Application for 3 x (T1) Pinus -Lightly reduce from property boundary from 8m to 6.5m.		
ADDRESS East Lodge St Andrew's Road Maidstone Kent ME16 0WE		
RECOMMENDATION Permit subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed works are considered appropriate arboricultural management.		
REASON FOR REFERRAL TO COMMITTEE The trees are growing on Maidstone Borough Council -owned land and the application is made on behalf of the Council's Parks team.		
WARD Heath	PARISH/TOWN COUNCIL	APPLICANT Maidstone Borough Council AGENT Qualitree Services
DECISION DUE DATE 30/11/21	PUBLICITY EXPIRY DATE 26/10/21	OFFICER SITE VISIT DATE 21/11/21

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The trees subject to this application are growing within St Andrew's Park to the north of East Lodge and West Lodge, private residential properties that the crowns of the trees overhang.

2.0 PROPOSAL

- 2.01 The proposed works are to reduce overhanging branches of three Pine trees from their current length of 8 metres to 6.5 metres, shortening them by approximately 1.5m

3.0 PLANNING CONSTRAINTS

- 3.01 Tree preservation Order No. 1 of 1994 - T5, T19 and T21 Corsican Pines

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 Government Policy:
National Planning Policy Framework (2021)

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

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

Local Plan Review, Draft Plan for Submission (Regulation 19) October 2021

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

4.03 Compensation:

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

5.0 LOCAL REPRESENTATIONS

5.01 A site notice was displayed on 25 November 21 and expires on 16 December 2021. Any new representations received in response to the site notice will be reported as an urgent update.

5.02 No representations received at the time of writing.

6.0 CONSULTATIONS

6.01 No consultation responses received

7.0 BACKGROUND PAPERS AND PLANS

7.01 Application form, plan and photographs submitted.

8.0 APPRAISAL

General appraisal of trees

8.01 T1 – T3 Pinus on application form (T5, T19 and T21 Corsican Pine in TPO).

Contribution to public visual amenity:

Excellent – prominent feature of the area/ particularly suited to location

Condition:

Good – no significant defects noted

Useful life expectancy:

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

8.02 The trees are three large, mature Corsican Pines growing close to the southern boundary of St Andrew's Park. Two of the trees overhang the garden of West Lodge and one overhangs the garden of East Lodge. The trees appear to be in good health and condition with no significant defects noted during inspection.

8.03 The proposed works are to reduce the branches overhanging the adjacent properties by approximately 1.5 metres, leaving a remaining branch length of 6.5 metres. It is not considered that the proposed works will have a detrimental impact on the health of the trees, not their contribution to amenity. It is therefore recommended that the works are permitted, subject to a condition requiring them to be carried out in accordance with current best practice recommendations.

9.0 CONCLUSION

- 9.01 The proposed works will not have a significant detrimental impact on the long-term health of the trees nor their contribution to public amenity and are therefore considered acceptable arboricultural management.

10.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS to include

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

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

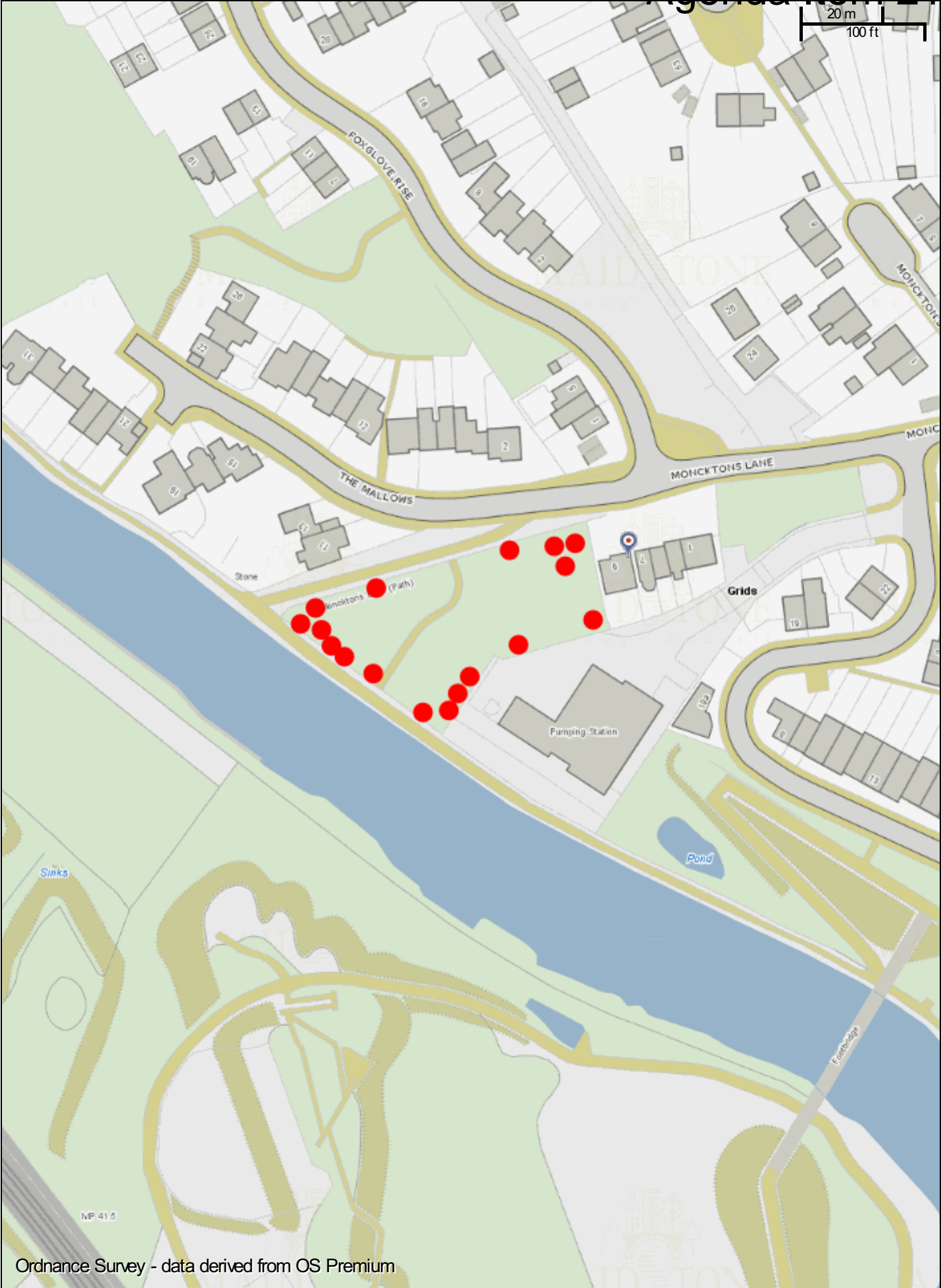
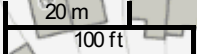
INFORMATIVES

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

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

Case Officer: Nick Gallavin

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



Ordnance Survey - data derived from OS Premium

21/506124/TPOA Woodland off The Mallows, Maidstone, Kent

Scale: 1:1250

Printed on: 3/12/2021 at 9:52 AM by JoannaW



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REPORT SUMMARY

REFERENCE NO - 21/506124/TPOA		
APPLICATION PROPOSAL Tree Preservation Order application: T1-T3 Sycamore-Fell as in decline, T5 Larch-Fell as in decline, T6 Sycamore-Fell as in decline, T7 Dead very small unidentified species-Fell, T10 Larch-Fell as in decline and weighted towards road, T12a Sycamore-Reduce overhang to waterworks side 8m to 5m, T13 Prunus-Fell 2 x stems on fence line (45% lean over pumping station), T14 Horse Chestnut- Reduce laterals to south east over water work 10m to 6m, T18 Yew-Reduce west side 8m to 5m, T21 Holm Oak secondary crown, up to 50% reduction to clear river navigation and reduce stress loading limbs over towpath SW side over river 13m to 9m, T22 Sycamore Reduce laterals over pathway 8m to 5m north side, T23/24 2 x Sycamore-Fell (one in wall/one standing poor form no alternative reduction points weighted to path/road.		
ADDRESS Woodland Off The Mallows Maidstone Kent		
RECOMMENDATION Permit subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed works are considered appropriate arboricultural management.		
REASON FOR REFERRAL TO COMMITTEE The trees are growing on Maidstone Borough Council -owned land and the application is made on behalf of the Council's Parks team.		
WARD North	PARISH/TOWN COUNCIL	APPLICANT Maidstone Borough Council AGENT Qualitree Services
DECISION DUE DATE 14/01/22	PUBLICITY EXPIRY DATE 13/12/21	OFFICER SITE VISIT DATE 18/08/20

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The trees subject to this application are growing within a small triangular woodland area bounded on the North side by Moncktons Lane and The Mallows (also designated public footpath KMX18), the East side by a residential property (9 The Mallows), the South side by a pumping station and the west side by the River Medway towpath (also designated public footpath KMX3). A further public path runs through the woodland.

2.0 PROPOSAL

- 2.01 Works are proposed to various trees within the woodland area, specified as follows:

T1-T3 Sycamore, Fell as in decline
T5 Larch, Fell as in decline (heavy lean over property and die back)
T6 Sycamore, Fell as in decline (close to property)
T7 Dead, very small unidentified species, Fell
T10 Larch, Fell as in decline and weighted towards road
T12a Sycamore, Reduce by 20% away from boundary and pumping station. Reduce overhang to waterworks side 8m to 5m

- T13 Prunus, Fell 2 x stems on fence line (45° lean over pumping station)
- T14 Horse Chestnut reduction. Reduce laterals to south east over water work 10m to 6m
- T18 Yew, 20% reduction (heavily weighted over towpath) Reduce west side 8m to 5m
- T21 Holm Oak secondary crown, up to 50% reduction to clear river navigation and reduce stress loading limbs over towpath SW side over river 13m to 9m
- T22 Sycamore, 20% reduction away from property. Reduce laterals over pathway 8m to 5m north side
- T23/24 2 x Sycamore, Fell (one in wall / one standing poor form no alternative reduction points weighted to path/road)

3.0 PLANNING CONSTRAINTS

- 3.01 Tree Preservation Order No. 11 of 1994 Woodlands South of Moncktons Lane. W1 consisting of Holm Oak, Holly, Yew Pine, Larch, Sycamore, Horse Chestnut, Lime and Walnut.

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 Government Policy:
National Planning Policy Framework (2021)

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

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

Local Plan Review, Draft Plan for Submission (Regulation 19) October 2021

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

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

5.0 LOCAL REPRESENTATIONS

- 5.01 A site notice was displayed on 25 November 21 and expires on 16 December 2021. Any new representations received in response to the site notice will be reported as an urgent update.
- 5.02 No representations received at the time of writing.

6.0 CONSULTATIONS

- 6.01 No consultation responses received at the time of writing.

7.0 BACKGROUND PAPERS AND PLANS

7.01 Application form, plan and proposal clarification submitted.

8.0 APPRAISAL

8.01 T1-T3 Sycamore on application form.

Contribution to public visual amenity:

Limited – visible only with difficulty or only small part of crown visible

Condition:

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

Useful life expectancy:

Short – safe useful life expectancy of less than 10 years

Comments:

Semi-mature, etiolated Sycamore trees of poor form and declining condition. The trees are generally poor specimens at increased windthrow failure due to their slender form resulting from being close-grown, with crowns weighted towards the adjacent residential property and pumping station. There are no viable pruning options that would result in the trees becoming good future specimens.

8.02 T5 Larch on application form.

Contribution to public visual amenity:

Limited – visible only with difficulty or only small part of crown visible

Condition:

Fair – showing minor signs of deterioration and/or defects

Useful life expectancy:

Short – safe useful life expectancy of less than 10 years

Comments:

A mature Larch of average to poor form growing 5 metres from the adjacent dwelling. The crown is significant top-weighted with a lean towards the property. It is therefore considered that the tree represents a windthrow failure risk with a dwelling as the likely target. There are no viable pruning options that would result in the tree being able to be retained as a good future specimen.

8.03 T6 Sycamore on application form.

Contribution to public visual amenity:

Limited – visible only with difficulty or only small part of crown visible

Condition:

Fair – showing minor signs of deterioration and/or defects

Useful life expectancy:

Short – safe useful life expectancy of less than 10 years

Comments:

A small Sycamore growing close to the adjacent dwelling. It is a poor specimen unsuitable for long term retention due to its position.

8.04 T7 species unidentified on application form.

Contribution to public visual amenity:
None

Condition:
Dead

Useful life expectancy:
Nil

Comments:
A small, dead tree. As such, it can be removed under the exceptions to the Tree Preservation regulations.

8.05 T10 Larch on application form.

Contribution to public visual amenity:
Reasonable – limited views only/partially blocked by other features

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

Useful life expectancy:
Short – safe useful life expectancy of less than 10 years

Comments:
A mature Larch which is clearly in decline and therefore with a limited safe useful life expectancy. With crown weighting towards the road, the potential failure target would be the highway.

8.06 T12a Sycamore on application form.

Contribution to public visual amenity:
Limited – visible only with difficulty or only small part of crown visible

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

Useful life expectancy:
Medium - estimated remaining life expectancy of at least 10 years

Comments:
A large, mature Sycamore with an unbalanced crown heavily weighted over the adjacent pumping station. The proposed reduction of the crown on the pumping station (southern) side is unlikely to be detrimental to the tree's long-term health nor its contribution to amenity, whilst significantly reducing risk to the pumping station.

8.07 T13 Prunus x2 stems on application form.

Contribution to public visual amenity:
Limited – visible only with difficulty or only small part of crown visible

Condition:

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

Useful life expectancy:

Short – safe useful life expectancy of less than 10 years

Comments:

Two stems originating in the woodland but growing over and resting on the boundary fence, with all top growth in the adjacent pumping station. The proposed removal is therefore considered appropriate. However, consent is not technically required as the species is not listed within the Tree Preservation Order.

8.08 T14 Horse Chestnut on application form.

Contribution to public visual amenity:

Reasonable – limited views only/partially blocked by other features

Condition:

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

Useful life expectancy:

Short – safe useful life expectancy of less than 10 years
to

Medium - estimated remaining life expectancy of at least 10 years

Comments:

A mature Horse Chestnut exhibiting a large main stem scar from ground level to approximately 3 metres height that is likely to significantly compromise the longevity of the tree. Further investigation is likely to reveal that significant remedial works or felling will be necessary in the foreseeable future. The proposed works to reduce lateral branches over the pumping station will therefore have a negligible impact on the tree's remaining safe useful life expectancy.

8.09 T18 Yew on application form.

Contribution to public visual amenity:

Good – clearly visible to the public

Condition:

Fair – showing minor signs of deterioration and/or defects

Useful life expectancy:

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

Comments:

A mature Yew with an unbalanced crown overhanging the river towpath. The tree should respond well to pruning works and the proposed reduction will help to rebalance the crown.

8.10 T21 Holm Oak on application form.

Contribution to public visual amenity:

Good – clearly visible to the public

Condition:

Fair – showing minor signs of deterioration and/or defects

Useful life expectancy:

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

Comments:

A large, mature Holm Oak, with overextended branches heavily overhanging the towpath and river. The proposed reduction of the southwestern portion of the crown by 4m is unlikely to be detrimental to the tree's long-term health and is considered necessary management to reduce future failure risk.

8.11 T22 Sycamore on application form.

Contribution to public visual amenity:

Good – clearly visible to the public

Condition:

Fair – showing minor signs of deterioration and/or defects

Useful life expectancy:

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

Comments:

A large, twin stemmed Sycamore overhanging Moncktons Lane path and growing towards the adjacent dwelling (11 The Mallows). Reduction of crown weight away from the house is considered prudent management to reduce failure risk and is unlikely to be detrimental to the tree's long-term health.

8.12 T23 - T24 Sycamore on application form.

Contribution to public visual amenity:

Good – clearly visible to the public

Condition:

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

Useful life expectancy:

Short – safe useful life expectancy of less than 10 years

Comments:

T23 is a small Sycamore growing within the wall and therefore likely to compromise the stability of the wall if not removed. T24 is a medium sized Sycamore, but leaning and without viable pruning options that would result in the tree being suitable for long-term retention.

9.0 CONCLUSION

- 9.01 The proposed works are considered necessary and appropriate arboricultural management and are therefore acceptable on the grounds of safety and duty of care.

10.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS to include

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

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

INFORMATIVES

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

(2) All cut timber/wood between 15cm and 60cm in diameter, together with any senescent and rotting wood, should be retained and stacked safely on site for the colonisation of saproxylic organisms, except where an alternative proposal has been submitted to and approved in writing by the local planning authority.

Case Officer: Nick Gallavin

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

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 16 December 2021**

APPEAL DECISIONS:

- 1. 19/505750/FULL** **Material change of use of land for 2 pitch Gypsy site with associated development (utility blocks, hard standing, landscaping)-part retrospective.**

APPEAL: ALLOWED

Eden Park Farm
Love Lane
Headcorn
Ashford
Kent
TN27 9HL

(Delegated)
