

PLANNING COMMITTEE MEETING

Date: Thursday 20 January 2022
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Brindle, Cox, English, Eves, Harwood, Holmes, Kimmance, Munford, Perry (Vice-Chairman), M Rose, Spooner (Chairman), Trzebinski and Young

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 Items withdrawn from the Agenda	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 - 27 January 2022	
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 16 December 2021	1 - 9
11. Presentation of Petitions (if any)	
12. Deferred Items	10 - 11
13. Appointment of Maidstone Group and Labour Group Political Group Spokespersons	

Issued on Wednesday 12 January 2022
Over/:

Continued

Alison Broom

Alison Broom, Chief Executive

14.	21/505360/FULL - The Cow Shed, West Street, Lenham, Kent	12 - 21
15.	21/505458/REM - Land Rear of Redic House, Warmlake Road, Sutton Valence, Kent	22 - 43
16.	21/504652/FULL - Broadlands, North Pole Road, Barming, Maidstone, Kent	44 - 53
17.	21/506258/FULL - 6 Beckworth Place, St Andrew's Road, Maidstone, Kent	54 - 60
18.	21/506690/FULL - Telecommunications Base Station at Junction of Tonbridge Road and Oakwood Road, Maidstone, Kent	61 - 76
19.	Appeal Decisions	77

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 19 January 2022. 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 16 DECEMBER 2021

Present: Councillor Spooner (Chairman) and Councillors Brice, Brindle, Cox, English, Harwood, Holmes, Kimmance, Perry, M Rose, Springett and Young

168. APOLOGIES FOR ABSENCE

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

169. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Springett was substituting for Councillor Eves and that Councillor Brice would be substituting for Councillor Trzebinski.

170. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

171. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

172. 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.

173. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Springett said that she had asked that application 21/504963/FULL (48 Tydeman Road, Bearsted, Maidstone, Kent) be determined by the Committee to enable local residents who had concerns to speak. She was not pre-determined, would listen to the discussion before making up her mind, and intended to speak and vote when the application was discussed.

174. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

13.	21/505452/LBC - Mote Park, A20 Ashford Road Junction with Willington Street, Maidstone, Kent	Councillors Brindle and Springett
14.	20/501427/OUT - Land to Rear of Kent Police Training School, Off St Saviours Road, Maidstone, Kent	Councillors Brindle, English, Spooner and Young
15.	21/504281/HYBRID - Farm Villa, Maidstone Hospital, Hermitage Lane, Maidstone, Kent	No lobbying
16.	21/505160/FULL - Land at Highlands Farm, Yalding Hill, Yalding, Maidstone, Kent	No lobbying
17.	19/506112/FULL - Bletchenden Farm, Bletchenden Road, Headcorn, Ashford, Kent	No lobbying
18.	21/504963/FULL - 48 Tydeman Road, Bearsted, Maidstone, Kent	No lobbying
19.	20/505662/FULL - Land at 59 Linton Road, Loose, Maidstone, Kent	Councillors Spooner and Young
20.	21/505218/TPOA - East Lodge, St Andrew's Road, Maidstone, Kent	No lobbying
21.	21/506124/TPOA - Woodland off The Mallows, Maidstone, Kent	No lobbying

Note: Councillor Brice joined the meeting during the disclosures of lobbying (6.10 p.m.). She said that at that point she had no disclosures of interest or of lobbying. Later during the meeting, Councillor Brice said that she had realised that she had an interest in application 20/505611/SUB (Dickens Gate, Marden Road, Staplehurst, Tonbridge, Kent) which was listed as a deferred item. She explained that the wider development was close to her property. She would have left the room, but the purpose of the item was to provide an update and the application was not debated.

See Minute 179 below

175. EXEMPT ITEMS

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

176. MINUTES OF THE MEETING HELD ON 18 NOVEMBER 2021

RESOLVED: That the Minutes of the meeting held on 18 November 2021 be approved as a correct record and signed.

177. PRESENTATION OF PETITIONS

There were no petitions.

178. 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 although some information had been submitted, it was not sufficient to enable the application to be reported back to the Committee.

179. 20/505662/FULL - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 9 NO. DWELLINGS, ASSOCIATED PARKING, HARDSTANDING, LANDSCAPING AND AREA OF ECOLOGICAL ENHANCEMENT, INFRASTRUCTURE AND EARTHWORKS AND ENLARGED CROSSOVER FROM THE A229 LINTON ROAD - LAND AT 59 LINTON ROAD, LOOSE, MAIDSTONE, KENT

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

The Major Projects Manager introduced this application explaining in detail why it was considered that the proposal accorded with the policy tests in both the Maidstone Borough Local Plan 2017 and the Loose Neighbourhood Plan 2019, particularly the assessment of harm to the countryside.

The Major Projects Manager advised the Committee that he wished to amend proposed condition 5 (Renewable Energy) to require details of an Energy Performance Completion Certificate.

Councillor Andrew of Loose Parish Council and Mr Wilford, for the applicant, addressed the meeting in person.

During the discussion, reference was made to, inter alia, the risk of setting a precedent, the relationship of the development to the Loose Valley Conservation Area, ecological impacts, access and visitor parking, design quality in terms of detailing and materials, the type of external lighting proposed and the future management of the central amenity area.

The Major Projects Manager explained that both the Neighbourhood Plan and the Salts Wood scheme (a new woodland scheme being brought forward by the Boughton Monchelsea Amenity Trust which had the effect

of containing the site, both physically and visually) were material changes in circumstances since the 2017 refusal of a larger scheme.

The Major Projects Manager also suggested further amendments to the proposed conditions and additional conditions in response to the points raised in the discussion.

Considering the application to be finely balanced, the Committee:

RESOLVED:

1. That subject to:

A. The prior completion of a legal agreement in such terms as the Head of Legal Partnership may advise to secure the Heads of Terms set out in the report; AND

B. The conditions and informatives set out in the report, with

The amendment of condition 5 (Renewable Energy) to require details of an Energy Performance Completion Certificate;

The amendment of condition 6 (Landscaping and Biodiversity) to require details of the future management of the central amenity area;

An additional condition requiring 1:20 drawings showing details of key parts of the buildings to ensure that design quality is secured;

An additional condition requiring a scheme for visitor parking; and

An additional informative reiterating the need for the materials to be of a high quality,

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

2. That the details to be submitted relating to the scheme for visitor parking are to be agreed in consultation with the Chairman, Vice-Chairman and Political Group Spokespersons of the Planning Committee.

Voting: 9 – For 1 – Against 0 – Abstentions

Note: Councillors Harwood and Kimmance joined the meeting after consideration of this application (7.10 p.m.).

Councillor Harwood said that he had been lobbied on items 13 (21/505452/LBC - Mote Park, A20 Ashford Road Junction with Willington Street, Maidstone, Kent) and 21 (21/506124/TPOA - Woodland off The Mallows, Maidstone, Kent).

Councillor Kimmance said that he had been lobbied on items 14 (20/501427/OUT - Land to Rear of Kent Police Training School, Off St Saviours Road, Maidstone, Kent), 15 (21/504281/HYBRID - Farm Villa, Maidstone Hospital, Hermitage Lane, Maidstone, Kent), 20 (21/505218/TPOA - East Lodge, St Andrews Road, Maidstone, Kent) and 21 (21/506124/TPOA - Woodland off The Mallows, Maidstone, Kent).

180. 20/501427/OUT - OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 76 NO. DWELLINGS (ALL MATTERS RESERVED EXCEPT ACCESS) - LAND TO REAR OF KENT POLICE TRAINING SCHOOL, OFF ST SAVIOURS ROAD, MAIDSTONE, KENT

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

Mr Collins addressed the meeting remotely on behalf of the applicant.

RESOLVED: That subject to:

A. The prior completion of a legal agreement in such terms as the Head of Legal Partnership may advise to secure the Heads of Terms set out in the urgent update report; AND

B. The conditions and informatives set out in the report,

the Head of Planning and Development be given delegated powers to grant permission and to be able to settle or amend any necessary Heads of Terms of the legal agreement in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 7 – For 1 – Against 4 – Abstentions

FURTHER RESOLVED: That the Officers be requested to work with the Police to achieve a non-planning application-led solution to the traffic related problems associated with the vehicular gate at the corner of Pested Bars Road.

Voting: 11 – For 0 – Against 0 – Abstentions

Note: Councillor Brice was not present during the voting on this issue.

181. 21/504281/HYBRID - 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 - FARM VILLA, MAIDSTONE HOSPITAL, HERMITAGE LANE, MAIDSTONE, KENT

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

Mr Carey addressed the meeting remotely on behalf of the applicant.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report, as amended by the urgent update report, with:

An additional condition to be finalised by the Head of Planning and Development in consultation with the Chairman, Vice-Chairman and Political Group Spokespersons of the Planning Committee and Ward Members setting out the design and landscape qualitative parameters that will dictate the future reserved matters; and

Delegated powers being given to the Head of Planning and Development to review and tighten the conditions to seek maximum sustainability and design quality.

Voting: 9 – For 0 – Against 2 – Abstentions

Note: Since Councillor Brice was not present for all of the Officer's presentation on this application, she did not participate in the discussion or the voting.

182. 21/505452/LBC - 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 - MOTE PARK, A20 ASHFORD ROAD JUNCTION WITH WILLINGTON STREET, MAIDSTONE, KENT

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

RESOLVED: That consideration of this application be deferred to:

Seek clarification on why the listed wall needs to be re-positioned to accommodate the junction works;

Request a KCC Highways Officer to attend Planning Committee to clarify the predicted capacity improvements; and

Clarify further the public benefits of the proposal.

Voting: 7 – For 4 – Against 1 – Abstention

183. 21/505160/FULL - 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) - LAND AT HIGHLANDS FARM, YALDING HILL, YALDING, MAIDSTONE, KENT

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

In introducing the application, the Senior Planning Officer asked the Committee to ignore the reference to the Loose Neighbourhood Plan in the first sentence of paragraph 7.03 of the report.

Councillor Brown of Yalding Parish Council and Mr McKay, agent for the applicant, addressed the meeting remotely.

RESOLVED:

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

The amendment of the second sentence of condition 3 (Positioning of Caravans) to read:

The caravans shall only be positioned on the site as set out on the submitted drawings and shall not be positioned to the southern part of the site; and

The amendment of condition 6 (Commercial Activities) to read:

No commercial activities shall take place on the land, including the breeding of poultry and dogs and the storage of materials.

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

Voting: 9 – For 1 – Against 2 – Abstentions

FURTHER RESOLVED: That the applicant and the Licensing Team be requested to liaise regarding animal welfare standards at the site.

Voting: 11 - For 0 – Against 1 – Abstention

184. 21/505218/TPOA - TPO APPLICATION FOR 3 X (T1) PINUS - LIGHTLY REDUCE FROM PROPERTY BOUNDARY FROM 8M TO 6.5M - EAST LODGE, ST ANDREW'S ROAD, MAIDSTONE, KENT

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

In introducing the application, the Heritage, Landscape and Design Team Leader advised the Committee that the site notice would expire that day and no representations had been received to date.

RESOLVED:

1. That permission be granted subject to the condition and informatives set out in the report, with an additional informative advising the applicant that the cordwood should be retained and stacked safely within St Andrews Park in the interests of biodiversity.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the additional informative.

Voting: 12 – For 0 – Against 0 – Abstentions

185. 21/506124/TPOA - 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 WATERWORKS 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) - WOODLAND OFF THE MALLOWS, MAIDSTONE, KENT

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

In introducing the application, the Heritage, Landscape and Design Team Leader advised the Committee that the site notice would expire that day and no representations had been received to date.

RESOLVED: That permission be granted subject to the condition and informatives set out in the report.

Voting: 12 – For 0 – Against 0 – Abstentions

186. 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 of the Head of Planning and Development.

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

Voting: 10 – For 0 – Against 2 – Abstentions

187. 21/504963/FULL - TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION - 48 TYDEMAN ROAD, BEARSTED, MAIDSTONE, KENT

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

RESOLVED: That permission be granted subject to the conditions and informative set out in the report.

Voting: 11 – For 1 – Against 0 – Abstentions

188. APPEAL DECISIONS

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

RESOLVED: That the report be noted.

189. DURATION OF MEETING

6.00 p.m. to 10.15 p.m.

Agenda Item 12

MAIDSTONE BOROUGH COUNCIL
PLANNING COMMITTEE
20 JANUARY 2022

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

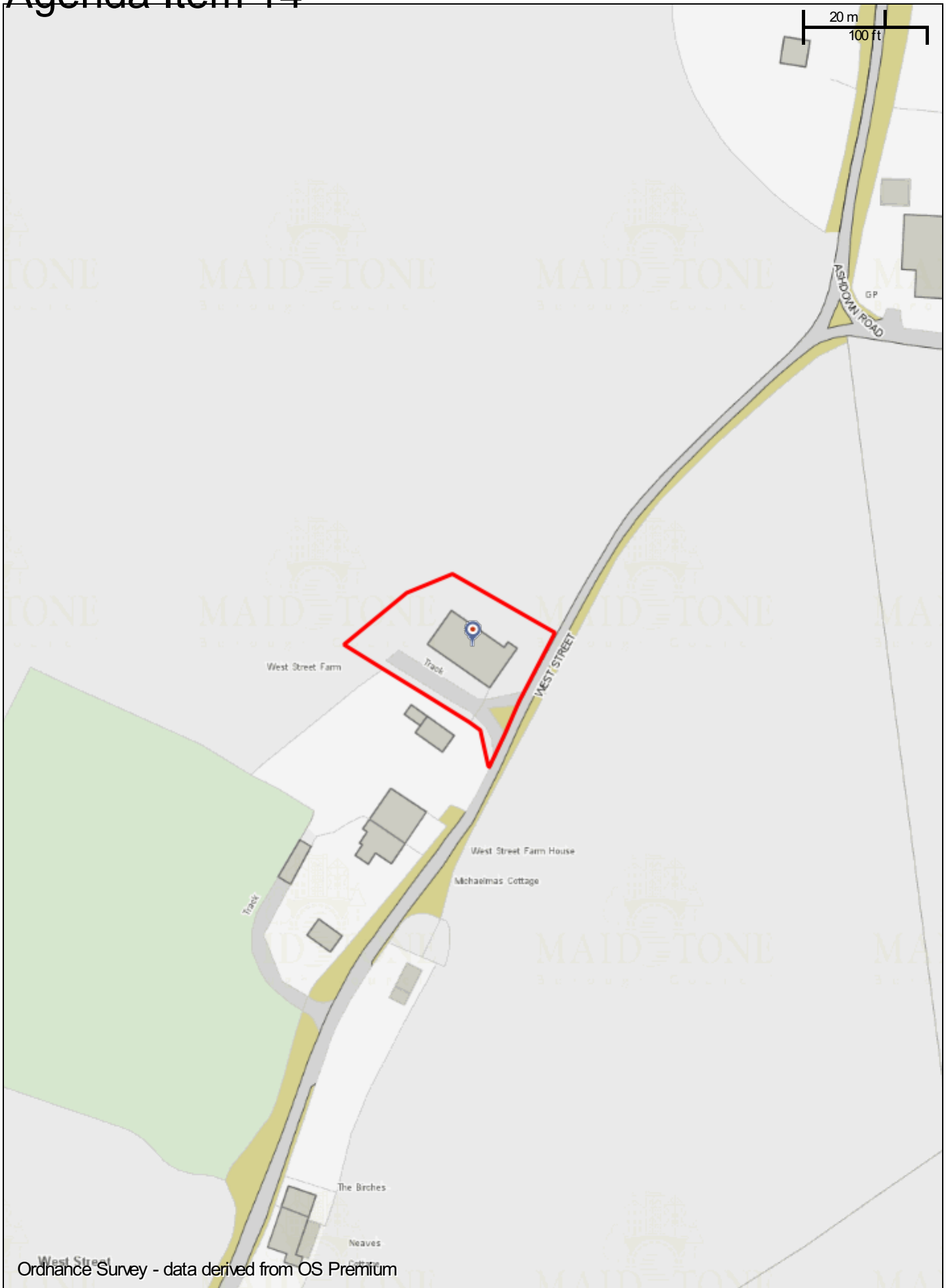
DEFERRED ITEMS

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

APPLICATION	DATE DEFERRED
<p><u>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>	22 July 2021
<p><u>21/505452/LBC - 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 - MOTE PARK, A20 ASHFORD ROAD JUNCTION WITH WILLINGTON STREET, MAIDSTONE, KENT</u></p> <p>Deferred to:</p> <p>Seek clarification on why the listed wall needs to be re-positioned to accommodate the junction works;</p>	16 December 2021

<p>Request a KCC Highways Officer to attend Planning Committee to clarify the predicted capacity improvements; and</p> <p>Clarify further the public benefits of the proposal.</p>	
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Agenda Item 14



Ordnance Survey - data derived from OS Premium

REFERENCE NO - 21/505360/FULL		
APPLICATION PROPOSAL Change of use of cow shed to 1no. holiday let with widened access for frontage car parking		
ADDRESS The Cow Shed, West Street, Lenham, Kent, ME17 2EP		
RECOMMENDATION – APPROVE WITH CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> • The proposals have overcome the recently dismissed appeal for a new dwelling as a tourism use is now proposed, which can be allowed under policy DM31 of the Local Plan and policy TOU1 of the Lenham Neighbourhood Plan, and the proposals comply with all relevant criteria within those policies. • The applicant has agreed to further changes which improve the conversion works making them more sympathetic and the proposals would not cause harm to the countryside or AONB as was concluded by the Planning Inspector. • The proposals would comply with all relevant policies of the Development Plan and permission is therefore recommended. 		
REASON FOR REFERRAL TO COMMITTEE		
Lenham Parish Council recommend the application is refused (for the reasons set out below) and have requested the application is reported to Planning Committee if minded to approve.		
WARD Harrietsham And Lenham	PARISH COUNCIL Lenham	APPLICANT Mr Robert Boyd-Howell AGENT BTF Partnership
TARGET DECISION DATE 02/12/21		PUBLICITY EXPIRY DATE 02/11/21

Relevant Planning History

- 20/501546 Change of use of former agricultural building to a residential dwelling – REFUSED & DISMISSED AT APPEAL
- 01/1642 Change of use of redundant agricultural building to research and development B1(b) and/or light industrial B1(c) – REFUSED
- 88/0080 Change of use of redundant farm building to light industrial use – REFUSED & DISMISSED AT APPEAL

1. DESCRIPTION OF SITE

- 1.01 The application relates to a single storey agricultural building formerly used as a cow shed that was constructed in the 1950's/60's. The Design & Access Statement states that the applicant operates an intensive arable operation and this former livestock buildings is surplus to requirements and not suited for modern day farming. The building is brick built with various openings

mostly blocked up and a corrugated fibre cement pitch roof. The application site also includes land around the building which is currently grassed or overgrown.

- 1.02 The building lies to the north of one pair of semi-detached houses and on the west side of West Street, which is single track country lane with sporadic development including some houses and converted buildings. The site is bounded by an undulating arable field to the west and north and is open in views from West Street from the north. The site sits on the upper plateau of the Kent Downs AONB and is around 2km north of Lenham.

2. PROPOSAL & APPEAL DECISION

- 2.01 Permission is sought to convert the building to a holiday let with a garden area on the south side and two parking spaces to the front. The remainder of the site surrounding the building and garden area would be enhanced for biodiversity with new landscaping including trees.
- 2.02 The building would be converted with no change in the footprint or height. It would be clad in black timber boarding with a brick plinth and plain slate tiles to the roof. New windows and doors would be in similar positions as previous openings that have been blocked up. One rooflight and some PV panels are proposed to the southern roofslope.
- 2.03 The appeal proposal was to convert the building to a new 'dwelling' and was dismissed as it did not comply with policy DM31 on the basis that conversions to dwellings in the countryside are only allowed to listed buildings or high-quality unlisted buildings worthy of retention, which is not the case for this building. Notably, the Planning Inspector did not consider the conversion works, parking, or use of the site as a dwelling would harm the AONB or countryside.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017: SS1, SP17, DM1, DM2, DM3, DM8, DM21, DM23, DM30, DM31
Lenham Neighbourhood Plan: D1, GS1, CP1, TOU1, AQ1
Kent Minerals and Waste Local Plan
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Kent Downs AONB Management Plan (2021-2026)

4. LOCAL REPRESENTATIONS

4.01 Lenham Parish Council: Raises objections.

"In support of the immediate neighbours comments we continue to object to this application for a holiday let. The same objections that the Parish Council made in respect of the previous application earlier this year still apply."

These objections are summarised as follows:

- Negative visual impact upon the countryside and severe harm in such a sensitive and exposed countryside location.

- Would introduce an unwelcome element which has a fundamentally suburban character to the extreme detriment of the rural amenities of this area of attractive and unspoilt countryside.
- The introduction of an essentially suburban development on the site with its associated areas of hardstanding would reduce the potential of the site to support varied wildlife.
- Reliant on car to reach any services.
- Concern of setting a precedent.

4.02 **Local Residents:** 7 representations received raising the following (summarised) points:

- Unnecessary development in the AONB.
- Highly visible.
- Rebuilding may be necessary.
- Materials proposed are not local.
- Parking will be visible.
- Infrastructure is poor and cannot support another development (electricity, broadband, water pressure).
- Will cause a loss privacy.
- Noise and disturbance from use.
- There are many rooms for a holiday let.
- Question ecological appraisal.
- Increased problems from traffic and vehicle speeds on narrow road.
- Already holiday lets in the vicinity.
- Does not meet the policy criteria under policy DM31.

5. CONSULTATIONS

5.01 **Natural England: No objections.**

5.02 **Environmental Health: No objections** subject to a contaminated land condition.

6. APPRAISAL

Policy DM31 - Conversion of Rural Buildings

6.01 As stated above, the appeal was dismissed as conversions to dwellings in the countryside are only allowed under policy DM31 to listed buildings or high-quality unlisted buildings worthy of retention, which is not the case for the 'Cow Shed'.

6.02 However, the re-use and conversion of rural buildings for tourism use can be allowed in the countryside under policy DM31, where the building's quality is not relevant. Policy TOU1 of the Lenham NHP also allows for sustainable development that improves the quality and diversity of existing tourist accommodation. Any harmful impacts of such uses on the character and appearance of the countryside and AONB can be allowed based on the benefits to the rural economy. Therefore, the principle of conversion to a holiday let is acceptable and the main considerations are those set out under policies DM31 and TOU1. Notably, the Planning Inspector did not consider any harm would be caused to the character and appearance of the

AONB or countryside from the conversion works or from the garden and parking area under the previous application.

- 6.03 The building is brick built with a cement fibre roof and is a relatively common building of its age and so is not incongruous or unduly harmful to the area of itself. It is of sound construction and the structural report concludes that the building is capable of conversion without extensive alteration or rebuilding in accordance with criteria 1(i) and (ii) of DM31.
- 6.04 In terms of the conversion works, the proposed openings are in similar positions to previous openings, however, I have negotiated that the number of windows on the more prominent northeast elevation are reduced and the rooflights have been removed to lessen the impact of the changes and provide a simpler appearance. Originally 'yorkshire boarding' was proposed which is not in keeping with the local area and so the proposals have been amended to provide black timber weatherboarding. These are positive improvements which the applicant has agreed to despite the Planning Inspector finding that the conversion works and materials were acceptable. Windows and doors will be timber and rainwater goods aluminium. On this basis, the works and external materials are acceptable. This in accordance with DM30, criterion 1(iii) of DM31 and criteria 1(1) and (2) of TOU1.
- 6.05 Parking would be to the front which will be visible from West Street. If it were located to the side or rear of the building it would require more hard surfacing to access and would reduce the proposed landscaped area and so is acceptable to the front (as was the Inspector's view). Landscaping is proposed either side to help screen/soften its impact in accordance with criterion 1(iv) and the fine details, (species, size and numbers) can be secured by condition. Post and rail fencing with hedging would contain the garden which is a suitable boundary treatment in accordance with criterion 1(v) provided it is the traditional riven/cleft type which will be secured by condition.
- 6.06 The traffic generated by a single holiday let would not be significant and so would not lead to any harmful erosion of roadside verges, future users would benefit from sufficient amenity, and a condition can be attached to ensure the building is only used for tourism purposes. This is all in accordance with criteria 2(i), (ii), and (iii).

Impact upon the AONB & Countryside

- 6.07 The development would inevitably have some impact upon the character of the AONB here with the conversion works, new garden, parking area and general domestication of the site. However, the Planning Inspector did not consider this would harm the AONB or countryside. The conversion works are sympathetic, and the proposed landscaping will serve to assimilate the development into its setting and mitigate any impact. Lighting details will be secured by condition to ensure they do not result in undue impacts to the local area. On this basis, I consider the impact upon the AONB and countryside is acceptable in accordance with policies SP17, DM1, DM3, DM8, and DM30 of the Local Plan and D1 of the Lenham NHP.

Residential Amenity

- 6.08 The proposed use may generate some noise but this would not typically be any worse than a residential use and on this basis there would not be any harmful impacts upon the adjoining or nearby houses. The building is single storey with no first floor accommodation and so would not result in any overlooking of the neighbouring property. This is in accordance with policy DM1 of the Local Plan and policies D1 and CP1 of the Lenham NHP.

Ecology

- 6.09 An ecological scoping survey, bat survey, and reptile survey have been carried out. No bats or sign of bats were found during the building inspection and none were seen emerging from the building, and no reptiles were found. Therefore, the proposals would not have any impact upon protected species. The proposals include a fairly significant 'wildlife area' to the north and east which will be planted and managed to benefit wildlife which will be secured by condition, and other measures such as hedgehog nesting boxes, bat and bird boxes, bee habitat, and reptile hibernacula will be secured. The 'wildlife area' and these measures are considered a proportionate response to provide net gains for biodiversity in line with the NPPF, policy DM1 of the Local Plan, and policy GS1 of the Lenham NHP.

Other Matters

- 6.10 The Council has received advice from Natural England in respect of an increased level of nitrates and phosphates within the nationally and internationally designated protected sites at Stodmarsh Lakes Nature Reserve, east of Canterbury. A small part of the catchment of the river system of the Stour Valley river, which feeds into the lakes, is in Lenham. Natural England are advising that applications for certain types of development (such as that proposed) within the Stour river catchment and/or which discharge to particular Wastewater Treatment Works (WWTW) within the catchment should be the subject of screening under the Habitat Regulations 2017.
- 6.11 The application site is outside the defined Stour catchment area but within the 'additional catchment' where discharge to the Lenham WWTW may occur. However, the site is not on mains drainage and the applicant has stated that a package treatment plant is proposed so drainage of the effluent would be to ground outside of the catchment and thus not to a WWTW that discharges into the River Stour. Hence there are no implications in terms of pollution of Stodmarsh and no assessment of the foul drainage in terms of the Habitats Regulations 2017 is required. The package treatment plant may require a permit but this is a separate matter that would be dealt by the Environment Agency.
- 6.12 The applicant has agreed to provide an EV charging point to comply with policy AQ1 of the Lenham NHP which is secured by condition. Other matters raised relate to setting a precedent; rebuilding may be necessary; poor infrastructure; excessive number of rooms for a holiday let; and there are already holiday lets in the vicinity. Policy allows for reuse of rural buildings for tourism use and does not set a limit on the number of such uses allowed. Significant rebuilding is not considered necessary and nor did the Planning

Inspector raise this as an issue. The standard of water, electricity or broadband facilities are not grounds to refuse permission. The number of rooms is not a relevant matter and a condition will require that the building is only used as holiday accommodation.

7. CONCLUSION

- 7.01 The proposals have overcome the recently dismissed appeal for a new dwelling as a tourism use is now proposed, which can be allowed under policy DM31 of the Local Plan and policy TOU1 of the Lenham NHP and the proposals comply with all relevant criteria within those policies.
- 7.02 The applicant has agreed to further changes which improve the conversion works making them more sympathetic and the proposals would not cause harm to the countryside or AONB as was concluded by the Planning Inspector.
- 7.03 The proposals would comply with all relevant policies of the Development Plan and permission is therefore recommended.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

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

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

- 2) 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, Classes A, B, C, D, E, F, and G, 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 and appearance of the converted building and the surrounding area.

- 3) The conversion works shall not commence until, written details and images of the materials to be used for the external surfaces of the converted building (which shall include black timber weatherboarding and natural slate roof tiles) and any hard surfaces have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

- 4) The conversion works shall not commence until a native landscape scheme 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 include a planting specification, a programme of implementation, and a 5 year management plan and specific long-term management of the 'wildlife area' for the benefit of biodiversity and include the following:

- a) Native tree and shrub planting.
- b) Mixed native hedges along the boundaries of the site and along the boundaries of the garden.
- c) Planting in the area to the north of the parking spaces.

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

- 5) The development shall not be occupied until the following details 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 and maintained thereafter.

- a) Details of any external lighting.
- b) Details of all fencing, walling and other boundary treatments.
- c) Details of ecological enhancements which shall include hedgehog nesting boxes, reptile hibernacula, bee habitat, and bat and bird boxes.

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

- 6) The area used as a garden/outdoor space for the holiday let shall only be the area on the southwest side of the building labelled as 'garden' and enclosed by traditional post and rail fencing as shown on drawing no. 29572A/200 RevD.

Reason: To protect the 'wildlife area' in the interest of biodiversity.

- 7) All planting, seeding and turfing specified in the approved landscape details shall be carried out either before or in the first planting season (October to February) following the occupation of the building or the completion of the development, whichever is the sooner; and seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

- 8) The development shall be occupied for bona fide holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up-to-date register of the names, main home addresses and the duration of stay of all future occupants, and this information shall be made available at all reasonable times upon request by the local planning authority. Relevant contact details (name, position, telephone number, email address and postal address) of the operators of the site, who

will keep the register and make it available for inspection, shall also be submitted to the local planning authority prior to the first occupation of the building with the relevant contact details subsequently kept up to date at all times.

Reason: To ensure proper control of the use of the holiday let and to prevent the establishment of permanent residency.

- 9) The development shall not be occupied until a minimum of one electric vehicle charging point at a speed of at least 7.2kW has been installed for the use of future occupants and this shall thereafter be retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with the NPPF.

- 10) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: In the interest of human health.

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

29572/01

Planning Committee Report

20th January 2022

29572A/02 RevA

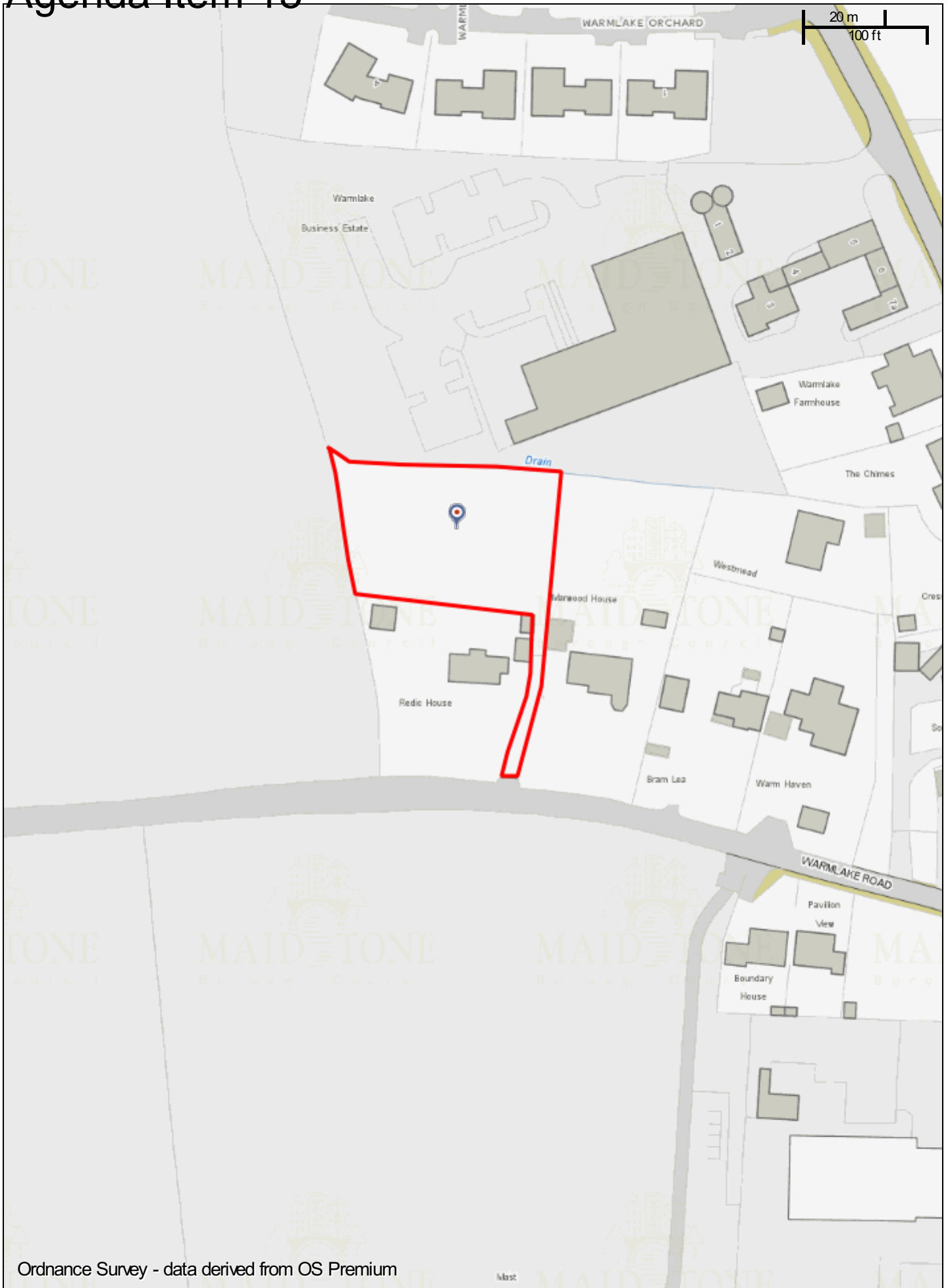
29572A/200 RevD

29572A/201 RevB

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

Case Officer: Richard Timms

Agenda Item 15



Ordnance Survey - data derived from OS Premium



21/505458/REM Land rear of Redic House, Warmlake Road, Sutton Valence, Maidstone, Kent

Scale: 1:1250

Printed on: 7/1/2022 at 10:53 AM by JoannaW



REFERENCE NO: 21/505458/REM		
APPLICATION PROPOSAL: Approval of Reserved Matters for erection of 3 detached dwellings with associated parking (Appearance, Landscaping, Layout, Scale being sought) pursuant of 20/504370/OUT (Outline application for erection of 3 detached dwellings with matters of access and layout being sought, appearance, landscaping and scale are reserved matters for future consideration).		
ADDRESS: Land rear of Redic House Warmlake Road Sutton Valence Kent ME17 3LP		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposal 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: Sutton Valence 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 consultation section below.		
WARD: Sutton Valence & Langley	PARISH COUNCIL: Sutton Valence	APPLICANT: Mr Lazaro-Silver AGENT MJB Architecture Ltd
TARGET DECISION DATE: 24/01/22		PUBLICITY EXPIRY DATE: 27/12/21

RELEVANT PLANNING HISTORY

Proposal site

- 21/505459 - Details for conditions: 3 (materials); 4 (landscaping); 6 (biodiversity); 7 (foul/surface water disposal); 8 (charging points) of 20/504370 - Split decision:

Details for conditions 3, 6, 7, 8 approved. Details for condition 4 refused as submission failed to fully comply with details as required by condition and would not ensure a satisfactory appearance to the development and would not be in the interests of residential amenity.

- 20/504370 – Outline: 3 dwellings with access & layout being sought. Appearance, landscaping & scale reserved for future consideration – Approved (**APPENDIX A**)
- 20/502082 - Details for conditions: 1 (materials) & 2 (landscape) of 19/500724 - Approved
- 20/501800 - Outline for 3 dwellings (access & layout sought) - Refused
- 20/500004 - Details for conditions: 1 (materials); 2 (landscape) for 19/500724 - Refused
- 19/501103 - Erection of 2 houses with garages - Refused
- 19/500724 - Reserved matters following approval of 16/500489 - Approved
- 17/503541 - Outline: 3 dwellings (access sought) - Refused (appeal dismissed)
- 16/500489 - Outline: 1 dwelling (access sought) - Refused (appeal allowed)

Land to north of proposal site

- 21/505631 - S73: Remove condition 11 (landscape buffer) pursuant to 16/508382 - Pending consideration (C11 of 16/508382 states landscaping details [pursuant to condition 1] shall provide at least 10m native landscape buffer along north and west boundaries of site [excluding gardens]. This does not relate to the northern boundary of this current application that is for consideration).
- 20/501089 - CLD to confirm development permitted under 16/508382 and 18/503784 can be lawfully implemented at any time - Approved
- 19/506309 - NMA to 18/503784 - amend layout of parking (plot 5) - Approved
- 18/503784 - Reserved matters application pursuant to 16/508382 - Approved
- 16/508382 - Outline: demolition of buildings and erection of 8 dwellings to ensure retention of 5 B1 commercial units - Approved

MAIN REPORT

1.0 SITE DESCRIPTION

1.01 The proposal site relates to a parcel of undeveloped land located to the north of Redic House. To the east of the site is the rear garden of 'Marwood House', with the main house to the south-east of the site; to the north, work has commenced on an approved residential development (see above planning history); and to the west is agricultural land. The Oast, that is in Warmlake Business Estate and some 60m to the north-east of the northern boundary of the proposal site (with a large modern commercial building in between), is Grade II listed. For the purposes of the Maidstone Local Plan the proposal site is within the designated countryside. The site also falls within an area of archaeological potential.

2.0 BACKGROUND INFORMATION

2.01 On 26th November 2020, Members of the Planning Committee resolved to grant outline planning permission (under 20/504370) for the erection of three new dwellings on the application site (with matters of access and layout being sought and matters of appearance, landscaping and scale being reserved for future consideration). The decision for 20/504370 was issued on 8th December 2020. The Approved layout is as follows:



3.0 PROPOSAL

3.01 The description of the development is as follows: *Approval of Reserved Matters for the erection of 3 detached dwellings with associated parking (Appearance, Landscaping, Layout, Scale being sought) pursuant of 20/504370/OUT.*

3.02 The layout has been amended and the plan below shows what is now proposed:



Matters of access and layout

3.03 The matter of access has already been approved under 20/504370 and remains unaltered by this application. To reiterate, the proposed layout shows the continuation of the access road serving the housing development to the north (accessed from Maidstone Road), leading into the proposal site; and no vehicular or pedestrian access is shown into the site from the existing track in between Redic House and Marwood House.

3.04 The three detached houses are still shown to be located around the access road, with garden land predominantly abutting the eastern, southern, and western boundaries of the site. This said, the layout has been amended so that the development is moved southwards (away from the northern boundary of the site). Furthermore, the parking area for Plot 1 has been increased; and the parking area for Plot 2 has been moved to the east of the associated dwelling. Except for the three houses, it remains that no other buildings are proposed.

Matters of scale, appearance and landscaping

3.05 In terms of heights, Plot 1 would stand some 9.4m in height with an eaves height of some 5m; and both Plots 2 and 3 would have ridge heights of some 9m and eaves heights of around 5m. In general terms, the three (4-bed) properties would have hipped roofs; gable-end features to the front elevations; and open porches over the front doors. In terms of appearance, an external materials schedule has been submitted and already approved under 21/505459 (condition 3 pursuant to 20/504370). The approved materials are as follows:

	PLOT 1	PLOT 2	PLOT 3
ROOF TILES	<i>Marley Acme Double Camber Plain Clay in Antique</i>	<i>Marley Acme Double Camber Plain Clay in Antique</i>	<i>Marley Acme Double Camber Plain Clay in Antique</i>
TILE HANGING	<i>Sandtoft Plain Tile Mottled Red</i>	N/A	N/A
WEATHERBOARD CLADDING	N/A	<i>Marley Eternit Cedral Feather-Edge (white)</i>	<i>Marley Eternit Cedral Feather-Edge (white)</i>
BRICKWORK	<i>Freshfield Lane First Quality Stocks</i>	<i>Freshfield Lane First Quality Stocks</i>	<i>Freshfield Lane First Quality Stocks</i>
HARD SURFACE FINISHES	<i>PRIVATE DRIVEWAYS: Brett Alpha Flow in Brindle Colour</i> <i>SHARED ACCESS ROAD: Permeable Tarmac</i> <i>PRIVATE FOOTPATHS/PATIOS: Indian Sandstone in Fossil Mint Colour</i>		

3.06 The submitted plans show each new dwelling as having photovoltaic panels installed on the roof and the provision of electric vehicle charging points.

3.07 In terms of landscaping, the submission confirms that the existing Cypress trees along the northern boundary of the site will be retained (except for the new access); and that new native hedge planting will be undertaken along the eastern, southern and western boundaries of the site. An existing Willow tree that was part of the northern boundary planting has been removed; and the submission confirms that new plants will be protected by bio-earth biodegradable plastic free shelter guards. This detail is compliant with this part of the condition.

4.0 POLICY AND OTHER CONSIDERATIONS

- Local Plan (2017): SS1, SP17, SP18, DM1, DM2, DM4, DM6, DM8, DM23, DM30
- Landscape Character Assessment (2012 amended July 2013)
- Maidstone Landscape Capacity Study: Sensitivity Assessment (Jan 2015)
- Maidstone Landscape Character Assessment Supplement (21012)
- National Planning Policy Framework (2021) & National Planning Practice Guidance
- Regulation 19 Maidstone Local Plan

Local Plan

- 4.01 The submission is subject to the normal policy constraints to development in the countryside, as set out in the adopted Local Plan. Indeed, new development should not be permitted unless it accords with other policies in the Local Plan and it (inter alia): does not result in unacceptable harm to the character and appearance of the area; it respects the amenity local residents; it is acceptable in highway safety, heritage, and flood risk terms; and it protects and enhances any on-site biodiversity features where appropriate or provides sufficient mitigation measures.

Council's Landscape Character Assessment and Capacity Study

- 4.02 The Maidstone Landscape Character Assessment (2012 amended 2013) identifies the application site as falling within the Boughton Monchelsea to Chart Sutton Plateau (Area 29). The landscape guideline for this area is to 'IMPROVE'. The Council's Landscape Capacity Study: Sensitivity Assessment (Jan 2015) states that the Boughton Monchelsea to Chart Sutton Plateau has the overall landscape sensitivity as 'LOW'.

NPPF (July 2021)

- 4.03 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, with section 12 of the NPPF referring to 'achieving well-designed places'. Section 16 of the NPPF sets out what should be considered in terms of conserving and enhancing the historic environment.

5yr housing land supply

- 4.04 The Council is in a position where it can demonstrate a 5.6yrs worth of housing land supply (1st April 2021).

Regulation 19 Local Plan

- 4.05 Following recent approval by members, the Council's Reg 19 Local Plan is out to public consultation. This document is a material planning consideration, however at this time individual policies are 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.

5.0 LOCAL REPRESENTATIONS

- 5.01 Six representations received raising concerns over: Biodiversity enhancements are not adequate; impact upon trees/loss of existing landscaping; change to layout will cause additional harm to residential amenity of local residents in terms of overshadowing, privacy and general noise and disturbance; potential alteration to use of south access to site; houses are larger than approved in outline permission; and scale of proposal would be unacceptable in residential amenity terms.

6.0 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)

- 6.01 **Sutton Valence Parish Council:** Wish to see application refused and reported to Planning Committee if officers are minded to recommend approval. Their comments are summarised below:

Application does not respect amenities of occupiers of neighbouring properties - Loss of hedge will cause excessive noise, homes will be overlooked and there is unacceptable loss of privacy enjoyed by occupiers of neighbouring properties.

20/504370/OUT requires "retention of northern boundary 'hedge' (except for new access)". Large leylandii hedge, although not considered important in planning terms, provided

screening for both light and noise for neighbouring properties. These have been pollarded to extent they will have to be removed, exposing residents to noise and disturbance.

Applicant has not considered mature oak tree in Marwood House. Branches of this tree overhang into land rear of Redic House which means roots do as well. Concerned Plot 1's foundations may damage roots of this tree. Parish Council cannot see a tree survey has been carried in respect of this tree, which is not on site but could be damaged due to building work.

6.02 **Landscape Officer:** Raises no objection to proposal (see main report).

6.03 **KCC Biodiversity Officer:** Raise no objection to proposal.

6.04 **Environmental Protection Team:** Raise no objection to proposal.

6.05 **KCC Highways:** Development does not meet criteria to warrant their involvement.

6.06 **KCC Minerals Safeguarding Team:** Confirm they have no minerals or waste safeguarding objections or further comments to make regarding these matters.

6.07 **KCC Archaeological Officer:** No representations received.

6.08 **Kent Wildlife Trust:** No representations received.

7.0 APPRAISAL

Main issues

7.01 In terms of sustainability, the principle of three new dwellings in this location has already been accepted when outline planning permission was granted under 20/504370. Moving forward, the key issues for consideration relate to:

- Visual impact (layout, scale and appearance);
- Landscape/arboreal considerations;
- Residential amenity;
- Biodiversity considerations; and
- Other planning considerations.

7.02 The details of the submission will now be considered.

Visual impact (layout, scale and appearance)

7.03 The development of this backland site for three detached dwellings has already been accepted under 20/504370 and it remains that the shown plot sizes would be similar to those under construction adjacent to site and that adequate parking would be provided. The proposal would also continue the road through from the north, creating a clear relationship with the application site and how the houses to the north are laid out, whilst helping to provide a natural end to the Warmlake Business Estate development. Furthermore, the proposed dwellings would be of a similar scale to surrounding existing properties (including the new development to the north of the site); their design is considered to be interesting, appropriate and in keeping with the site's context that is varied in terms of property styles; and as set out in paragraph 3.05 of this report, the external finishes of the development have already been considered acceptable under 21/505459.

7.04 On this basis, it is considered that the proposal would not appear cramped and out of place with the pattern and grain of development in the area; and it would not adversely harm the character and appearance of the area, in accordance with relevant Local Plan policy.

Landscape/arboricultural considerations

7.05 Condition 4 imposed under 20/504370 states:

Pursuant to condition 1 of this permission and as shown on drawing ref: P.16.001.2437_01A, the scheme of hard and soft landscaping shall use indigenous species (excluding Sycamore), and shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation. The landscaping shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall include the following:

- (a) native hedgerow planting along the eastern, southern, and western boundaries;*
- (b) retention of the northern boundary hedge (except for the new access);*
- (b) details of new planting (including location, planting species and size);*
- (c) details of all fencing, walling and other boundary treatments; and*
- (d) written confirmation that non-plastic guards shall be used for the trees and hedgerows.*

The landscaping of the site thereafter shall be carried out in accordance with the approved details and maintained as such thereafter.

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

7.06 Pursuant to condition 4 of 20/504370, landscaping details were submitted for consideration under 21/505459 and subsequently refused because the submission showed the removal of the northern boundary planting and this was not compliant with part (b) of the condition.

7.07 The landscaping details submitted as part of this current application have now been amended to show the retention of the Cypress trees along the northern boundary of the site, except for where the new access will go. Furthermore, new native hedging (that is generally in accordance with the Maidstone Landscape Character Assessment Supplement for the site's landscape character area) will be planted along the eastern, southern and western boundaries of the site; the shown hard boundary treatment details are considered acceptable; and the submission confirms that new plants will be protected by bio-earth biodegradable plastic free shelter guards, in accordance with condition 4 as set out above. With this considered, the submitted landscaping scheme is considered to be acceptable and it would safeguard the character and appearance of the countryside hereabouts. The Landscape Officer also considers the landscaping details to be acceptable.

7.08 It is noted that Sutton Valence Parish Council refer to the Cypress trees being '*pollarded to extent they will have to be removed*'. The site was visited after the receipt of these comments and it was evident at the time that the Cypress trees along the northern boundary of the application site had not been pollarded. It may be that Sutton Valence Parish Council are referring to different trees on the adjacent site. To reiterate, the Cypress trees along the northern boundary of the site are to be retained (except for the access); and as an aside, it is considered that pollarding represents good management of this fast growing species.

7.09 There is an Oak tree in the garden of Marwood House, to the east of the application site; and in this respect no arboricultural information has been submitted with this application. The Landscape Officer has reviewed the submission, including the representations made by local residents, and has made the following comments regarding this tree (summarised):

Based on info available, Oak tree has circular root protection area (RPA) radius of approx. 9.6m and is 7.6m from boundary. Proposed plans show development requires excavation of just under 1m from boundary, therefore (in worst case scenario), RPA may be compromised by approximately 1m at one point on its western edge. It is difficult to comment with any certainty without the tree being accurately plotted on plans and without measured dimensions of the tree's stem diameter, but based on info available, it appears the development might conflict

with the edge of the RPA of the tree, but if it does, it is only likely to be a small percentage of total RPA, on its outer edge. Default position in BS5837:2012 is that RPA should not be disturbed unless there is overriding justification, but where there is, the 'lost' RPA can be compensated for elsewhere if suitable rooting environment exists in other directions. It would be preferable to have accurate information on which to be able to properly assess potential impact on tree. However, given that the encroachment, if any, is likely to be minor and at least 8.5m from the tree stem (with suitable protection measures in place), the long-term health of the tree is unlikely to be compromised by the proposals.

- 7.10 Based on this specialist advice and subject to tree protection details, it is accepted that the proposal would not compromise the long-term health of the adjacent Oak tree. Turning to the proposed tree protection measures in more detail, the Landscape Officer goes on to comment (as summarised):

Proposed tree protection measures do not appear to be based on principles of BS5837 and it is therefore not possible to assess whether they will be adequate; and they also omit consideration of adjacent Oak tree. In order to ensure construction of proposed layout minimises the impact on retained trees and hedges and thereby increases their chance of successful retention within the scheme, I consider it necessary to impose pre-commencement conditions requiring revised tree protection details to be submitted, which should be based on accurate plotting of existing trees and hedges, with RPAs plotted in accordance with BS5837 methodology. This must form basis of a Tree Protection Plan and Arboricultural Method Statement, which should be required to be submitted and approved before any site clearance or excavation takes place and before any materials, vehicles or machinery are brought on site.

- 7.11 On the basis that the Landscape Officer is satisfied that accurate tree protection details can be dealt with by way of pre-commencement condition, the recommended condition shall be duly imposed in the interests of safeguarding the longevity of existing trees and safeguarding the character and appearance of the area. The agent has agreed to this pre-commencement condition.

Residential amenity

- 7.12 The principle for three dwellings here has already been accepted, and so the general use of the site for this purpose is not objectionable in residential amenity terms. It should also be reiterated here that the proposal will continue to have sole access (both pedestrian and vehicle) from Maidstone Road, through the already approved housing development to the north of the site. Notwithstanding this, the matter of layout has been amended from that approved under the original outline permission (20/504370) and the submission now provides details of scale, appearance and landscaping. These matters need to be assessed in residential amenity terms.
- 7.13 It remains that the access road is largely in the same location as approved under the previous outline permission, set an acceptable distance away from the boundaries with Redic House and Marwood House, with gardens and buildings acting as a suitable buffer; and although the parking area for plot 2 has been repositioned, it is still set away some 11m from the northern boundary of Redic House and this is not considered to be objectionable in terms of general noise and disturbance. With this considered, it remains the view that the vehicle movements associated with the new development would not have an unacceptable impact upon the occupants of Redic House or Marwood House (or any other dwelling), when trying to enjoy their properties both internally and externally.
- 7.14 Whilst the amended layout brings the dwellings further south into the plot, it remains that the two neighbouring properties to the south benefit from large gardens, separating these existing houses from the new dwellings; and it is considered that these separation distances (and the scale of the new dwellings) would not result in a development that would appear unacceptably overbearing in the outlook of the occupants of Redic House and Marwood House when trying to enjoy their own properties. The layout and scale of the proposal would also not result in an unacceptable loss of light for the adjacent neighbours.

- 7.15 In terms of privacy, it is considered that the separation distance between Redic House and proposed plot 2 is still sufficient to not result in harmful overlooking of Redic House; and the existing boundary fencing, the existing trees and outbuilding in the garden of Redic House, and the proposed landscaping for this application would also help to further safeguard against a significant loss of privacy. Given the separation distances involved and the layout and the orientation of the dwellings, it is considered that the development would also not result in an unacceptable loss of privacy for the occupants of Marwood House when trying to enjoy their property (both internally and externally).
- 7.16 It is also considered that future occupants of the proposal would benefit from acceptable living conditions, both internally and externally; and the development would not have an adverse impact upon the living conditions of any other local resident, including the occupants of the residential development to the immediate north of the application site. On this basis, the proposal would be in accordance with Local Plan Policy DM1, which includes a requirement for new development to respect the residential amenity of existing and future residents.

Biodiversity considerations

- 7.17 The KCC Biodiversity Officer has not requested any further ecological information in relation to this application and so it is assumed that they are satisfied that the application will not cause unacceptable harm to any protected species. Condition 6 imposed under the original outline permission (20/504370) seeks details of biodiversity enhancements to be incorporated into the design and appearance of each dwelling, through integrated methods such as swift bricks, bat tubes/bricks and bee bricks. Such details were submitted and approved under 21/505459, and this current submission replicates those details. Please note that the KCC Biodiversity Officer is satisfied with the submitted biodiversity enhancements; and that on their advice the submitted details were amended to place the swift bricks and bat bricks in more appropriate places (i.e. on north-facing elevations and east-facing elevations respectively).

Other considerations

- 7.18 To reiterate, the matter of access has already been approved under 20/504370 and remains unaltered by this application; and onsite parking provision is considered acceptable. Please also note that condition 9 of 20/504370 restricts vehicle access to and from the site, including at construction phase, via the track in between Redic House and Marwood House.
- 7.19 In the interests of residential amenity and to further safeguard the character and appearance of the countryside hereabouts, a condition will be imposed to remove permitted development rights for extending the houses and new hard boundary treatments.
- 7.20 The Environmental Protection Team has raised no objection to the application in terms of traffic noise impact on future occupants of the site; air quality; land contamination; and private water supplies. Notwithstanding this, they have recommended that details of foul drainage are sought by way of condition. This is not considered necessary, and nor is seeking further surface water disposal information, as these details have already been approved under 21/505459. The recommended condition relating to hours of construction working is also not considered reasonable or necessary in order to make this development acceptable in planning terms. There is sufficient room within the site for refuse storage and collection; and in the interests of amenity, a suitable condition will be imposed to restrict external lighting in accordance with Local Plan policy DM1.

- 7.21 As was accepted under 20/504370, the application site is noticeably separated from the Grade II listed 'Warmlake Oast', with recently approved residential development in between; and the proposal does not alter the existing access from Maidstone Road. With this considered, along with the assessment of the details of this reserved matters application, it remains the view that the proposal would not have an adverse impact upon the setting and significance of this listed building. The site is within an area of archaeological potential, but the KCC Archaeological Officer has made no representations on the submission and so it is assumed that they have no comments to make and do not require the submission of any further details in this respect.
- 7.22 The KCC Minerals Safeguarding Team confirm they have no minerals or waste safeguarding objections to make on the application and nor do they have any further comments to make.
- 7.23 The issues raised by Sutton Valence Parish Council and local residents have been considered in the assessment of this application. Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010, and it is considered that the application would not undermine the objectives of this Duty. The proposed development is CIL liable. The Council has adopted a Community Infrastructure Levy 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 the relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

8.0 CONCLUSION

- 8.01 For the reasons outlined above, the proposal is considered to be acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of approval is therefore made on this basis.

9.0 RECOMMENDATION

GRANT planning permission subject to the following conditions:

- (1) The development hereby permitted shall be carried out in accordance with the following approved plans/documents: Amended materials schedule (received 22.11.21); Biodiversity Statement by The Ash Partnership (dated: 10.12.21); 2520/PH2/P5 Rev A; P6 Rev A; and P7 Rev A (received 21.10.21); and 2520/PH2/P3 Rev A; and P4 Rev B (received 10.12.21).

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

- (2) The development hereby approved shall not commence until details of protection for trees and new areas of structural planting in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. The details shall comprise of a revised Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) based on an accurate survey and plotting of tree positions, canopy spreads and Root Protection Areas calculated from stem diameters. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. All trees to be retained, including trees on adjacent sites with the potential to be affected by the development must be protected by barriers and/or ground protection and detailed in the TPP. 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 specifically 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 safeguarding the longevity of existing trees and safeguarding the character and appearance of the area.

- (3) The development hereby permitted shall be carried out in accordance with the landscaping scheme as shown on drawing ref: 2520/PH2/P4 Rev B and the Biodiversity Statement by The Ash Partnership (dated: 10.12.21) and shall be maintained as such thereafter.

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

- (4) The approved landscaping associated with the individual dwellings shall be in place at the end of the first planting and seeding season following completion of the relevant individual dwelling. Any other communal, shared or street landscaping shall be in place at the end of the first planting and seeding season following completion of the final unit. Any trees or plants, which, within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

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

- (5) Prior to the first occupation of a dwelling hereby approved, its first floor windows serving bathroom and ensuite facilities shall be obscure glazed and incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall be subsequently maintained as such thereafter.

Reason: In the interests of residential amenity.

- (6) Prior to the first occupation of the hereby approved dwelling on plot 3, the first floor window in the southern elevation of this dwelling shall be obscure glazed and incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall be subsequently maintained as such thereafter.

Reason: In the interests of residential amenity.

- (7) The development hereby approved shall be carried out in accordance with the ground levels and finished floor levels, as shown on the submitted drawings.

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

- (8) The vehicle parking spaces and turning facilities, as shown on the submitted plans, shall be permanently retained for parking and turning and shall not be used for any other purposes.

Reason: In the interest of highways safety and parking provision.

- (9) Notwithstanding the external lighting details shown on the approved plans, no other 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 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 development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interest of amenity.

- (10) Notwithstanding what is shown on the approved plans and the provisions of the Town and Country Planning General Permitted Development (Amendment) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development within Schedule 2, Part 1 Classes A, AA, B, C and D; and Schedule 2, Part 2, Classes A, shall be carried out.

Reason: In the interests of residential amenity and to safeguard the character and appearance of the countryside hereabouts.

Informative(s)

- (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.

Case Officer: Kathryn Altieri

REFERENCE NO: 20/504370/OUT		
APPLICATION PROPOSAL: Outline application for erection of 3(no) detached dwellings with matters of access and layout being sought.		
ADDRESS: Land rear of Redic House, Warmlake Road, Sutton Valence, ME17 3LP		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposal 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: Sutton Valence has requested the application is considered by the Planning Committee if officers are minded to approve planning permission. This request is made for the reasons outlined in the consultation section below.		
WARD: Sutton Valence & Langley	PARISH: Sutton Valence	APPLICANT Mrs A. Medlam AGENT Bloomfields
TARGET DECISION DATE: 30/11/20		PUBLICITY EXPIRY DATE: 22/10/20

RELEVANT PLANNING HISTORY

Proposal site

- 20/501800 - Outline for 3 dwellings (access & layout sought) – Refused
- 19/501103 – Erection of 2 houses with garages – Refused
- 19/500724 - Reserved matters following approval of 16/500489 – Approved
- 17/503541 – Outline: 3 dwellings (access sought) – Refused (appeal dismissed)
- 16/500489 – Outline: 1 dwelling (access sought) - Refused (appeal allowed)

Land to north of proposal site

- 20/501089 - CLD to confirm development permitted under 16/508382 and 18/503784 can be lawfully implemented at any time - Approved
- 19/506309 – NMA to 18/503784 - amend layout of parking (plot 5) - Approved
- 18/503784 - Reserved matters application pursuant to 16/508382 – Approved
- 16/508382 – Outline: demolition of buildings and erection of 8 dwellings to ensure retention of 5 B1 commercial units – Approved
- 15/509960 - Outline (considering access) for demolition of storage & distribution unit and construction of 5 dwellings (to ensure retention of 5 B1 units) - Approved

MAIN REPORT

1.0 Site description

1.01 The proposal site relates to a parcel of undeveloped land located to the north of Redic House. To the east of the site is the rear garden of 'Marwood House', with the main house to the south-east of the site; to the north, work has commenced on an approved residential development (see above planning history); and to the west is agricultural land. The Oast, that is in Warmlake Business Estate and some 60m to the north-east of the northern boundary of the proposal site (with a large modern commercial building in between), is Grade II listed. For the purposes of the Maidstone Local Plan the proposal site is within the designated countryside.

2.0 Background information

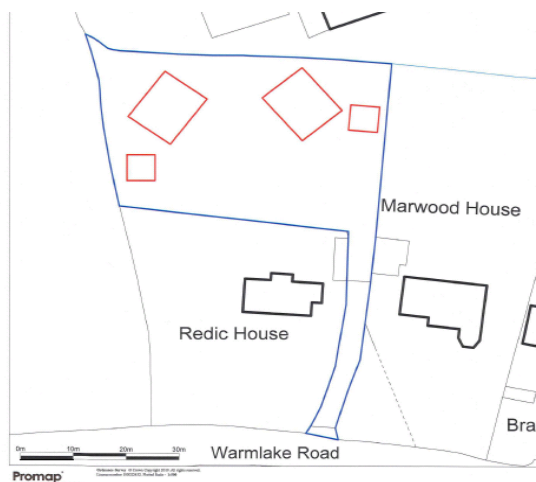
2.01 There is extant permission on the application site for a detached dwelling, with access taken from Warmlake Road using the existing access in between Redic House and Marwood House (16/500489 and 19/500724).

2.02 An outline application (access & layout sought) for three detached dwellings on the site, where one dwelling made use of the access in between Redic House and Marwood House, and two dwellings were accessed from Maidstone Road (via the existing access road for the new housing development to the immediate north of the site), was refused for the following reason (20/501800):



-Proposal, by virtue of increased use of site and resultant general noise & disturbance associated with development, would be detrimental to residential amenity occupiers of Redic House could reasonably expect to be able to continue to enjoy, particularly when using their private garden areas.

2.03 An application for two houses on the site, both using the same access from Warmlake Road, was refused for the following reason (19/501103):



-Proposal, by virtue of increased use of site access and associated resultant general noise and disturbance, would be detrimental to residential amenity the occupiers of Redic House and Marwood House could reasonably expect to be able to continue to enjoy.

2.04 An outline application for 3 detached dwellings on the site, using the same access from Warmlake Road, was refused for the following reasons (17/503541):



-Proposal, by virtue of increased use of site access and resultant associated general noise and disturbance, would be detrimental to residential amenity occupiers of 'Redic House' & 'Marwood House' could reasonably expect to be able to continue to enjoy, particularly when using private garden areas. Erection of 3 dwellings here is also likely to result in development that would appear overbearing to occupants of 'Redic House' when enjoying their private garden area.

-Proposed constitutes cramped form of development resulting in poor design, being detrimental to character of area and at odds with prevailing pattern of development in area.

2.05 It is important to note here that the Planning Inspector concluded that the development proposed under 17/503541 (for 3 detached houses), would not harm the character and appearance of the area, but it would harm the living conditions of surrounding occupiers through the effects of noise and disturbance, contrary to Local Plan policy DM1. The Inspector focused their objections around the access road/vehicle movements, as set out below:

Access for all 3 dwellings would incorporate existing route into property. This runs along a narrow passage between Redic House and Marwood House, similar to layout of extant permission granted by aforementioned previous appeal. In that instance, Inspector found that no harm would be caused to the living conditions of the occupiers of these adjacent properties, as a result of any noise and disturbance relating to access to the single proposed dwelling.

Current appeal scheme proposes the use of the access by three dwellings, rather than one as previously. The adjacent existing dwellings are, as before, set away from the boundary and separated by outbuildings along some of their lengths, along with high fences/walls and hedges. I acknowledge the appellant's assertion that each of the dwellings would typically only generate one in/out movement per day, although there is no substantive evidence for this.

Nonetheless, I am concerned the increase of transport movements, however small, represents 3 times that of previously allowed scheme. Council and other concerned respondents have pointed out that as well as noise from vehicular movements along accessway, there could also be light from headlights as vehicles turn from the road, additional pedestrian movements, additional activity and movement in car parking areas, increased deliveries and suchlike, which cumulatively would be particularly noticeable given existing quiet, semi-rural nature of adjoining properties. Access would swing partly in front of dwelling at Marwood House, which would exacerbate these effects on occupiers of this property.

Moreover, there would be a requirement for vehicles to turn within site as well as refuse collection, which would represent an increase in activity on previous application. Given likely proximity of such an area to the gardens of the adjoining properties, this could be a particularly significant source of noise and disturbance. I have taken into account the possibility of noise-dampening material bonded within the proposed driveway treatment, but consider that this alone would not ameliorate the impact that increased movements and activity would have on the occupiers of the adjoining dwellings and their enjoyment of their homes and gardens.

I conclude proposal would harm living conditions of surrounding occupiers through effects of noise & disturbance, but not outlook. Nonetheless proposal would conflict with DM1 and its requirement for development to respect amenities of occupiers of neighbouring properties.

3.0 Proposed development

3.01 This outline application is again for the erection of three detached dwellings, with access and layout being sought at this stage. Appearance, landscape, and scale are reserved matters for future consideration. The proposed access/layout is:



Layout and means of access

3.02 In general terms, the proposed layout shows the continuation of the access road serving the development to the north, leading into the proposal site. There is to be no access from Warmlake Road. Three detached houses are then located around the access road, with garden land predominantly abutting the eastern, southern, and western boundaries of the site. Except for the three houses, no other buildings are shown; and each plot is provided with two side-by-side parking spaces. No vehicular or pedestrian access is shown into the site from the existing track in between Redic House and Marwood House. All plots are shown to be accessed from Maidstone Road, via the access for the new housing development to the immediate north of the site.

Scale, appearance, and landscape

3.03 With regards to the reserved matters, except for the proposed site layout plan showing the footprint of the three houses, no other parameters have been provided in terms of the scale of the houses; and in terms of appearance, the submission only states that the proposed dwellings can be designed so that they will relate closely to the existing built development and the new dwellings currently under construction. For landscaping, the submission states (in summary) that: *As shown on the indicative block plan, the landscape buffer which was approved on the western boundary of the Warmlake Business Estate development, will be continued along the western boundary of the application site, providing a continuous buffer to safeguard the countryside from encroachment.....The landscape buffer will be continued along the southern boundary of the site, to provide enhanced screening and amenity protection to the residents of Redic House and Marwood.*

4.0 Policy and other considerations

- Local Plan (2017): SS1, SP17, SP18, DM1, DM2, DM4, DM6, DM8, DM23, DM30
- National Planning Policy Framework (2019)
- National Planning Practice Guidance

5.0 Local representations

5.01 4 representations received raising concerns over (in summary): Over development of site; visual impact; traffic generation/highway safety; lack of parking; extra demand on community infrastructure; impact on residential amenity (including general noise and disturbance); Council can demonstrate a 5yrs worth of housing land supply; heritage impact; sustainability in terms of location; arboricultural/ecological impact.

6.0 Consultation responses

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

6.01 **Sutton Valence Parish Council:** Wish to see application refused and reported to Planning Committee if officers are minded to recommend approval. Their comments are summarised as follows:

- *Proposal does not respond positively to local character of area, particular with regard to scale, height, and site coverage.*
- *Proposal does not respect amenities of occupiers of neighbouring properties - will cause excessive noise, and unacceptable overlooking and loss of privacy and light.*
- *Proposal plans to coalesce with development of Warmlake Business park, creating suburban feel rather than retaining semi-rural natural character of the area.*

6.02 **KCC Biodiversity Officer:** Raises no objection to proposal.

6.03 **KCC Highways:** Proposal does not meet criteria to warrant their involvement.

- 6.04 **Environmental Protection Officer:** Under previous applications on this site, no objections have been raised in terms of noise; contamination; air quality; sewage.

7.0 APPRAISAL

Main issues

- 7.01 The Local Plan sets out a hierarchy for new residential development, with the defined urban area being the most sustainable location to accommodate such growth, then rural service centres, and then larger villages. In other locations, such as the designated countryside, protection should be given to the rural character of the borough. As previously set out, the proposal site is in the designated countryside for the purposes of the Local Plan.
- 7.02 Furthermore, relevant policies in the Local Plan seek high quality design; and new development in the countryside will not be permitted unless it accords with other policies in the Local Plan and will not result in harm to the character and appearance of the area. Local Plan policy DM1 sets out the principles of good design, and under this policy proposals which would create high quality design and meet certain criteria will be permitted.
- 7.03 Local Plan policies also seek to ensure that development affecting heritage assets should incorporate measures to conserve, and where possible enhance, the significance of the heritage asset and, where appropriate, its setting. Section 16 of the NPPF sets out what should be considered in terms of conserving and enhancing the historic environment.
- 7.04 The NPPF also seeks sustainable development and it is clear that good design is a key aspect of this; and it states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 170 of the NPPF also states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Location

- 7.05 The proposal site benefits from an extant planning permission for the erection of a single dwelling; and as accepted by the Planning Inspector under 16/500489, future occupants of the site would not be dependent upon the use of private vehicles, and the site is in a sustainable location in terms of access to services. The site and its surrounding context has not significantly changed since this decision and it is considered unreasonable to now go against the view of the Planning Inspector in relation to the current application site, and in fact other Planning Inspectors for other nearby sites. As such, the principle for residential development on this site has already been accepted and it would now be unreasonable to object to the proposal in terms of its location.

Access (matter for consideration)

- 7.06 KCC Highways did not raise any objection to the use of the existing access from Maidstone Road for the eight new houses to the north of the site; and it is accepted that the use of this access by another three dwellings would not have an unacceptable impact on highway safety; and would not have a 'severe' impact on the road network. The proposal would therefore be acceptable in highway safety terms and no objection is raised on this matter for consideration.

Layout (matter for consideration)

- 7.07 Under 17/503541 (outline for 3 houses), the Planning Inspector concluded the following (in summary):

I observed during my visit to area, instances of other backland development...Such development is not uncommon in surrounding district....Given indicative layout shows plot sizes would be similar to those under construction adjacent to site, there is nothing to suggest that such development would be out of character with what has gone before.....I therefore conclude proposal would not harm character and appearance of area. There would be no conflict with LP Policies SP17, DM1 or DM30, which together require development to be of a high standard that takes account of local patterns of development, amongst other factors.

- 7.08 Whilst this current application shows a different layout to 17/503541, it remains that backland development (for 3 dwellings) has been previously accepted by the Planning Inspector; and the three plots now shown remain of a similar size to the plots to the north of the site. Furthermore, the proposal would continue the road through from the north and there is a clear relationship with this site and how the houses to the north are laid out, whilst helping to provide a natural end to the Warmlake Business Estate development. In terms of parking provision, the proposed layout has also demonstrated that three houses here could provide adequate on-site spaces in accordance with Local Plan policy DM23. On this basis, it would be unreasonable to now argue that a proposal for 3 detached dwellings on this site would result in a development that would appear cramped and out of place with the pattern and grain of development in the area. It is therefore concluded that the proposal would not harm the character and appearance of the area, and there would be no conflict with current Local Plan policies.

Scale, appearance, and landscape (reserved matters)

- 7.09 Matters of scale, appearance, and landscaping are not for consideration at this stage. However, the submission does provide some indicative details relating to these matters and it still needs to be considered whether or not a scheme for three houses here could be acceptable in these terms.
- 7.10 In terms of scale, the indicative plans show three detached properties of a similar scale to the properties shown under 17/503541 (albeit in a different layout), and the Inspector at the time did not consider the scale to be objectionable. As such, it would again now be unreasonable to argue that this proposal would result in a development of an unacceptable scale. On this basis, the proposal has demonstrated that three detached properties can fit on to the site without causing unacceptable harm to the character and appearance of the area hereabouts.
- 7.11 Taken in isolation, whilst no specific details in terms of appearance has been submitted, it is considered that a scheme for three houses here, in terms of architecture and choice of external materials and finishing, could be acceptable and positively relate to the appearance of both existing and recently approved development in the locality of the proposal site. The boundary trees are of little amenity value and the submission indicatively shows new planting along the boundaries of the site. Whilst in general terms this is acceptable, no further details have been provided in terms of location, species and size of all new planting for example, and so a suitable condition is recommended to secure the specific details of an appropriate planting scheme.

Other considerations

Residential amenity

- 7.12 In the appeal decision for 17/503541, the Planning inspector agreed that the proposal (for 3 dwellings) would harm the living conditions of the occupants of Redic House and Marwood House through the effects of noise and disturbance. This appeal decision focused on the proposed access road and vehicle movements (as explained in paragraph 2.05 of this report). A subsequent application (20/501800) for three dwellings on the site was refused, again because of the expected noise and disturbance resulting from the proposed access arrangements.
- 7.13 Unlike the previous planning applications, this current proposal now shows sole access (both pedestrian and vehicle) from Maidstone Road, through the already approved housing development to the north of the site. The proposal has also reconfigured the layout, so that the access road has been noticeably shortened within the site. Furthermore, the proposed layout now separates the access road and parking areas away from the boundaries with Redic House and Marwood House, with gardens and buildings acting as a suitable buffer.
- 7.14 By removing any access to and from the proposal site from the track in between Redic House and Marwood House; and by having the new access and parking arrangements kept to the northern end of the application site (buffered by gardens and buildings), it is considered that the vehicle movements associated with the new development would no longer have an unacceptable impact upon the occupants of Redic House or Marwood House, when trying to enjoy their properties (both internally and externally). Furthermore, residential use has already been accepted on this site, and the creation of new dwellings and garden areas is not usually expected to result in an unneighbourly use.
- 7.15 In terms of three detached dwellings being overbearing on the occupants of Redic House and Marwood House, the Planning Inspector for the previous proposal for three dwellings on this site concluded:

*The Council also raised a concern the proposed dwellings would be overbearing in the outlook of the occupiers of adjoining dwellings. Both existing dwellings would be separated from the proposed homes by their rear gardens, which are large. Although dwellings might be visible, they are *likely to be of a scale or in a location that would enclose or substantially overbear existing dwellings and their gardens, to point where their occupiers would suffer a significant negative impact on their living conditions. I conclude proposal would harm living conditions of surrounding occupiers through effects of noise & disturbance, but not outlook. Nonetheless proposal would conflict with DM1 and its requirement for development to respect amenities of occupiers of neighbouring properties.*

*Appeal decision states 'likely' but this is believed to be an error and should say 'unlikely'.

- 7.16 Whilst this proposal shows a different layout (which is a matter for consideration) to the referenced appeal decision, it still remains that the proposal is for three detached houses on the same site, and the two neighbouring properties to the south still benefit from large gardens, separating the existing houses from the proposal. Indeed, the proposed layout shows the new dwellings to be more than 21m away from the rear elevations of Redic House and Marwood House; and whilst plot 1 is close to the western boundary of Marwood House, this is not considered to be objectionable given the size of this neighbour's garden. Furthermore, the reserved matters of scale, appearance, and landscaping are still to be considered by the local planning authority, and in light of the Inspector's previous views, it is accepted that the consideration of these matters would safeguard the amenity of any neighbouring resident (including the immediate development to the north of the site), as well as the living conditions of future occupants on the site, in terms of outlook, privacy, and light. It is therefore considered that the proposal would be in accordance with Local

Plan Policy DM1, which includes a requirement for new development to respect the residential amenity of existing and future residents.

Biodiversity implications

- 7.17 The ecological survey information submitted with this application is over 5ys old, and the Biodiversity Officer previously raised concerns under 20/501800 that the conclusions of the reptile survey were no longer valid. During the assessment of 20/501800, the site was unmanaged, but it was confirmed by the agent at the time that until recently, the grassland within the site was managed as regularly cut lawn. This was backed up by pictures within the sale brochure; and photographs taken by the planning officer did indicate that the vegetation was only left uncut for 1yr, rather than several. The Biodiversity Officer accepted at the time that it was likely that the grassland was short at the beginning of the year (2020); and they also confirmed that the submitted reptile survey did not record any reptiles on the site in 2015, and no reptiles were recorded during surveys of lands within the surrounding area. As such, the Biodiversity Officer is satisfied that as the habitat on site appears to get periodically cut it is probably unlikely that a reptile population will have established on site during 2020; and they also accept that there is no requirement for updated ecological surveys (or any other ecological information) to be carried out for this current application. Please note here that a site visit was undertaken in late September and November 2020 and it was clear that the site has again been cut.
- 7.18 Notwithstanding this, one of the principles of the NPPF is that “...opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity”. A suitable condition would therefore be imposed requesting details of biodiversity enhancements on the site (including integrated methods of design such as swift bricks).

Heritage implications

- 7.19 The application site is noticeably separated from the Grade II listed ‘Warmlake Oast’, with recently approved residential development in between; and the proposal does not alter the existing access from Maidstone Road. It is therefore considered that the proposal would not have an adverse impact upon the setting and significance of this listed building.

Miscellaneous

- 7.20 In the interests of sustainability and air quality, if the application were to be approved a condition would be imposed for the provision of an operational electric vehicle charging point for low-emission plug-in vehicles for each unit.
- 7.21 Given the proposal site’s location (flood zone 1), no objection is raised in terms of flood risk. The Environmental Protection Officer has also previously raised no objections to the proposal in terms of noise (in terms of traffic noise on future occupants of the site), contamination, sewage, and air quality. It is unknown how foul sewage and surface water disposal will be dealt with, and so a suitable condition would be imposed for further details if this application were to be approved. The submission shows sufficient room for refuse storage.
- 7.22 The issues raised by Sutton Valence Parish Council and local residents have been considered in the assessment of this application; and 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 proposal would not undermine objectives of this Duty.

Conclusion

7.23 Whilst the Council is in a position where it can demonstrate a 6.1yrs worth of housing land supply (1st April 2020), this does mean that appropriate windfall sites should not be approved. For the reasons outlined above, the proposal is considered to be acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of approval is therefore made on this basis.

8.0 RECOMMENDATION: GRANT planning permission subject to following conditions:

1. The development hereby approved shall not commence until approval of the following reserved matters has been obtained in writing from the local planning authority:

(a) Scale (b) Appearance (c) 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.

2. 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 hereby approved shall not commence above slab level on any individual property until written details and samples of the materials to be used in the construction of the external surfaces of the buildings and hardsurfacing have been submitted to and approved in writing by the local planning authority. The development hereby approved shall be constructed using the approved materials and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development.

4. Pursuant to condition 1 of this permission, the scheme of hard and soft landscaping shall use indigenous species and shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation. The landscaping shall be designed using the principles established in the Councils adopted Landscape Character Assessment and Landscape Guidelines and shall include the following:

(a) native hedgerow planting along eastern, southern, and western boundaries (as shown on drawing ref: P.16.001.2201 03B);

(b) details of new planting (including location, planting species and size); and

(c) details of all fencing, walling and other boundary treatments.

The landscaping of the site thereafter shall be carried out in accordance with the approved details and maintained as such thereafter;

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

5. The approved landscaping associated with the individual dwellings shall be in place at the end of the first planting and seeding season following completion of the relevant individual dwelling. Any other communal, shared or street landscaping shall be in place at the end of the first planting and seeding season following completion of the final unit. Any trees or plants, which, within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

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

6. Pursuant to condition 1 of this permission, biodiversity enhancements shall be incorporated into the design and appearance of all three dwellings, through integrated methods such as swift bricks, bat tubes/bricks and/or bee bricks. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: In the interests of biodiversity enhancement.

7. The development hereby approved shall not commence above slab level on any individual property until details of foul sewage and surface water disposal have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details before the first occupation of any dwelling hereby approved and maintained as such thereafter.

Reason: To ensure adequate foul sewage and surface water disposal arrangements.

8. Prior to the first occupation of any property, a minimum of one operational electric vehicle charging point for low-emission plug-in vehicles for each dwelling shall be installed and shall thereafter be retained and maintained as such for that purpose;

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

9. The development hereby approved shall at no time provide vehicle access to and from the site, including at construction phase, via the track in between Redic House and Marwood House.

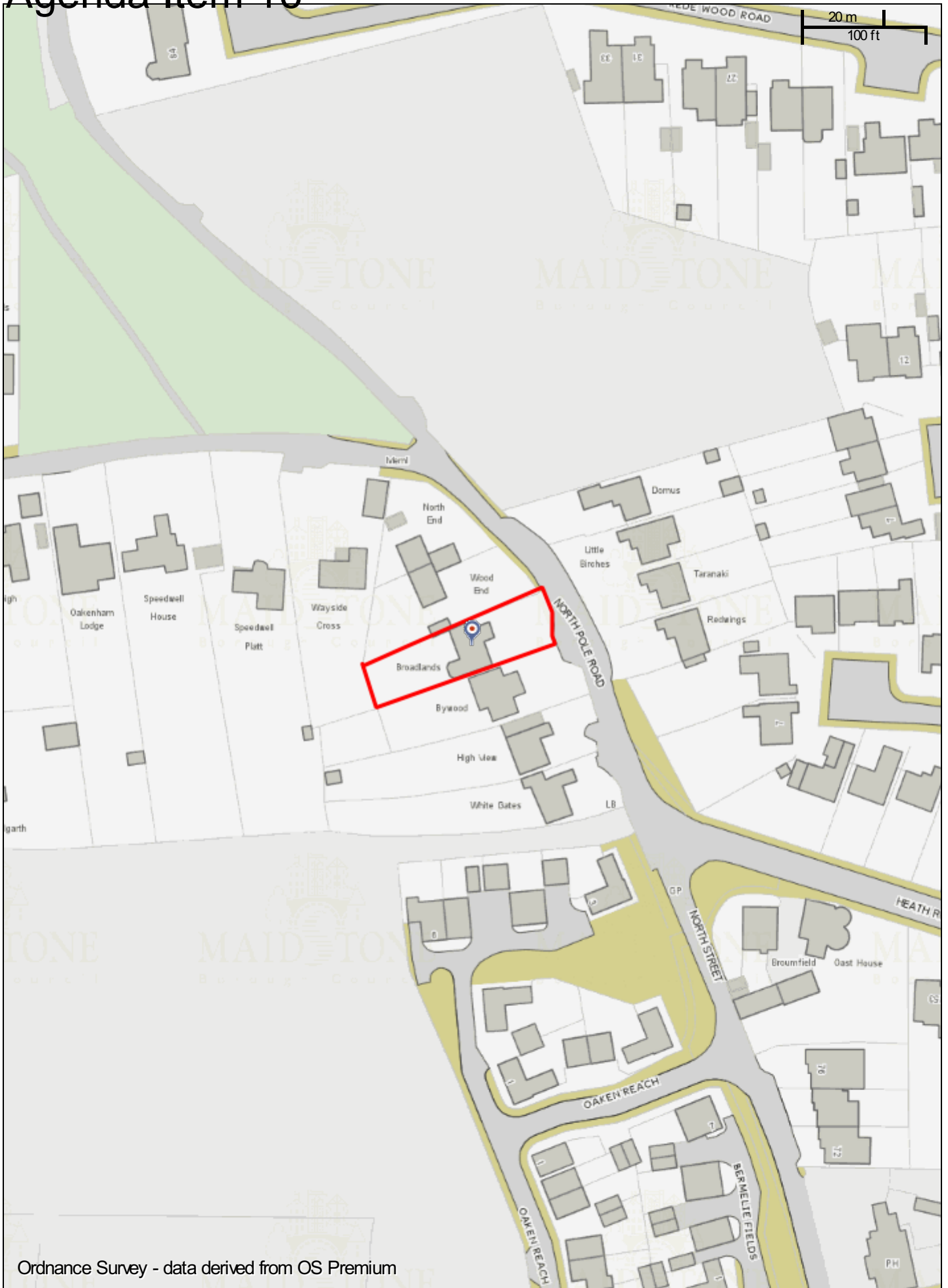
Reason: In the interests of residential amenity.

10. With regards to the matters of layout and access, the development hereby permitted shall be carried out in accordance with the following approved plans: P.16.001.2201 01A; and P.16.001.2201 03B.

Reason: For the avoidance of doubt.

Case Officer: Kathryn Altieri

Agenda Item 16



Ordnance Survey - data derived from OS Premium

REFERENCE NO - 21/504652/FULL		
APPLICATION PROPOSAL Erection of a two storey front/ rear extension and a single storey side/rear extension. Proposed garage conversion into store/habitable space with insertion of dormer to front elevation.		
ADDRESS Broadlands, North Pole Road, Barming, Maidstone, Kent, ME16 9HG		
RECOMMENDATION: GRANT subject to the planning conditions set out in Section 8.0 of the report		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed extensions by virtue of its design, scale and appearance is considered to be in keeping with the character of the original building and character of the area including the streetscene and would not result in significant adverse harm to neighbouring occupiers by way of a loss of light, overlooking or overshadowing or other harm which could not be mitigated by conditions. All other material planning considerations are considered acceptable and in accordance with current policy and guidance.		
REASON FOR REFERRAL TO COMMITTEE The recommendation is contrary to the views of Barming Parish Council who have requested the application be presented to the Planning Committee		
WARD Barming And Teston	PARISH/TOWN COUNCIL Barming	APPLICANT Mr C Walsh AGENT Building Design Studio
TARGET DECISION DATE 20/10/2021		PUBLICITY EXPIRY DATE 04/10/2021

Relevant planning history

- 21/502848/PNEXT - Prior notification for a proposed single storey rear extension which: A) Extends by 8.00 metres beyond the rear wall of the original dwelling. B) Has a maximum height of 2.95 metres from the natural ground level. C) Has a height of 2.50 metres at the eaves from the natural ground level. - Prior Approval Not Required

The footings currently at the application site relate to the above prior approval, not this planning application. The applicant will be required to carry out the development in accordance with the drawing numbers associated to this application, if approved.

- 21/503423/LAWPRO - Lawful Development Certificate for a proposed loft conversion with a rear dormer and roof lights to the front. – Approved

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is located outside the settlement boundaries and falls within Parish of Barming. The site is located some 66m north of Heath Road.
- 1.02 The surrounding area is predominantly residential, characterised by two-storey detached and semi-detached dwellings, predominantly with pitched roofs which vary in material, style and appearance. The residential plots are typically generous in size, with car parking to the front of the site and private amenity to the rear.

- 1.03 The site contains a two-storey detached property with a catslide roof over the existing garage, comprising of brickwork walls, tiled roof and uPVC windows and doors.
- 1.04 The site does not have any site specific constraints.

2. PROPOSAL

- 2.01 The applicant seeks planning permission to erect a two-storey front and rear extensions, a single storey side/rear extension, a dormer to the front roof slope and convert the existing garage into a habitable space.
- 2.02 An amendment was received in which a crown roof was proposed on the two storey rear extension.
- 2.03 The front extension would project 1.5m from the existing front elevation with a width of 3.2m, abutting the existing garage. This would have a gable roof with a ridge and eaves height of 6.5m and 4.9m respectively. The front elevation would be predominantly glazed and the space will be used as an extended foyer.
- 2.04 The two storey rear extension would have a staggered depth between 3m and 5m, with the depth being deeper in the northern side of the site. This would be the same on the second storey, with the addition of a walled in balcony.
- 2.05 The side/rear extension is located on the northern side of the property and will increase 2m in depth towards the rear, for a full depth of 6.6m.
- 2.06 The front dormer would project 2.2m from the front elevation with a height of 1.6m and width of 1.7m. This will be located over the existing garage and incorporated within bedroom 3 on the first floor.
- 2.07 Conversion of the garage will accommodate a study and a store for the dwelling, this will feature one external window to replace a side elevation door.
- 2.08 The proposed materials for the roof are plain tiles with the style and colour to match existing main roof, and the bricks will be matched to the existing elevations.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: Policies SP17, DM1, DM30 and DM32

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 19), dated October 2021 – Policy LPRSP15 – Principles of Good Design
Policy LPRQ&D4 – Design principle in the countryside

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.

Maidstone Residential Extensions SPD (2009)

4. LOCAL REPRESENTATIONS

Local Residents:

3 objections were received from the neighbours at North End and Woodend, North Pole Road.

- 4.01 The objections on planning grounds can be summarised as follows:

- Loss of light
- The proposed design is out of keeping with the local area
- Plans don't match what is currently being constructed
- Size of the extension
- Plans are not to scale
- Loss of view due to the rear extension.

5. CONSULTATIONS

Barming Parish Council

- 5.01 Barming Parish Council objected to the proposal. Their initial objection is summarised as follows:

The proposed development would be out of keeping with the style and character of the street scene. There is no provision for environmental mitigation or remediation and members feel that it is over development of the site.

Barming Parish Council objected to the amendment, stating that:

The amendments fail to mitigate earlier concerns in any way; if anything the amendments increase the bulk of the proposed extensions; they still overwhelm the plot breadth, notwithstanding the plot's ample length, and still upset the balance of the street scene and its character.

The Parish Council requested that the application be taken to committee if minded to approve.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Background to the site
 - Principle of the development
 - Impact on the Character and Appearance of the Surrounding Area
 - Residential Amenity
 - Car Parking and Highways

Background to the site

- 6.02 Two recent applications have been submitted to and approved which principally relate to a single storey rear extension and a loft conversion, both permitted by reason of utilising the properties permitted development rights.
- 6.03 It is understood that footings have been dug for the single storey rear extension, however should planning permission be granted and implemented for the scheme now proposed that consent would fall away as both consents (this permission and 21/502848/PNEXT) could not be implemented together as the single storey rear extension would no longer fall within permitted development criteria should both extensions be built and the applicant could not implement part of two different consents unless they were mutually exclusive proposals, which in this case they are not as the rear extensions proposed would in part be in the same position as the single storey rear extension.
- 6.04 Again the loft conversion approved under 21/503423/LAWPRO, namely the rear dormer could not be constructed should this consent be approved and implemented.

- 6.05 As such although there are two extant consents relating to the property, it is not considered either could be implemented together with the proposal currently under consideration.

Principle of development

- 6.06 Policy SP17 of the Local Plan sets out that:

Development proposals in the countryside will not be permitted unless they accord with other policies in this plan, and they will not result in harm to the character and appearance of the area.

- 6.07 Policy DM30 allows for extensions or alterations to existing buildings, provided it would be of a scale which would relate sympathetically to the existing building and rural area, respect local buildings styles and materials, have no significant adverse impact on the form, appearance or setting of the building.

- 6.08 Policy DM32 further allows for extensions to dwellings within the countryside, provided that they (in summary):

- Are well designed and sympathetically relate to the existing dwelling without overwhelming or destroying the original form of the existing dwelling.
- Individually or cumulatively would be visually acceptable in the countryside

- 6.09 Further guidance is provided in the Residential Extensions SPD which sets out some key points below:

Page 47 of the Residential Extensions SPD (2009) establishes some general assessment criteria for extensions in the countryside. The Guidance explains that any extension in the countryside should be modest in size, subservient to the original dwelling and should not overwhelm or destroy its original form.

Paragraph 5.18 of the Residential Extensions SPD clarifies that the Local Authority would normally judge an application as modest or limited in size if, in itself and cumulatively with previous extensions, it would result in an increase of no more than 50% of the dwelling.

Further the guidance states that an extension should cause no adverse impact on the character or openness of the countryside.

- 6.10 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

- 6.11 In principle extensions to residential dwellings within the countryside can be supported provided that those material planning considerations set out above and discussed below are considered acceptable.

Impact on the Character and Appearance of the Surrounding Area

- 6.12 The application is for a two-storey front and rear extensions, a one storey side/rear extension a front dormer and the conversion of the existing garage into a study/store. The dwelling, although outside the settlement boundary, is situated immediately adjacent to the urban settlement boundary and is sited within a linear form of

development. The street scene is varied and characterised principally by 2-storey, detached dwellings situated on large plots.

- 6.13 The proposed front extension would project 1.5m from the existing front elevation but would not project beyond the existing garage and would be set down from the main ridge. This would feature a two storey glazed frontage with a gable roof. While front extensions are not common on North Pole Road or North Street, examples of two storey front extensions are seen, by example “Domus” is a property across the street and features a large front two storey extension at a much greater depth than Broadlands and gable roofs are features along North Pole Road. The development has a two storey glass frontage, whilst this is not a common feature on the street, it is not dissimilar to the existing properties frontage which showcases a large glass patio and first floor window in a similar location, overall the proposed front development is considered acceptable and would accord with the character of the original property and the surrounding streetscene and wider countryside,
- 6.14 The proposed two storey rear extension would project between 3m to 5m in depth, this would have two sets of sliding doors on the ground floor and two windows, 1 set of French doors and a balcony on the first floor. The balcony would have bricks sides up to the eaves and a glass balustrade facing the rear garden. The two storey crown roof would not be visible to the public view and would be visually more in keeping with the existing dwelling than the originally proposed flat roofed 2-storey extension. As the extension is to the rear, views of the extension would be limited with glimpses achieved between the property to the north of the site and the host dwelling. It would also be far more sympathetic than the large extension to the front of the property at Domas, North Pole Road. Given the extensions in the streetscene and limited views of the rear extension, it is considered that it would not result in harm to the streetscene or character of the existing dwelling.
- 6.15 The side/rear extension on the ground floor would extend the existing utility space by 2m, this would not project beyond the proposed front or side elevations and it will retain the same roof height. A door to the rear elevation of this element will remain and no windows are proposed on the side elevation.
- 6.16 The proposed dormer would project at a depth of 2.2m. Front dormers are a common feature along North Pole Road and North Street and are seen on the immediate neighbours Bywood, Little Birches, Taranaki and Redwings.
- 6.17 North Pole Road and North Street is characterised with residential properties having undergone alterations and extensions, with no prevailing pattern to the street. As a result, the extension would be sympathetic to the host dwelling and would not appear dominant when viewed from the streetscene.
- 6.18 As for the proposed external materials, these would match those of the existing dwelling in finishes, style and composition. The materials will be secured by way of condition to ensure the proposed development is of a high-quality material, which compliments the host dwelling.
- 6.19 To conclude, the overall design of the development will fit into the context of the area, which does not have a dominant style or character. The proposal therefore accords with Policies DM1, DM30 and DM32 of the Local Plan, together with the advice and guidance contained within the Residential Extensions SPD.

Residential Amenity

- 6.20 Policy DM1 requires proposal to respect the amenities of neighbouring occupiers and properties. The Residential Extensions SPD highlights that “*an extension should respect the amenities of adjoining properties in respect of daylight and sunlight and maintain an acceptable outlook from a neighbouring property*”.

Wood End

- 6.21 Wood End is the neighbouring property to the north. The 2-storey rear extension is the element of the proposal that is likely to have greatest impact. Other elements of the scheme are a significant distance from the neighbouring property such that no harm would result. The proposed 2-storey rear extension would be sited approximately 7.5m from their nearest side elevation of Wood End and approximately 1.5m from the neighbouring boundary. This would extend approximately 5m rearwards from existing dwelling and would be 2-storey height, with the roof sloping away from the boundary and set below the existing ridge height. There is an existing single storey flat roofed extension to Wood End sited adjacent to the boundary. The application site is to the south of Wood End.
- 6.22 Based on the proposed depth of the extension, its position and its relationship with the neighbouring dwelling it is not considered that any significant harm would result through loss of light or outlook and the extension would not be unduly overbearing or overshadowing.
- 6.23 A balcony is proposed as part of the rear extension, this would be boxed in on both sides by brickwork, thus reducing views from the balcony towards neighbouring amenity space. Rearward views would be possible, however given the proposed size of the balcony (approximately 1.1m in depth by 4m in depth) and its siting and location it is not considered that undue overlooking or loss of privacy would result from the occupants of Broadlands utilising the balcony such that refusal would be warranted on this basis. The brickwork sides to the balcony could be conditioned to be retained as such to reduce any harm further.
- 6.24 An obscure glazed window is proposed in the north facing elevation of the existing dwelling. This would serve a bathroom and would be reasonable to be conditioned to be obscure glazed and retained as such to reduce any potential overlooking, together with a condition to require consent for any further openings in the north facing elevation of the two-storey rear extension.
- 6.25 Overall it is considered that the proposed extensions and alterations would be acceptable in terms of its impact on the amenity of Wood End subject to conditions.

Bywood

- 6.26 Bywood is located to the south of the application site and again it is the 2-storey rear extension which have the potential to have the greatest impact on neighbouring amenity. All other aspects of the proposal are considered not to harm neighbouring amenity due to their siting, nature and scale.
- 6.27 The proposed two storey rear projection would be closer to the neighbouring boundary, at an approximate distance of 0.8m, but the depth would be less at approximately 3m. The roof would be pitched away from the boundary and would be significantly lower than the ridge of the existing dwelling. Bywood has been previously extended to the side and rear by a single storey extension (under reference 03/2332), this extension is close to the adjoining boundary and contains fenestration facing rearwards. The openings are understood to serve a large kitchen area. The adjoining boundary is enclosed by 1.8m high close boarded fencing.
- 6.28 The submitted plans indicate the 45degree line (test used to assess loss of light) from the proposed extension, this shows that the extension would result in some loss of light to the window/door in closest proximity to the boundary. However this is not the sole source of light to the room it serves and due to the orientation of the site, the extension being to the north of Bywood would mitigate further any harm resulting from loss of light. and would not have any loss of light from the development. The balcony would not introduce any overlooking into the immediate rear amenity space and the

first floor window on the side elevation would be glazed. While the development would not pass the 45 degree test, as it is located to the north the impact would be minimal and is considered acceptable.

- 6.29 The extension would clearly be visible from the neighbouring site, however although being aware of the extension, it is considered that on balance due to the extension being set back off the boundary, the proposed height (which would be significantly lower than the main dwelling), projection and the orientation of the site there would not be undue harm to neighbouring amenity in terms of loss of outlook or the extension being unduly overbearing or overshadowing.
- 6.30 In terms of impact of overlooking or loss of privacy a balcony is proposed as part of the rear extension, this would be boxed in on both sides by brickwork, thus reducing views from the balcony towards neighbouring amenity space. Rearward views would be possible, however given the proposed size of the balcony (approximately 1.1m in depth by 4m in depth) and its siting, location and distance from the boundary it is not considered that undue overlooking or loss of privacy would result from the occupants of Broadlands utilising the balcony such that refusal would be warranted on this basis. The brickwork sides to the balcony could be conditioned to be retained as such to reduce any harm further.
- 6.31 An obscure glazed window is proposed in the south facing elevation of the existing dwelling. This would serve a bathroom and would be reasonable to be conditioned to be obscure glazed and retained as such to reduce any potential overlooking, together with a condition to require consent for any further openings in the south facing elevation of the two-storey rear extension.
- 6.32 Overall it is considered that the proposed extensions and alterations would be acceptable in terms of its impact on the amenity of Bywood subject to conditions.

Front /rear Neighbours

- 6.33 The property is set sufficiently away from any of the neighbours to the front or rear to not impact on the neighbour amenity of other neighbouring properties.
- 6.34 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. In this regard, the proposal would not impact on neighbouring residential amenity.

Car Parking and Highways

- 6.35 The proposed development would lead to the loss of the garage, however sufficient parking would remain on site for at least three vehicles, which is considered adequate for this location.

Other matters

- 6.36 Policy DM1, the NPPF and the residential extensions SPD all promote ecological enhancement. Due to the siting of the dwelling (bordering open countryside), the extent of extensions (which would introduce additional built form and loss of grassed garden) and overriding policy it is considered ecological enhancement should be both incorporated into the extensions itself and the within the wider curtilage. Details of which could be conditioned.
- 6.37 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

The proposed extensions by virtue of its design, scale and appearance is considered to be in keeping with the character of the original building and character of the area including the streetscene and would not result in significant adverse harm to neighbouring occupiers by way of a loss of light, overlooking or overshadowing or other harm which could not be mitigated by conditions. All other material planning considerations are considered acceptable and in accordance with current policy and guidance.

8. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following planning conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of the 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 and documents:

- Existing Plans and Elevations Existing Block Plan (BDS-1723-P21 Rev A)
- Proposed Plans and Elevations Proposed Block Plan (BDS-1723-P22 Rev D)
- Location Plan (BDS-1723-P23)

Reason: To ensure that the development is undertaken in accordance with the approved drawing(s) and document(s)

- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development.

- 4) Before the development hereby permitted is first used, the proposed windows in the first floor side elevations (north and south facing) to the existing dwelling shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3, and these windows shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such.

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

- 5) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the north and south facing first floor wall of the 2-storey rear extensions hereby permitted.

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

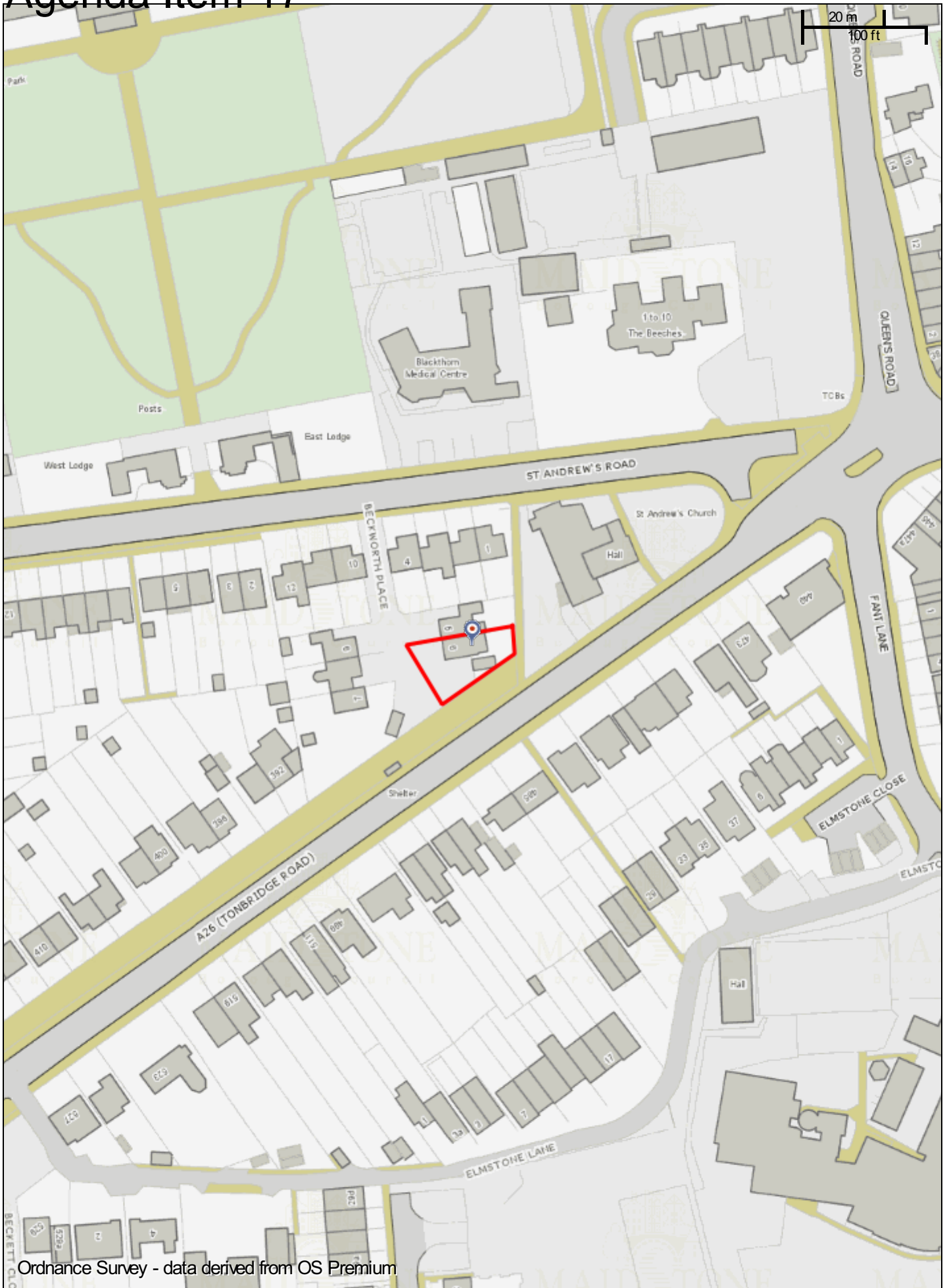
- 6) Prior to first use of the first floor balcony hereby permitted, the brick walls shown to the side of the balcony on drawing Proposed Plans and Elevations Proposed Block Plan (BDS-1723-P22 Rev D) shall be constructed up to a height of at least 1.8m and shall be retained as such.

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

- 7) The extension/s hereby approved shall not commence above slab level until details of a scheme for the enhancement of biodiversity 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 at least one integrated method into the design and appearance of the extension by means 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, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to first use of the extension/s and all features shall be maintained thereafter.

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

Agenda Item 17



Ordnance Survey - data derived from OS Premium

21/506258/FULL 6 Beckworth Place, St Andrew's Road, Maidstone, Kent, ME16 9LS

Scale: 1:1250

Printed on: 7/1/2022 at 10:39 AM by JoannaW

REPORT SUMMARY

REFERENCE NO - 21/506258/FULL			
APPLICATION PROPOSAL Conversion of existing detached garage into Granny Annexe ancillary to the main dwelling			
ADDRESS 6 Beckworth Place St Andrew's Road Maidstone ME16 9LS			
RECOMMENDATION GRANT subject to the planning conditions set out in Section 8.0 of the report			
SUMMARY OF REASONS FOR RECOMMENDATION <p>The proposed scale of the accommodation, proximity to the main dwelling and the use of the existing access, garden and facilities (electric, foul water and sewerage) ensures that the conversion will remain dependent on the main dwelling house of 6 Beckworth Place and so can be considered to be ancillary accommodation and will be conditioned as such.</p> <p>The proposed development would result in a conversion of the existing building without significant alteration to the building therefore, it is considered that there would be no adverse impact upon the character of the existing dwellinghouse or wider streetscene.</p> <p>The proposal would result in an additional bedroom to the property as well as the loss of the existing detached garage; however, it is considered that there would be sufficient parking provision within the curtilage of the existing dwellinghouse in line with local policy for a dwelling of its size and location.</p>			
REASON FOR REFERRAL TO COMMITTEE Councillor Kimmance (Heath Ward) has requested that the application be considered by the Planning Committee if Officers are minded to recommend approval.			
WARD Heath	PARISH/TOWN COUNCIL Unparished	APPLICANT Mr & Mrs William Romero AGENT Coastline Building And Maintenance Ltd	
DECISION DUE DATE 27/01/22	PUBLICITY EXPIRY DATE 19/01/2021	OFFICER SITE VISIT DATE 28/12/2021	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
94/1461	Outline application for a two-storey residential development including details of vehicular access to the site.	Permitted	17.03.1995
96/1270	Erection of a residential development comprising 12 no. detached/link detached and semi-detached dwellings with associated garaging/parking and involving the construction of new vehicular accesses onto St. Andrews	Permitted	14.01.1997

	Road		
<p><i>Outline and follow-up full permission for the development at Beckworth Place. Relevant planning condition (2) under 96/1270 states:</i></p> <p>Before commencement of the use of the land or building(s) hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use. No development whether permitted by the Town and County Planning (General Permitted Development) Order 1995 or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages;</p> <p>Reason: Development without adequate parking or garage provision is likely to lead to parking inconvenient to other road users and to be detrimental to amenities and prejudicial to road safety.</p>			
<p>Application at neighbouring property No.8 Beckworth Place</p>			
02/0155	Retrospective application for the conversion of existing garage to children's playroom and store	Permitted	16.05.2002
<p>Permitted scheme at neighbouring property involving conversion of the existing garage within the context of the planning condition (2) of 96/1270</p>			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site is located on Beckworth Place, a small cul-de-sac of semi-detached and link-detached dwellinghouses. The site is accessed from the north, off St Andrew's Road. The application site is situated within the defined boundary of the 'Maidstone Urban Area' as defined within the Maidstone Borough Local Plan (2017).
- 1.02 The application property consists of a semi-detached two-storey dwellinghouse with a detached garage to the southeast. The detached garage is set back from the frontage of the dwellinghouse by approx. 6.5m
- 1.03 There is a small area of grassed lawn in front of the dwellinghouse though the areas around the detached garage to the west and south consist of hardstanding (mix of tarmac and block paving).

2.0 PROPOSAL

- 2.01 The proposal seeks to convert the existing detached garage into a residential annexe for purposes incidental to the primary use of the dwellinghouse. The proposal would involve replacing the existing garage door with a 2-light window and door in the front elevation and would add a 1-light window to the rear elevation of the garage. No other changes or enlargements to the existing built footprint.
- 2.02 The annexe would contain a shower room with laundry facilities and an open-plan bedroom kitchenette area, it has been shown connecting to the existing drainage at the main dwelling.

2.03 The works are part retrospective with the conversion works commenced.

3.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017:
SP1 – Maidstone Urban Area
DM1 – Principles of good design
DM9 – Residential extensions, conversions, and redevelopment within the built-up area
SPG 4 - KCC Parking Standards (2006)
Maidstone Local Development Framework: Residential Extensions – Supplementary Planning Document (2009)
Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 19) dated October 2021

4.0 LOCAL REPRESENTATIONS

4.01 Objections received from two properties raising the following (summarised) objections

- Contravention of original planning consent (96/1270)
- Lack of sufficient parking
- Harm to highway safety
- Harmful noise, smell, disturbance
- Visual amenity
- Concerns it could be separately let
- Would lead to further garage conversions

4.02 The site notice has yet to expire, but will do so prior to the Committee meeting, as such members will be verbally updated as an urgent update on any further representation received.

5.0 CONSULTATIONS

5.01 No statutory consultees

6.0 APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Background to the site and Principle of the development
- Parking and highway safety
- Other matters (including impact on visual amenity and neighbouring residential amenity)

Background to the site and Principle of the development

6.02 Internal conversion works to the garage and the external changes - insertion of windows, door as well as bricking up the voids created could commonly be achieved under permitted development.

6.03 Completing the works under permitted development appears to be the original intention as works were started and reported to Maidstone Planning Enforcement before an application was submitted

- 6.04 The single preventative factor in this respect is condition (2) of 96/1270 which is set out below, this require parking to be retained as such. It does not however prevent applicants from making an application to convert the garage.

Before commencement of the use of the land or building(s) hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use. No development whether permitted by the Town and County Planning (General Permitted Development) Order 1995 or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages;

Reason: Development without adequate parking or garage provision is likely to lead to parking inconvenient to other road users and to be detrimental to amenities and prejudicial to road safety.

- 6.05 The key issues to consider therefore would be whether condition (2) of 96/1270 is still relevant in terms of local and national planning policy and whether the proposal leads to development without adequate parking or garage provision inconvenient to other road users and to be detrimental to amenities and prejudicial to road safety.

- 6.06 The grant of planning permission and its associated condition were granted on 14th January 1997, both Local and National planning policies have changed over time such that the Maidstone Borough Local Plan (2017) is considerably more recent and the proposed loss of garaging needs to be considered against current policy and guidance.

- 6.07 Principally Policy DM23 of the Local Plan and the associated Appendix applies in this case which sets out that :

Car parking standards for residential development (as set out in Appendix B) will :

- i) Take into account the type, size and mix of dwellings and the need for visitor parking; and*
- ii) Secure an efficient and attractive layout for development whilst ensuring that appropriate provision for vehicle parking is integrated within it.*

- 6.08 It is noted that permission has been previously granted in 2002 for No.8 Beckworth Place to convert their garage into a playroom/store.

Parking and Highway Safety

- 6.09 Beckworth Place is a private cul-de-sac of 5 dwellinghouses (No's 5-9) access from St Andrew's Road to the north and is notably not a through-road.
- 6.10 The main vehicular traffic into the cul-de-sac would have a direct relation with the properties within, likely being either the owners, visitors, or deliveries to the properties within with very little reason for other vehicles to enter the site.
- 6.11 Local Plan Policy DM23, together with accompanying Appendix at Appendix B, advises that for a property consisting of 4 or more bedrooms in an 'edge of centre' location that parking provision for '1.5 spaces per unit' should be provided.

- 6.12 It is considered that the area of hardstanding in front of the existing garage and to the south is sufficient for at least 2 vehicles to safely park within the curtilage of the dwellinghouse. These spaces would continue to be conditioned to be retained by reason of Condition 2 of 96/1270 as the application does not seek to remove the condition, solely to allow for the conversion of the garage.
- 6.13 It is not considered the loss of the garage as parking would result in significant harm to highway safety or result in insufficient parking to serve the dwelling.

Other matters

- 6.14 Essentially the key matter to consider is that relating to the loss of parking as this is the reason the condition was attached to the original consent and as such the reason why a development which would otherwise be permitted development requires planning permission. However if other material planning considerations were to be considered, these matters are all considered acceptable for the reasons set out below.
- 6.15 The proposed scale of the accommodation, proximity to the main dwelling and the use of the existing access, garden and facilities (electric, foul water and sewerage) ensures that the conversion will remain dependent on the main dwelling house of 6 Beckworth Place and so can be considered to be ancillary accommodation and will be conditioned as such.
- 6.16 The proposed development would result in a conversion of the existing building without significant alteration to the building therefore, it is considered that there would be no adverse impact upon the character of the existing dwellinghouse or wider streetscene.
- 6.17 Due to the nature of the proposals and the distance from neighbouring properties it is not considered any significant harm would result to neighbouring residential amenity.

7.0 CONCLUSION

- 7.01 The proposal would result in an additional bedroom to the property as well as the loss of the existing detached garage; however, it is considered that there would be sufficient parking provision within the curtilage of the existing dwellinghouse in line with local policy for a dwelling of its size and location. The proposal is considered acceptable in respect of all other material planning considerations and would be in accordance with current policy and guidance.

8.0 RECOMMENDATION – GRANT Subject to the following conditions following reasons:

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

Application Form

TQRQM21327155630106 – Block Plan Received 23.11.2021

TQRQM21327155903089 – Site Location Plan Received 26.11.2021

MA/C/01 – Existing and Proposed Elevations and Floor Plans Received 30.11.2021

Reason: To clarify which plans have been approved.

- 2) The materials to be used in the construction of the external surfaces of the works hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development.

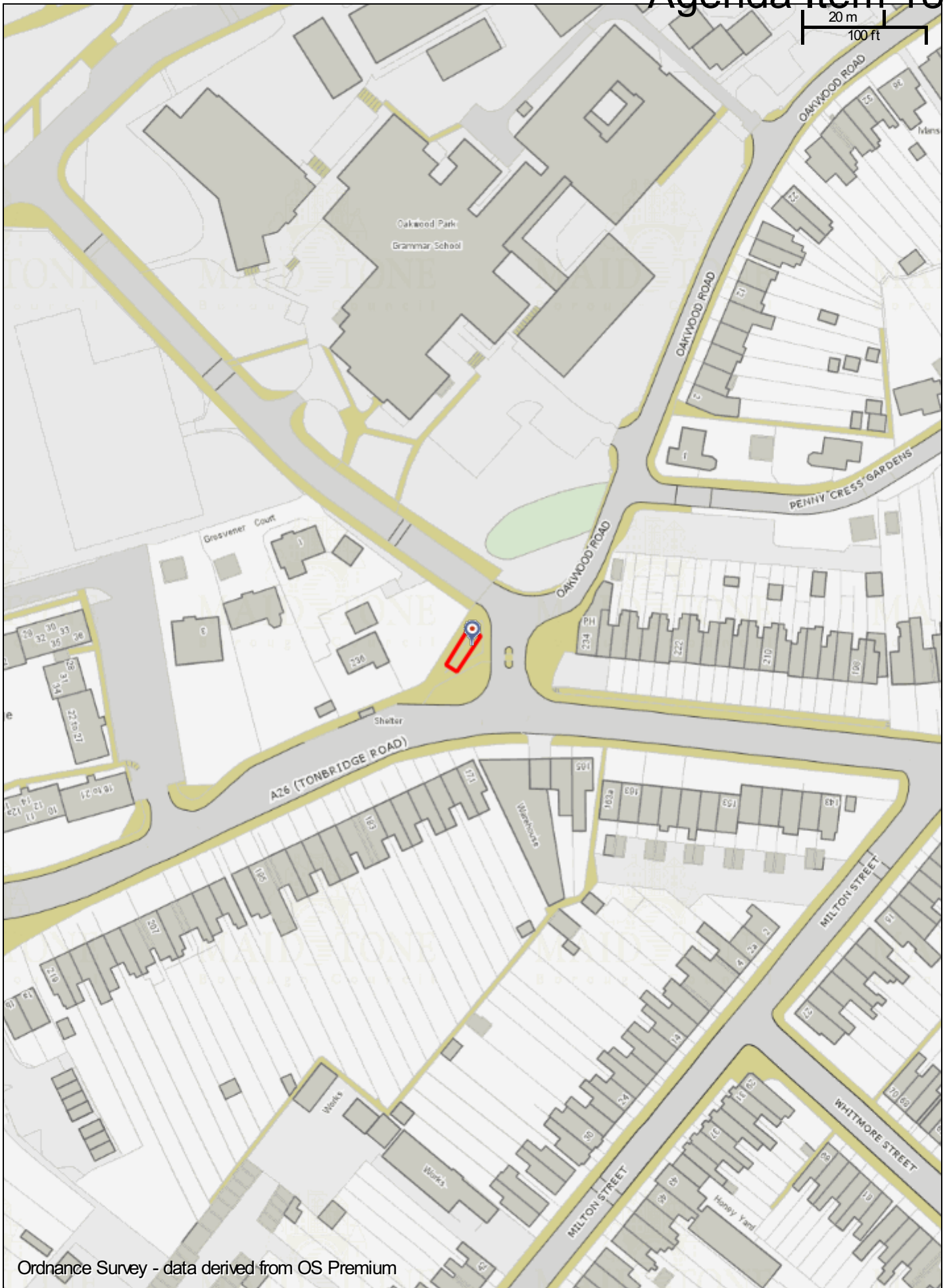
- 3) The additional accommodation to the principal dwelling hereby permitted shall not be sub-divided, separated or altered in any way so as to create a separate self-contained unit; and shall only be used as ancillary accommodation to the main dwelling currently known as 6 Beckworth Place, St Andrew's Road, Maidstone, ME16 9LS

Reason: Its use as a separate unit without adequate parking or turning space, without adequate amenity space would result in an unsatisfactory relationship with the principal dwelling.

Case Officer: Stevie Harper

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

20 m
100 ft



Ordnance Survey - data derived from OS Premium

21/506690/FULL Telecommunications Base Station At Junction Of Tonbridge Road And Oakwood Road, Maidstone, Kent

Scale: 1:1250
N

Printed on: 12/1/2022 at 9:13 AM by JoannaW

REPORT SUMMARY

REFERENCE NO - 21/506690/FULL			
APPLICATION PROPOSAL Removal of 1no. 12.5m street monopole, and replacement with 1no. 20m street monopole supporting 3no. antennas. Removal of 1no. cabinet and 1no. meter cabinet and replacement with 1no. new meter cabinet, and ancillary works thereto.			
ADDRESS Telecommunications base station at junction of Tonbridge Road and Oakwood Road Maidstone Kent ME16 8AN			
RECOMMENDATION - The Head of Planning and Development be given delegated powers to grant planning permission subject to no further representations being received up to and including the 28 th January 2022 which raise any new planning issues not already dealt with in the report.			
SUMMARY OF REASONS FOR RECOMMENDATION A similar proposal has already been granted for the removal of a 12.5m monopole and its replacement with a 20m monopole. The re-siting of the new monopole is now proposed a few metres south than the previous consent, which moves it slightly nearer to the road, but it is not considered that the new siting causes sufficient harm to visual amenity on which to justify a refusal.			
REASON FOR REFERRAL TO COMMITTEE Cllr Kimmance requested referral based on visual impact caused by moving the siting of the approved 20m monopole.			
WARD Heath	PARISH/TOWN COUNCIL	APPLICANT Cornerstone AGENT Waldon Telecom Ltd	
DECISION DUE DATE 14/02/22	PUBLICITY EXPIRY DATE 13/01/22	OFFICER SITE VISIT DATE 07/01/22	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
21/504936/FULL	Replacement of 1no. 12.5m monopole with 1no. 20m monopole, supporting 6no. antennas and ancillary works thereto.	Approve subject to conditions.	11/11/21
<i>Reasons:</i> Proposal was deemed acceptable in relation to visual impact and also in relation to residential amenity.			
19/502130/Twork	Installation of Electronic Communications Apparatus.	No further action.	13.05.21
<i>Reasons:</i> Proposals fell within permitted development criteria.			
13/0715	An application for telecommunications prior approval for the removal of the existing telecommunications pole and the installation of a replacement 12.5m high telecommunications pole with two dish antennas and two additional equipment cabinets.	Prior Approval Granted.	22.04.13
<i>Reasons:</i> Proposal was deemed acceptable and was acceptable in terms of visual impact and			

<i>in terms of residential amenity and undertook mast sharing between companies.</i>			
11/0654	An application for telecommunications prior approval for the installation of a 12.5m high Vodafone/O2 telecommunications pole, 1no. equipment cabinet and ancillary development	Prior Approval Granted.	22.04.11
<i>Reasons: Reasons: Proposal was deemed acceptable and was acceptable in terms of visual impact and in terms of residential amenity and undertook mast sharing between companies.</i>			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located at the junction of Tonbridge Road and Oakwood Road within the urban area of Maidstone. This general area is not the subject of any particular land use designations for example the site is not within the Conservation Area and there are not any listed buildings in the vicinity. The site involves a roughly triangular area of grassland, essentially surrounded by footways on all sides. There is another large area of grass verge separating the site and the adjacent footway from the busy Tonbridge Road junction. This area of grass contains two lampposts.
- 1.02 The land currently accommodates a 12.5m mast and associated paraphernalia, which includes two double cabinets and one smaller combiner cabinet and an inspection chamber (which is flush with the grass area). All current equipment is finished in dark green. To the northwest of the site is a ragstone wall with fence behind that marks the boundary between the highway and the curtilage of No. 236 Tonbridge Road, which has a significant tree boundary. There is a large bus stop layby and shelter to the west, which is the main drop off point for the adjacent school campus, which includes Oakwood, St. Augustine's, St. Simon Stock and Mid Kent College. The main entrance to the school complex and the grounds of Oakwood Park Grammar School are sited immediately to the north of the site and the Walnut Tree Pub to the east, beyond which terraced dwellings are sited.
- 1.03 There is a mix of business and residential properties located on the opposite side of the Tonbridge Road to the south. The property currently occupied by Bedroom and Kitchen Flair is sited immediately opposite the site and is separated from the Tonbridge Road by the footpath and a forecourt. There is a pair of semi-detached properties (nos.165-167) located to the east of Bedroom and Kitchen Flair, which are set back behind small front gardens. To the west of the business property, a row of terraced properties begins, most of which have front gardens that have been altered to areas of hardstanding, but which provide the properties with a set back from the footpath and main road.

2.0 PROPOSAL

- 2.01 This planning application deals with the Replacement of 1no. 12.5m monopole with 1no. new 20m monopole supporting 6no. antennas and ancillary works thereto. This is to provide improved coverage and the latest technologies to this area, most notably in relation to providing, maintaining and enhancing 4G and 5G coverage and capacity. The ancillary works include the retrofitting of the two existing double cabinets, which externally will retain the same appearance. The replacement of the existing combiner cabinet with a new unit and the installation of 2 draw pits are

2.03 Planning permission has previously been granted for the same development, including a monopole of the same height. The location of this pole, however, was further to the north of the existing pole and cabinets, on the top end of the grass area nearer to the school campus entrance. Both the elevational and site plans for the approved monopole are shown below:

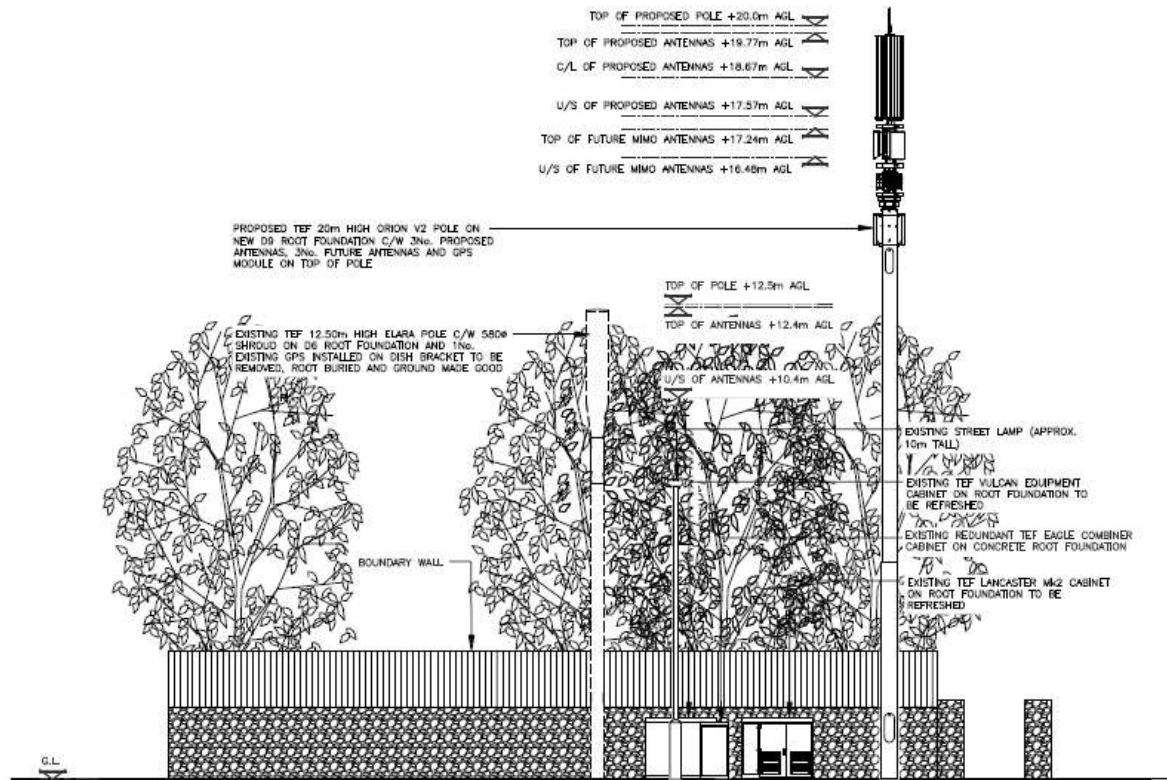
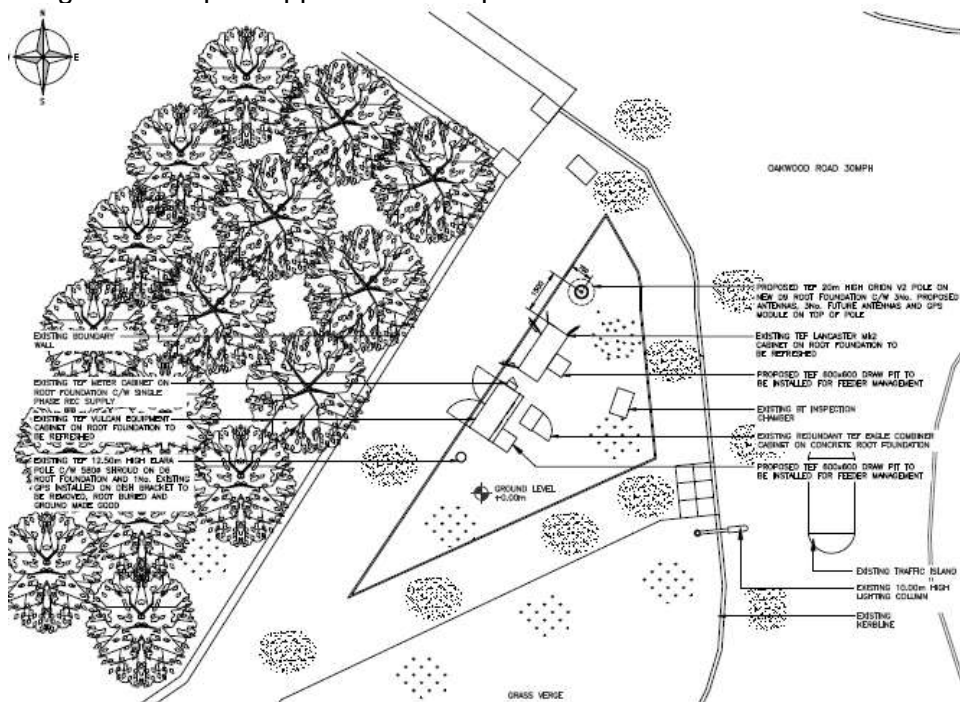


Image of monopole approved under permission reference 21/504396 – elevational view.



Location of monopole approved under permission reference 21/504396 – site plan.

2.04 In relation to the ancillary works, there is no difference between the approved scheme and the current proposal in relation to the retrofitting of the existing cabinets, erection of 2 new draw pits and the replacement of the TEF Eagle Combiner cabinet. As such, the remainder of this report, will focus solely on the proposed re-sited monopole, as the remainder of the scheme already has consent.

2.05 The proposed monopole would be sited approximately 2.7m further south than the existing 12.5m monopole and approximately 9.5m further south than the approved 20m monopole. The applicant has stated that a trial hole at the application site revealed underground utilities were present where the proposed replacement pole was located. As such an alternative design with a revised siting for the monopole has been put forward with this application. Conditions would be imposed to ensure the removal of the existing monopole within three months of the completion of the new monopole and to ensure that if planning permission was granted for this new location that only one of the new 20m monopoles could be constructed. However, in any event, the location of utilities effectively makes it very difficult for the approved pole to be constructed. A condition will also be imposed requiring the monopoles and cabinets to be finished in green, regardless of submitted details indicating grey, especially as all equipment on site is already finished in green.

3.0 SUMMARY INFORMATION

	Existing	Approved	Proposed	Change (+/-)
Site Area (ha)	21 sq.m	21sq.m	21 sq.m	0
Approximate Height (m)	12.5m	20m	20m	7.5m from existing (0m from approved scheme)
Approximate difference in location	Located 9.8m from northern most top of grass triangle	Located 3m from northern most top of grass triangle	Located 12.5m from northern most top of grass triangle.	Approximately 2.7m further south than existing monopole (9.5m further south than approved scheme)

4.0 POLICY AND OTHER CONSIDERATIONS

4.1 The following policy documents are considered relevant to this proposal:

- Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 16, Class A Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO)
- The National Planning Policy Framework (NPPF): Paragraphs 112 - 116 are relevant.
- Development Plan: The following policies of the Adopted Maidstone Borough Local Plan (2017) are considered to be particularly relevant:
Policy DM1 – Principles of Good Design;
Policy DM25 – Electronic Communications;

- Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 19) dated October 2021.
Policy LPRSP15 – Principles of Good Design
Policy LPRINF4 – Digital communications and connectivity
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.

5.0 LOCAL REPRESENTATIONS

- 5.1 No neighbour comments have yet been received, with the expiry date given on written consultation letters as 12th January. However, as this application was received over the Christmas period, the site notice for the proposal does not expire until 28th January 2021. Any comments received prior to the committee date as a result of the site notice shall be report verbally. The recommendation also requests delegated powers to the Head of Planning and Development to approve the proposal, subject to no new issues being raised.

6.0 CONSULTATIONS

- 6.1 No consultee comments have been received on the day of finalising this report (12th January). Consultees have until 13th January to comment on the proposal, however, the Highway comments (raising no objections) are unlikely to change on this proposal as it involves a relocation of an existing monopole within an existing grassed area of land already used for telecommunications equipment that is sited some distance away from the main highway. If any additional comments are received that differ to those for the approved scheme, however, these will also be reported verbally to the committee.

7.0 BACKGROUND PAPERS AND PLANS

- 7.1 The application comprises the following documents:

- Site Location Plans: 100 Rev. A;
- Existing Site Plan: 200 Rev. A;
- Proposed Site Plan: 201 Rev. A;
- Existing Site Elevation: 300 Rev. A;
- Proposed Site Elevation 301 Rev. A;
- Cornerstone Cover Letter, received 15th December 2021;
- Cornerstone ICNIRP Declaration with Clarification Statement;
- Cornerstone Supplementary Information;
- General Background Information for Telecommunications Development;
- Health and Mobile Phone Base Stations;
- Mobile Connectivity Brochure;
- Notice to Owner Letter & Planning Notice;
- Radio Planning and Propagation;
- Application Form.

8.0 APPRAISAL

Principle of Development

- 8.01 In terms of supporting high quality communications infrastructure, the National Planning Policy Framework (NPPF) states;

“Advanced, high quality communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.” (paragraph 114).

- 8.02 And that;

“The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.” (paragraph 115).

- 8.03 Further, the NPPF states;

“Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.” (paragraph 118)

- 8.04 Paragraph 20 of the NPPF (2021) sets out that strategic policies should allow for the pattern, scale and design of quality of places for :
- b) infrastructure for transport, **telecommunications**, security, waste management.....

- 8.05 This application would be assessed under DM25 (Electronic Communications) of the adopted Maidstone Local Plan. The policy supports new masts providing they comply with the following:

- 1.It is demonstrated that mast or site sharing is not feasible and the apparatus cannot be sited on an existing building or other appropriate structure.
- 2.A less environmentally harmful means of providing the same service is not feasible.
- 3.Every effort has been made to minimise the visual impact of the proposal.
- 4.Proposals adhere to government advice on the health effects of exposure to radio waves.
- 5.Consideration is given to future demands of network development.

- 8.06 The Local Plan Review is out to consultation and carries some, but limited weight. When considering the direction of travel of policies relating to telecommunications the policy sets out the following, albeit as this has yet to undergo scrutiny limited weight is attached :

3. Proposals for the enhancement of mobile connectivity including through the provision of mobile data networks (such as 5G mobile data), will be supported, subject to compliance with relevant policies in this Plan, and with national policy. Where permission is required, proposals for new masts and antennae by telecommunications and code systems operators will be supported provided:

- i. It has been demonstrated that mast or site sharing is not feasible and that the apparatus cannot be sited on an existing building or other appropriate structure that would provide a preferable environmental solution;
- ii. It has been demonstrated that an alternative, less environmentally harmful means of providing the same service is not feasible;
- iii. Every effort has been made to minimise the visual impact of the proposal;
- iv. Proposals adhere to current Government advice on the health effects of exposure to radio waves; and
- v. Consideration has been given to the future demands of network development, including that of other operators.

Evidence Submitted by Applicant to Support the Application

Need

- 8.07 The need for a 20m monopole in this location to serve the Tonbridge Road area around Oakwood has already been accepted with the previous consent. The applicant explains in their statement that the need to relocate the pole slightly further to the south is based on the existence of utilities that were revealed as a result of a trial hole. It is set out in paragraphs 3.6 and 3.7 of the supplementary information document that:

“3.6 The 5G network is a unique technology and it requires a bespoke approach. It is not being rolled-out in the same manner as the previous 3G and 4G networks. We do appreciate that some Local Authorities have become accustomed to seeing a geographical coverage footprint of a new or upgraded site, where coverage plots were commonplace within applications. Unfortunately, the same is not available for the 5G network roll-out. There are no 5G network coverage plots being produced for individual cell sites as this is a very fast-moving project with the 5G network constantly evolving as more and more sites are added to the Operators’ networks.

3.7 These 5G networks will build upon the existing 4G networks which will effectively form the infrastructure “spine” for this next generation of mobile networks. We respectfully remind all Local Authorities of the direction provided by the Government within the NPPF, i.e. that they should not seek to prevent competition between Operators or question the need for an electronic communications system (para 118), and also that the expansion of next generation mobile technology should be supported (para 115)”.

- 8.08 The supporting statement also sets out that the proposal will provide additional capacity, whilst making use of an existing base station:

“4.1 This critical digital infrastructure will provide improved capacity for 4G and also new cutting-edge 5G coverage for Telefonica to the surrounding area. The applicant is able to introduce new services into the area, without the need for an additional base station, thus keeping the number of masts to a minimum. As the increase in height of the monopole is required to ensure the safe and effective operation of the site, traditional coverage plots will not illustrate the need and have not been produced.

4.2 The provision of poor communication services has well recognised economic and social impacts on communities and businesses. Importantly, the base-station would provide increased network capacity, allowing quality service provision to a higher number of people at the same time. Improving cellular connectivity is led

largely by demand. The very high level of mobile phone use in the UK requires the installation of additional base stations to provide the necessary connections”.

Why site was chosen

8.09 The supporting statement sets out :

“5.1 In accordance with planning policy, a sequential approach to site selection was adopted. The applicant’s network rollout team investigated the following siting and design options using this sequential approach to site selection:

- 1. • Upgrading their own existing base stations;*
- 2. • Using existing telecommunications structures belonging to another communications operator. i.e. Mast and/ or site sharing, co-location;*
- 3. • Installations on existing high buildings or structures including National Grid pylons;*
- 4. • Using small scale equipment; and finally*
- 5. • Erecting a new ground-based mast site – (1st) Camouflaging or disguising equipment. (2nd) A conventional installation e.g. a lattice mast and compound.*

5.2 The opportunity to upgrade an existing site was given preference over installation of an additional base station. The need to enhance the network means that coverage could be improved by upgrading apparatus at an existing communications site, in line with the NPPF and Code of Best Practice on mobile network development 2016”.

8.10 The reason for the re-siting of the monopole further to the south on the grass verge than previously approved is also explained by the application that this section of land is the only area which is clear of any underground utilities, but it would also ensure that the monopole would be in line with all other equipment, allowing the general site layout to be maintained as a simple linear layout.

Reason for design

8.11 The supporting statement sets out the following rationale for design:

“3.8 The equipment’s design is based on the principle of meeting operational requirements of the mobile operator Telefonica (trading as O2), whilst minimising the impact on the surrounding, as far as technical constraints allow.

3.9 The base-station has been designed to accommodate apparatus, allowing for improved provision 4G mobile connections to the surrounding area. It has also been designed to accommodate new 5G technology, introducing ultra-fast mobile connectivity capable of operating the ‘Internet of Things’. This proposed infrastructure will provide higher mobile down-load speeds and more reliable, quicker phone connections. There would be increased capacity to provide services to a higher number of people at the same time.

3.10 The number and scale of proposed antennas is informed by the number of communication services being provided (4G, 5G etc.) and because of the high technical capability of 5G services. The proposed antennas are wider than the existing antenna and physically cannot be accommodated into the existing monopole, thus a new structure type is required.

3.11 The antennas must be allowed to unrestrictedly emit a radio signal, meaning they can’t be shrouded or concealed and need to be sited at an elevated position, to enable the radio signal to clear surrounding structures, such as buildings and trees,

with the aim of avoiding interference. The radio frequencies that 5G operates at is particularly sensitive to interference from solid objects, which necessitates securing the antennas at the height proposed. This is the lowest height required in order to achieve an antenna height which will enable the radio signal to clear the nearby trees and reach the areas where mobile reception is required whilst complying with standards set by the International Commission on Non- Ionizing Radiation Protection (ICNIRP) and therefore, cannot be reduced any further.

3.12 The monopole's unfussy design ensures impact is minimal and does not cause unacceptable harm to the surrounding area. In all aspects of the design now put forward the smallest practical components have been utilised to ensure that the visual impact of the development is kept to the absolute minimum.

3.13 The aforementioned factors have informed the design of the proposed equipment which is of the minimum amount and scale possible, while still meeting structural and radio planning requirements.

3.14 As previously mentioned, the location of the monopole is proposed to be moved approximately 3.3m south west of the existing monopole. The replacement monopole cannot be built on the old root, and as such a section of highway which is clear of any underground utilities has been identified. The new location for the replacement monopole will remain in line with all other equipment, allowing the general site layout to be maintained, as a simple linear layout. As such, the visual change involved with the new location of the pole is limited and maintains the accessibility for the highways and pedestrians.

3.15 The aforementioned factors have informed the design of the proposed equipment which is of the minimum amount and scale possible, while still meeting structural and radio planning requirements.

3.16 All apparatus required will play a vital role in the provision of improved network services for O2's mobile network. The scale and amount of apparatus has been limited to the minimum with which this can be achieved at this site. Despite it being acknowledged that there will be some visual change to this site, due to technical constraints, the design cannot be reduced any further, and although it is acknowledged that the installation may cause some level of visual harm to the area, it is considered that the benefits to the network brought by this proposal will outweigh this harm".

- 8.12 The statement confirms that the height has been kept to the minimum necessary to provide the service required. It should be noted that a 20m monopole has already been approved on this site. The main issue therefore is the site layout, with the pole moving 3m to the south of the existing 12.5m monopole which is to be removed.

ICNIRP (telecommunications health impact assessment)

- 8.13 An ICNIRP certificate accompanies the application and therefore issues surrounding impact on health should not be given significant weight here and therefore Officers are satisfied that the development would not cause adverse harm to members of the public. The application is accompanied by the following information relating to health matters :

Health and mobile phone base stations
ICNIRP Declaration

Radio and Propagation
5G Masts and Health

8.14 No health matters were raised in relation to the previous approval and so it is still considered that the proposal is designed to be in full compliance with the requirements of the radio frequency (RF) guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP) for public exposure, as expressed in the EU Council recommendation of July 1999, and the subsequent update in 2020.

8.15 The National Planning Policy Framework clearly sets out :

*“Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or **set health safeguards different from the International Commission guidelines for public exposure.**”*
(Para 118)

Overall

8.16 In line with paragraphs 114 - 118 of the NPPF, the applicant has sought to demonstrate the need for the mast and ancillary equipment and why the proposed site has been chosen.

Visual Impact

8.17 Policy DM1 of the Local Plan sets out that proposals shall :

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

Policy DM25 sets out, firstly in the pre-amble :

‘Development should be sited, where possible, to minimise visual impact’ (para 6.108)

As part of the policy :

(i).It is demonstrated that mast or site sharing is not feasible and the apparatus cannot be sited on an existing building or other appropriate structure.

(ii).A less environmentally harmful means of providing the same service is not feasible.

(iii).Every effort has been made to minimise the visual impact of the proposal.

8.18 It is of course inevitable that the mast would have a visual impact, both due to its height and associated street furniture in terms of the extent of cabinets and paraphernalia. There is little that can be done to mask the visual impact of a pole mast, especially when it is proposed to be sited within an area which is an open verge. As such a pragmatic approach needs to be taken as to whether the siting would be significantly harmful, given the utilitarian appearance of the mast. As for the previous approval, it is considered that the application has been accompanied by sufficient information to justify the need and that the applicant has utilised best practice in upgrading an existing mast location rather than looking for a new site.

- 8.19 In this case it has already been considered acceptable and that a new 20m monopole to replace the existing 12.5m mast would not introduce such an alien feature that would cause harm to this main thoroughfare. Indeed the original assessment in the delegated report for the approved 20m monopole stated that the new mast:
- “... would be higher than the existing 12.5m high mast, and inevitably will be visible within the street scene, both along Tonbridge Road, Oakwood Road and within the school complex to the north. Views would also be possible from neighbouring residential properties. However the mast would be sited further towards the northern edge of the verge, thus being less prominent at ground level when approached from Oakwood Road (as it would not be directly central as is the case with the current mast), when viewing from Tonbridge Road it again would be further from the highway frontage, thus existing built form and to some extent vegetation (which can be relied upon to a lesser extent a permanent screening) would obscure some views at ground level. There maybe some longer range views of the mast due to the increase in height, however these are diminished by the surrounding topography and the dense surrounding urban environment”.
- 8.20 The issue which remains to be considered in this application is whether the re-siting of the approved mast further south towards the edge of the grass verge would result in an additional degree of visual impact so that the proposal would become unacceptable. It is considered that it would be difficult to refuse an application for the same 20m monopole that has just been approved on the same area of grass verge, due to the siting moving approximately 3m to the south of the existing 12.5m high mast. It would be approximately 12.5m south of the siting of the approved 20m mast. It is noted that there is another large grass verge between the grass verge of the application site and the Tonbridge Road, ensuring that the proposed re-sited monopole would still be set well back from the highway (approximately over 12m) and also no further forward than any of the adjacent front boundaries for the housing to the west or the public house to the east. As such, long distance views of the monopole from along the Tonbridge Road would still be limited by boundary treatments, the dense built form of the area and mature landscaping. Although it would be more visible than the existing 12.5m mast, it would still be set back far enough from the road frontage and adjacent boundary treatments to that is visual impact is sufficient reduced.
- 8.21 The revised siting also retains the existing linear layout of the existing telecommunications equipment by ensuring that it does not project further forward towards Oakwood Road or towards the ragstone wall to the west. The height of the street lamps on the adjacent grass verge to the front also further blends the development into its surroundings. The finish of the mast and the cabinets in green will also further blend the proposal into the green backdrop of trees. It is therefore considered that every effort has been made to minimise the visual impact of the mast, whilst utilising an existing base station and avoiding the need to seek a new site.
- 8.22 In terms of residential amenity, the nearest residential property is number 236 Tonbridge Road and the neighbouring property to the north-west. To the east is the Walnut Tree Public House and is separated by a fairly wide road junction and to the south there are a mix use of properties, however these are separated by the road itself and a wide verge such that although there maybe glimpse views of the mast, the proposed siting and additional height is unlikely to have a greater impact than that of the existing 12.5m high mast, even with the location moving further forward.

- 8.23 Number 1 Grosvenor Court is to the north-west of the site and is orientated with its rear elevation facing toward Tonbridge Road. The approved 20m mast would be approximately 40m from this property. The re-sited mast would be even further away (approximately 45m) and although some views of the approved and proposed mast may still be visible above the tree-line of the protected trees in the front garden of no. 236 Tonbridge Road, due to the slim-line nature of the mast and the distance, it is not considered that it would inherently harm residential amenity in terms of those matters which are set out in local or national policy, the fact that something is visible does not in itself make it harmful. It is considered that this current proposal would actually have less visual impact on this property than the approved monopole.
- 8.24 Number 236 is the property in closest proximity to the site, the property takes access of the access road to the north of the site with the area immediately adjacent to the site forming the front garden of the property, providing the parking and turning area. This area is dominated by two protected trees. There are windows in the east and south facing elevations of the property. The approved mast would be approximately 20m from the dwelling itself, whilst the new mast measures approximately 16m from the corner of the dwelling. The existing mast is also in closer proximity to the property than the approved mast, and the existing and proposed mast would both be more exposed by being further south of the trees. However, that said, there is still a considerable distance between the proposal and No.236, which is also benefitted with a tree screen that is subject to TPO protection. Number 236 is in an elevated position, which minimises the impact of the height of the monopole. It is only the forward most window on the side (eastern) elevation of the property at first floor level that will have a prominent view of the proposed monopole.
- 8.25 However, as already stated, just because something is visible does not in itself make it harmful. For the application to be considered harmful in terms of affecting amenity it would need to significantly impact on the outlook from the property. In terms of being overbearing, overshadowing or causing loss of light or affecting other aspects normally associated with amenity, the mast, although tall, would be relatively slim-line and could not be considered harmful in this regard. Overall, it is considered that the siting is located on an existing base station, it follows the existing linear pattern of the development and it blends in with the surrounding urban environment. The difference in siting is not considered to result in sufficient additional visual impact that could justify a reason for refusal based on harm to residential amenity. It is not considered that there would be any significant impact on residential amenity.
- 8.26 When assessing outlook, the Councils Residential Extension SPD sets out at paragraph 5.55 :

'The Borough Council is primarily concerned with the immediate outlook from neighbours' windows, and if a proposal significantly changes the nature of the normal outlook. For example, it would be unacceptable for the resulting outlook from a main window to be of a large wall of a residential extension.'

In this case it has been previously accepted that the 12.5m high mast is not harmful and any outlook from windows of this mast is considered acceptable. The moving forward of the proposed mast by 3m and the increase in height, would result in some increase in visibility, but the proposal is still sited on a grassed area set well back from the highway by over 10m and from the nearest house by over 16m. Therefore, although it will become slightly more visible from the upper side window of No.236, the resultant impact is not considered to be significantly harmful to outlook due to the distance, land levels and the nature of the mast.

9.0 CONCLUSION

- 9.01 Overall it is considered that the increase in height of the proposed mast, taken in conjunction with the proposed relocation would be visually acceptable and would not be so harmful to outweigh planning policy which weighs in favour of the improvement in telecommunications which needs to be facilitated by new or replacement infrastructure. The proposal would also be acceptable in terms of the impact on neighbouring amenity and the replacement mast would not be significantly more harmful than the existing mast, the approved mast or when considered on its own merits. The proposal makes use of an existing base station and ensures mast sharing and so meets the objectives of both government and local plan policies.

10.0 RECOMMENDATION – Grant Subject to the following conditions:

The Head of Planning and Development be given DELEGATED POWERS TO GRANT permission subject to the conditions and informatives set out below and subject to no further representations being received up to and including the 28th January 2022 which raise any new planning issues not already dealt with in the report. :

CONDITIONS to include

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:
Drawing Number 201 Rev A (Proposed Site Plan) - received 15/09/21
Drawing Number 301 Rev A (Proposed South East Elevation) - received 15/09/21
Supplementary Information - received 15/12/21

Reason: To clarify which plans have been approved.

3. Notwithstanding the submitted details, the finish to the monopole and cabinets hereby approved shall be steel with a dark green finish.. Details of the colour finish shall be submitted to and approved in writing by the Local Planning Authority and the approved colour finish shall be applied prior to the first use of the monopole and cabinets and permanently maintained thereafter.

Reason: To ensure a satisfactory appearance to the development

4. Within 2 months of the erection of the mast hereby permitted, or a timescale previously approved by the Local Planning Authority, the existing 12.5m mast shown to be removed on Drawing Number 301 Rev A (Proposed South East Elevation) and Drawing Number 201 Rev A (Proposed Site Plan) shall be removed from the site and the ground made good.

Reason : In the interests of visual amenity.

5. Permission reference 21/504936/FULL (for the replacement of 1no. 12.5m monopole with 1no. 20m monopole, supporting 6no. antennas and ancillary works thereto) shall not be implemented, either in part or full, if this permission, under reference 21/506690/FULL, is implemented either in part or full or vice versa

Reason: In the interests of ensuring only one planning permission is implemented preventing a proliferation of masts and in the interests of visual amenity and ensuring mast sharing.

INFORMATIVES

(1) 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/highway-land/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.

Case Officer: Diane Chaplin

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 MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 20th January 2022**

APPEAL DECISIONS:

- 1. 20/505830/FULL** Erection of 1 no. four bedroom dwelling, two bay oak framed car barn with ancillary room above and creation of vehicular access and associated landscaping.

APPEAL: DISMISSED

Land At The Oast
Old Tree Lane
Boughton Monchelsea
Maidstone
Kent
ME17 4NG

(Delegated)

- 2. 20/504273/FULL** Erection of a 2 bedroom detached bungalow.

APPEAL: DISMISSED

Plot Opposite 1
Harrow Court
Stockbury
Kent
ME9 7UQ

(Delegated)

- 3. 21/500679/FULL** Insertion of replacement pitched roof with insertion of 2no. side windows at first floor level and 3no. front dormer windows to garage building, creating first floor office, including removal of 1no. side window.

APPEAL: DISMISSED

Faith Cottage
Clapper Lane
Staplehurst
Tonbridge
Kent
TN12 0JT

(Delegated)