

PLANNING COMMITTEE MEETING

Date: Thursday 27 May 2021
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership: To be appointed at the Annual Meeting of the Council to be held on 22 May 2021

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

AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Election of Chairman
4. Election of Vice-Chairman
5. Notification of Visiting Members
6. Items withdrawn from the Agenda
7. Date of Adjourned Meeting - 3 June 2021
8. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
9. Disclosures by Members and Officers
10. Disclosures of lobbying
11. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
12. Minutes of the meeting held on 22 April 2021 adjourned to 26 April 2021 - to follow
13. Appointment of Political Group Spokespersons
14. Presentation of Petitions (if any)

Issued on Wednesday 19 May 2021

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

15. Deferred Items	1 - 2
16. 19/500769/EIOUT - Land South West Of London Road And West Of Castor Park, Beaver Road, Allington, Maidstone, Kent	3 - 12
17. 20/505745/LBC - Bicknor Farm, Sutton Road, Langley, Maidstone, Kent	13 - 20
18. 20/505350/FULL - Warmlake Nursery, Maidstone Road, Sutton Valence, Maidstone, Kent	21 - 57
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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 26 May 2021. You will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated for each application on a first come, first served basis.

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

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MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

27 MAY 2021

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.

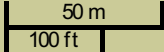
APPLICATION	DATE DEFERRED
<p><u>20/504386/FULL - CHANGE OF USE OF THE LAND FOR THE SITING OF 3 NO. STATIC CARAVANS AND 3 NO. TOURING CARAVANS FOR GYPSY/TRAVELLER OCCUPATION (REVISED SCHEME TO 18/506342/FULL) - THE ORCHARD PLACE, BENOVER ROAD, YALDING, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> Negotiate a reconfiguration of the site layout to achieve better landscaping of the pond/woodland area to enable ecological and flood amelioration; and Seek the advice of the Environment Agency specifically relating to this site. <p><u>Note:</u> The Development Manager confirmed that when the application is reported back to the Committee the additional conditions recommended by the Officers and the suggestions made by Members during the discussion regarding (1) the provision of (a) bin and cycle storage and (b) bug hotels and bat tubes in the eaves of the wooden buildings and (2) the exclusion of Sycamore trees from the landscaping scheme and the use of non-plastic guards for trees and hedgerows will be included.</p>	17 December 2020
<p><u>20/505710/FULL - ERECTION OF 1 NO. FOUR BEDROOM CHALET BUNGALOW WITH INTEGRAL GARAGE AND ASSOCIATED PARKING (RE-SUBMISSION OF 20/503671/FULL) - 15 AMSBURY ROAD, COXHEATH, MAIDSTONE, KENT</u></p>	22 April 2021 adjourned to 26 April 2021

Deferred to:

Seek comments from the Kent Fire and Rescue Service about safety, access to the dwelling for a Fire Engine, whether they can service the property in the event of a fire and whether a sprinkler system is required;

Seek confirmation as to whether the application site is located within the boundary of the larger village of Coxheath; and

Add conditions to secure biodiversity enhancements to include bird, bat and bee bricks; renewables (an exemplar scheme); and no Sycamore trees and plastic guards.



Ordnance Survey - data derived from OS Premium

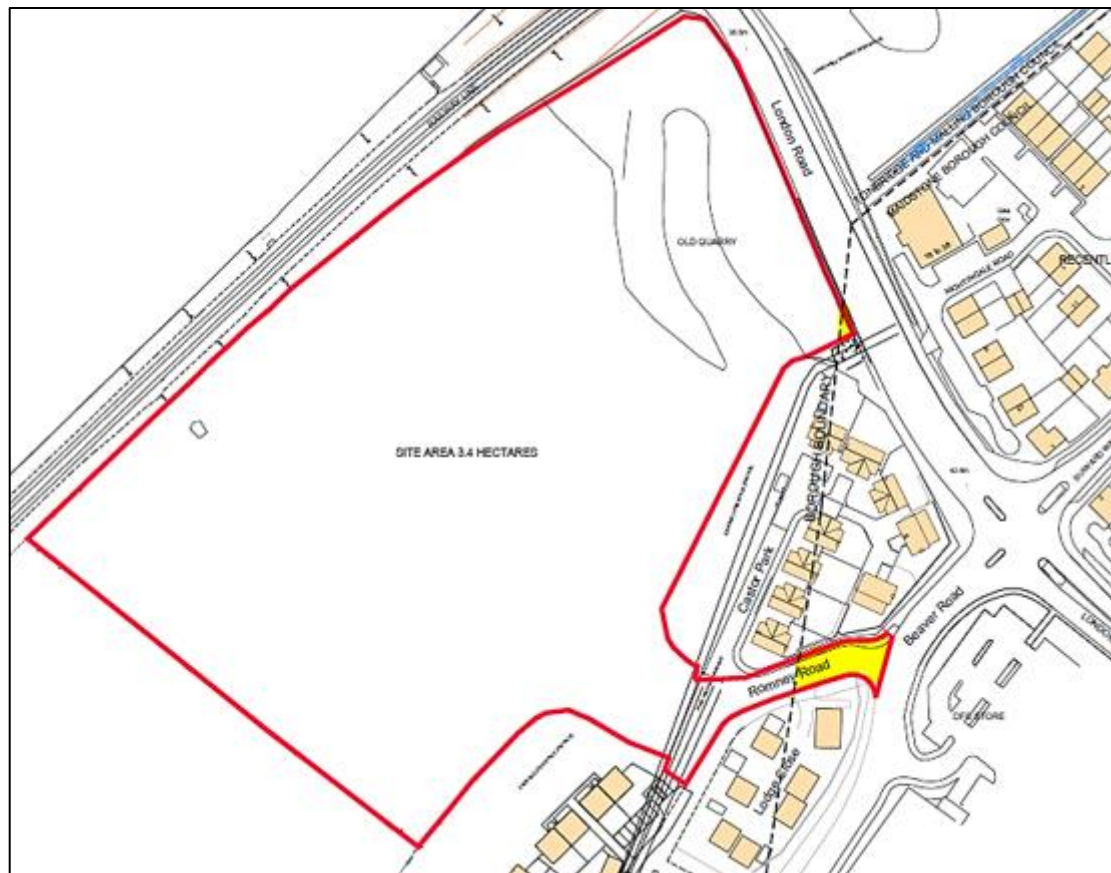
19/500769/EIOUT - Land South West Of London Road And West Of Castor Park, Beaver Road, Allington, Maidstone, Kent, ME16 0XU

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REFERENCE NO - 19/500769/EIOUT			
APPLICATION PROPOSAL			
Outline application for a residential development 106 units comprising a mix of 1, 2, 3, 4 bedroom dwellings (including bungalows, houses and apartments), associated access and infrastructure (Access being sought).			
ADDRESS			
Land South West of London Road and West of Castor Park, Beaver Road, Allington.			
RECOMMENDATION – APPROVE WITH CONDITIONS			
SUMMARY OF REASONS FOR RECOMMENDATION			
<ul style="list-style-type: none"> The Council is only determining those parts of the application that fall within the Borough boundary being a short section of the access (which already exists) and a small corner of the site which is indicated as being 'natural green space' where existing trees would be retained and no physical development is proposed. The use of the proposed access through Castor Park and onto Beaver Road has been assessed by KCC Highways and no objections have been raised in terms of highway or pedestrian safety. There are no objections in terms of traffic impact subject to improvements to the Beaver Road/A20 junction which will be secured under the Tonbridge & Malling resolved planning permission. This is in accordance with policies SP23 and DM21 of the Local Plan. The small area of land indicated as being 'natural green space' would not cause any harm to the visual amenities of the local area in accordance with policies SP17 and DM1 of the Local Plan. 			
REASON FOR REFERRAL TO COMMITTEE			
<ul style="list-style-type: none"> Councillor Robertson has requested the application is considered by the Planning Committee for the reasons set out in her comments. 			
WARD Allington	PARISH COUNCIL N/A	APPLICANT Clarendon Homes & Trustees of Andrew Cheale Estate AGENT Clarendon Homes	
DECISION DUE DATE: 11/06/21	PUBLICITY EXPIRY DATE: 10/05/21	SITE VISIT DATE: 30/04/21	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
TM/19/003 76/OAEA	Tonbridge & Malling Application - Outline Application: Permission for a residential scheme of up to 106 units, associated access and infrastructure.	T&MBC PLANNING COMMITTEE RESOLUTION TO APPROVE	28/01/21

1.0 DESCRIPTION OF SITE

1.01 The site is to the west of, and accessed off, Beaver Road through 'Castor Park', in Allington. The site location plan below shows the site and the parts that fall within MBC highlighted in yellow.



1.02 As can be seen, the application site is mainly within Tonbridge & Malling Borough Council's (TMBC) jurisdiction but because part of the access and a small corner of the site falls within MBC, the applicant is required to make planning applications to both authorities. MBC can only consider the development which falls upon its land being part of the access and a small parcel that is proposed to be 'natural green space'. All the housing falls within TMBC.

1.03 TMBC resolved to approve permission for the proposed 106 houses within their part of the site at their Planning Committee in January 2021 and it is understood the legal agreement is currently being finalised before the decision will be issued. MBC officers have waited for TMBC to decide their application for the main development before making a decision on this application.

1.04 The main part of the site within TMBC forms part of a wider allocation in their draft local plan (draft policy LP28) for residential led development of approximately 1000 dwellings which also includes provision of a new primary school and associated improvements to local infrastructure. To the northwest of the site permission has already been approved by TMBC for up to 840

houses (Whitepost Field development) as part of this wider draft allocation. The part within MBC falls just outside the defined urban settlement boundary and so falls within the 'countryside' for policy purposes.

2.0 PROPOSAL

2.01 This is an outline application for 106 houses with only access being sought at this stage and all other matters reserved for future consideration.

2.02 Whilst permission must be sought for the whole development from MBC, it is reiterated that the Council can only consider those parts that fall within the Borough boundary. The access road already exists but because application sites must extend to the adopted highway (and the road is not adopted) it must be included in the application. However, no physical development or change of use of land is required. No physical development is proposed within the other small section of land but the use would technically change from agricultural/nil use to 'open space'.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP17, SP23, DM1, DM6, DM21
- Kent Waste and Minerals Plan (amended 2020)
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 50 representations received raising the following (summarised) points:

- Increased traffic and congestion.
- Roads and junctions cannot cope with more traffic.
- Highway and pedestrian safety.
- Parking.
- Lack of infrastructure (schools, doctors, green spaces).
- Area cannot cope with more development.
- Pressure on Maidstone's infrastructure rather than TMBC.
- Too many houses.
- Traffic pollution.
- Traffic noise.
- Harm to area.
- Harm to wildlife.
- Loss of green space.
- Vandalism to historic pill box.
- Noise and disturbance during construction.
- Loss of privacy.
- Loss of views.
- Coalescence between Maidstone and Aylesford.
- Question the need for more houses.
- Surface water flooding.
- Should consider better active travel links.

- Could help support project Merlin.
- Opportunity for active travel routes and car journey reduction.

4.02 **'New Allington Action Group'** makes the following (summarised) points:

- Main impact will be in MBC and not TMBC.
- Increased traffic and congestion.
- Roads and junctions cannot cope with more traffic.
- Should be no left turn onto the A20.
- Further traffic analysis should be requested.
- The proposed splitter island does not accommodate the expected traffic flow.
- KCC Highways respond in a piecemeal fashion.
- MBC should require 'green corridor' as per TMBC approval.
- Lack of improvements to public transport.
- Lack of infrastructure (schools, doctors, green spaces).
- Air pollution.
- Lack of public consultation.
- Loss of green space.
- Loss of biodiversity.

4.03 **Councillor Robertson** requests the application is considered by the Planning Committee and states as follows:

"The proposal is contrary to Policy CP5 of Tonbridge and Malling Borough Council's adopted core strategy. The effect of the proposal on the adjoining Allington Ward and the wider area needs to be considered by Maidstone Borough Council."

4.04 **Former Councillor Lewins:** Raises objections for the following reasons:

"1. Although this application is situated in Tonbridge and Malling, with access in Maidstone, the facilities used by any new residents would be in Allington which is already heavy developed.

2. Allington is already at capacity, with no infrastructure in place, including a lack of Doctors Surgeries.

3. Congestion on the roads, especially at peak times.

4. Beaver Road access has taken a huge hit with over development these past few years. This area is already densely populated/over-crowded.

5. Where is the strategic gap.

6. There is a distinct lack of open space in Allington due to heavy development. Plans need to be made to refuse this application and retain what little we have remaining. By cooperating with Tonbridge and Malling, semi natural open spaces could be created incorporating the Blue and Green corridors for wildlife, reducing pollution and increasing the wellbeing of our existing resident's needs."

5.0 CONSULTATIONS (relevant to MBC consideration of application)

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

5.01 Highways England: No objections.

5.02 KCC Highways: No objections subject to conditions securing signal mitigation for the A20/Beaver Road/Bunyard Way junction; CMP; Travel Plan; parking; and EV charging.

5.03 MBC Environmental Health: No objections re. air quality.

6.0 APPRAISAL

6.01 As stated earlier in the report, MBC can only consider the development within its boundary this being part of the access and small area of 'natural green space'. No development is required for the access but vehicles will use it and use roads/junctions within MBC so the suitability of the access, traffic and air quality impacts are considered.

Access/Traffic & Air Quality

6.02 The use of the access from Castor Park and onto Beaver Road has been assessed by KCC Highways and no objections have been raised in terms of highway or pedestrian safety.

6.03 In terms of traffic impacts, the development has been assessed using KCC's 'A20 Corridor Junction Assessment' report which has been agreed by KCC Highways. Improvements are proposed to the traffic light junction at Beaver Road with the A20. This will involve a splitter island being installed to provide a dedicated left turn lane from Beaver Road onto the west bound carriageway of the London Road, separating this from the other lane which will allow for forward and right turning traffic. The proposed changes have passed a safety audit and would suitably mitigate the impact of the development such that all arms of the junction would remain within capacity apart from the Beaver Road (ahead/right) arm which would be just over capacity (101%) in the PM peak. KCC Highways have raised no objection to the traffic impact subject to securing the junction improvement and I agree this is not a 'severe' impact at the junction. This will be secured under the TMBC planning permission via a planning condition with the improvements required prior to any occupation and so there is no need for MBC to secure this.

6.04 For other junctions in the wider area (Poppyfields Roundabout, Coldharbour Roundabout, A20/Hermitage Lane, A20/Castle Road) the applicant's Transport Assessment (TA) concludes that the development would not result in the roundabouts being over capacity subject to mitigation either secured via other development (Poppyfields) or being carried out by KCC (Coldharbour), or traffic would not have a significant impact (A20/Hermitage Lane and A20/Castle Road). For the Fountain Lane/A26 junction the applicant predicts that there would be a low number, if any, vehicle movements

through the junction. KCC Highways have advised that because of the low number of peak hour traffic movements and proximity to the Fountain Lane junction (approximately 2.5 miles away), that upon leaving the site, the impact will be diluted down once it reaches this junction, and so mitigation/financial contributions have not been requested which is reasonable. Overall, KCC Highways agree with the conclusions of the TA and raise no objections to any wider traffic impacts.

- 6.05 Highways England have raised no objections to the impact of traffic on the strategic highway network (Junction 5 of the M20).
- 6.06 TMBC will also secure a Travel Plan to promote car sharing and public transport use.
- 6.07 For the above reasons and subject to the mitigation that will be secured by TMBC, the access and traffic impact would be acceptable in accordance with policies SP23 and DM21 of the Local Plan.
- 6.08 An air quality assessment has been carried out which concludes that the development would have a negligible impact upon existing receptors in the locality (mainly along the A20 in MBC) which has been accepted by both MBC's and TMBC's Air Quality officers. TMBC will secure EV charging and a Construction Management Plan which would suitably mitigate any impacts upon air quality in MBC in accordance with policy DM6 of the Local Plan.

Area of 'Natural Green Space'

- 6.09 This is indicated as being an area of 'natural green space' with trees retained so no physical development is proposed but the use of the land would technically change from agricultural/nil us to open space. This proposed change would not result in any visual harm to the local area and so is in accordance with policies SP17 and DM1 of the Local Plan. Although a very small area within MBC, for completeness, a condition will be attached requiring the reserved matters landscaping details for this area, which would essentially be to retain existing vegetation.

Infrastructure

- 6.10 The pressure from future residents of the houses can only be considered by TMBC as all the housing falls within their Borough.
- 6.11 For information purposes, KCC have sought financial contributions towards the following:
- Primary education (new 2FE primary school to be constructed under the approved 'Whitepost Field' development to the west)
 - Secondary education (Malling non-selective and Maidstone and Malling selective schools planning area),
 - Adult education, libraries, social care (in TMBC), and youth services (local area).

6.12 The NHS CCG have sought financial contributions towards new GP premises for the Aylesford Medical Centre or refurbishment/extension of Bower Mount Medical Practice, Blackthorn Medical Centre and/or The Vine Medical Centre.

6.13 These contributions will all be secured via a legal agreement under the TMBC permission.

6.14 The Parks & Open Spaces section have identified pressure on the Jupiter Close play area nearby, seeking a financial contribution. Whilst MBC cannot secure an open space contribution as the housing is not on MBC land, the TMBC resolution includes a planning condition that requires '*amenity space, children's play areas and natural green spaces*' within the open space on site so there will be a play area which would serve new residents and suitably mitigate any off-site pressure.

Representations

6.15 The vast majority of issues raised relate to the proposed housing and matters that MBC cannot consider. Issues relating to access/traffic and air quality have been considered in the report.

7.0 CONCLUSION

7.01 The Council is only determining those parts of the application that fall within the Borough boundary being a short section of the access and a small corner of the site which is shown as 'natural green space'.

7.02 The use of the proposed access through Castor Park and onto Beaver Road has been assessed by KCC Highways and no objections have been raised in terms of highway or pedestrian safety. There are no objections in terms of traffic impact subject to improvements to the Beaver Road/A20 junction which will be secured under the TMBC resolved planning permission. This is in accordance with policies SP23 and DM21 of the Local Plan.

7.03 Impacts upon air quality would be negligible in accordance with policy DM6 of the Local Plan and mitigation will be secured by TMBC.

7.04 The small area of land proposed for use as 'natural green space' would not cause any harm to the visual amenities of the local area in accordance with policies SP17 and DM1 of the Local Plan.

8.0 RECOMMENDATION

Grant planning permission subject to the conditions set out below:

Conditions:

Approved Plans

1. The development hereby approved within the Borough of Maidstone shall be carried out in accordance with the site location plan (drawing no. LE01).

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

Time Limit

2. The development hereby approved shall not commence until approval of the following reserved matters relating to the area of 'natural green' open space within the Borough of Maidstone have been obtained in writing from the local planning authority:

- a) Landscaping

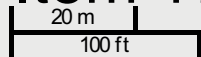
Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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. No physical development shall take place within the area of 'natural green' open space within the Borough of Maidstone and the landscaping details submitted pursuant to condition 2 shall show retention of existing trees and vegetation here.

Reason: To protect the character and appearance of the local area.



Ordnance Survey - data derived from OS Premium

20/505745/LBC - Bicknor Farm, Sutton Road, Langley, Maidstone, Kent, ME17 3NG

Scale: 1:1250

Printed on: 19/5/2021 at 10:13 AM by StevieH



REPORT SUMMARY

REFERENCE NO - 20/505745/LBC			
APPLICATION PROPOSAL Listed Building consent for the demolition of a curtilage listed building at Bicknor Farm to allow for a new residential development granted under planning application 20/500713/FULL			
ADDRESS Bicknor Farm Sutton Road Langley Maidstone Kent ME17 3NG			
RECOMMENDATION - APPROVE SUBJECT TO CONDITIONS			
SUMMARY OF REASONS FOR RECOMMENDATION On balance, the public benefits arising from this case are considered to outweigh the harm to the heritage asset.			
REASON FOR REFERRAL TO COMMITTEE Councillor Newton had requested it be reported due to the loss of the heritage asset.			
WARD Downswood and Otham	PARISH/TOWN COUNCIL Otham	APPLICANT J Mills AGENT DHA Planning	
DECISION DUE DATE 17/02/21	PUBLICITY EXPIRY DATE 12/04/21	OFFICER SITE VISIT DATE	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
20/500713	Proposed demolition of existing commercial units and re-modelling of an existing dwelling and the erection of 7no. self-build dwellings with associated landscaping and parking – approved	Approved	02/10/20

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 This application relates to a detached outbuilding which has been used for residential use. It is constructed of a mixture of materials, having ragstone walls and a pitched tiled roof, with an extension having a flat and asbestos roof. Fenestration is a mixture of timber and UPVC.
- 1.02 The building is considered to lie within the curtilage of Bicknor Farmhouse. This is a grade II listed building which is estimated to date from the 17th century with later alterations. The farmhouse is constructed of red and grey brick with weatherboarding above, under a tiled roof and has a timber frame.
- 1.03 Bicknor Farm comprises the listed farmhouse and a collection of former agricultural buildings and associated yard areas. The wider surroundings to the site are a mixture of modern residential development and commercial uses. The nearby modern housing estates, comprise a wide mix of housing types, styles and sizes.

2.0 PROPOSAL

- 2.01 Listed Building Consent is sought for the demolition of the building which is considered to be curtilage listed. This is in order to implement planning permission 20/500713, for the erection of 7 self-build dwellings, as the subject building lies upon the line of the proposed access to that development.
- 2.02 The documents submitted with the application included site location plan (DHA/130122/01, existing layout plan (DHA/13022/02), proposed layout plan (DHA/13022/05 & 05A), existing elevations (DHA/13022/07), photographs (DHA/13022/04), consented site layout plan for 20/500713 (DHA/13022/21 B), planning and heritage statement and subsequently a heritage and archaeology statement.
- 2.03 Whilst the applicants have submitted a listed building application, the Planning & Heritage Statement states that they do not consider the building to be curtilage listed due to the physical separation of the buildings, combined with the distinction between the domestic nature of the farmhouse and the agricultural related function of the farm buildings.

3.0 PLANNING HISTORY

*The most relevant history is:
20/500713 – Erection of 7 self-build dwellings – Approved*

4.0 PLANNING CONSTRAINTS

The building is considered to be curtilage listed to the Grade II Listed Bicknor Farmhouse

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: SP18, DM4
Otham Neighbourhood Plan (Post Referendum version)

6.0 LOCAL REPRESENTATIONS

- 6.01 None received. Site notice posted at site on 20/01/21, expiring on 10/02/21.

7.0 CONSULTATIONS

- 7.01 Historic England: do not wish to comment.
- 7.02 The Georgian Group: as the proposal is to demolish a curtilage listed building, there will be an element of less than substantial harm. A balancing act should be undertaken to assess whether the public benefits outweigh the harm in line with paragraphs 196 of the NPPF.

7.03 Other 5 National Amenity Societies: no response.

7.04 Conservation Officer: Initial comments:

Bicknor Farmhouse is a substantial timber framed building dating from the 17th century, listed Grade II in 1967. The outbuilding proposed for demolition has been identified as being curtilage listed due to its historical and physical relationship to the farmhouse. It was ancillary to the farmhouse and in the same ownership at the time of listing.

The outbuilding is an attractive ragstone and brick structure likely to date from the early 19th century. It has some later unsympathetic additions and alterations such as the modern windows and corrugated lean-to extension. The relationship between the farmhouse and outbuilding has been degraded by low quality intervening buildings. I consider the outbuilding to be of low-medium significance in relation to the farmhouse, which is of high significance.

The demolition of the outbuilding would cause harm to the significance of the listed farmhouse, of which it forms a subsidiary element. In my view the harm would be less than substantial. There are likely to be public benefits associated with the wider proposals for the site (application ref: 20/50713/FULL) which would partially outweigh the harm. The proposed re-use of the ragstone as part of the redevelopment would be welcomed if it can be conditioned appropriately.

Subsequent comments on receipt of detailed Heritage report:

Having reviewed the additional information which comprises a heritage assessment. The document confirms my earlier view that the building dates from the C19 and is of low-medium significance in relation to the principal listed building, Bicknor Farmhouse. The report demonstrates that the building has been diminished by modern alterations but retains its general historic form and agricultural character.

I disagree with the conclusions of the report that the demolition would have a neutral impact, and reiterate my view that total loss of the building would cause less than substantial harm.

8.0 APPRAISAL

8.1 The key issue to consider with this application is the impact upon the listed building.

Impact upon Listed Building

8.02 The local planning authority has a statutory duty to have special regard to the desirability of preserving listed buildings and their settings under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policy DM 4 of the local plan requires that the significance of designated heritage assets and their settings are conserved, and, where possible, enhanced and policy SP 18 similarly seeks to protect and enhance the quality of heritage assets. Policy DM 4 requires that the relevant tests in the National Planning Policy Framework are applied when determining applications for development which would result in the loss of, or harm to, the significance of a heritage asset and/or its setting.

8.03 Since the adoption of the local plan, a revised NPPF has come into force, with the relevant section being chapter 16. Paragraph 184 of the NPPF states that heritage assets "are an irreplaceable resource and should be conserved in a manner

appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations". 8.04 Paragraph 193 of the NPPF states that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation...". It states that this is irrespective of the degree of harm amounting from any proposal. 85 Paragraph 194 requires any harm to, or loss of, the significance of a designated heritage asset to be clearly and convincingly justified. Importantly, it is emphasised that harm to a listed building is required to be given considerable weight and importance. The Otham Neighbourhood Plan reiterates the importance of NPPF advice and Local Plan Policy SP18 on maintaining the heritage value of Otham and to provide a 'quality of place'.

- 8.04 When considering the planning application, 20/500713 the duty under S 66(1) is similar to that as under 16(2) of the Act. It is noted here that the officer concluded under that application that "the proposals would provide a high-quality development that will enhance the setting of the Grade II listed Farmhouse and this would outweigh the loss of the small curtilage listed building". In detail, the comment relative to the issue were as follows in the officer report:

"Bicknor Farmhouse is a substantial timber framed building dating from the 17th century, listed Grade II in 1967. The Conservation Officer considers that the existing buildings on site detract from the setting of the listed building due to their scale and poor construction and state of repair but are agricultural in character and typical of historic farmsteads across the region which have developed incrementally. Overall, he considers the proposed development would diminish the historic farmstead setting of the listed building and be harmful but does not consider there are sufficient heritage grounds to justify refusal. In my view, the buildings are of poor appearance and are 'modern' in the context of the age of the farmhouse and detract from its setting. Their removal and replacement with high quality houses I consider would enhance the setting of the farmhouse.

The Conservation Officer advises that one of the buildings is curtilage listed due to its historical and physical relationship to the farmhouse and is likely to date from the early 19th century. This is Building G on the existing plans which is an attractive single storey ragstone building with pitched clay tiled roof but has a poor lean-to extension on its east side. Under the proposals the new rear access requires its demolition and so the agent has been asked why it could not be retained with amendments made to the scheme. The response states that, "the position of the two access roads have been designed so that the impact upon the listed Bicknor Farmhouse is minimised, and were we to amend these, it is likely that any access road would result in greater harm to this building." There is some merit in this argument in that an access road may have to be sited closer to the main listed farmhouse if it were retained but this is not inevitable. The building could potentially be retained as some form of outbuilding or extended to provide a dwelling. However, it would sterilise quite a large part of the site in the northwest corner and on balance I consider the benefits of this scheme in enhancing the setting of the primary listed farmhouse outweigh the loss of this curtilage listed building and any minor harm to the farmhouses significance through its removal in accordance with policy DM4 and the NPPF. The applicant is proposing to re-use the stone from the building in new boundary walls which is a positive measure".

Significance of the heritage asset

- 8.05 The conservation officer has stated that he considers the building to be of low – medium significance in relation to the listed farmhouse, which is of high significance. The building is estimated to date from the 19th-century and it does include some vernacular material, as it has ragstone elevations. Also, it does retain something of a simple functional form, generally associated with farm complexes.
- 8.06 However, it is considered that its significance has been very much reduced through unsympathetic later alterations and additions to the farm complex. In particular, its fenestration includes unsympathetic UPVC units, with timber units being in some state of disrepair. The extension which has been added has an unsympathetic roof form and material and generally detracts from its appearance. Internally, there would not appear to be any significant features of interest and fabric is generally modern and devoid of any clear historical evidence.
- 8.07 With regards to its siting, it is not now considered to have any clear functional relationship with the farmhouse and indeed additional buildings as part of the farm complex are considered to have distorted the historic farmyard context to a degree whereby its contribution in this regard is extremely low.
- 8.08 Therefore, in conclusion although part of its form and appearance have some historical and aesthetic value, its overall significance is considered to be very low.

Harm

- 8.09 Notwithstanding the above, there would clearly be harm resulting from this proposal. The proposal entails the loss of the building in totality, which is considered to be a curtilage listed building. This harm must be afforded considerable weight and importance.
- 8.10 Case law indicates that the loss of a curtilage listed building of low significance can be graded as less than substantial harm. The conservation officer is of the view that the proposal does indeed result in less than substantial harm and I concur with his view.
- 8.11 Therefore, the proposal should be assessed against paragraph 196 of the NPPF in terms of the question of whether or not the public benefits of the proposal outweigh the harm. There is no question here relating to optimum viable use, since the building would be lost and no use is proposed.

Public benefits

- 8.12 The public benefits arising from this proposal are considered to be very low.
- 8.13 The proposal would add to the housing stock, but since there is currently a five-year land supply in place, this is not a significant benefit, as there is no overriding need for housing in this location.
- 8.14 Section 70 of the Town and Country Planning Act states that consideration can be given to local financial considerations so far as they are material to the application. However, this consideration applies to planning permissions whereas the current submission is a listed building application. This would have been a relevant consideration for the permission that granted the seven houses on the site. In this case, the retention of the building precludes the access required to fully implement the development permitted under application 20/500713, namely the erection of 7 self-build dwellings. This development is considered to be CIL liable and there would be benefits in this regard. For example, contributions towards CIL are looking to achieve major intervention at road junctions and the site is located upon one such main arterial route including such road junctions. However, it must also be

considered that this benefit could fall away if a CIL exemption were sought and accepted.

- 8.15 There would also be benefits in terms of job creation, during the construction phase of the housing development, but the housing number is low and therefore the duration would be limited. The submission also refers to benefits arising from household expenditure generated by the housing developments and the impact of these upon local businesses, services and providers. However, again the housing number is low and therefore this benefit would be of a very small scale.
- 8.16 Finally, it could be argued that there is some benefit to the setting of the main listed building through the removal of the existing modern farm buildings which are of poor appearance. However, conversely it could also be argued that the retention of farm buildings within the setting of what is a former farmhouse is more appropriate in terms of character than residential housing, so therefore I do not consider that this benefit can be afforded significant weight. It should however be recognised that planning permission has already been granted for the erection of seven dwellings which considered the heritage implication of demolishing this curtilage listed building.
- 8.17 In conclusion therefore, whilst there are some public benefits which would result from the implementation of the approved housing scheme reference 20/500713, it is considered that these benefits are of a very small scale.

Balancing exercise

- 8.18 The harm arising from the loss of the building must be balanced against the public benefits arising from its demolition.
- 8.19 The harm to the listed building must be given considerable weight and importance. The level of harm is considered to be less than substantial. However as explained above, the significance of the listed building is considered to have already been very much compromised and its contribution to the overall significance of the main heritage asset, the listed farmhouse, is considered to be low and no longer readily readable. Therefore, the degree of harm is considered to be low.
- 8.20 The public benefits arising from this scheme are very limited and their scale is also considered to be low. The conservation officer has stated that he considers that the benefits partially outweigh the harm and he has not actually indicated an objection to the proposal. It is emphasised that this is a very balanced case.
- 8.21 On balance, it is concluded that the benefits arising from this case would marginally outweigh the harm which would result. On balance therefore, approval is recommended.

9.0 CONCLUSION

- 9.01 As emphasised above, it is considered that this is a very balanced case.
- 9.02 On balance, it is considered that the public benefits arising from this scheme would marginally outweigh the harm resulting from the loss of the building. Approval is therefore recommended.

10.0 RECOMMENDATION – GRANT Subject to the following conditions:

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

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

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

drawing numbers DHA/13022/01 received on 02/12/20 and DHA/13022/02 and DHA/13022/05 received on 14/12/20.

Reason: To clarify which plans have been approved.

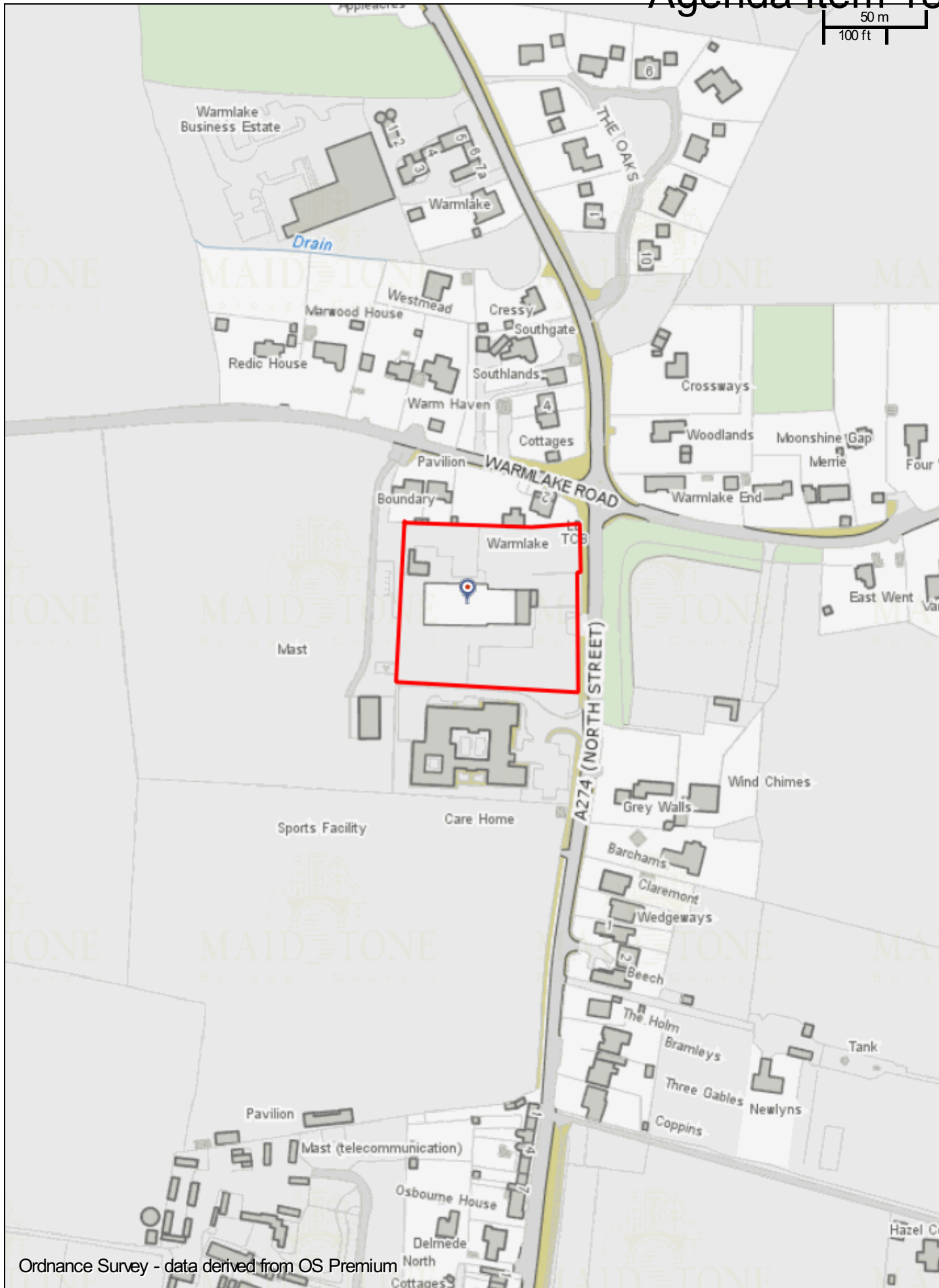
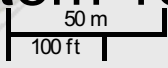
3. No works shall take place until a photographic and descriptive record in accordance with level 2 of Historic England's document entitled "Understanding Historic Buildings A Guide to Good Recording Practice" has been submitted to and approved in writing by, the local planning authority. The approved descriptive record shall also be submitted to the relevant Historic Environment Record

Reason: To ensure that any evidence of historic significance is appropriately recorded.

Informative:

The applicant should note that condition 7 of permission reference 20/500713 requires that the ragstone resulting from the demolition be reused in the approved boundary treatments.

Case Officer: Louise Welsford



Ordnance Survey - data derived from OS Premium

20/505350/FULL Warmlake Nursery, Maidstone Road, Sutton Valence, Maidstone, Kent, ME17 3LW

Scale: 1:2500

Printed on: 14/4/2021 at 14:29 PM by SummerF

REPORT SUMMARY

REFERENCE NO: 20/505350/FULL		
APPLICATION PROPOSAL: Redevelopment of existing garden centre / nursery to provide 18 dwellings, including 7 affordable houses, with associated landscaping, flood storage measures, access and parking.		
ADDRESS: Warmlake Nursery, North Street, Sutton Valence, ME17 3LW		
RECOMMENDATION: Grant planning permission subject to the conditions and s106 heads of terms listed below.		
SUMMARY OF REASONS FOR RECOMMENDATION: This application was deferred at the April Planning Committee meeting for the following reasons, namely to: <ul style="list-style-type: none"> • re-examine the quantum of open space provided, if necessary re-examining the density or configuration of development, • re-examine the landscaping scheme to include species, composition, a Landscape and Ecological Management Plan setting parameters for the long-term maintenance of the vegetation, wet SUDS, and an enhanced landscaped buffer to the site frontage to soften the gateway to Sutton Valence, • reconsider the level of renewables to be provided within the scheme with a view to achieving a 20% target, • explore with KCC Highways and the applicant the opportunities to improve pedestrian crossings within the vicinity of the site and Warmlake crossroads, • consider whether local needs affordable housing can be provided. 		
SUMMARY OF REASONS FOR RECOMMENDATION: The development of this brownfield site accords with relevant Local Plan policies relating to brownfield development in the countryside. The site is bounded on two sides by existing built development and is in effect an infill site that will not extend beyond existing built boundaries and does not harm the character or appearance of the adjacent countryside. A range of house styles is proposed incorporating the use of local typologies and materials. The layout of the site as a whole and the individual plots will provide a good quality of amenity for future residents, whilst the layout has also been designed to protect the amenity of adjacent residents. The scheme has been amended to improve the level of open space available for both amenity and landscape/ecology purposes. In particular the proposed landscaping has been further enhanced following the appointment of a local landscape architect. There are no transport, environmental or other technical objections.		
WARD Sutton Valence and Langley	PARISH/TOWN COUNCIL Sutton Valence	APPLICANT Millwood Designer Homes
DECISION DUE DATE 15/06/21	PUBLICITY EXPIRY DATE: 24/12/20	OFFICER SITE VISIT DATE: 03/12/20 & 13/05/21

MAIN REPORT

1 Background

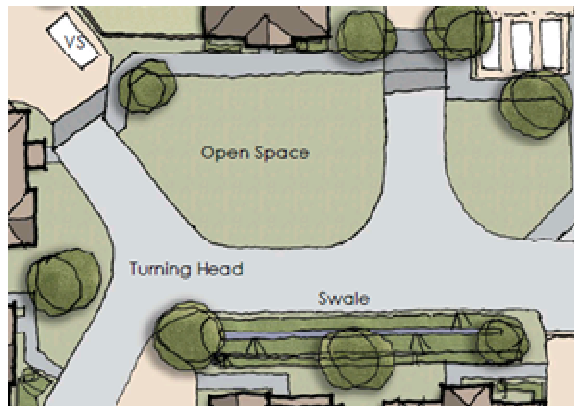
- 1.01 This report should be read in conjunction with the original April Committee Report, which is attached at Appendix 1.
- 1.02 Following deferral of the Application at the April Committee Meeting, the Applicant has responded to Members concerns with the following amendments / additional information:
- a reduction in the plot sizes for Units 1 and 2, allowing Unit 1 to be moved further away from the front boundary to North Street,
 - the rear boundaries of plots 12-18 have been moved further away from the front boundary to allow an enhanced landscape buffer zone to the main frontage,
 - submission of a Landscape Masterplan and planting / management schedule,
 - an increased area of central green amenity space,
 - the installation of PV panels on each building in a manner that does not detract from the street scene, and
 - details of built fabric habitat.
- 1.03 To reflect minor changes to the layout, the following documents have also been updated:
- tree protection plan
 - drainage strategy
 - levels strategy
- 1.04 The Applicant's responses are considered in further detail below. Whilst extracts of the amended plans / details are contained within the body of the report, the overall masterplan is included after the amended conditions. Full colour copies are on the portal and will be included in the Officer presentation.

2 Amenity Space

- 2.01 As set out in the original report the proposed development, at circa 24 dph, is at a low density and is considered to be appropriate for this village fringe setting, subject to the considerations assessed below.
- 2.02 The Applicant has advised that to further reduce the number of units would undermine the viability of the development, although this is not supported by any financial appraisal.
- 2.03 Smaller developments such as this typically face challenges where, for example, 'one size fits all' requirements such as access and turning areas serve only a small number of units and are therefore relatively disproportionate when compared to the scale of the development as a whole. The key is therefore achieving an acceptable balance of responses to, for example, the site's context, whilst also affording good quality amenity for future occupiers and neighbours.

- 2.04 Density in itself is never intended to be an ultimate determiner of the acceptability of a development, but is nevertheless a measure (or indicator) that certain issues may, for example, require further examination. In this instance, Members, having assessed the Application and its setting, have clearly requested that the Applicant provide a greater quantum of open space and that the development demonstrate that it can better sit within the semi-rural approach to the Village.
- 2.05 Whilst the Applicant does not propose to reduce the number of units; as invited by Committee, they have reviewed the configuration of relevant parts of the site in order to accommodate more open space.
- 2.06 Adjacent to the site frontage, Unit 1 has been pulled back in order to create the opportunity for more landscaping to the site frontage, which is assessed in further detail under point 4 below.

2.07 Within the heart of the scheme, a reconfiguration of Unit 8 and the car parking for Units 8 and 9 has allowed the central open space to be increased in size from 300sq.m to approximately 350sq.m. For a development of this size, Policy DM19 requires 300sq.m of amenity green space and therefore the policy requirement is now exceeded.

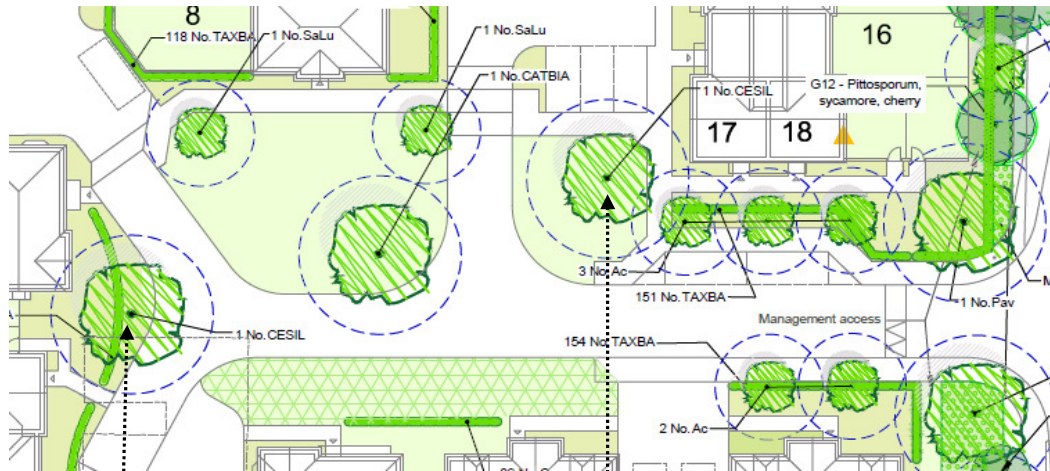


- 2.08 Whilst DM19 would typically seek a contribution of 100sq.m towards children's play space, the minimum on-site threshold is 2,500sq.m and clearly could not be met by a small development such as this. Members are reminded that each property has a private garden and that the village playing fields, which have a dedicated younger play area, are accessible a short walk to the south by pavement.
- 2.09 Nevertheless, the open space that is proposed could be utilised for supervised informal play as it is overlooked by a number of the houses within the proposed development and traffic movements will be relatively limited and speeds managed through surfacing.

3 Wider Landscaping

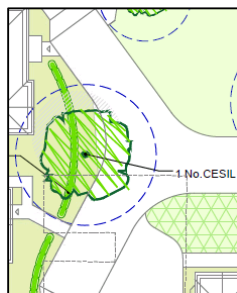
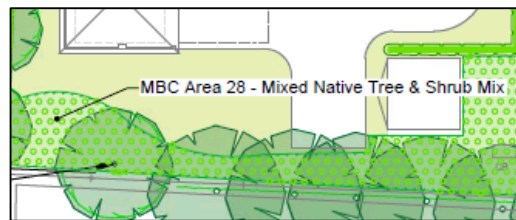
- 3.01 The scheme is also now accompanied by a landscaping and planting masterplan, which shows how not only the amenity green space will be planted, but also the wider green areas that form part of the scheme.
- 3.02 The objective of the design remains one of providing a green landscape entrance through the site when viewed from North Street; where the updated scheme seeks to not only reinforce the existing landscaped frontage, but also seeks to create the effect of this semi rural landscape turning and extending into the site.
- 3.03 Members will note from the site photographs presented in the Appendix Report that in its existing form the site is dominated by hard surfacing and structures, with any greenery (apart from that for sale) limited to the site boundaries.

3.04 The emphasis upon a landscaped entrance to the site and the internal road is illustrated on the detailed planting plan and sketch plan below, with buildings set back from the main view into the site.



3.05 To highlight some of the additional open areas within the development that focus on landscaping and habitat (rather than residential amenity areas), these include:

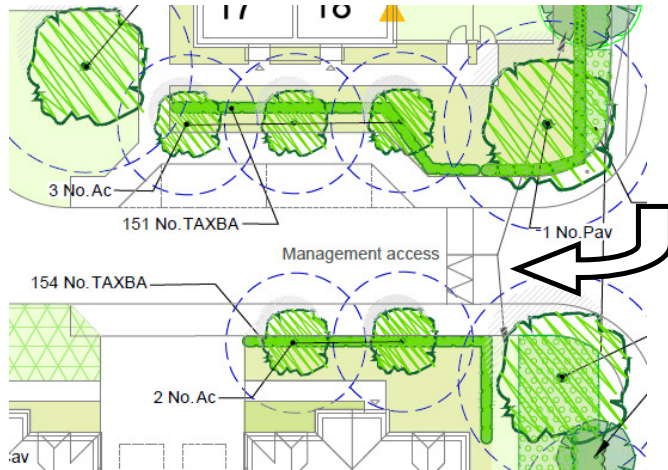
In the SW corner of the site, adjacent to the required substation, a native planted margin will connect to the southern site boundaries and playing fields.



At the end of the access road, a feature tree and hedgerow will terminate views into the site from North Street.

Throughout the site, hedgerows are used to define key visible boundaries, further emphasising the landscape-led approach.

A tree and hedgerow lined site entrance is designed to pull the existing mature frontage planting into the site and to soften the impact of the access.



Throughout the site the emphasis is upon the use of habitat friendly native species.

4 North Street Frontage

4.01 Members were concerned that, as a prominent site on the approach to Sutton Valence village, the front buffer screen should be significantly enhanced in order to mitigate the impact of a more intense scale of development on the site. In response the Applicant has appointed a Landscape Architect who has undertaken an assessment of the existing frontage (and overall site). This identifies:

- an existing "sylvan" character to the site frontage with a number of mature native trees,
- however, gaps exist within the existing mature frontage
- poor quality ornamental shrubs.

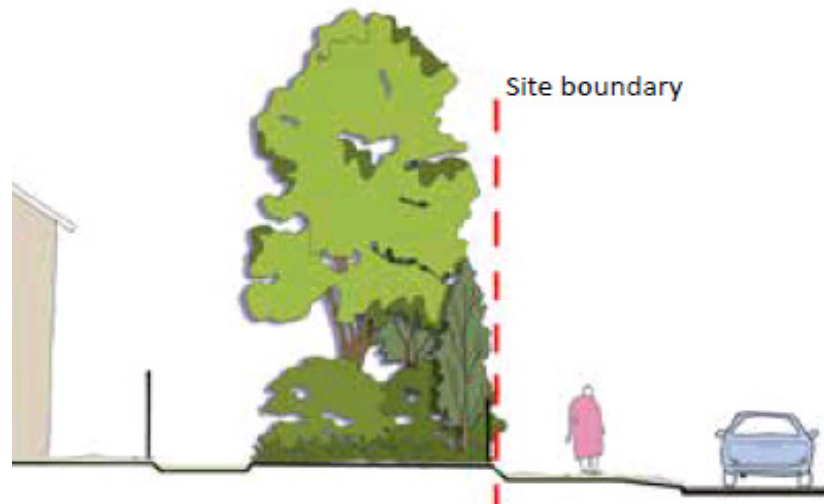
4.02 In response, to allow for an improved buffer for planting and habitat creation:

- Unit 1, immediately south of the site entrance, has been set back by 4 further metres,
- the rear garden boundaries of plots 12-18 have been pulled back by an average of 1.25metres.

4.03 By setting Unit 1 some 4metres further into the site, it has been possible to significantly increase the width of the boundary planting. The area for planting will increase to 3metres, with a 1.5m width maintenance access that is located outside of residential gardens.

4.04 Holly, Hawthorne and Cherry will be planted in existing gaps to provide early impact and to mitigate the impact of new buildings. These will be underlain by native shrubs to provide a denser structure to the frontage and a more species friendly area.

- 4.05 A cross section of the increased buffer on the southern part of the site is illustrated below:



- 4.06 Although the increase in the width of the boundary north of the access is less than set out above, it also allows for material improvements to the landscaping scheme, together with enhanced access for future maintenance.

5 Biodiversity

- 5.01 The amended landscape / management scheme focuses upon native species, habitat corridors and improved 'pathway' connections with elements such as:
- semi-mature native / nectar rich flowering / fruiting trees to provide early foraging,
 - double rows of hedges, combining mixed native and single species,
 - hedgerows and shrubs cut with a taper from bottom to top, ensuring that the base of the hedge remains dense to the ground to protect wildlife using the base of the hedge as a corridor and to increase the connectivity of habitats surrounding the site,
 - shrubs which provide fruit, nuts or berries to be maintained post fruiting season to ensure that wildlife using the site are supported year round.
- 5.02 The inclusion of in-fabric bee (2), bat (5) and swift (5) boxes at appropriate positions across the site.
- 5.03 The swale will be planted with SUDS resilient wildflower turf embankments that is suited to longer-term wet conditions, but also resilient to drought periods to ensure longevity. Details of the wet swale and associated wet planting will be secured via the detailed landscaping condition.
- 5.04 Having regard to the fact that the original ecological assessment identified that the existing site offers limited habitat opportunity, with no signs of protected species being present or foraging, it is considered that the amended proposals will allow for significant biodiversity enhancement.

6.0 Renewables

6.01 Each dwelling with on-plot parking will be provided with a dedicated EV charging point, with planning conditions requiring the off-plot spaces to be provided with latent capacity that allows for the installation of, for example, individual or shared charging posts that do not require attachment to a building (example shown in photograph).



6.02 The Applicant has provided a plan showing the location of roof level solar PV on each unit in locations that will generally not detract from the overall character of the street scene. Unlike retro-fitted installations, the panels are designed to be flush with the roof profile and will offer an acceptable appearance.



6.03 Members also asked Officers to seek a 20% renewables target. Whilst there are national targets, there is no policy basis within either the Local Plan or the NPPF to demand a 20% contribution by plot, particularly as there is no way to reasonably monitor usage v's generation by household. However, it is considered that the provision of EV charging points and solar PV for each household will encourage positive behaviour, for example, the use of electric vehicles, the installation of battery banks and the use of green energy tariffs by householders. As such it is considered that the amended proposals represent a positive response to the Council's developing aspirations.

7 Warmlake Crossroads

7.01 Members asked that the Applicant and Officers explore with KCC opportunities to improve pedestrian crossings within the vicinity of the site and Warmlake crossroads, principally access to nearby bus stops.

7.02 The existing position is that:

- a footway exists on the site frontage which connects to the northbound service
- it also extends south to the village boundary and northwards to the SW side of the crossroads
- on the SE part of the crossroads a pavement allows for pedestrians to cross west to east across North Street
- a similar arrangement allows pedestrians to cross to the NE side of the crossroads, where the southerly bus route is located.

7.03 Both parties have discussed this arrangement separately with KCC, who in their response to the Council advised:

- *Our position on the matter is that enhanced crossing works are not necessary to make the development acceptable in highway terms.*
 - *This is a small development with relatively good transport links, despite its village location, and would not therefore justify additional off site highway works.*
 - *For such a minor development that will generate limited pedestrian movements to the bus stop in question, it would not be practical to implement the works. In addition, the junction is circa 17m wide at its widest location, meaning that pedestrians will have a significant distance to cross depending upon where the crossing is located*
- 7.04 Observations following the previous Committee identify that, even if KCC Highways comments were overridden, it would not be practical to provide enhanced pedestrian crossing measures at the crossroads as these would lead to increased accident / safety risks, for example, pedestrians crossing at points hidden to turning vehicles.
- 7.05 Observations also identify that the principle risks appear to be associated with the speed of vehicles on the N-S arm, where speeds appear to be in excess of the prescribed speed limit. However, visibility in both directions is good and therefore pedestrians are able to wait for a safe crossing. In the absence of an objection from KCC, it is considered that it would be unreasonable to seek significant off-site works for what is a relatively modest development.
- 7.06 Despite this, the Applicant has offered to work with KCC to explore the potential to improve signage that reinforces the applicable speed limits and to alert drivers to the likelihood of pedestrians crossing. This is reflected in an update to the proposed planning conditions.

8 Affordable Housing

- 8.01 Members also asked that Officers consider whether the affordable element of the scheme would address *local housing needs*. Paragraph 4.131 of the Local Plan states that:
- To ensure proper delivery of affordable housing, developers are required to discuss proposals with the council's housing department at the earliest stage of the application process, to ensure the size, type and tenure of new affordable housing is appropriate given the identified needs.*
- 8.02 The Applicant engaged with the Council's Housing Team ahead of submission and it is understood that the proposed tenure reflects their advice.
- 8.03 Policy SP20 of the Local Plan is principally concerned with (i) establishing viable percentages of affordable housing, (ii) prioritising on-site provision and (iii) identifying an appropriate mix of affordable tenures. As submitted, the Application is compliant with these principal aims.
- 8.04 In July 2020 the Council published its *Affordable and Local Needs Housing SPD*. This identifies that, notwithstanding central Government policy, the Council's preferred tenures are social rent and discounted homes for sale.
- 8.05 Whilst Officers cannot advise that Members step away from the requirements of Policy SP 20, it is suggested that within the resolution to grant, Members request that Officers and The Applicant investigate how the definition of tenures is best able to meet the housing needs identified within the SPD.

Public Sector Equality Duty

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.

9 CONCLUSION

- 9.01 Officers consider that the Applicant has responded positively to the issues identified by Members in the deferral of the Planning Application.
- 9.02 The proposals, as amended, are considered to represent good quality design and provide the opportunity to deliver sustainable housing on previously developed land.
- 9.03 It is not considered that the development would lead to adverse impacts upon the character or appearance countryside, nor to the setting of the Village's hinterland.
- 9.04 Whilst there will be some impacts upon residential neighbours, the design and layout minimises these to an acceptable level.
- 9.05 KCC do not consider that the development would lead to highway safety issues. Nevertheless, the Applicant has agreed to continue a dialogue with KCC to establish whether signage measures would result in a benefit to existing conditions.

10 RECOMMENDATION –

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

S106 Heads of Terms:

- 1) The provision of 7 (seven) affordable units comprising 4 affordable rent and 3 intermediate units.
- 2) A s106 monitoring fee.

PROPOSED CONDITIONS

The following updates (as highlighted in bold) are proposed to the conditions set out in the April report:

- C2 Updated plan references
- C5 References to renewables updated
- C6/7 Cross-reference to updated landscape and biodiversity measures
- C11 and 15 Updated to reflect amended plans

- C17 New condition relating to signage

Time Limit

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

Plans

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

20.127 - 101 - Existing Site Layout Plan & Site Location Plan

20.127-100 Rev D Proposed Site Layout

20.127-102 Proposed Landscaping Plan

20.127-150 Rev A Plot 1 Plans & Elevations

20.127-151 Rev A Plot 2 Plans & Elevations

20.127-152 Rev A Plot 3 Plans & Elevations

20.127-153 Rev A Plots 4 & 5 Plans & Elevations

20.127-154 Rev A Plot 6 Plans & Elevations

20.127-155 Plot 7 Plans & Elevations

20.127-156 Rev A Plot 8 Plans & Elevations

20.127-157 Rev B Plots 9-11 Plans & Elevations

20.127-158 Rev A Plots 12-14 Plans & Elevations

20.127-159 Rev A Plots 15-18 Plans & Elevations

20.127-200 Rev B Garages & Car Ports Plans & Elevations (Sheet 1 of 2)

20.127-201 Rev B Garages & Car Ports Plans & Elevations (Sheet 2 of 2)

20.127-250 Rev C Streetscenes

20.127-500 Rev C Unit Mix Plan

20.127-501 Rev C Unit Heights Plan

20.127-502 Rev C Parking Plan

20.127-503 Rev D Refuse Plan

20.127-504 Rev C Unit Tenure Plan

2005090-005F Preliminary Foul & Surface Water Drainage Strategy

2005090-003F Preliminary Levels Strategy

20136-7 Tree Protection Plan

20136-AA6-DC Arboricultural Assessment May 21

0439 Landscape Masterplan with Boundary Details Issue 2

Warmlake Nurseries Biodiversity Enhancement Features Dated 7/5/21

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

Contamination

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

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

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

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

Material Samples

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

Reason: To ensure a satisfactory appearance to the development.

Renewable Energy

- 5) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved in writing by the local planning authority. Measures shall include:
 - (i) EV charging points to each dwelling with on-plot parking and latent provision to bays within the parking court/s
 - (ii) The provision of solar PV to each dwelling, **in accordance with the submitted drawing 'Potential PV Panel Locations'**.The approved details shall be installed prior to first occupation and maintained thereafter;

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

Landscaping & Biodiversity

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

The soft planting scheme shall and shall **accord with the principles set out within the report, 0439 Landscape Masterplan with Boundary Details Issue 2 received 17/5/21 and plan entitled Warmlake Nurseries Biodiversity Enhancement Features received 17/5/21** and demonstrate that the use of native planting is utilised in a manner that optimises wildlife habitat opportunities and identify management responsibilities and maintenance

schedules for all landscaped and open areas other than privately owned domestic gardens.

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

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

- 7) The development hereby approved shall not commence above slab level until details for a scheme for the fabric-led enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall **accord with the principles set out within the report 0439 Landscape Masterplan with Boundary Details Issue 2 received 17/5/21 and plan entitled Warmlake Nurseries Biodiversity Enhancement Features received 17/5/21** and consist of the enhancement of biodiversity through integrated methods into the design and appearance of the **buildings** by means such as swift bricks, bat tube or bricks, measures to accommodate solitary bees **and hedgehog friendly boundaries**.. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

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

Slab Levels

- 8) The development hereby permitted shall be carried out strictly in accordance with the slab levels shown on the **approved drawing 2005090-003F Preliminary Levels Strategy, received 12/05/21**.

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

Boundary Treatments / Acoustic Protection

- 9) The development hereby approved shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter. Such details shall include an acoustic fence / wall between the parking court area and neighbouring property. **The details shall also include measures to allow hedgehog friendly gravel boards**.

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

Tree Protection

- 10) The tree protection measures identified in the *Arboricultural assessment and method statement dated 26th October 2020* – **as shown on plan 20136-7 received on 11/05/21** shall be implemented prior to the commencement of any works on site, including works of demolition. . All trees to be retained must be protected by barriers and/or ground protection in accordance with the approved details. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

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

Parking/Turning Implementation

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

Reason: In the interests of road safety.

Boundary Windows

- 12) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the northern first floor elevations of plots 11 and 12 hereby permitted;

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

- 13) Before the development hereby permitted is first occupied, the proposed northern elevation windows at first floor on plots 11 and 12 shall be obscure glazed and shall subsequently be maintained as such to the satisfaction of the local planning authority;

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

Access

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

Reason: In the interests of highway safety.

SUDs

- 15) Any part of the development hereby approved shall not be occupied prior to the completion of the relevant part of the SuDS scheme shown on **approved drawing 2005090-005 Rev F**.

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

External Lighting

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

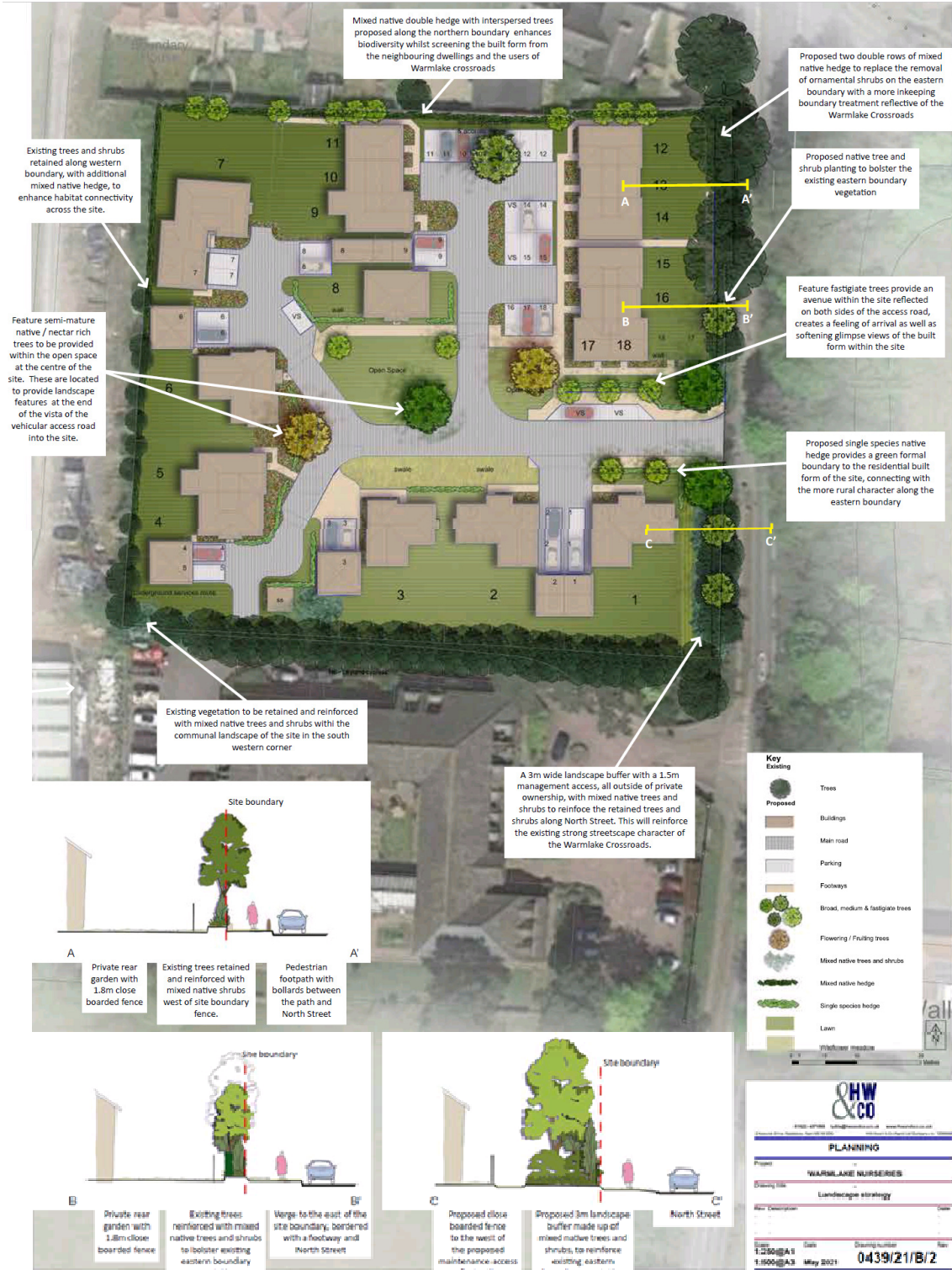
Reason: In the interest of visual amenity

Signage

- 17 Prior to the first occupation of the site, the Applicant shall submit to the Local Planning Authority a report demonstrating what measures have been undertaken to investigate with the Highway Authority speed awareness and advance pedestrian signage in the vicinity of Warmlake crossroads. Any agreed details shall be implemented prior to the completion of the development.**

Reason: In the interests of pedestrian safety.

Case Officer: Austin Mackie



APPENDIX A

REPORT SUMMARY

REFERENCE NO: 20/505350/FULL		
APPLICATION PROPOSAL: Redevelopment of existing garden centre / nursery to provide 18 dwellings, including 7 affordable houses, with associated landscaping, flood storage measures, access and parking.		
ADDRESS: Warmlake Nursery, North Street, Sutton Valence, ME17 3LW		
RECOMMENDATION: Grant planning permission subject to the conditions and s106 heads of terms listed below.		
SUMMARY OF REASONS FOR RECOMMENDATION:		
<p>The development of this brownfield site accords with relevant Local Plan policies relating to brownfield development in the countryside.</p> <p>The site is bounded on two sides by existing built development and is in effect an infill site that will not extend beyond existing boundaries and does not harm the character or appearance of the adjacent countryside.</p> <p>The layout of the site as a whole and the individual plots will provide a good quality of amenity for future residents, whilst the layout has also been designed to protect the amenity of adjacent residents.</p> <p>A range of house styles is proposed incorporating the use of local typologies and materials.</p> <p>The proposed landscaping has been enhanced following discussions with officers to improve the site's future biodiversity offer.</p> <p>There are no transport, environmental or other technical objections.</p>		
REASON FOR REFERRAL TO COMMITTEE: The Parish Council objects and requests that the application be considered by Planning Committee.		
WARD Sutton Valence and Langley	PARISH/TOWN COUNCIL Sutton Valence	APPLICANT Millwood Designer Homes
DECISION DUE DATE 15/05/21	PUBLICITY EXPIRY DATE: 24/12/20	OFFICER SITE VISIT DATE: 03/12/20
RELEVANT PLANNING HISTORY		
<p>The site has a history of minor applications relating to the commercial use of the site. Pre-application advice was provided in 2020 relating to residential development.</p> <p>To the south the large nursing home complex was granted planning permission in 1989/91, with a further extension permitted in 1994.</p> <p>Adjacent to the site's NW boundary, planning permission was granted in 2016 under reference 16/500001 for two detached houses in the rear grounds of Warmlake Cottages.</p>		

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The site is located on North Street, beyond the northern boundary of Sutton Valence village, just south of Warmlake Crossroads.

1.02 Immediately to the south of the application site is a large care home complex, which is part 2/3-storeys in height. Both established and new build dwellings lie to the north. Sutton Valence School playing fields lie to the rear (east), where there is also an access road to a maintenance building and a mobile telephone mast.

1.03 Linear residential development extends off each arm of the crossroads, including southwards, between the application site and the village hall, which lies circa 325metres to the south.

1.04 Adjacent to the village hall are public playing fields and a children's play area, which are considered to be within a reasonable walk south of the site.

1.05 A bus stop is located immediately outside the site frontage and provides access to Maidstone-bound services. There are three further bus stops nearby, one on each arm of the crossroads.

1.06 The site is not within or adjacent to a conservation area and there are no heritage assets or TPO's within the vicinity. Nor is the site close to any ancient woodland or designated habitat.

1.07 The closest PRoW lies 200metres east of North Street, from which the site is not visible.

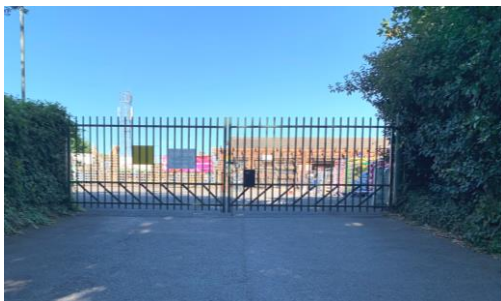
1.08 The frontage to North Street (right) is marked by a mature hedge and trees, sitting atop a low bank. Visibility at the site access is good in both directions.

1.09 The site access rises very slightly from North Street into an otherwise broadly flat site. The southern boundary also has a mature tree'd screen.

1.10 The site has been used as a garden centre since the mid 1980's and currently comprises a main garden centre structure with associated storage buildings, areas of open storage and a



significant areas of hard standing for operational functions such as servicing and customer parking. The existing site is visually discreet when viewed from North Street, due to the low rise nature of the existing structures. However, it is not of an attractive appearance and does not contribute positively to the character of the area.



1.11 To the north, residential properties have rearward views towards the common boundary and this relationship is further assessed in Section 6 below.

2 THE PROPOSALS Planning permission is sought for the removal of all existing structures and the erection of 18 No. dwellings, of which 7 No. (39%) will be affordable. Each dwelling would either be 1.5 or 2 storeys in height. The gross density would be relatively low at 24 dph.

2.02 The proposed buildings include a mixture of detached, semi-detached and terraced houses. A broad unit mix is proposed comprising:

- 2 x one-bedroom units
- 4 x two-bedroom units
- 9 x three-bedroom units
- 2 x four-bedroom units
- 1 x five-bedroom units

2.03 Each 3, 4 and 5-bed unit has two parking spaces either on-plot or allocated, with 7 of the units being provided with an additional double garage. In accordance with standards, the 2-bed units have an average of 1.5 spaces and the 1-bed one space each. There are 5 dedicated visitor parking bays although by virtue of the

site layout, there is scope to accommodate circa 10 further visitor cars on-plot. Dedicated cycle stores are provided to those properties which do not have garages.



2.04 Established planting along the front and southern boundaries will be retained, with the limited removal of some low grade planting that is to be replaced with native trees and hedgerow. A new tree line and hedgerow will be planted along the northern boundary to screen the site from existing residential neighbours and a further hedgerow planted to the west, where a more open aspect is appropriate. New tree planting is proposed along both the access road and within the communal amenity and parking areas.

2.05 In response to comments from the case officer the layout of the site and massing of buildings has been amended following the original submission, notably:

- The height of plots 1 and 2 adjacent to the site entrance has been reduced to 1.5 storeys in order to manage the visual impact on North Street
- Some plots have been re-sited in order to optimise areas of useable open space and landscaping
- The parking layout has been improved to create more visitor capacity
- Further native landscaping has been introduced at the site entrance and boundaries
- The roof height of plots 9-11 on the northern boundary has been reduced.

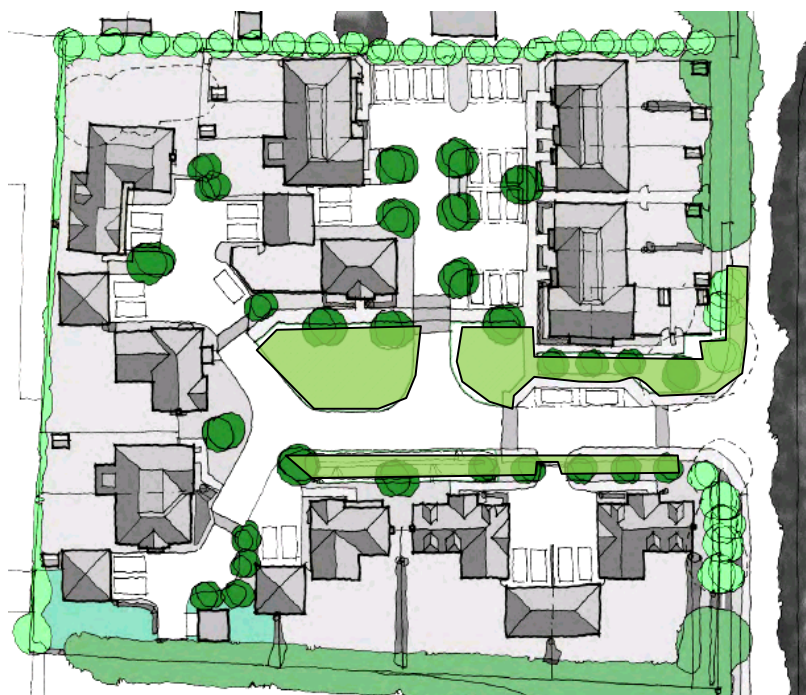


2.06 A variety of house styles are proposed, which serve to create a varied street scene and thus avoid the risk of creating a uniform suburban character. Materials are principally red brick, timber weatherboard and hanging tiles, with clay tile roofs.

2.07 The landscape strategy is based upon a number of principles, namely:

- Reinforcing the existing mature hedgerow to the site frontage, to maintain the semi-rural character of the street scene
- Strengthening the site boundaries in terms of their potential to create habitat and wildlife corridors
- Introducing significant new tree planting within the site
- Creating a habitat feature from the swale
- Providing a central area of useable open space

2.08 Excluding private garden areas, the principal landscape elements are highlighted on the plan above.



3.0 POLICY AND OTHER CONSIDERATIONS

3.01 The following 2017 Maidstone Borough Local Plan (MBLP) policies are considered to be relevant to the consideration of this application or issues raised by consultees:

- SP17 The Countryside – development should not harm the character and appearance of the countryside.
- SP19 Housing mix – in supporting the delivery of mixed communities, the mix within housing development should reflect local needs.
- SP11/SP15 Sutton Valence Larger Village – the loss of local shops and services will be resisted.
- SP20 Affordable housing – the Council will seek the delivery of 40% affordable housing.
- DM1 Design quality – new development should, inter alia, respect local character in terms of, for example, height and scale.
- DM5 Brownfield land – development of brownfield sites within the countryside should seek to deliver environmental improvements, be accessible by sustainable modes and of an appropriate density.
- DM12 Density – sites adjacent to larger villages are expected to achieve net densities of up to 30 dph.
- DM19 Open space – new development should seek to meet identified quantitative requirements for open space.
- DM21 Transport impacts – new development should be designed to minimize any impacts on the highway network.
- DM23 Parking standards – the level of on-site parking should reflect, for example, accessibility to non-car modes and accessibility to local services.
- DM30 Design principles in the countryside – new development should respect local characteristics.

4.0 LOCAL REPRESENTATIONS

Cllr Wendy Young

4.01 Warmlake Nursery is a very well respected and extensively used facility for the residents of Sutton Valence, Warmlake, Langley, Headcorn and beyond. It provides gardening equipment and ornaments, plants, shrubs, composts, animal feed, large selection of equine and pet equipment as well as many other consumables, some of which can only be obtained much further afield.

The development of this site would be a severe loss to the community and contravenes SP11 (2) and SP21 (ii) of the Maidstone Borough Council Local Plan.

Sutton Valence has already been allocated over 100 houses in the MBC Local Plan Review therefore this development is not required in order to fulfil the housing need in this review.

Additionally, this development is outside Sutton Valence Village settlement and would extend the built-up area towards coalescence with Langley.

This application should be refused.

Sutton Valence PC

- 4.02 The redevelopment of this site is a loss of service to the community and contravenes SP11 paragraph 2. MBC has already allocated 125 new homes to Sutton Valence and most of these are not sustainable. This particular development is outside the Village settlement area and therefore not sustainable.

Local Residents

- 4.03 Three local residents have submitted objections on the following grounds:
- No local need for housing
 - Loss of a valued local business and no economic benefits arising from the development
 - The development would be crowded and out of character
 - Inadequate local services to support further housing
 - Overlooking of neighbours
 - Overly bulky close to neighbours
 - Affordable housing should be located away from residential neighbours

5.0 CONSULTATIONS

KCC Ecology

- 5.01 Recommend a field evaluation condition.

KCC Highways

- 5.02 No objection subject to conditions.

Access and sight lines are acceptable. The Road Safety Audit is acceptable.

The number 12 service provides an hourly, or twice hourly service in the direction of Maidstone.

In terms of trip generation, KCC Highways do not consider that any additional traffic could be considered 'severe,' particularly given the fact that the immediate highway network within the proximity of the site currently operates without known capacity issues.

Adequate cycle and parking facilities are provided.

Southern Water

- 5.03 No objection to the SuDS scheme – recommend informatives.

Mid-Kent EHO

- 5.04 No objections on grounds of noise, air quality or contamination. Recommend conditions.

6.0 APPRAISAL

- 6.01 The key issues for consideration by Members relate to:

- The Principle of Development
 - Existing Use
 - Residential
 - Affordable Housing / Unit Mix
- Character and Appearance
 - Layout and Density

- Design & Materials
- Open Space
- Ecology and Biodiversity
- Residential Amenity
- Highways and Sustainable Travel
- Surface Water / Flood Risk
- Other Matters

Principle of Development

- 6.02 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. It is a core principle that the planning system is plan-led. The MBLP 2017 is the principal Development Plan Document and in the context of these proposals it is up-to-date and must be afforded significant weight.

Existing Use

- 6.03 Whilst policies SP11 and SP15, which have been raised by local councillors, seek to protect local shops and services within villages, they do not apply to the Application Site as it is outside of the defined village boundary. Whilst policy DM15 facilitates limited new retail services in the countryside, it does not refer to existing uses. As such, there is no policy protection afforded to the existing use.
- 6.04 The existing site retails a limited range of specialist goods and does not perform a convenience goods role. The Council is aware that the village has a limited range of local services and as part of the Local Plan Review is considering a site for local services to the south that is more centrally located.

Residential

- 6.05 The delivery of new homes to meet local needs is an MBC priority. The Local Plan identifies that windfall development is an important element of the overall housing delivery strategy. In the context of the Application Site's location outside of any settlement boundary, the principal starting policy consideration is DM5. The preamble to DM5 states:

"Exceptionally, the council will consider proposals for residential development on brownfield sites in rural areas. Key considerations will include:

- *The level of harm to the character and appearance of an area;*
- *The impact of proposals on the landscape and environment;*
- *Any positive impacts on residential amenity;*
- *What sustainable travel modes are available or could reasonably be provided;*
- *What traffic the present or past use has generated; and*
- *The number of car movements that would be generated by the new use, and what distances, if there are no more sustainable alternatives."*

Policy DM5 itself sets out further tests, namely:

- Is the existing site of a high environmental value
- Does the density and character reflect the surrounding area

In response to the above considerations:

Existing Character

- 6.06 The existing site is not of a high environmental value, with utilitarian buildings / structures and a number of areas of external storage. As a consequence it does not make a positive contribution to the character and appearance of the area. However, it is a visually discreet use when seen from the road and is of an appearance not untypical in a rural area and therefore contributes to the semi-rural character of this part of the village fringe. Whilst the redevelopment of the site may be acceptable in principle, it is an expectation that the existing character of the surrounding area will not be harmed.
- 6.07 There are no records to suggest that the existing use has caused any local nuisance and as such, no weight is applied to the removal of the current land use. However, it should be recognised that subject to the existing lawful use, the planning system now affords considerable flexibility for commercial uses to change and as such, it is possible that if retained, the existing commercial use of the site could intensify.

Landscape Character

- 6.08 As identified above, the surrounding area is characterised by elements of linear development along road frontages. To the south the nursing home is a large building, set back in its plot, but with a significant area of hard surfaced parking. Immediately to the north of the site is a cottage and two relatively modern large detached houses. As such, the site is in effect an infill plot within this section of linear development and its re-development would not lead to, for example, coalescence.
- 6.08 The proposed development / site boundaries will not extend any farther west than the neighbouring plots and having regard to the existing character of the site, it will not materially alter the pattern of development in the area. To the west, although obviously open space, the sports pitches are by their nature of a 'maintained' appearance and are not considered to be a sensitive natural landscape. Further, they act as a buffer to the more natural / farmed landscape further west.
- 6.09 The site is not visible from any PRow and can only be viewed from glimpses from North Street and Warmlake Road, the latter in the context of views past existing dwellings, including relatively recent modern large houses.



Modern Houses to the north west of the Application Site

- 6.10 It is therefore considered that due to the site's relationship to existing built development and limited visibility from the surrounding countryside, subject to the design and character of the development, as assessed below, the principle of residential development would not harm the wider rural character of the area and therefore accords with Policy SP17 and the relevant tests within DM5.

Further DM5 considerations are assessed from 6.14 below.

Affordable Housing / Housing Mix

- 6.11 The Local Plan reflects the expectations in the NPPF that housing development will contribute to the needs of the area. Policy SP19 seeks a range of housing types, sizes and tenures. The proposals would deliver a range of unit sizes ranging from one to five bedroom, but with an emphasis upon smaller to medium-sized units, particularly within the affordable element. The provision of smaller units within this location is welcomed.
- 6.12 Policy SP20 requires 40% affordable housing, with a mix of 70% rent and 30% intermediate. The 7 affordable units constitute 39% and having regard to the relatively small size of the development, it would be unreasonable to seek an additional unit and thus far exceed the 40% requirement. The mix of rent to intermediate is 60:40, which whilst a small departure from the guidelines, is considered by the Housing Team to be acceptable.
- 6.13 On this basis, it is considered that the application provides an acceptable response to policies SP19 and SP20 and will make a valuable contribution to local housing needs.

Character and Appearance

- 6.14 Both the NPPF and the Local Plan recognise that good design is a key aspect of sustainable development. Policy DM1 emphasises the importance of good quality design, whilst DM30 provides further guidance in respect of rural sites, where sensitivity to local typology is emphasised. In addition the Council has adopted its own version of BfL12 as a tool to help shape new residential development.
- 6.15 Whilst a relatively modest-sized development, the scheme has responded to a number of relevant BfL 12 measures, for example:
- 1 & 7-9 It has safe pedestrian connectivity and provides clear internal pedestrian spaces that are naturally supervised.
 - 2/3 It has access to public transport and thus the services and amenities of other villages, the urban area and town centre.
 - 4 The type and size of housing is designed to meet local needs.
 - 5 The design of the dwellings reflect local character
 - 10 Adequate car parking is provided to meet needs without dominating the layout.
 - 11 The layout ensures that private gardens are orientated to optimise natural light with communal areas conveniently positioned.
 - 12 Dwellings have practical arrangements for day to day amenities such as refuse/recycling and other storage provisions such as cycles.

Now turning to review some of the key design principles in more detail:

Layout and Density

6.16 The site access utilises the existing access point, which reduces any potential impacts upon the existing front hedgerow. The dwellings are set out in three broad groups, ie, southern and western boundaries, plus a cluster set around a parking court to the north. The layout serves to reduce the impact of rigid building lines by incorporating set staggered front building lines and recessed garages. House types vary across the scheme to provide a more organic appearance, particularly when viewed from the main road. The northern eastern element is more regular in form, but is well screened from North Street by mature hedgerow and trees.



6.17 Pedestrian access is set back from the carriageway, within the landscape areas, whilst the low level of traffic on the carriageways themselves means that they are suited to cycle use. Parking areas for the detached dwellings are set behind front building lines to reduce the visual impact of parked cars, whilst the parking court will be landscaped and discretely set behind open space.

6.18 The scale of the buildings is modest, with a mix of 1.5 and 2 storey houses, with units 1 and 2 inside the site entrance being limited to 1.5 stories, with a roof design that eliminates the opportunity to extend the roof mass in the future.

6.19 The density of the development is a little under 24 dph (gross). Even with the access road and parking courts removed from the site area, the net density is still less than 28 dph. This low density does not suggest that the site is under-developed, but reflects a number of factors such as, the site's countryside location and the requirement to ensure that the character of the scheme is appropriate to its setting. As such, the low density of the scheme accords with policies DM12 and the relevant parts of DM5.

Design & Materials

6.20 As previously highlighted, the scheme proposes a range of house designs in order to create variety within the scheme. The images below illustrate two of the house types, which incorporate rural typologies and good levels of detailing.



- 6.21 The proposed palette of materials is contextually sourced, with red brick, timber weatherboarding hanging tiles and clay roof tiles.



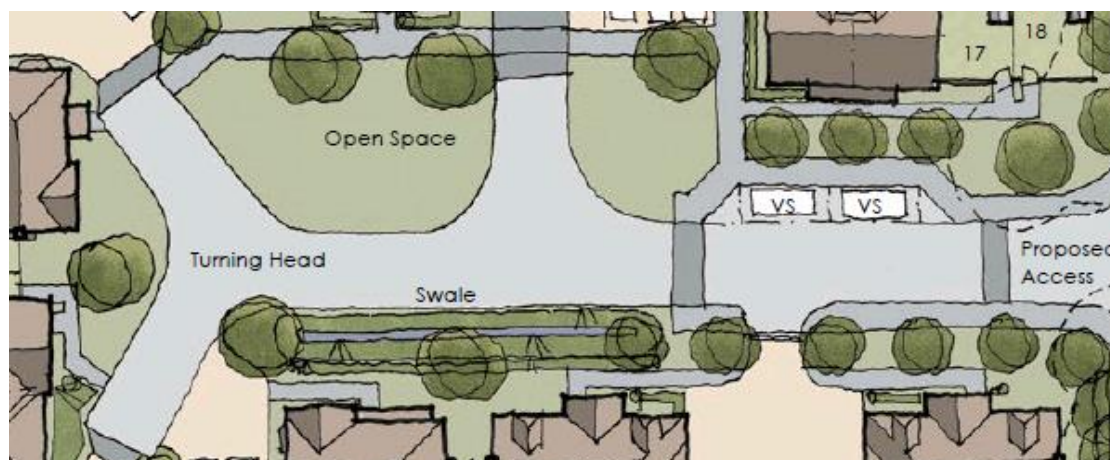
The detailed elevations show that the materials applied on each building are well proportioned.

Details of the hard landscaping will be secured by condition to ensure that the appearance of the road surfaces and parking areas are also appropriate to this rural setting.

Open Space & Landscape

- 6.22 Each house is provided with a private garden. The majority are generous, although the two one-bedroom units naturally have smaller, but nevertheless practical outside areas. In terms of non-private open spaces, developments of a small size such as this are rarely able to meet the full spatial requirements of Policy DM19, which if applied rigidly would require over 50% of the site area to be accessible open space. However, the site is a short walk from the public playing fields and children’s play area, a short walk to the south.

- 6.23 For a development of this size, Policy DM19 requires 300 sq.m of amenity green space. The scheme provides two useable areas in the heart of the site that meet this requirement, plus there are other landscaped areas which, whilst not necessarily suited to activity, do add to the setting of the site, which features a landscaped main access road.



- 6.24 A particular feature of this area of the scheme is the swale. The applicant has provided images of similar features in other developments that they have completed. These images demonstrate that not only is this an attractive landscape element, but also, whilst modest in size, offers the opportunity for habitat creation.

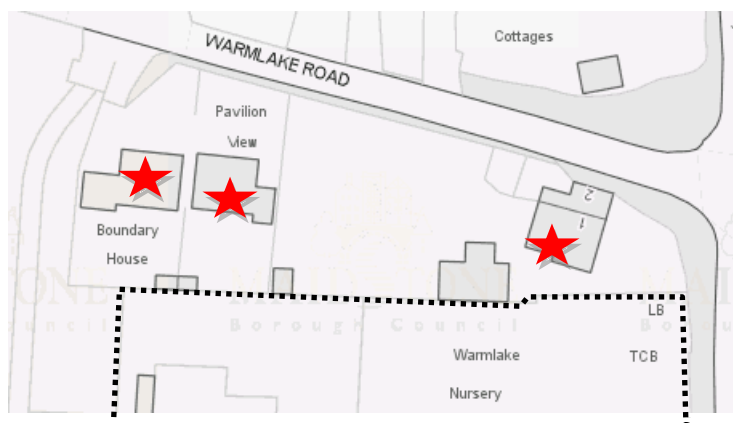


Ecology and Biodiversity

- 6.25 An ecological assessment has identified that the existing site offers limited habitat opportunity with no signs of protected species being present or foraging. In-part this is due to the fact that the majority of the site is hard surfaced and/or commercially active.
- 6.26 In addition to the above swale, the scheme takes the opportunity to enhance the habitat potential of the site's boundaries. It is proposed that a small number of existing low-grade trees are removed (including three sycamores) and these will be replaced as part of a scheme to enhance the site with native planting. The arboricultural assessment has been agreed by the tree officer and a tree protection scheme for the site forms part of the submission.
- 6.26 The existing mature front boundary hedgerow will be enhanced with further native planting. Residential gardens will stop short of this area to remove any potential conflicts between domestic use and ecology. A 'no-foundation' pathway to the rear of these gardens will allow access for maintenance. Along the northern boundary new native hedge and tree planting is proposed, although the scale of trees will need to be managed in order to avoid any overbearing impact on neighbours. Although a relatively narrow strip at up to circa 2 to 2.5metres, this corridor will not be used by residents and allows an ecology 'pathway' connection between the site frontage and the open space to the rear. On the western boundary, a native hedgerow will be planted, although this will be in the custody of the respective dwellings.
- 6.27 Conditions are proposed requiring approval of a biodiverse planting scheme, together with measures such as hedgehog friendly boundaries and nesting / roosting boxes and bricks as part of the built fabric.
- 6.28 To conclude on this part of the assessment is it considered that the scale and form of the development, together with the detailed design, materials and open/landscaped areas will lead to a high quality development in accordance with policies DM1 and DM30.

Residential Amenity

- 6.29 There are three residential buildings that lie to the north and which 'enjoy' views towards and over the Application Site. These are 1 Warmlake Cottages, together Pavillion View and Boundary House, both of which were constructed in the former garden of the cottage/s. It isn't clear whether the cottage/s are occupied as one or two units, nevertheless, the building has windows to habitable rooms that face south.



- 6.30 Both Pavillion View and Boundary House have two storey rear elevations that face towards the western part of the Application Site. They have rear gardens of circa 12m in depth. Plot 7 within the scheme mirrors this, with similar elevations and distance from the boundary, such that the separation distances (circa 24 metres minimum) are acceptable and will provide adequate privacy and natural light. Plot 11 will have a more oblique view towards Pavillion View, but again the separation distances are acceptable and the proposed boundary planting will assist in creating privacy.
- 6.31 No.1 Warmlake Cottages is closer to the boundary and has the potential to be affected. At its closest point to the boundary it is circa 5-6 metres and circa 8 metres from the side elevation of plot 12. Other than a small bathroom window, plot 12 has a blank elevation so there would be no overlooking. The eaves height of the proposal will be circa 1 metre higher than the existing cottage, but the roof is hipped away from the boundary to help reduce the massing and the overall height capped by hidden flat roof element.
- 6.32 It is inevitable that the proposals will materially change the setting of the cottage/s, but not to such an extent that there would be a loss of amenity or an overbearing relationship. Whilst the southern side elevation of the cottage has windows that face towards the application site, the property also has its traditional front and rear aspects and is not dependant upon the southerly aspect for its amenity. It is therefore not considered that plot 12 would adversely affect the neighbour's amenity. Again plot 11 would have some oblique views towards the cottage/s, but the window to window distances will be in excess of 30m.
- 6.33 Whilst there would be some views over the garden of the cottages, firstly this is not an uncommon aspect for residential neighbours and secondly, the views are principally at the roof of a garden building within the cottage's garden. There will be some overshadowing of the neighbours garden adjacent to plots 11 and 12. But the buildings have their narrowest elevations fronting the boundary and the cottage benefits from a large rear garden, much of which will not be adversely affected.



Warmlake Cottage/s

Above – southerly (side) and western (rear) aspects

Below – easterly (front) aspect towards North Street



- 6.33 To summarise, whilst the views from these neighbouring properties will materially change, it is considered that they will retain an acceptable level of amenity in terms of privacy and natural light and thus the Application is considered to comply with Policy DM1. There is of course no right to a view in planning and it is considered that the development would not be unacceptably overbearing.
- 6.34 The neighbour also raises the concern regarding potential disturbance. However, whilst there are parking spaces adjacent to the boundary, this area has been used as part of the publicly accessible displays for the garden centre and so has an established active nature.

Highways & Sustainable Travel

- 6.35 The Application is accompanied by a transport statement and safety audit. KCC raise no objection to the site access location or design and consider that the scheme has an acceptable level of parking for residents and visitors. Appropriate turning areas are provided within the scheme for service vehicles. As such the proposals accord with policies DM21 and DM23.
- 6.36 Visibility at the junction is good in both directions. A pavement extends along the site frontage from the crossroads down to the village and the site is a relatively short walk to the limited amenities at Haven Farm and also the village hall / playing fields. The bus stop in front of the site gives access to the twice hourly No.12 service to both Maidstone and Headcorn.

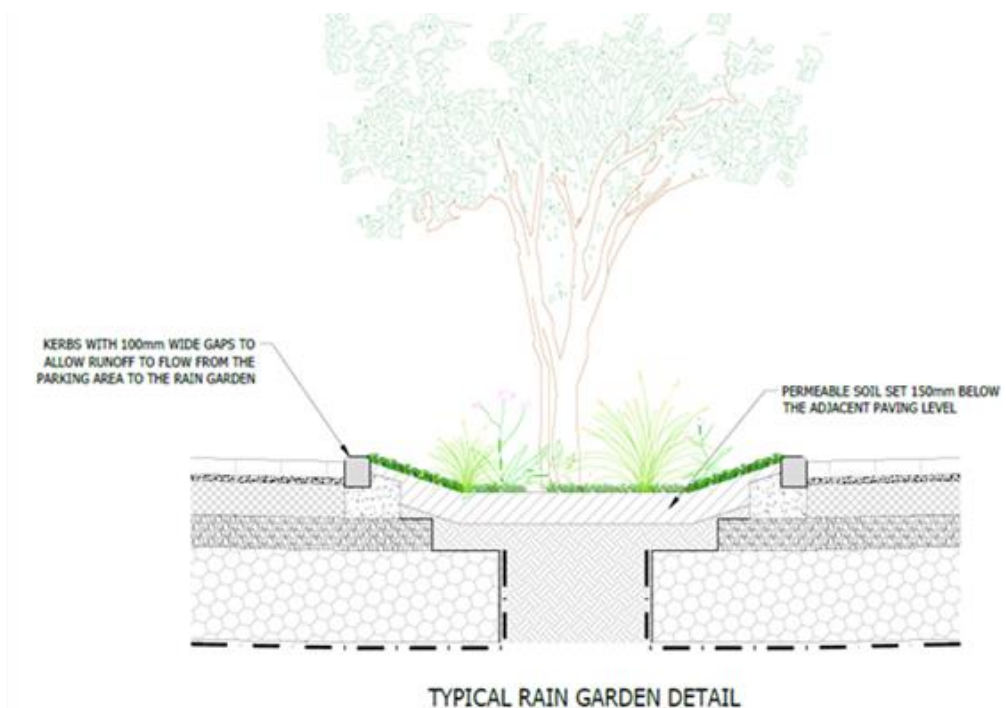
- 6.37 As such, residents have a range of non-car options and it is considered that, as required by policy DM5, the site would represent a sustainable location for residential development.

Surface Water / Flood Risk

- 6.38 The site and surroundings are not located within an area at risk of surface water or other forms of flooding.

- 6.39 In contrast to the currently predominantly hard surfaced site, the scheme proposes a sustainable drainage system which incorporate a number of measures:

- Below ground infiltration tanks under roadways and parking areas
- Household geocellular soakaways
- A shallow grassed/naturalised swale
- Six 'raingarden' planting beds



Other Matters

- 6.40 A ground investigation report suggests that there is no likelihood of contamination or other adverse ground conditions.
- 6.41 Whilst the application does not include specific renewable energy measures, it is recommended that conditions require (i) EV charging to dwellings with on-plot parking and latent provision to communal areas to respond to future resident demand (ii) the installation of solar PV to the flat roof element of the three terraced blocks to power common areas or external lighting and to the southern or westerly elevations of detached houses where they are not visible from the internal street.

- 6.42 Whilst an objector requests that the affordable housing be re-located, this is not considered to be an appropriate request and runs contrary to the principles of creating balanced communities.
- 6.43 Affordable housing is secured through a s106 agreement and the Housing Team consider the minor variations from tenure mix guidelines to be acceptable. The provision of smaller units in this location is welcomed.
- 6.44 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

Public Sector Equality Duty

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

7.0 CONCLUSION

- 7.1 The proposals are considered to represent good quality design and provide the opportunity to deliver sustainable housing on previously developed land. There will be no adverse impacts upon the countryside. Whilst there will be some impacts upon residential neighbours, the design and layout seeks to minimise these to an acceptable level, whilst new boundary planting will further mitigate net impacts.

8.0 RECOMMENDATION –

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

S106 Heads of Terms:

- 1) The provision of 7 (seven) affordable units comprising 4 affordable rent and 3 intermediate units.
- 2) A s106 monitoring fee.

Proposed Conditions

Time Limit

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

Plans

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

20.127 - 101 - Existing Site Layout Plan & Site Location Plan
20.127-100 Rev B Proposed Site Layout
20.127-102 Proposed Landscaping Plan
20.127-150 Rev A Plot 1 Plans & Elevations
20.127-151 Rev A Plot 2 Plans & Elevations
20.127-152 Rev A Plot 3 Plans & Elevations
20.127-153 Rev A Plots 4 & 5 Plans & Elevations
20.127-154 Rev A Plot 6 Plans & Elevations
20.127-155 Plot 7 Plans & Elevations
20.127-156 Rev A Plot 8 Plans & Elevations
20.127-157 Rev B Plots 9-11 Plans & Elevations
20.127-158 Rev A Plots 12-14 Plans & Elevations
20.127-159 Rev A Plots 15-18 Plans & Elevations
20.127-200 Rev A Garages & Car Ports Plans & Elevations (Sheet 1 of 2)
20.127-201 Rev A Garages & Car Ports Plans & Elevations (Sheet 2 of 2)
20.127-250 Rev B Streetscenes
20.127-500 Rev B Unit Mix Plan
20.127-501 Rev B Unit Heights Plan
20.127-502 Rev C Parking Plan
20.127-503 Rev C Refuse Plan
20.127-504 Rev B Unit Tenure Plan
2005090-005E Preliminary Foul & Surface Water Drainage Strategy
2005090-003E Preliminary Levels Strategy
20136-3 Tree Protection Plan

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

Contamination

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

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

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

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

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

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

Material Samples

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

Renewable Energy

- 5) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved with a target to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. Measures shall include:
- (i) EV charging points to each dwelling with on-plot parking and latent provision to bays within the parking court/s
 - (ii) The provision of solar PV to the southern or westerly roofs of detached or semi-detached dwelling and to the flat roofed elements of the terraced blocks.
- The approved details shall be installed prior to first occupation and maintained thereafter;
Reason: To ensure an energy efficient form of development. Details are required prior to commencements as these methods may impact or influence the overall appearance of development.

Landscaping & Biodiversity

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

The soft planting scheme shall demonstrate that the use of native planting is utilised in a manner that optimises wildlife habitat opportunities and identify management responsibilities and maintenance schedules for all landscaped and open areas other than privately owned domestic gardens

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

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

- 7) The development hereby approved shall not commence above slab level until details for a scheme for the fabric-led enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the extension by means such as swift bricks, bat tube or bricks and measures to accommodate solitary bees. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

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

Slab Levels

- 8) The development hereby permitted shall be carried out strictly in accordance with the slab levels shown on the approved drawing(s);

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

Boundary Treatments / Acoustic Protection

- 9) The development hereby approved shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter. Such details shall include an acoustic fence / wall between the parking court area and neighbouring property. The details shall also include measures to allow hedgehog friendly gravel boards.

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

Tree Protection

- 10) The tree protection measures identified in the *Arboricultural assessment and method statement dated 26th October 2020 – 20136-AA-AS* shall be implemented prior to the commencement of any works on site, including works of demolition. . All trees to be retained must be protected by barriers and/or ground protection in accordance with the approved details. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

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

Parking/Turning Implementation

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

Reason: In the interests of road safety.

Boundary Windows

- 12) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the northern first floor elevations of plots 11 and 12 hereby permitted;
Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of their occupiers.

- 13) Before the development hereby permitted is first occupied, the proposed northern elevation windows at first floor on plots 11 and 12 shall be obscure glazed and shall subsequently be maintained as such to the satisfaction of the local planning authority;
Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.

Access

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

SUDs

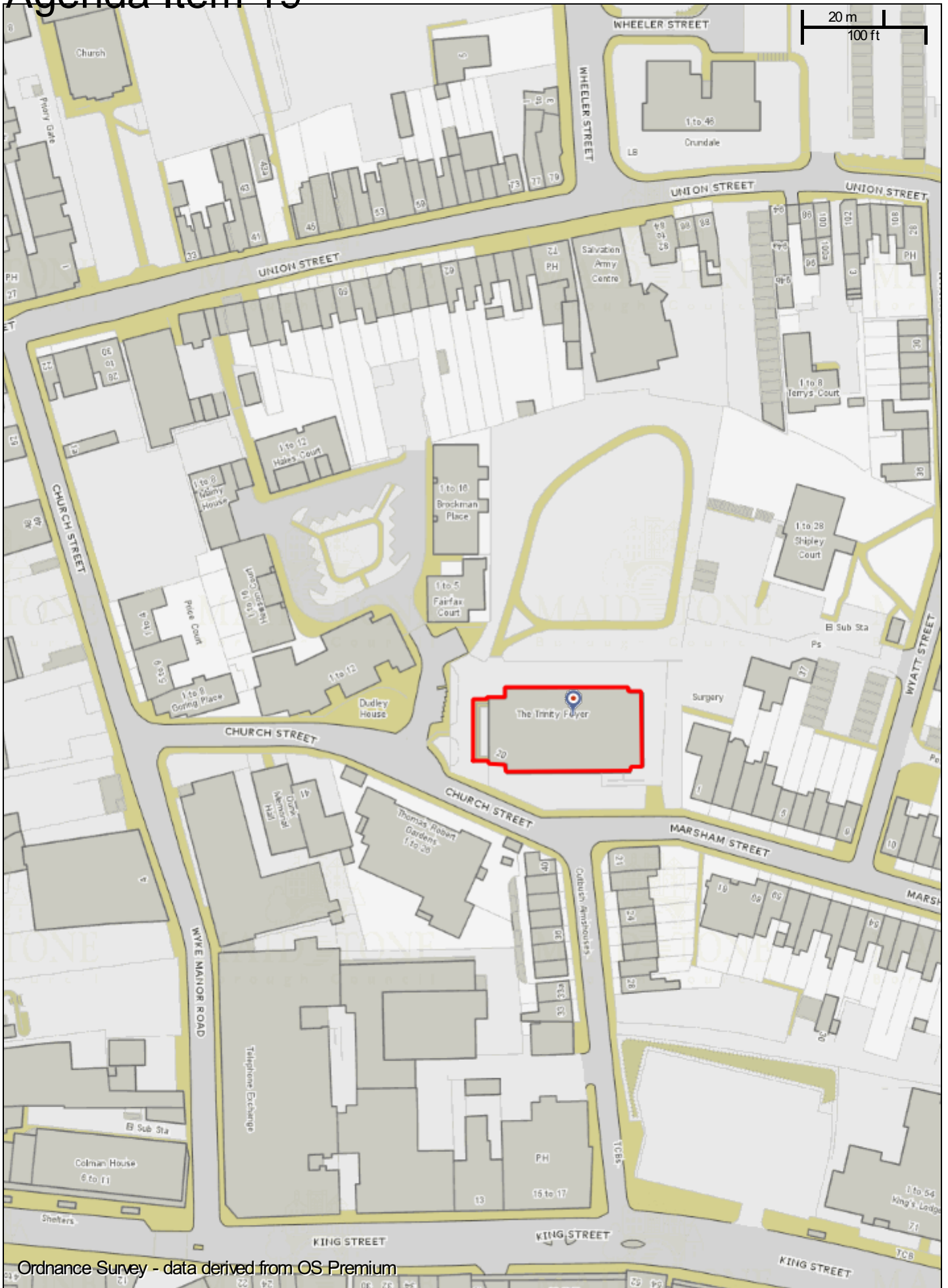
- 15) Any part of the development hereby approved shall not be occupied prior to the completion of the relevant part of the SuDS scheme shown on approved drawing 2005090-005 Rev E.
Reason: To reduce the impact of flooding both to and from the proposed development and third parties and pursuant to the National Planning Policy Framework 2012.

External Lighting

- 16) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;
Reason: In the interest of visual amenity

Case Officer: Austin Mackie

Agenda Item 19



Ordnance Survey - data derived from OS Premium

21/501467/FULL - The Trinity Foyer, 20 Church Street, Maidstone, Kent, ME14 1LY

Scale: 1:1250

Printed on: 19/5/2021 at 10:17 AM by StevieH

REPORT SUMMARY

REFERENCE NO - 21/501467/FULL			
APPLICATION PROPOSAL Internal alterations to create 2 no. additional units at first and second floor of The Trinity Foyer.			
ADDRESS The Trinity Foyer 20 Church Street Maidstone Kent ME14 1LY			
RECOMMENDATION - GRANT subject to the planning conditions set out in Section 8.0 of the report			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposal is considered to comply with Development Plan Policy and the aims of the NPPF.			
REASON FOR REFERRAL TO COMMITTEE The Council is the applicant.			
WARD High Street	PARISH/TOWN COUNCIL	APPLICANT Mr Andrew Connors AGENT Baily Garner LLP	
DECISION DUE DATE 21/05/21 (EOT agreed until 7/6/21)	PUBLICITY EXPIRY DATE 06/05/21	OFFICER SITE VISIT DATE 14/4/21	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): the most relevant is:			
App No	Proposal	Decision	Date
96/1580 & 96/1630	Conversion of mixed use as training centre, café, creche, gym & 21 residential units	approved	
Various applications for Planning permission and listed building consent for ancillary works			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application relates to a grade II listed former Church which dates from the 19th century. The building lies in Holy Trinity conservation area in Maidstone Town centre. It is understood from the submitted statement, that the building is currently vacant, but has been most recently used for a mixed use including 21 residential units, training centre, café, creche and gym.

2.0 PROPOSAL

- 2.01 Planning permission is sought for the creation of two additional residential units one would be on the first floor (a two bedroomed unit (currently flat No.8) would become a 1-bedroomed unit and a studio (flat Nos. 8 and 10)) and one on the second floor (a two bedroomed unit (currently flat No.16) would become a 1-bedroomed unit and a studio (flat Nos. 17 & 19)), so to increase the number from 21 to 23 units. Disabled alterations will be made to flat 18. No external works are proposed and the units would be created from the sub-division/reconfiguration of existing units. On the second floor, the proposed studio flat, No. 17, would have a minimum floor space of 32.85 sq.m, the 1 bed flat, No.19, would have a floor space of 52sq.m. On the first

floor, the proposed studio flat would have a minimum floorspace of 32.85 sq.m and flat 10 would have a minimum floorspace of 52 sq.m.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: Maidstone Local Plan 2017: DM1, DM4, DM23, SP1, SP4, SP18
Technical Housing Standards, nationally described Space Standards, March 2015

4.0 LOCAL REPRESENTATIONS

None received.

5.0 CONSULTATIONS

5.01 Historic England: do not consider they need to be consulted.

6.0 APPRAISAL

6.01 The key issues for consideration relate to:

- Principle of development
- Impact upon the heritage asset
- Other matters

Principle of Development

6.02 The site lies in a town centre location. Policy SP4 of the local plan relates to the town centre and does allow for some residential development. The site is in a sustainable location where there would be easy access to other modes of transport than the private car and in this location the principle of additional residential units is therefore considered acceptable.

Impact upon the heritage assets

6.03 The subject building is a designated heritage asset, being a grade II listed building. It is also located within Holy Trinity conservation area. The only physical changes proposed are partitions to create the additional two units. These changes affect only fabric that was inserted at the time at which the building was converted to form the existing residential units and as such, it is not considered that those works require listed building consent. The works would not affect the special interest of the listed building and are extremely minor in scale in any case.

6.04 It is not considered that there would be any harm to the heritage asset, because the intensified use of the building would not harm historic fabric, nor would it adversely affect the character or appearance of the building, since no external changes are proposed. The NPPF seeks to secure the viable uses for heritage assets and this proposal, which seeks to put additional residential units for use into the building is

therefore considered in line with both development plan policy and the NPPF with regards to its impact upon the heritage assets.

- 6.05 No parking is proposed as part of the works so there would therefore also be no harm to the setting of the listed building arising.

Other Issues

- 6.06 The nature of the proposal and the scale of the development are such that there are no significant residential amenity issues. The two smallest studio flats have a floorspace of just under 33sq.m. The current standard is 37sqm, where a shower room is provided. This level of floorspace is considered acceptable as there are existing bedsits in the building with smaller floorspace and the listed nature of the building requires subdivision to be based around existing walls and window positions. Therefore, the small drop below standard is therefore not considered to be significant in relation to this building, it provides for the best use of space based on the limits of the building. There are no significant parking issues, as the site lies in a sustainable, town centre location with easy access to other modes of transport than the car. The nature of the proposal is such that there are no significant ecological or landscape issues. No external changes are proposed and there would therefore be no significant impact upon the character or appearance of the street scene.
- 6.07 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

7.0 CONCLUSION

- 7.01 The proposed development accords with development plan policy and the aims of the NPPF. It would provide additional housing within a sustainable location and would not result in any significant harm character, appearance, significance or setting of the listed building or the character or appearance of the conservation area. Approval is recommended.

8.0 RECOMMENDATION – GRANT Subject to the following conditions

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

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

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

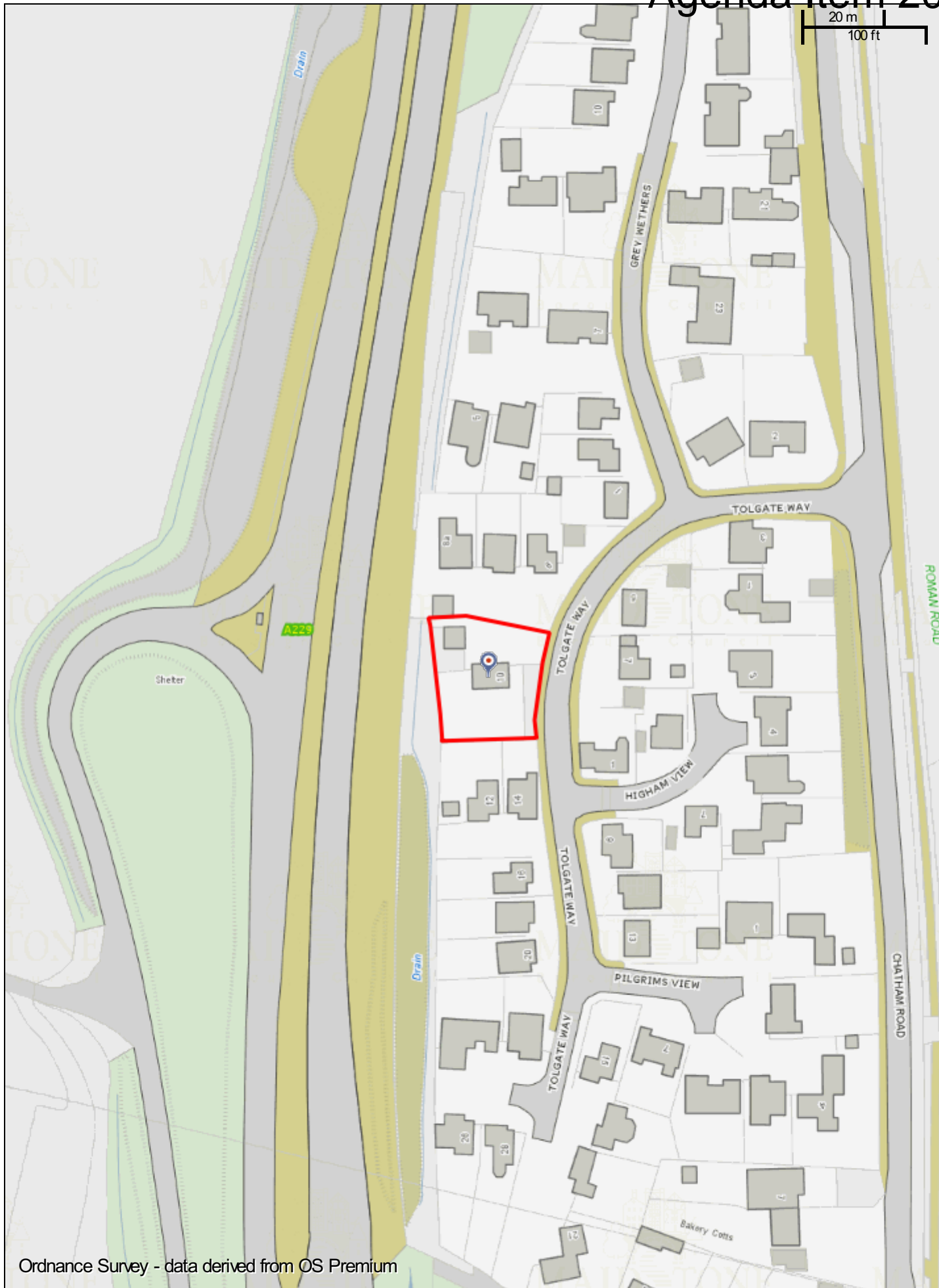
drawing numbers 011T 0.1, 005 P.0 01, 006 P.0 01, 007 P.0 01 and 008 P.0 01 received on 17/03/21;

Reason: To clarify which plans have been approved and to ensure the quality of the development is maintained.

Informatives:

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

Case Officer: Louise Welsford



Ordnance Survey - data derived from OS Premium

20/506127/FULL - 10 Tollgate Way, Sandling, Maidstone, Kent, ME14 3DF

Scale: 1:1250

Printed on: 19/5/2021 at 10:21 AM by StevieH



REPORT SUMMARY

REFERENCE NO - 20/506127/FULL			
APPLICATION PROPOSAL Erection of 1no. additional dwelling and retention of existing dwelling, including erection of a two storey front, side and rear extension and single storey front extension (re-submission of 20/500019/FULL).			
ADDRESS 10 TOLLGATE WAY, SANDLING, MAIDSTONE ME14 3DF			
RECOMMENDATION : GRANT subject to the planning conditions set out in Section 8.0 of the report			
SUMMARY OF REASONS FOR RECOMMENDATION For the reasons set out below it is considered that the proposed extensions and alteration to the existing dwelling and the erection of a new dwelling would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor be unacceptable in terms of any other material planning considerations such as the proposed development is considered to be in accordance with current policy and guidance.			
REASON FOR REFERRAL TO COMMITTEE The recommendation is also contrary to the views of Boxley Parish Council who have requested the application be presented to the Planning Committee			
WARD Boxley	PARISH/TOWN COUNCIL Boxley	APPLICANT Mr. Graham Beevis AGENT Mr. Daniel Salisbury	
DECISION DUE DATE 17/03/2021 (EOT: 07.06.2021)	PUBLICITY EXPIRY DATE 16/02/2021	OFFICER SITE VISIT DATE Various	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
20/500019/FULL	Erection of 2no. additional dwellings and retention of existing dwelling, including erection of a single storey rear and single storey front extension.	Withdrawn	10.03.2021

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application relates to a detached, 2-storey dwelling. Situated within a suburban housing estate located between Blue Bell Hill on the west and Chatham road to the east. No. 10 itself is located on a substantial plot on the western edge of the estate, bordering Tollgate Way to the east and highway land to the west that provides a substantial green buffer between the estate and the A road.
- 1.02 No.10 is a detached, brick built dwelling under a tiled roof. Its main front elevation faces north with the dwelling sited side onto Tollgate Way. It has an existing double garage located on its northern boundary with the garage doors facing east towards

Tollgate Way with a long length of driveway serving the garage. The dwellings rear garden is located to the south of the dwelling.

- 1.03 Despite the suburban nature of the housing estate, the site is located outside the defined urban area of Maidstone in open countryside and on the edge of the AONB. The application site is sited within the middle of the existing housing estate and does not directly border any open countryside in visual terms.
- 1.04 The property was originally built in the late 1980's as part of the wider housing estate following the redevelopment of an edge of town retail site. Permitted development rights remain for the property.

2.0 PROPOSAL

- 2.01 The proposal is for the erection of 1 additional dwelling on the site and retention of existing dwelling, including the erection of a two storey front, side and rear extension and a single storey front extension to the existing dwelling. The existing double garage will remain and each half will serve one of the dwellings with additional parking provided in front of the garaging on the long driveway.

These elements can be described in greater detail as follows :

2.02 *Additional Dwelling:*

The proposed new dwelling will be sited to the west of the existing dwelling, with an approximate 2m gap between the two side elevations. It would be a brick and render dwelling under a pitched and tiled roof with gables ends on the front (north) and rear (south) elevations. The proposed front elevation would face north, consistent with No.10. It would have depth of approximately 8.6m and a width of approximately 5.3m, along with a small front porch projecting just 1.2m with a lean to tiled roof. It would be a two storey dwelling (with height to match the existing dwelling at No.10). A side dormer on the east elevation, with pitched roof and tiled hung sides would serve a stairwell at roof level, with 3 rooflights on the west roof elevation. It would have a rear garden depth of approximately 10.6m.

2.03 *Two Storey Front, Side and Rear Extension and single storey porch front extension to No.10:*

The proposed porch extension to the existing dwelling would extend to the same depth as the porch proposed for the new dwelling at approximately 1.2m. Both dwellings would be sited on the same building line. The porch would have the same tiled, pitched and lean-to roof as the proposed new dwelling. The proposed two storey extension would be located on the eastern side elevation of No.10. It would project forward to be sited on the same building line as the proposed front porch. To the rear, it would project approximately 2m with a width of approximately 4.5m. The height will be approximately 0.2m lower than the existing ridge line with gable ends proposed on the front and rear elevation to match the proposed new dwelling. It would have rooflights. The rear garden will mostly remain at 13m in depth, except to the rear of the proposed extension where it will have a depth of approximately 10.9m. An existing pergola structure to the side of the dwelling would be removed.

2.04 *Garage and Parking:*

The existing double garage will be retained with one bay provided for each dwelling. There is a long existing driveway, which will be retained and widened to the north to serve both dwellings and to enable each driveway to be accessed independently.

Each dwelling will have a minimum of 2+ parking spaces. Bike and bin storage will be provided to the rear of the existing garage.

2.05 *Landscaping and boundary treatments:*

The landscaping along the front northern boundary is to remain unchanged. Additional landscaping is proposed around all the other site boundaries, although no detailed plans have been provided. There are no protected trees on the site and those that are existing could be removed without consent. The proposal also indicates new planting on the land to the side of the footpath, which is within the ownership of the property but outside the rear garden area. The location of the side boundary fencing is proposed to be relocated slightly to provide a more consistent width of green space, but overall the amount of area laid to open space along the side of the plot adjacent to the footpath remains the same.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan: Policies SP17, DM1, DM3, DM6, DM11, DM12, DM23, DM30 and DM32
Supplementary Planning Documents: Residential Extensions SPD

4.0 LOCAL REPRESENTATIONS :

4.01 Letters of objection have been received from 7 local residents on the following grounds:

- Increase in vehicles at the site;
- Entry and access would be difficult;
- Insufficient off road parking – it should be considered whether unused verge should be used for additional parking and excavation of grass bank to north could be used to provide additional parking rather than just using existing driveway;
- Increase in on road parking;
- Access by emergency vehicles and waste collection;
- Danger to pedestrians and other highway users;
- Appearance of spacious and pleasant small housing estate will be altered;
- Will increase noise and environmental pollution;
- Lack of amenities in area;
- Insufficient land to support increase in size of existing property and a new dwelling;
- Trees were previously felled from site;
- Nos 12 and 14 are wrong way round on site plan;
- Site notice inaccurate description but it is noted that website has correct description and all comments based on two storey extension;
- Loss of privacy;
- Overdevelopment of the estate.

5.0 CONSULTATIONS

5.01 Boxley Parish Council

The Parish Council wish to see the application refused for the following planning reasons and wish to see it reported to MBC planning committee for decision if the Case Officer is minded to approve:

1. The proposed conversion is an overdevelopment of the site.
2. It would be detrimental to the existing street scene.
3. It would set a very worrying precedent for similar developments in the locality.
4. There are concerns over the proposed parking arrangements for the additional dwelling.
5. Tollgate Way already has a problem with on street parking, this additional dwelling and large extension would add significantly to these problems.

5.02 Kent County Council – Highways

The Highways Officer commented that the proposal does not meet the criteria to warrant involvement from the Local Highway Authority. A standard informative has been suggested relating to highway land.

5.03 Environmental Health Officer

The EHO commented that the site is very close to an AQMA and adjacent to the busy A229, so an air quality assessment will be required. We would also like to see the inclusion of an EV charging point at the new property. The site does not appear in database as potentially contaminated land. Noise levels close to the A229 are likely to be high, and an acoustic report will be required in order to assess what noise mitigation measures will be needed to reduce noise levels at the property to an acceptable level. The EHO has raised no objection, subject to suggested conditions requiring submission of an air quality mitigation scheme, noise mitigation scheme, EV rapid charge points and external lighting scheme details.

6.0 APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Principle of development/Policy context
- Visual amenity
- Residential amenity
- Highways matters
- Other matters

Principle of Development/Policy context

6.02 The application site is outside the defined urban boundary, separated from the urban area by the M20. In policy terms the development is located in the countryside. Policy SP17 Countryside defines the countryside as "...all those parts of the plan area outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages with defined settlement boundaries and is depicted on the policies map". It continues, "1. 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" It also comments that "proposals should not have a significant adverse impact on the setting of the Kent Downs Area of Outstanding Natural Beauty".

- 6.03 Paragraph 4.27 of the Maidstone Borough Local Plan states that “It is important that the quality and character of the countryside outside of settlements in the hierarchy is protected and enhanced whilst at the same time allowing for opportunities for sustainable development that supports traditional land based activities and other aspects of the countryside economy...The individual identity and character of settlements should not be compromised by development that results in unacceptable coalescence.”
- 6.04 In this instance, the proposal is actually sited within a fairly large existing housing estate within Sandling that has a nearby bus stop on the Chatham Road and good road links to numerous A roads and motorways. As such, the site is not considered to be an isolated location or to result in any coalescence or encroachment into open countryside, despite its location outside of the defined settlement boundary in the proposals map. It is therefore not considered reasonable to object to the development of a new house in principle and the assessment will be based around the design of the dwelling and extension to the existing dwelling, its impact on neighbouring properties and surrounding area and its impact on the highway network.
- 6.05 Local Plan Policy DM1 requires that proposals “*respond positively to, and where possible enhance, the local... character of the area*” and Local Plan Policy DM32 that proposals should “*result in a development which individually or cumulatively is visually acceptable in the countryside.*” Policy DM1 (ii) in terms of design refers to developments responding positively to the local character of the area, with regard being paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage. DM1 (iv) re-iterates consideration to be paid to adjoining neighbouring amenity.
- 6.06 Policy DM3 on the Natural Environment, seeks to ensure that new development protects and enhances the natural environment. A strong level of protection is given to nationally important landscape designation by both government policy, NPPF and local plan policies. Policy DM6(iii) seeks to ensure that proposals which do not have the potential for a significant impact on air quality, but by virtue of their scale, nature and/or location have the potential to generate a negative impact, will not be required to submit an AQIA, but should demonstrate how air quality impacts will be minimised.
- 6.07 Although more applicable to defined settlements, Policy DM11 allows development of domestic garden land to create new buildings providing that it would not result in significant harm to the character and appearance of the area or any loss of residential amenity. Policy DM30 sets out design principles in the countryside and seeks to ensure that outside of settlement boundaries, only proposals which would create high quality design and maintain and enhance local distinctiveness will be permitted.
- 6.08 Policy DM32 relates specifically to extending dwellings in the countryside and requires that the proposal is well designed, does not overwhelm or destroy the original dwelling and would result in a development which individually or cumulatively is visually acceptable in the countryside. The Residential extensions SPD expands on design advice. In relation to rear extensions, it sets out that rear extensions should not normally exceed 3metres in depth and neighbouring amenity should be protected. It also states that proposals in the countryside should respond to the positive features of the area, be of a high quality design and respect the form and appearance of the original building. *The SPD advises that a porch should reflect the*

scale of a building to which it is attached. Dormer windows are encouraged to be proportionate in scale and dominate the roof plane.

- 6.09 The principle of extensions to the property is also therefore considered acceptable, however this is subject to consideration of the key issues set out above which are discussed below.

Visual Impact

- 6.10 The proposal is sited on a spacious plot, bordered by an A road to the west and surrounded by an established housing estate to the north, east and south. Therefore, although the site is technically located within the very western edge of the AONB, the site is not viewed in the context of the wider open countryside or landscape designations. It is viewed very much as part of a 1980's housing estate, as such, both domestic extensions and one additional dwelling would not look out of place in such a setting.
- 6.11 It follows to then assess the details of the proposal and its impact on the character of the streetscene in more detail. The proposed new dwelling has been designed to be of a similar design, materials, plot size, footprint and height to the existing dwellings on the estate. It is considered that it would not look out of place, but would actually reflect the plot sizes and spacing of dwellings located both to the north and south of the site. The buffer zone to the west provides a more spacious setting for the new dwelling. The existing plot size of No.10 is also much larger than any of the surrounding plots, that it has sufficient space to allow for both the proposed extensions and new dwelling without resulting in a cramped appearance. It is of note that a similar infill plot has previously been granted in the form of 8A Tollgate Way, located immediately to the north of the application site. The proposal is considered to result in a development that is more reflective of plot sizes and spacing on the rest of the estate, whilst retaining more than adequate spacing, amenity space and landscaping potential.
- 6.12 The proposed extension to No.10 similarly makes use of gable ends and matching materials and design to the existing dwelling. The dwelling will retain a large area of garden and the property has a large side space and will provide a landscaping strip along the side of the site to increase planting and soften the visual impact adjacent to the highway and footpath.
- 6.13 Overall, therefore, the cumulative impact of the proposed extensions and the new dwelling, which although descriptively could look extensive, in terms of the impact on the existing building and the wider street scene/character of the area it is not considered that the proposals would result in significant harm that would be detrimental and warrant refusal. Landscaping conditions would provide a distinct improvement to the site by increasing planting around the site boundaries.

Residential Amenity

- 6.14 The neighbouring dwellings which would most likely be impacted upon by the proposed development are those with adjoining boundaries to the application site. Those other neighbouring properties are considered to be a significant distance away to be unaffected by the proposed development. The impact on these neighbours is discussed below.
- 6.15 The nearest dwellings to the site are the two dwellings to the south (numbers 12 and 14 on the location plan). However, the back to back distance between the proposed

extension and also the new dwelling is approximately just over 21m. The proposed new dwelling has been sited on a similar building line to the existing dwelling and so there would be no worsening of overlooking. As such, a refusal based on overlooking or loss of sunlight/daylight or outlook could not be sustained due to the substantial spacing between the properties. Indeed, there are existing dwellings on the estate that have a much closer relationship.

- 6.16 There are properties located to the north of the application site that face towards No.10. However, the distances are again above 21m. No.10 already has windows on its front elevation and the proposal would not result in any habitable room windows being located closer to these properties or below the recommended privacy distance.
- 6.17 No. 1, 5 and 7 Tollgate Way are located to the east of the site, but these are sited across the highway at a distance of at least 23m. Visually, they will look onto the proposal side on and the gaps available between No.10 and the properties to the south and north will be preserved and also enhanced with additional landscaping, thus improving outlook.
- 6.18 Overall, therefore, it is considered that the proposed development would not result in significant harm to neighbouring residential amenity to warrant refusal of the application. Conditions are imposed relating to insertion of additional windows, removing permitted development rights and obscure glazing to ensure residential amenity is protected now and in the future.
- 6.19 In relation to the amenity of prospective occupants, the EHO has requested that a survey and mitigation strategy be submitted for both air quality and noise for the new dwelling to ensure that it provides an acceptable standard of living. This accords with the requirements of policy DM6(iii) which requires proposals to demonstrate how air quality impacts will be minimised. It is considered that suitable schemes can be provided in relation to these issues as the site is within an existing housing estate and the proposed dwelling is no nearer to the A road to the west than No.8a Tollgate Way that was also granted consent as an infill dwelling. The conditions suggested as appropriate by the EHO will ensure that residential amenity of any future occupants are protected from both noise and air quality.

Highways

- 6.20 KCC Highways state within their residential parking standards that a property with 4+ bedrooms should be allocated at least 2 independently accessible spaces within a suburban area. I would consider the amount of space retained on the long and slightly widened driveways are suitable to accommodate 2+ cars (along with the garaging) and would therefore be in accordance with policy DM23 and KCC Highways recommendation for properties of this size. The site is also within walking distance of bus stops that provide access to both Maidstone and the Medway Towns and so the site is well connected to public transport and the local and wider road network.
- 6.21 The Highways Officer has also recommended a condition be imposed for an EV charging point. This will ensure that the site meets the Council's and Government's expectations to reduce vehicle emissions and complies with the Air Quality Planning Guidance.

Other Matters

- 6.22 Policy DM1 of the local plan sets out at point viii that proposals should 'protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide mitigation.'
- 6.23 The submitted plans indicate that provision will be made for integrated biodiversity measures on the proposals. A condition will be imposed for ecological enhancement by way of both integrated measures and on site provision. The proposed additional boundary planting will also improve biodiversity on the site.
- 6.24 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. An informative has been imposed in relation to CIL matters.
- 6.25 The Parish Council comments have been taken into account. The impact of the proposal in relation to issues of overdevelopment, streetscene and parking have been discussed above. However, the Parish Council also raise the issue of precedent. It should be noted that each proposal must be considered on its own merits. However, it also noted that this particular plot is one of the largest ones on the estate and so there are few other plots that could satisfactorily accommodate a new dwelling and domestic extension. The plot is also located away from the boundary of the estate with the open countryside, minimising visual impact and has been designed to reflect the features of the existing estate.
- 6.26 A condition will be imposed removing permitted development rights from the existing dwelling and the proposed new dwelling to prevent overdevelopment of the plots in the future. It is noted that summerhouses are illustrated in the garden area of both dwellings, however, no details have been supplied. As such, any proposal for outbuildings would need to be the subject of a separate application. The gardens are of sufficient space to have the potential to accommodate an outbuilding, subject to details such as height, size and siting.

7.0 CONCLUSION

- 7.01 For the reasons set out above it is considered that the proposed new dwelling and the proposed extensions and alteration to the existing property would be acceptable and would not cause significant visual harm, harm to neighbouring amenity, character of the area or AONB, nor be unacceptable in terms of any other material planning considerations such as the proposed development is considered to be in accordance with current policy and guidance.

8.0 RECOMMENDATION – GRANT Subject to the following conditions

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:
- Proposed Site Location Plan: Drawing No.: 084 08 A;
 - Proposed Boundary Plan: 084 10 A;
 - Proposed Ground Ground Floor Plans: 084 11 A;
 - Proposed First Floor Plans: 084 12 A;
 - Proposed Second Floor Plans: 084 13 A;
 - Proposed Roof Plans: 084 14 A;
 - Proposed Site Plan: 084 09 A;
 - Proposed Elevations No.10: 084 15 A;
 - Proposed Site Elevations: 084 17 A;
 - Proposed Site Elevations (Roadside): 084 18 A;
 - Proposed Elevations No.10a: 084 16 A.

Reason: To clarify which plans have been approved.

- 3) The development hereby approved shall not commence above slab level until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

- 4) The extensions and new dwelling hereby approved shall not commence above slab level until details for 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 both integrated methods into the design and appearance of the extension and also into the new dwelling by means such as swift bricks, bat tube or bricks and through provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles and hedgerow corridors. The development shall be implemented in accordance with the approved details prior to the first occupation of the new dwelling and all features shall be maintained thereafter.

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

- 5) The areas shown on the submitted Proposed Site Plan (drawing no. 084 09 A) as garage and car parking spaces for the new dwelling and existing dwelling hereby approved shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking

or re-enacting that Order) or not, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling hereby permitted.

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users.

- 6) 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 and E to that Order shall be carried out without the permission of the local planning authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area.

- 7) The development hereby approved shall not commence above slab level until both siting details and elevational details of a refuse storage area have been submitted to and approved in writing by the local planning authority and the approved facilities shall be provided before the first occupation of the building and maintained as such thereafter;

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

- 8) The dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point each for No.10 and No.10a has been installed with the charging points thereafter retained for that purpose.

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

- 9) The new dwelling hereby approved shall not be commenced until a scheme to demonstrate that the internal noise levels within the new residential unit and the external noise levels in back garden and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To protect residential amenity.

- 10) No additional windows, doors, voids or other openings shall be inserted, placed or formed or existing windows altered at any time in the east and west side facing first floor walls of the approved new dwelling and also in the west side facing first floor wall of No.10 Tollgate Way.

Reason: To prevent the overlooking of adjoining properties and to safeguard the privacy of their occupiers and also to protect the residential amenities of prospective occupiers of No.10a.

- 11) Before the development hereby permitted is first used, the proposed stairwell dormer window in the (eastern) side roof elevation and the proposed side (eastern) stairwell window at first floor level to the development hereby permitted 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.
- 12) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter;
- Reason: To ensure an energy efficient form of development.
- 13) The development hereby approved shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings and maintained thereafter;
- Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.
- 14) The development hereby approved shall not commence above slab level until both siting details and elevational details of a cycle storage area have been submitted to and approved in writing by the local planning authority and the approved facilities shall be provided before the first occupation of the building and maintained as such thereafter;
- Reason: No such details have been submitted and in the interest of amenity.
- 15) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall use predominantly native or near-native species as appropriate and show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. The scheme shall provide details particularly of all proposed boundary planting, including the eastern boundary adjacent to the pedestrian footpath.
- Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 16) All approved landscaping details shall be carried out no later than during the first planting season (October to February) following the first occupation of the dwelling hereby permitted. Any seeding or turfing which fails to establish or any trees or plants

which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

- 17) The new dwelling shall not be commenced until a report, undertaken by a competent person in accordance with current guidelines and best practice, has been submitted to the local planning authority for approval. The report shall contain and address the following:

1. An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development.
 2. An assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the mitigation of poor air quality arising from the development.
- Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the building and maintained thereafter.

Reason: In the interest of residential amenity.

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

Reason: In the interests of visual amenity.

INFORMATIVES:

1. It is the responsibility of the applicant to ensure, before the development hereby approved 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/highway-boundary-enquiries>

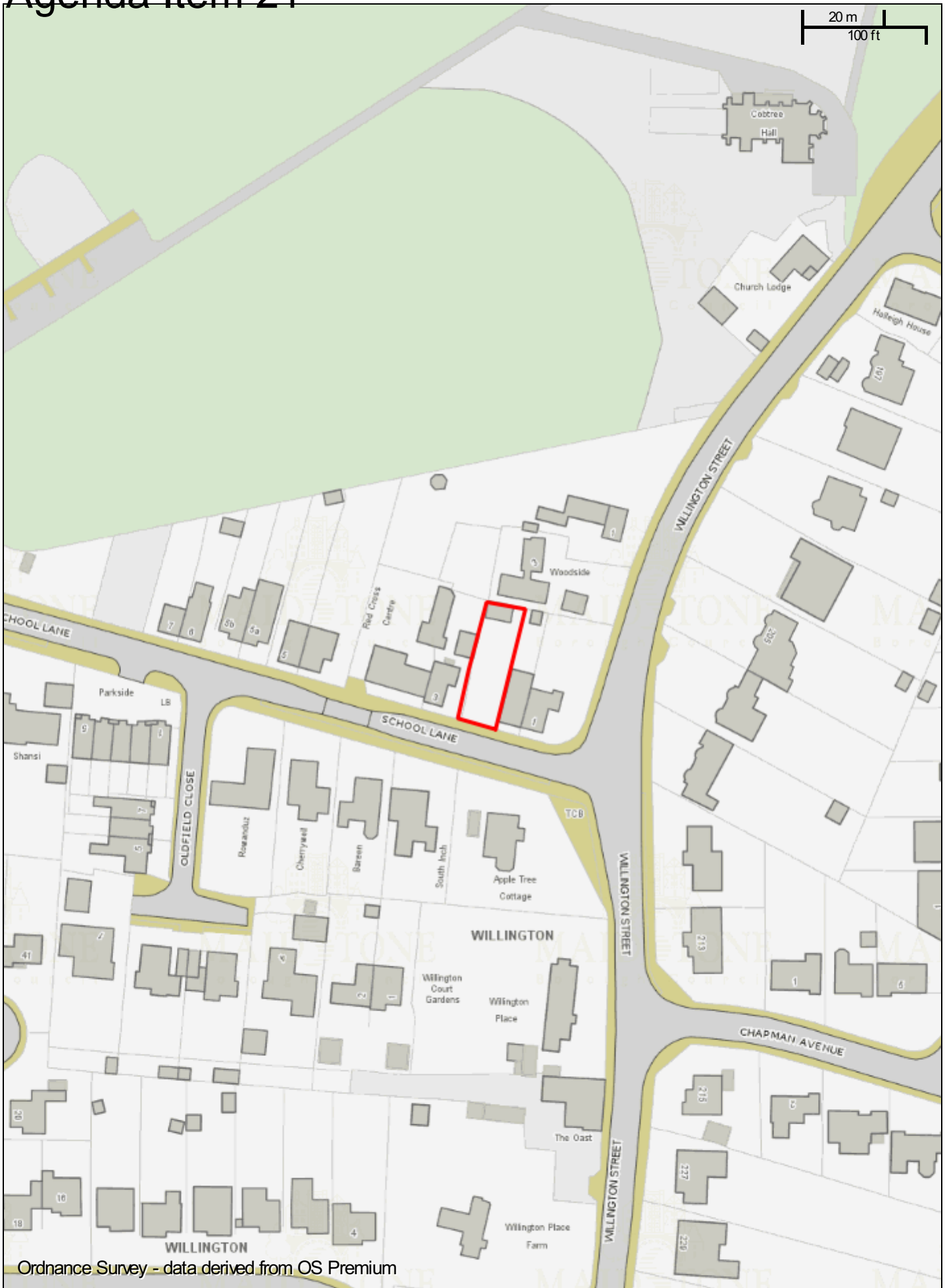
The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement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

2. As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.
3. 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.
4. Your attention is drawn to the following working practices which should be met in carrying out the development:
 - Your attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition: if necessary you should contact the Council's environmental health department regarding noise control requirements.
 - Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc. to nearby residential Properties. Advice on minimising any potential nuisance is available from the Council's environmental health department.
 - Plant and machinery used for demolition and construction should only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.
 - Vehicles in connection with the construction of the development should only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.
 - The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours is advisable. Where possible, the developer shall provide residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work.
 - Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.
 - It is recommended that the developer produces a Site Waste Management Plan in order to reduce the volumes of waste produced, increase recycling potential and divert materials from landfill. This best practice has been demonstrated to both increase the sustainability of a project and maximise profits by reducing the cost of waste disposal.
 - Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.If relevant, the applicant must consult the Environmental Health Manager regarding an Environmental Permit under the Environmental Protection Act 1990.

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.

Agenda Item 21



Ordnance Survey - data derived from OS Premium

20/505808/FULL - Land Adjacent 2, School Lane, Maidstone, Kent, ME15 8DU

Scale: 1:1250
N

Printed on: 19/5/2021 at 10:24 AM by StevieH

REFERENCE NO – 20/505808/FULL		
APPLICATION PROPOSAL Section 73 - Application for variation of condition 2 (materials) and minor material amendment to approved plans condition 9 (to allow changes to materials and fenestration, the addition of solar panels and replacement of rear gable with rear dormer) pursuant to 15/506025/FULL for - New attached single residential development.		
ADDRESS Land Adjacent 2 School Lane, Maidstone, Kent, ME15 8DU		
RECOMMENDATION Grant planning permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The amended materials and replacement rear dormer on the revised scheme is of an appropriate design, bulk and appearance.		
REASON FOR REFERRAL TO COMMITTEE The Applicant is related to an employee of Maidstone Borough Council.		
WARD Shepway North	PARISH/TOWN COUNCIL	APPLICANT Mr M Cox AGENT Richard Architectural Designs
TARGET DECISION DATE 04/06/21 (EOT)		PUBLICITY EXPIRY DATE 15/02/21

1. Background

1.01 This application was reported to Planning Committee on 22 April 2021 where officers recommended approval subject to conditions. The previous committee report is attached at the Appendix. Planning Committee deferred consideration of the application for the following reasons:

- A. *Negotiate the use of ragstone only for the exterior walls of the whole building;*
- B. *Add a landscaping condition to secure native species hedgerow planting along the rear and side back garden boundaries;*
- C. *Add a condition relating to external lighting given the proximity of Mote Park; and*
- D. *Amend the wording of condition 11 (Biodiversity Enhancements) to remove reference to native species planting and to require integral niches for wildlife (bird, bat and bee bricks) and gaps under fences to allow the movement of wildlife.*

1.02 In response to these points, the applicant has provided revised scheme on 3 May 2021 in addressing the external materials issue. The approved plans as listed under condition 9 in permission 15/506025/FULL and amended proposed elevation drawings are shown below in **Figure 1, 2 and 3**. The current proposal has revert the use of ragstone as approved in permission 15/506025/FULL with the use of timber cladding at the single storey rear extension. The use of yellow decorative bricks around the fenestration and edge of the building has been removed. These changes are discussed and assessed in the appraisal section below.

Figure 1. Approved and proposed front elevation

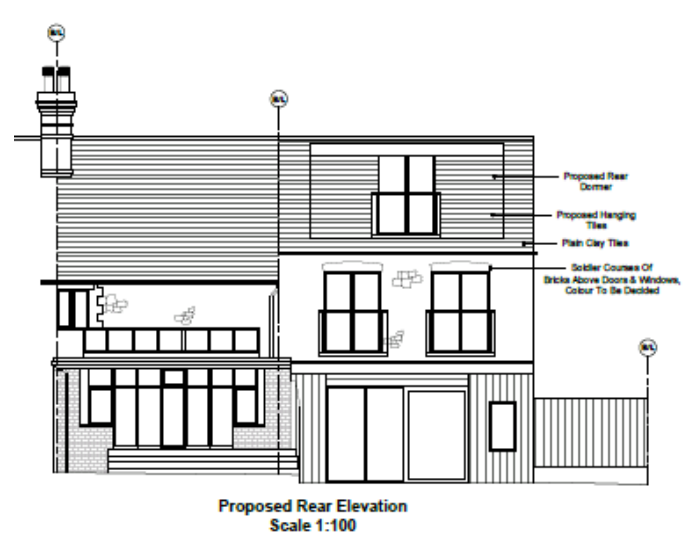
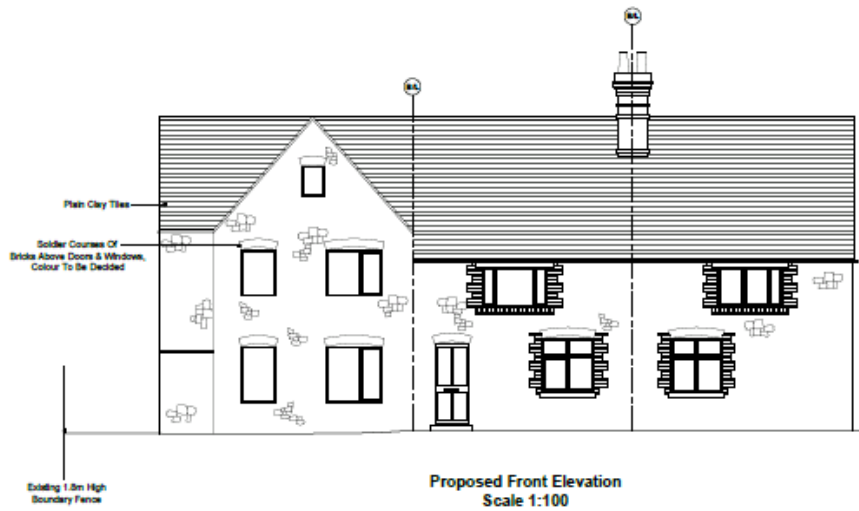
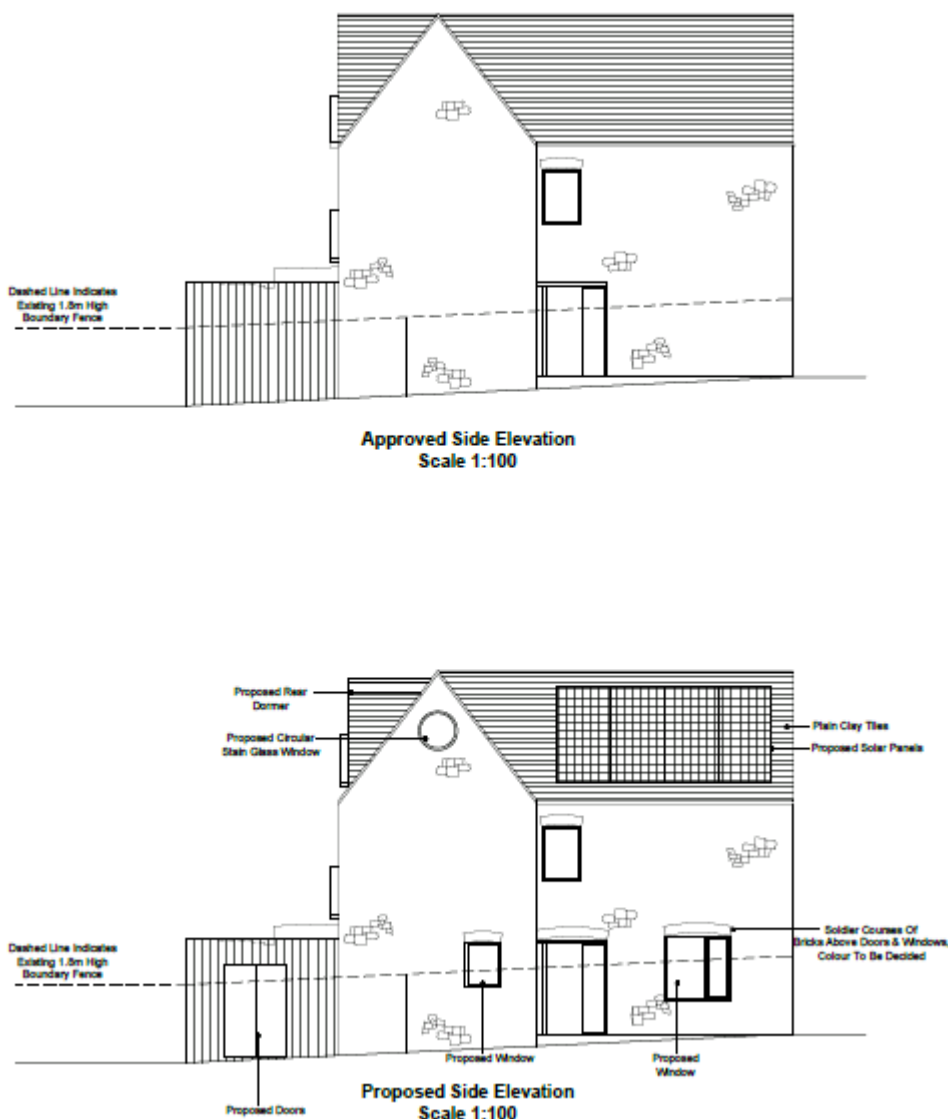


Figure 2. Approved and Proposed Rear Elevations

Figure 3. Approved and Proposed Side Elevations



2. APPRASIAL

- 2.01 The appraisal will focus on the reasons for deferral of the application regarding to use of ragstone and removal of yellow decorative bricks.
- 2.02 The amended scheme has revert to the use of full ragstone as approved under the original permission (15/506025/FULL) and the use of timber cladding for the single storey rear extension. Given the fall back option to the original permission, the amended scheme would largely be identical to the approved scheme hence is considered to be acceptable and in keeping with the character of the ragstone cottages and would not materially deviate from the approved scheme.
- 2.03 It should be noted the use of soldier courses of bricks above doors and windows have been approved in the original permission, the Applicant has agreed to include a separate material condition requesting the submission of samples material and colour of the soldier courses to ensure a satisfactory appearance to the development.

2.04 **The additional and amendment to conditions on the reasons for deferral of the application regarding to landscape, lighting and biodiversity are considered to be relevant and proportionate to the development, the revised list of suggested conditions have been amended accordingly in section 4.0 below.**

3. CONCLUSION

3.01 It is considered that the applicant has appropriately responded to the deferral reason with the provision of a revised scheme which is identical to the approved scheme in terms of materials.

3.02 The proposal would assist in the provision of an appropriately design dwelling at this sustainable location in accordance with the national and local plan policies. I do not consider there are justifiable material planning reasons to withheld granting permission.

4. RECOMMENDATION

GRANT planning permission subject to the following conditions:

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

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

(2) The materials to be used in the development approved shall be as indicated on the approved Proposed Plans and Elevations, No. PA1443/01 Rev I received on 3 May 2021 matching to those of the existing building at 2 School Lane.

Reason: In the interests of visual amenity.

(3) 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 (which includes the installation of any windows other than already approved) and B to that Order shall be carried out without first obtaining the permission of the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard privacy.

(4) The dwelling hereby approved shall not be occupied until the parking area to serve the proposed dwelling shown on drawing no:091 rev A has first been provided. The parking area shall be retained at all times thereafter with no impediment to its use.

Reason: In the interests of highway safety and the free flow of traffic.

(5) The dwelling hereby approved shall not be occupied until the first floor window on the side elevation has first been fitted with obscured glazing and limiters installed to ensure that no part of the window can open more than 150mm in any direction, with the window retained as such permanently thereafter. No new windows or openings shall be formed on the side elevation of the dwelling.

Reason: In the interests of privacy.

(6) The area of the proposed access and parking area within 5 metres of the back edge of the public pavement highway shall be surfaced in a bound material.

Reason: In the interests of visual amenity and pedestrian safety.

(7) Any gates to the proposed new access shall not open over the adjacent highway and shall be set back at least 5.5 metres from the edge of the carriageway.

Reason: In the interests of highway safety and the free flow of traffic.

(8) The development shall not be occupied until the existing redundant crossover has been removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority.

Reason: In the interests of the safety of pedestrians and vehicles.

(9) The development hereby approved shall be carried out in accordance with the following plans being:

Proposed Plans and Elevations, No. PA1443/01 Rev I received on 3 May 2021

Reason: In the interests of amenity.

(10) Access to the flat roof of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties.

(11) Notwithstanding the requirement from condition 2, the development hereby approved shall not commence above slab level until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials, this should include the use of clay tiles for the main roof;

Reason: To ensure a satisfactory appearance to the development.

(12) The development hereby approved shall not commence above ground level until details of a scheme for the enhancement of biodiversity on the site has 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 building structure such as swift bricks, bat tubes or bee bricks, and additionally through provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting, hedgerow corridors and gaps under fences to allow the movement of wildlife. The development shall be implemented in accordance with the approved details prior to first use of the building and all features shall be maintained permanently thereafter.
Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.

(13) The dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed with the charging point thereafter retained for that purpose.

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

(14) The development hereby approved shall not commence above slab level until a 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 native species hedgerow planting along the rear and side back garden boundaries, and soft and hard landscaping of the rear garden and include a planting specification, a programme of implementation and a [5] year management plan.

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

(15) The approved landscaping shall be in place at the end of the first planting and seeding season following completion of the dwelling. 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: In the interest of visual amenity of the area.

(16) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and

approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter; External lighting should be in accordance with Bat Conservation Trust guidelines.
Reason: In the interest of amenity and wildlife.

Case Officer: Michelle Kwok

REFERENCE NO – 20/505808/FULL		
APPLICATION PROPOSAL Section 73 - Application for variation of condition 2 (materials) and minor material amendment to approved plans condition 9 (to allow changes to materials and fenestration, the addition of solar panels and replacement of rear gable with rear dormer) pursuant to 15/506025/FULL for - New attached single residential development.		
ADDRESS Land Adjacent 2 School Lane, Maidstone, Kent, ME15 8DU		
RECOMMENDATION Grant planning permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The amended materials and replacement rear dormer on the revised scheme is of an appropriate design, bulk and appearance.		
REASON FOR REFERRAL TO COMMITTEE The Applicant is related to an employee of Maidstone Borough Council		
WARD Shepway North	PARISH/TOWN COUNCIL	APPLICANT Mr M Cox AGENT Richard Architectural Designs
TARGET DECISION DATE 30/04/21 (EOT)		PUBLICITY EXPIRY DATE 15/02/21

Relevant Planning History:

21/500756/NMAMD: To amend the incorrect description on the decision notice for permission 15/506025/FULL. The description of the development was incorrectly approved as 'New 'detached' single residential development' when the approved scheme was for an 'attached' dwelling – APPROVED

15/506025/FULL: New detached single residential development- APPROVED

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site lies within the urban area of Maidstone, comprises the side garden of 2 School Lane, being one of a pair of ragstone rendered semi detached properties sited a short distance back from the junction of School Lane with Willington Street.
- 1.02 The site was granted planning permission in 2015 under ref:15/506025/FULL for the erection of a new attached single residential development. The original permission (15/506025/FULL) was granted with the description of the development as “New detached single residential development”, however, the permission was granted on revised scheme for an attached development with approved plans as listed under Condition 10 of the decision notice illustrating the revise attached scheme. This discrepancy has been amended by way of the granting of non-materials amended under ref: 21/500756/NMAMD.

2. PROPOSAL

- 2.01 This is a section 73 application to vary condition 2 and 9 of planning permission 15/506025/FULL to allow changes to materials and fenestration, the addition of solar panels and replacement of rear gable with a rear dormer.

2.02 Condition 2 of permission 15/506025/FULL relating to the use of facing materials states:

"Other than the timber cladding and railings the facing materials used in the development hereby permitted shall match those of the existing building at 2 School Lane in relation to materials, style, colour, texture and, in the case of brickwork, bonding, coursing and pointing.

Reason: In the interests of visual amenity."

2.03 The approved plans as listed under condition 9 and proposed elevation drawings are shown below in Figure 1, 2 and 3. In response to the concerns raised regarding the use of full timber cladding to the new dwelling and excessive scale of the rear dormer, the Applicant provided revised scheme on 8 April 2021. In addressing these issues the current proposal in comparison to the previous approved scheme includes:

- The insertion of yellow brick section to the edge of the building and fenestrations to the front and forward side façade
- The rendering of the full yellow brickwork to the rear side and rear elevations
- Replacement of the rear gabled roof to a flat roof rear dormer
- Insertion of a ground floor side patio door and window, and a loft level side circular window
- Installation of solar panels on the roof

Figure 1. As approved and now proposed front elevation

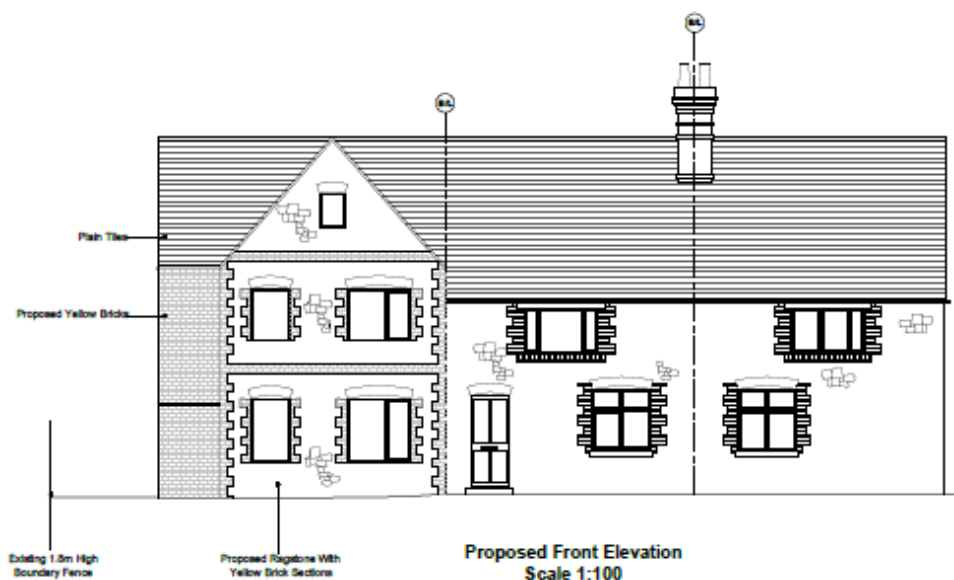
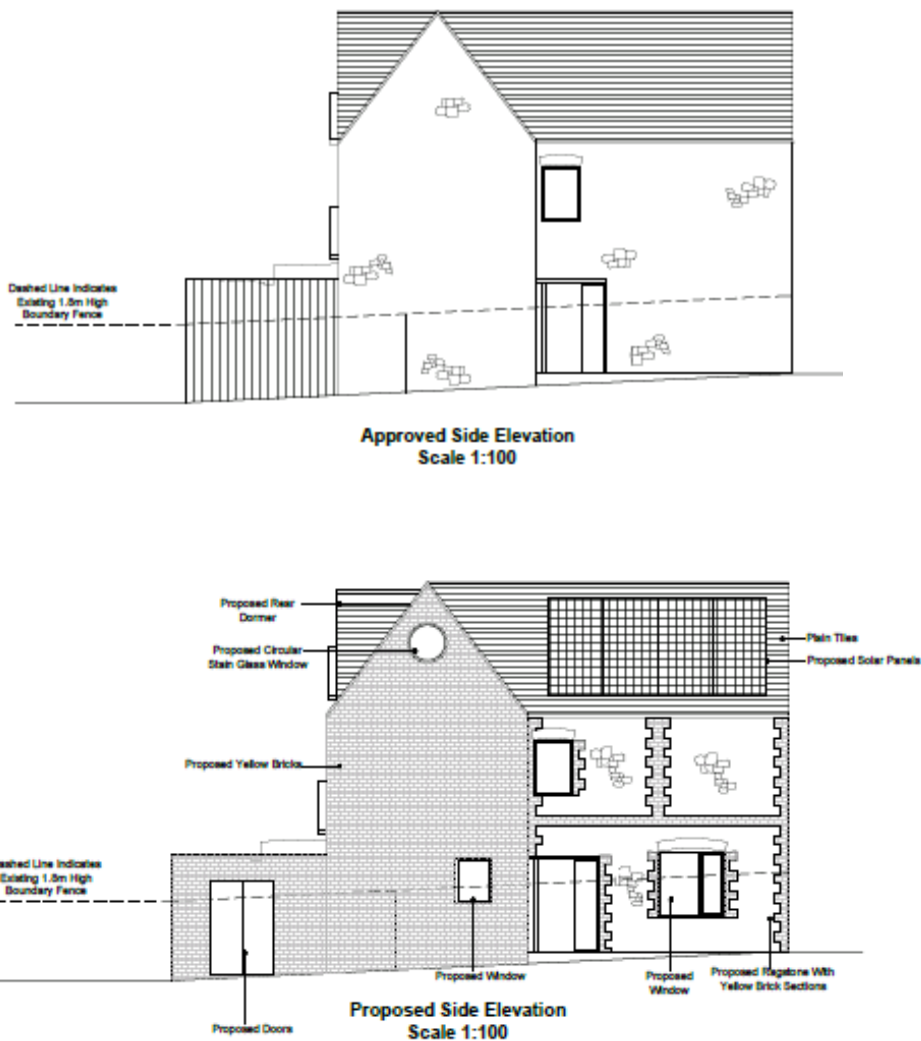


Figure 2. As approved and now proposed rear elevations



Figure 3. As approved and now proposed side elevations



3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017:
DM1- Principles of good design
DM2- Sustainable design
DM3- Natural environment

Supplementary Planning Documents:

- Maidstone Local Development Framework, Residential Extensions Supplementary Planning Document (adopted May 2009)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 4 representations received from local residents objecting to the proposal raising the following (summarised) issues:

COMMENTS RECEIVED	OFFICER'S RESPONSE
<ul style="list-style-type: none"> ▪ The amended scheme with additional fenestration, floor space and elevation of the roof go beyond the remit of a S.73 application and should be encompassed within a full planning application. ▪ The proposed weatherboarding in place of the original ragstone is harmful to the visual amenity of the attached ragstone cottages and the wider streetscene ▪ The proposed side circular window is an incongruous architectural detail that is out of keeping with the character of the streetscene and adjacent dwellings ▪ The rear flat roof dormer with full height and width is an architectural travesty and also significantly overlook to adjacent residential private amenity space ▪ Neighbours were not being consulted on the revised scheme 	<ul style="list-style-type: none"> ▪ There is no statutory definition for what constitute a 'minor material amendment'. The assessment of this current S73 application on the amended proposal would be the same as it would be assessed under a full planning application. ▪ The Applicant has provided on revised scheme to retain the use of ragstone on the front and part side elevations as much as possible with the insertion of matching yellow brick to the host cottage. ▪ The design aspects of fenestration would be discussed in the appraisal section below. ▪ The Applicant has provided on revised scheme sufficient set back from eaves and set down from ridge for the rear dormer. The matter of overlooking would be discussed in the appraisal section below. ▪ There is no statutory requirement for further public consultation. Notwithstanding this situation, neighbours can still submit their comments and they will also be given opportunity to present their comment on Planning Committee if they wish to to ensure their representation are being considered for the determination of the application by Members.

5. CONSULTATIONS

5.01 KCC Highways

Does not meet the criteria to warrant involvement

5.02 Environmental Health

No further comment

6. APPRAISAL

Main Issues

6.01 The application seeks a minor material amendment to the previously approved application (15/506025/FULL). This to allow the amendment of condition 2 to allow a change in external materials and to condition 9 for the design of the replacement roof dormer, insertion and modification of fenestration and solar panel.

6.02 The principle of development for the new dwelling has been established and approved, the acceptability of the proposed amendment to the approved scheme will therefore be based on its visual and amenity impact subject to the criteria of DM1 and DM9 of the Local Plan.

Visual amenity

6.03 Local Plan Policy DM1 seeks to achieve high quality design in all development proposals, and to achieve this, the Council expects proposals to positively respond to, and where appropriate enhance the character of their surroundings. The key aspects of a development proposal are its scale, height, materials, detailing, mass, bulk and site coverage.

6.04 Local plan policy DM9 seeks to permit the extension of dwellings where the scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the street scene and/or its context, the traditional boundary treatment of an area would be retained and, where feasible, reinforced, the privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents would be safeguarded; and sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene.

6.05 The Applicant has stated in the submitted cover letter it is financially unviable to use full ragstone and Kent peg tiles for the implementation of the approved scheme. On further email correspondence, the Applicant has stated the construction of ragstone walls are basically solid wall, under building regulations now there must be a cavity wall which is not possible with a full ragstone wall so the new ragstone buildings will need to have brick sections with the ragstone infilling between to achieve a cavity wall. Given the financial and architectural restrictions, it is reasonable to find appropriate alternatives for the implementation of the approved new dwelling.

6.06 The replacement of the approved ragstone building to full timber cladding was originally submitted for consideration. The Applicant submitted a revised scheme on 8 April 2021 demonstrating the retention of ragstone to the front and side elevations with the insertion of matching yellow bricks of adjoining ragstone cottage to the edge of the fenestrations and buildings. It is acknowledged the attached ragstone cottage has yellow bricks around the fenestration, hence the insertion of matching yellow bricks is considered to be acceptable and in keeping with the character of the ragstone cottages and would not materially deviate from the approved scheme.

6.07 The approved scheme includes timber cladding to the extended ground floor part of the new dwelling. The proposed replacement of full matching yellow brickwork to the rear side and rear elevations is considered to be sympathetic to the pair of

cottages which consists of yellow brickwork, and this section of full yellow brickwork building would be significantly set back from the front elevation and not highly visible from the streetscene.

- 6.08 In regard to the replacement of a flat roof rear dormer to the approved gabled roof, the Applicant has explained the reason for the amendment is due to restricted head height of the habitable room from the gabled roof. A flat roof dormer extending in full width and height to the roof was originally submitted, this original scheme is considered to be unacceptable with an appearance of a three storey flat at the rear.
- 6.09 Officer discussion with the applicant secured a revised scheme, the rear dormer would be set down from ridge, set back from eaves and set away from the side of the roof in accordance to guidance from the Residential Extensions Supplementary Planning Document (adopted May 2009). The loss of gabled roof is not considered to materially affect the overall character of the attached dwelling given it is to the rear where it is not visible from the street and would be constructed with hanging tiles matching with the roof tiles.
- 6.10 The use of solar panels for the new dwelling is supported in the NPPF that encourages the use of green energy. The solar panels would be installed to the side roof and would not result in any harmful visual impact to the host dwelling and wider streetscene.
- 6.11 The additional side circular stain glass window in the loft would be centrally positioned under the gabled roof. The new window is proportionate to the size of the roof and the use of stain glass is not an entirely irregular feature on period buildings. It would be to side of the building significantly set back from the front. The circular windows would not be harmful to the overall character of the building and streetscene.

Residential amenity

- 6.12 Concerns have been raised by neighbours in regards to overlooking from the patio windows on the rear dormer and the three side windows. The approved scheme, as shown in Figure 2, consist of a Juliette balcony window on the loft level.
- 6.13 The proposed patio window on the rear dormer, whilst it is slightly wider, it would share similar views to the approved scheme. The amended scheme would not result in loss of privacy to neighbouring amenity space over and above what has been approved.
- 6.14 Turning to the ground floor side windows, one of which would be obscure glazed serving a WC and the proposed side patio door would be screened by the 1.8m high boundary fence to the adjacent property.
- 6.15 Overall although the relationship with neighbouring properties would be altered no undue harm would result to residential amenity and there are no grounds to warrant refusal of the application on these grounds.

7. CONCLUSION

- 7.01 The impact upon visual amenity is not significant given the use of matching yellow brickwork which is in keeping to the attached pair of ragstone cottages. The replacement rear dormer is sympathetic to the roof form.
- 7.02 The proposal would assist in the provision of an appropriately design dwelling at this sustainable location in accordance with the national and local plan policies. I do not consider there are justifiable material planning reasons to withheld granting permission.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

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

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

(2) The materials to be used in the development approved shall be as indicated on the approved Proposed Plans and Elevations, No. PA1443/01 Rev H received on 8 April 2021 matching to those of the existing building at 2 School Lane.

Reason: In the interests of visual amenity.

(3) 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 (which includes the installation of any windows other than already approved) and B to that Order shall be carried out without first obtaining the permission of the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard privacy.

(4) The dwelling hereby approved shall not be occupied until the parking area to serve the proposed dwelling shown on drawing no:091 rev A has first been provided. The parking area shall be retained at all times thereafter with no impediment to its use.

Reason: In the interests of highway safety and the free flow of traffic.

(5) The dwelling hereby approved shall not be occupied until the first floor window on the side elevation has first been fitted with obscured glazing and limiters installed to ensure that no part of the window can open more than 150mm in any direction, with the window retained as such permanently thereafter. No new windows or openings shall be formed on the side elevation of the dwelling.

Reason: In the interests of privacy.

(6) The area of the proposed access and parking area within 5 metres of the back edge of the public pavement highway shall be surfaced in a bound material.

Reason: In the interests of visual amenity and pedestrian safety.

(7) Any gates to the proposed new access shall not open over the adjacent highway and shall be set back at least 5.5 metres from the edge of the carriageway.

Reason: In the interests of highway safety and the free flow of traffic.

(8) The development shall not be occupied until the existing redundant crossover has been removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority.

Reason: In the interests of the safety of pedestrians and vehicles.

(9) The development hereby approved shall be carried out in accordance with the following plans being:

Proposed Plans and Elevations, No. PA1443/01 Rev H received on 8 April 2021

Reason: In the interests of amenity.

(10) Access to the flat roof of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties.

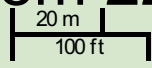
(11) Prior to first occupation of the dwelling a scheme for the enhancement of biodiversity on the site shall be in place that is in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the development such as native species planting or installation of bat/bird nest boxes. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

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

(12) The dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed with the charging point thereafter retained for that purpose.

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

Case Officer: Michelle Kwok



Ordnance Survey - data derived from OS Premium

REFERENCE NO: 21/500564/FULL		
APPLICATION PROPOSAL: Redevelopment of agricultural yard comprising of the demolition of existing buildings and erection of 4(no) dwellings, incorporating environmental and visual enhancement scheme.		
ADDRESS: Runham Farm, Runham Lane, Harrietsham, ME17 1NH		
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: Lenham Parish Council has requested the application is considered by the Planning Committee if officers are minded to approve planning permission. This request is made for reasons outlined in consultation section below.		
WARD: Harrietsham & Lenham	PARISH COUNCIL: Lenham	APPLICANT: F H Ventures Ltd AGENT: Perdix Property Ltd
TARGET DECISION DATE: 31/05/21		PUBLICITY EXPIRY DATE: 30/04/21

RELEVANT PLANNING HISTORY

- 20/501836 – Pre-app: Demolition of buildings and erection of 5 houses
- 19/501616 – Prior Notification (PN) for 2 agricultural buildings to 2 dwellings - Prior approval granted
- 19/501603 - PN for 2 agricultural buildings to 2 dwellings - Prior approval granted
- 18/506643 - PN for 4 agricultural buildings to 4 dwellings - Prior approval refused

MAIN REPORT

1.0 Site description

- 1.01 The application site relates to a parcel of agricultural land (0.45ha in area) that is located on the eastern side of Runham Lane, some 0.65km to the south-west of the junction with Sandway Road. The site is currently occupied by a number of farm buildings of differing scales and design. The wider area is largely undeveloped land; and there are properties either side of the existing access into the site, those being Grade II listed Lower Runham Farmhouse and Hope Cottage, and Oast Cottage (non-designated heritage asset). A public footpath (KH414A) runs along the northern boundary of site, and there are other public footpaths in the wider area.
- 1.02 For the purposes of the Local Plan the application site is within the designated countryside, with part of the access road from Runham Lane falling within the Len Valley Landscape of Local Value. The majority of the site also falls within an Area of Archaeological Potential; the site is within a KCC Minerals Safeguarding Area; and the site is in Flood Zone 1. The application site does fall outside the Stour Catchment Area, but is within the Council’s designated buffer area, known as the ‘Stour Additional Catchment Area’.

2.0 Background information

- 2.01 Under extant prior notification approvals 19/501616 and 19/501603, four of the existing farm buildings within the application site can be converted into four dwellings. This will be discussed in more detail later on in the report.
- 2.02 Pre-application advice was sought prior to the submission of this application, (under 20/501836), for five dwellings. Officer advice at the time concluded that a scheme for four houses could be supported in this location, given the fallback position, but that any scheme brought forward would need to reduce the scale and amount of buildings on the site; it would need to better relate to its less formal and rural location

in terms of layout, design and vernacular; and all other matters raised would need to be addressed in any planning application.

3.0 Proposed development

3.01 This application is for the redevelopment of an agricultural yard comprising the demolition of the existing farm buildings and erection of four dwellings, incorporating an environmental and visual enhancement scheme. Access would be from the existing access from Runham Lane; and pedestrian access would be made through to an area of open space to the north of the application site, which will also provide ecological/landscaping enhancements.

3.02 The four new units would consist of: 2 single storey properties; and 2 1.5 storey properties. The palette of materials includes: Black timber cladding; clay roof tiles; facing brickwork; brick plinths; and ragstone features.

3.03 All of the buildings to be demolished as a result of this application have a combined footprint of some 1307m²; and the combined footprint for the new dwellings would be some 501m². What is perhaps more important to note is the footprint/scale of the existing buildings that benefit from prior approval for residential conversion. The table below will provide some comparisons:

EXISTING BUILDINGS WITH PRIOR APPROVAL			PROPOSED DWELLINGS		
	FOOTPRINT	HEIGHT		FOOTPRINT	HEIGHT
Building 1	129m ²	5.5m	Unit 1 (single storey)	109m ²	5.5m
Building 2	113m ²	6.5m	Unit 2 (single storey)	147m ²	5.5m
Building 3	110m ²	3.8m	Unit 3 (1.5 storey)	126m ²	7.5m
Building 4	62m ²	3.5m	Unit 4 (2 storey)	119m ²	8.5m
TOTAL:	414m ²		TOTAL:	501m ²	

OTHER EXISTING BUILDINGS TO BE DEMOLISHED		
	FOOTPRINT	HEIGHT
Building 5	670m ²	8.5m
Building 6	53m ²	2.8m
Building 7 (partial)	170m ²	8.2m
Building 8	62m ²	3.5m
TOTAL:	955m ²	

4.0 Policy and other considerations

- Local Plan (2017): SS1, SP17, SP18, DM1, DM2, DM3, DM4, DM8, DM23, DM30
- Lenham Neighbourhood Plan (2017-2031)
- National Planning Policy Framework (2019)
- National Planning Practice Guidance
- Maidstone Landscape Character Assessment (as amended 2013)
- Landscape Capacity Study (Jan 2015)

5.0 Local representations

5.01 3 representations received raising concerns over: Traffic generation/highway safety; and impact on biodiversity.

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 **Lenham 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:

- *Site is in unsustainable location so there would be over reliance on private motor vehicle.*
- *Runham Lane is single track road which in places is in need of much repair and certainly not capable of more traffic especially from lorries needed for site delivery of building product.*
- *Lenham Neighbourhood Plan (LNP) should be given significant weight and stronger line should be taken on such development. LNP will sustainably contribute over 1000 dwellings to borough in fully sustainable and integrated manner; and relevant policy CP1 (Countryside Protection) seeks development to protect rural environment of Parish.*
- *Fundamental character of this part of Lenham is that of isolated farms and detached dwellings near to village of Harrietsham and hamlet of Platts Heath. Development is out of character with this background.*
- *Introduction of suburban development will reduce potential of site to support varied wildlife.*
- *Proposal will set precedent for future development*
- *There is no possible justification for provision of dwellings here which is evidently unsustainable and not capable of being integrated into surrounding rural area.*

6.02 **Conservation Officer:** Commented under pre-app (20/501836) that it should be possible to redevelop site and avoid harm to the setting of the listed buildings.

6.03 **KCC Biodiversity Officer:** Raises no objection.

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

6.05 **Environmental Protection Officer:** Raises no objection.

6.06 **Natural England:** Raise no objection.

6.07 **KCC Archaeologist:** Raise no objection.

6.08 **KCC Public Rights of Way Officer:** No representations received.

6.09 **KCC Minerals and Waste Planning Policy Team:** Raises no objection.

7.0 APPRAISAL

Main issues

7.01 The proposed development is subject to the normal constraints of development in the countryside where it should not be permitted unless it accords with other policies in the Local Plan and (inter alia): does not result in unacceptable harm to the character and appearance of the area; respects the amenity local residents; is acceptable in highway safety terms; protects and enhances any on-site biodiversity features where appropriate, or provides sufficient mitigation measures; and is acceptable in flood risk terms. Local Plan policies also state that new development should conserve and enhance the distinctive landscape character of the Len Valley Landscape of Local Value. Furthermore, policies within the Local Plan 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.

7.02 Lenham Neighbourhood Plan (LNP) has recently been passed at referendum and the results of this are set to be presented to SPI Committee on 8th June, with a recommendation that Full Council 'make' the neighbourhood plans. The next available date for Full Council is 14th July. In line with Section 38 (3A) of the

Planning and Compulsory Purchase Act 2004, the LNP is now part of the development plan for Maidstone Borough Council. The following LNP policies are considered to be most relevant for this application: D1 (Quality Design); D3 (Innovation and variety); D5 (Residential car parking design); AT1 (Active Travel); AT (Public transport); GS1 (Natural and amenity green space); CP1 (Countryside Protection); and AQ1 (Charging points for electric vehicles).

7.03 The NPPF is also clear that good design is a key aspect of sustainable development; and 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; and section 16 of the NPPF sets out what should be considered in terms of conserving and enhancing the historic environment.

7.04 The Maidstone Landscape Character Assessment identifies most of the application site as falling within the Greensand Orchards and Mixed Farmlands: Broomfield Undulating Farmlands (Area 32). The landscape guidelines for this area are to 'conserve' and a summary of actions are as follows:

- Consider the generic guidelines for Greensand Orchards and Mixed Farmlands
- Conserve the wooded enclosure provided by woodland blocks and hedgerows
- Conserve the rural and traditional setting of vernacular style buildings
- Resist infill development within the distinctive rural hamlet of Broomfield
- Resist widening of distinctive narrow sunken lanes

7.05 The Landscape Capacity Study (Jan 2015) has the overall landscape sensitivity as 'HIGH'.

Location of site

7.06 The Local Plan identifies the focus for new residential development in the settlement hierarchy as firstly the urban area, then rural service centres and lastly the larger villages. The proposal site is in the countryside for the purposes of the Local Plan, and it is considered to be removed from basic amenities/services, public transport links, and employment opportunities etc.; and the surrounding road network largely consists of unlit country lanes. Given the travelling distances to access basic services/facilities and the condition of the roads, it is considered that future occupants would be reliant on the private car for their day to day living, contrary to the aims of sustainable development as set out in local and national policy/guidance.

7.07 However, in this instance the fallback position needs to be considered in the assessment of this planning application. Four of the existing farm buildings on the site currently benefit from extant prior approval to be converted into four dwellings (see above planning history). As there is a real prospect of the fallback development (4 houses) being implemented, significant weight needs to be given to this material planning consideration (see *Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314*). Given this fallback position, it is considered that it would be unreasonable to refuse the application for four new dwellings on the grounds of these houses being isolated and located in an unsustainable location. Notwithstanding this, the details of the application will now be considered.

Visual impact

- 7.08 Local Plan policies seeks to achieve high quality design in all development in the countryside, and policies emphasising the need for type, siting, materials, design, scale, and level of activity, to maintain and possibly enhance local distinctiveness. Local Plan policy also requires that the impact of development on the appearance and character of the landscape is appropriately mitigated.
- 7.09 Furthermore, in terms of the fallback position the purpose of Class Q of the General Permitted Development Order is to convert buildings whilst retaining the rural character of the area; and the two prior approval applications on this site allow for the conversion of four modestly scaled buildings that already exist on the landscape. It is important to consider if this proposed development causes significantly more harm on the landscape than what can be implemented by way of the prior approval process. For ease of reference, the drawings below show the layout under prior approval and the proposed layout for this application:



- 7.10 The site is currently occupied by a number of farm buildings of varying scale and appearance that are typically informally clustered together. The proposal would see the removal of several of these buildings, allowing the site to be redeveloped for four detached dwellings, as shown on the submitted plans.
- 7.11 In general terms it is accepted that the proposal would result in a more spacious residential layout than what is permitted under prior approval legislation, what with the plots having larger gardens; the proposed units would cumulatively have a larger footprint than the four existing buildings that can be converted under Class Q; and two of the proposed dwellings would be greater in height than two of these existing farm buildings.
- 7.12 However, it is noted that the four dwellings are appropriately loose-knit and sporadic in layout, with irregular shaped plots that reflect the form and character of a traditional farmstead; the proposal is not considered to be a dense form of development; when entering the site, clear views to the remaining farm buildings and open countryside beyond would be retained, maintaining an open feel to the scheme; the increased footprint of the four new dwellings compared to those that can be converted is not considered to be so harmfully different, particularly when it is considered that other unsightly farm buildings would also be removed as part of the development; two of the dwellings would be single storey and no larger than two of the farm buildings that can be converted; and no new dwelling would be greater in height than the tallest existing farm building.

- 7.13 On other aspects of the design and layout of the scheme, the new buildings are of an appropriately simple and traditional design, making use of vernacular external materials appropriate to the area; except for an attached car barn to plot 3 there are no other outbuildings and hardstanding is kept to a minimum, further retaining a more open and rural feel to the development; and the variation of building types would also provide further visual interest to the development overall. No trees would be impacted upon as a result of this application, and so no further details are required in arboricultural terms. Notwithstanding this, a further benefit to the scheme is that it would be largely landscape-led with additional soft landscaping that would include new tree and hedge planting; there is little in the way of hard, urbanising type boundary treatments; and a large area of open space would be retained and enhanced as a result of this application. Overall, this would help the development positively integrate with its surroundings, and the details of the landscaping scheme and the retention of the open space would be secured by way of appropriate conditions. To further secure the quality of the development, details of the external materials; hard boundary treatments; hardsurfacing; and external lighting will also be secured by way of appropriate conditions; and permitted development rights will be removed for extensions, outbuildings and other hard boundary treatments.
- 7.14 There would be short range public views of the proposal from the footpath that runs along the northern boundary of the site; and there would be some short to medium ranged views from other footpaths to the east of the site. Furthermore the application site is set back more than 90m from Runham Lane, and any public views of the development from this lane would be at short range and largely screened by existing buildings and landscaping.
- 7.15 Whilst the proposal would not replicate the residential development that is possible under the extant prior approval applications, it would respect its rural context and would not appear visually intrusive and incongruous on the landscape. Furthermore, the proposal's use of high quality materials and the landscaping and ecological enhancements presented would not be provided if the existing buildings were converted under Class Q. So, with everything considered including the fallback position, it is considered on balance (and subject to certain conditions) that the proposal would not have an unacceptable adverse impact upon the character and appearance of the countryside hereabouts. The proposal is therefore considered to be in accordance with the relevant policies of the Local Plan; the Lenham Neighbourhood Plan; the guidance within the Maidstone Landscape Character Assessment; the aims of the NPPF.

Heritage implications

- 7.16 The Planning (Listed Buildings and Conservations Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest. Local Plan policy SP18 requires (inter-alia), that the characteristics of heritage assets are protected and design is sensitive to heritage assets and their settings. Policy DM4 requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.
- 7.17 The revised NPPF (paragraph 192-193) states: In determining applications, local planning authorities should take account of:
- a) desirability of sustaining and enhancing significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) desirability of new development making positive contribution to local character and distinctiveness.*

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

7.18 The proposal site is in close proximity to a couple of Grade II listed buildings and a non-designated heritage asset, and it needs to be considered what impact the new development will have on the significance of these buildings. Great weight should be given to the assets conservation, and any harm to, or loss of, the significance of the designated heritage assets should require clear and convincing justification. A Heritage Statement, in accordance with paragraph 189 of the NPPF, has been submitted as part of this application.

7.19 The Conservation Officer, at the pre-application advice stage, confirmed that the historic farmstead did not extend to the application site, as set out in the submitted Heritage Statement; and they also advised, in order to reduce the impact of any new development on the setting of the listed farmhouse, that the height of the buildings should be carefully considered so that they sit more into the landscape would be preferable. It is considered that the scheme now for consideration has positively addressed this issue. Furthermore, the design of the buildings takes account of the historic farm buildings and local vernacular; and appropriate conditions can be imposed to safeguard the quality of the scheme by seeking details of external materials, boundary treatments, hardsurfacing, landscaping, and external lighting.

7.20 The Conservation Officer (at pre-app stage), commented that it should be possible to redevelop the proposal site and avoid harm to the setting of the heritage assets and it is considered that the submission has taken on board previous advice, and the following (summarised) conclusions made in the submitted Heritage Statement are accepted:

- Buildings are in low intensity agricultural use and no longer suited to modern practices; and site is no longer functionally associated with nearby Runham Farmhouse. 2 Grade II listed buildings lie in close proximity to application site that have potential to be affected by proposal. Site therefore makes minor contribution to significance of Lower Runham Farmhouse & Hope Cottage as part of their historic rural context.

- Proposal has been designed to retain rural character of site that makes some contribution to significance of surrounding listed buildings. It has also been considered to include measures to minimise potential impact of proposal on significance of listed buildings, for example, use of screen planting and form, massing, and quantum of development.

- Proposal has been carefully designed in order to respond to comments raised by Conservation Officer during pre-app discussions. Proposal has been reduced in terms of house numbers and building height, its layout is adapted to respond to surrounding rural context, and architectural design of buildings has developed to respond to local architectural vernacular. Proposal would cause alteration in setting of listed buildings, but this alteration would not harm their significance. Proposal would preserve architectural and historic interest of listed buildings, and be in accordance with national/local planning policy relating to built heritage.

Biodiversity implications

7.21 The submission includes a Phase 1 Extended Habitat Survey; a Landscape and Ecology Management Plan (LEMP); and proposed drawings for unit 3 showing bat loft access tiles above the car port and a roof void to be converted to a bat loft.

- 7.22 The KCC Biodiversity Officer has reviewed the ecological information submitted in support of the submission and advises that sufficient information has been provided to determine the application. The Biodiversity Officer's comments are set out below:

Roosting Bats

The site mainly consists of agricultural buildings (with hard-standing and areas or grassland/ruderal vegetation). Therefore, roosting bats and barn owls are a primary concern. We are satisfied that almost all the buildings have no roosting potential for bats but the ecology report cites the need for one bat emergence survey regarding the outbuilding associated with barn 5 (as shown on drawing ref: 2896_01D).

We would normally request the results of protected species surveys prior to determination (in alignment with paragraph 99 of the ODPM 06/2005). However, the submission states that a "...purpose-built bat loft will be installed in unit 3, as part of the mitigation for bats on this site"; and this is depicted in the proposed elevations for unit 3. Bat surveys will still have to be carried out, and depending on what is found, a Natural England licence will be needed. However, as a bat loft has been incorporated into the development, we advise that surveys can be conditioned as the applicant has demonstrated bat mitigation can be incorporated.

- 7.23 On page 24 of the submitted Phase 1 Extended Habitat Survey, it states:

'.....the outbuilding of barn 3 has a low suitability for roosting bats. In keeping with the bat Conservation Guidelines, the site would require a single further Phase 2 bat survey, a single dawn and dusk emergence survey. This will enable mitigation for bats to be put in place prior to any clearance of the barns which are to be demolished proceeds.....'*

**The report refers to barn 3 and this is barn 5 on the drawings submitted with this application.*

- 7.24 On this basis, the approach advised by the Biodiversity Officer is agreeable and a suitable condition will be imposed for details of a Bat Mitigation Strategy, that would be informed by a dawn and dusk bat emergence survey, prior to the demolition of any buildings on the site. The agent has confirmed their agreement to the imposition of this pre-commencement condition.
- 7.25 The Biodiversity Officer is also satisfied that a precautionary approach for reptiles can be addressed by way of condition; the recommended informative regarding breeding birds will be duly added; and the recommended conditions are considered necessary and reasonable, to safeguard protected species and their habitats.
- 7.26 Furthermore, under section 40 of the Natural Environment and Rural Communities Act (2006), and paragraph 175 of the NPPF (2019), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 175 of the NPPF, the implementation of enhancements for biodiversity should be encouraged especially where this can secure measurable net gains for biodiversity. A suitable condition will therefore be imposed requesting details of biodiversity enhancements through integrated methods into the design and appearance of the dwellings themselves.
- 7.27 In addition to this, the Biodiversity Officer is supportive of the proposed 'ecology enhancement area' within the blue-line boundary; and the submitted LEMP, which includes native tree/hedgerow planting and native wildflower meadow establishment and a 5-year management plan featuring suitable methodologies and timings to achieve set objectives, is accepted and can be secured by way of appropriate condition.

Highway safety

- 7.28 The development will make use of the existing farm access onto Runham Lane. The existing farm buildings have most recently been used for hay, agricultural machinery storage, animal medicine and livestock. All such uses generate daily vehicle movements and also staff/worker trips to and from the site. The submitted Traffic Generation Statement has demonstrated that the daily vehicle trip rates attributed to the proposal would not be greater than the agricultural use. It is also evident that the vehicles associated to the residential use would be more efficient and cleaner than those typical in farm use, having a more positive impact in terms of air quality; the proposal is also likely to reduce the number of larger farm vehicles using Runham Lane; vehicles could turn around and leave the site in a forward gear; the submission shows adequate refuse storage/collection facilities; and the proposal is only for four new dwellings and the fallback position needs to be highlighted again. Furthermore, each unit would benefit from acceptable onsite parking provision, in accordance with Local Plan policy DM23; and whilst there is no dedicated visitor parking, this is not considered to be objectionable alone, given the relatively modest scale and location of the application site. With everything considered, the proposal would not have a significant impact in terms of congestion and highway capacity and no objection is raised in terms of highway safety.

Residential amenity

- 7.29 Given the proposal's scale, layout, orientation, and separation distances between proposed and existing properties, there are no objections raised to the proposal on residential amenity grounds for both existing surrounding residents and future occupants of the site, in terms of privacy, light, outlook, and general noise and disturbance.

Other considerations

- 7.30 The Environmental Protection Team has raised no objection the proposal in terms of land contamination, noise, air quality, amenity, radon, asbestos, lighting, odour, accumulations, sewage, and private water supplies. Given the historical use of the site for agriculture, it is considered reasonable to impose a suitable pre-commencement land contamination condition in the interests of public health; and the agent has confirmed their agreement to the imposition of this condition. Furthermore, a suitable condition controlling external lighting is also considered reasonable; and in accordance with Local Plan policy, and in the interests of sustainability, a suitable condition will be imposed to secure the provision of electric vehicle charging points for low-emission plug-in vehicles for each unit. The recommended hours of working at construction phase is not considered necessary for this proposed development.
- 7.31 In terms of renewable energies, the submission states that individual air source and or/ground source heat pumps will be used to provide heat for all the units, and further details of this can be secured by way of condition. Photovoltaics were considered but it was considered that this is likely to have a harmful heritage impact and this view is accepted.
- 7.32 Foul sewage will be disposed of by way of package treatment plant and the Environmental Protection Team has reviewed the submitted details of the package treatment plant and have raised no objections.
- 7.33 Natural England has also confirmed that because the proposal will discharge its foul sewage via a package treatment plan with a discharge point that does not fall within the identified Stodmarsh catchment, they are satisfied the proposal would not have an impact on the Stodmarsh designated site as a result of increased nutrient loading.

Surface water will be dealt with by way of an existing waterway and the site is in Flood Zone 1. There is no objection raised to the proposal on flood risk grounds.

- 7.34 The KCC Archaeology Officer confirms that the application site lies within an area of archaeological potential associated with multi-period activity; and there is evidence of Prehistoric activity in the general area and a Roman site with cremations is known to the south. Furthermore, Runham Farm itself is considered to be of 16th century or earlier origins and may well be Medieval. On review of the application, KCC confirms it does provide an acceptable assessment of the archaeological issues of this site; and in view of the potential for archaeological remains, a pre-commencement condition is recommended for archaeological field evaluation work. This is considered reasonable, in the interests of ensuring that features of archaeological interest are properly examined and recorded. The agent has confirmed their agreement to the imposition of this condition.
- 7.35 The site does fall within a KCC Minerals Safeguarding Area. The KCC Minerals and Waste Planning Policy Team has reviewed the application and requires no further information in this respect. KCC conclude that any extraction from this site would unlikely be economically viable, and possibly incur unacceptable impacts on the communities and environment of the locality, and therefore have no objection to the proposal regarding minerals or waste safeguarding matters. A Public Rights of Way runs along the northern boundary of the site and should not affect the application. No further details are required in this respect.
- 7.36 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.

Conclusion

- 7.37 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 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) Prior to commencement of the development above damp-proof course level, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be submitted to and approved in writing by the local planning authority, and shall include:
- a) Black timber cladding;
 - b) Plain clay roof tiles;
 - c) Facing brick; and
 - d) Ragstone

The development shall be constructed using the approved materials and maintained as such thereafter.

Reason: To ensure a high quality appearance to the development; and to conserve and enhance the significance and setting of the nearby heritage assets.

- (3) Prior to commencement of the development above damp-proof course level, details of all fencing, walling and other hard boundary treatments shall be submitted to and approved in writing by the local planning authority with the details incorporating gaps at ground level to allow for the passage of wildlife. The development shall be carried out in accordance with the approved details before the first occupation of the buildings and maintained as such thereafter.

Reason: To ensure a high quality appearance to the development; to safeguard the enjoyment of their properties by existing and prospective occupiers; and to conserve and enhance the significance and setting of the nearby heritage assets.

- (4) Prior to the commencement of development above damp-proof course level on any individual property, details of a scheme of hard and soft landscaping, using indigenous species which 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 and long term management, shall be submitted to and approved in writing by the local planning authority. The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment (2012) and shall include:

- a) Details of new planting (including location, planting species and size);
- b) Native tree planting at a minimum of Standard size;
- c) Mixed native hedgerow boundary planting, that includes Hawthorn, to be planted in double staggered rows (45cm between plants in row and 30cm between rows);
- d) Details of access road and driveway surfacing

Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted. The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned domestic gardens. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the countryside.

- (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 10 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 safeguard the character and appearance of the countryside.

- (6) Prior to commencement of the development above damp-proof course level, details of ecological enhancements integrated into the design and fabric of all four dwellings hereby approve, to include swift bricks, bat tubes and bee bricks, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of the relevant dwelling and all features shall be maintained as such thereafter.

Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.

- (7) In accordance with the submitted Phase 1 Extended Habitat Survey (by Landvision, ref: PP/HAR/20/010. Rev 1: dated 9th Nov 2020) and prior to the demolition of any buildings on the site, a Bat Mitigation Strategy, that would be informed by a dawn and dusk bat emergence survey, shall be submitted to and approved in writing by the local planning authority. Once the Bat Mitigation Strategy has been approved in writing by the local planning authority, the development shall be implemented in accordance with the approved details and maintained as such thereafter.

Reason: Details are required prior to the commencement of development to safeguard protected species.

- (8) Prior to the first occupation of the development hereby approved, the habitat enhancement measures set out in the submitted Landscape and Ecology Management Plan, Figure 2 – Biodiversity Enhancement Map (by Hone Ecology last dated 6th April 2021), shall be implemented and managed as such thereafter in accordance with the document's Management Plan (section 6).

Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.

- (9) The ecological enhancement area, as shown in the submitted Landscape and Ecology Management Plan (LEMP); on drawing ref: 2896_01B; and on the submitted 'Farm Plan' (received 10th May 2021), shall be maintained as an ecological enhancement area (in accordance with the submitted LEMP) in perpetuity.

Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.

- (10) The development hereby approved (including site clearance) shall be carried out in accordance with the details relating to precautionary mitigation measures for reptiles, as contained within appendix 2 of the submitted Phase 1 Extended Habitat Survey (by Landvision, ref: PP/HAR/20/010. Rev 1: dated 9th Nov 2020).

Reason: To safeguard protected species.

- (11) No 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. Any details to be submitted shall also follow the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interest of amenity and protecting foraging bats.

- (12) 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.

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 interests of public health. Details are required prior to the commencement of development because ground works are involved.

- (13) Prior to the first occupation of the development hereby approved, on completion of the works a Closure Report shall be submitted and approved by the local planning authority. The closure report shall include full verification details as set out in the remediation method statement, and this should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

Reason: In the interests of public health.

- (14) Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

- i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains. Details are required prior to the commencement of development because ground works are involved.

- (15) Each property shall have a minimum of one operational electric vehicle charging point for low-emission plug-in vehicles prior to its occupation. The electric vehicle charging points shall be maintained as such thereafter.

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

- (16) The vehicle parking spaces, as shown on the submitted plans, shall be provided prior to occupation of the relevant dwelling they are associated with and then permanently retained for parking thereafter.

Reason: In the interest of visual amenity and parking provision.

- (17) The car barn for plot 3 shall remain open to the front and shall not be enclosed by doors or any other means of enclosure.

Reason: In the interest of visual amenity and parking provision.

- (18) Prior to commencement of the development above damp-proof course level, details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation of the relevant dwelling and maintained as such thereafter.

Reason: To ensure an energy efficient form of development.

- (19) Notwithstanding the details approved pursuant to condition 3 of this permission and notwithstanding 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, B, D, and E, and Schedule 2, Part 2, Class A to that Order shall be carried out.

Reason: To ensure a high quality appearance to the development; and to conserve and enhance the significance and setting of the nearby heritage assets.

- (20) The development hereby permitted shall be carried out in accordance with the following approved plans/documents: 2896_01B; 05D; 06E; 10C; 15B; 20C; and 25A; and Landscape and Ecological Management Plan.

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

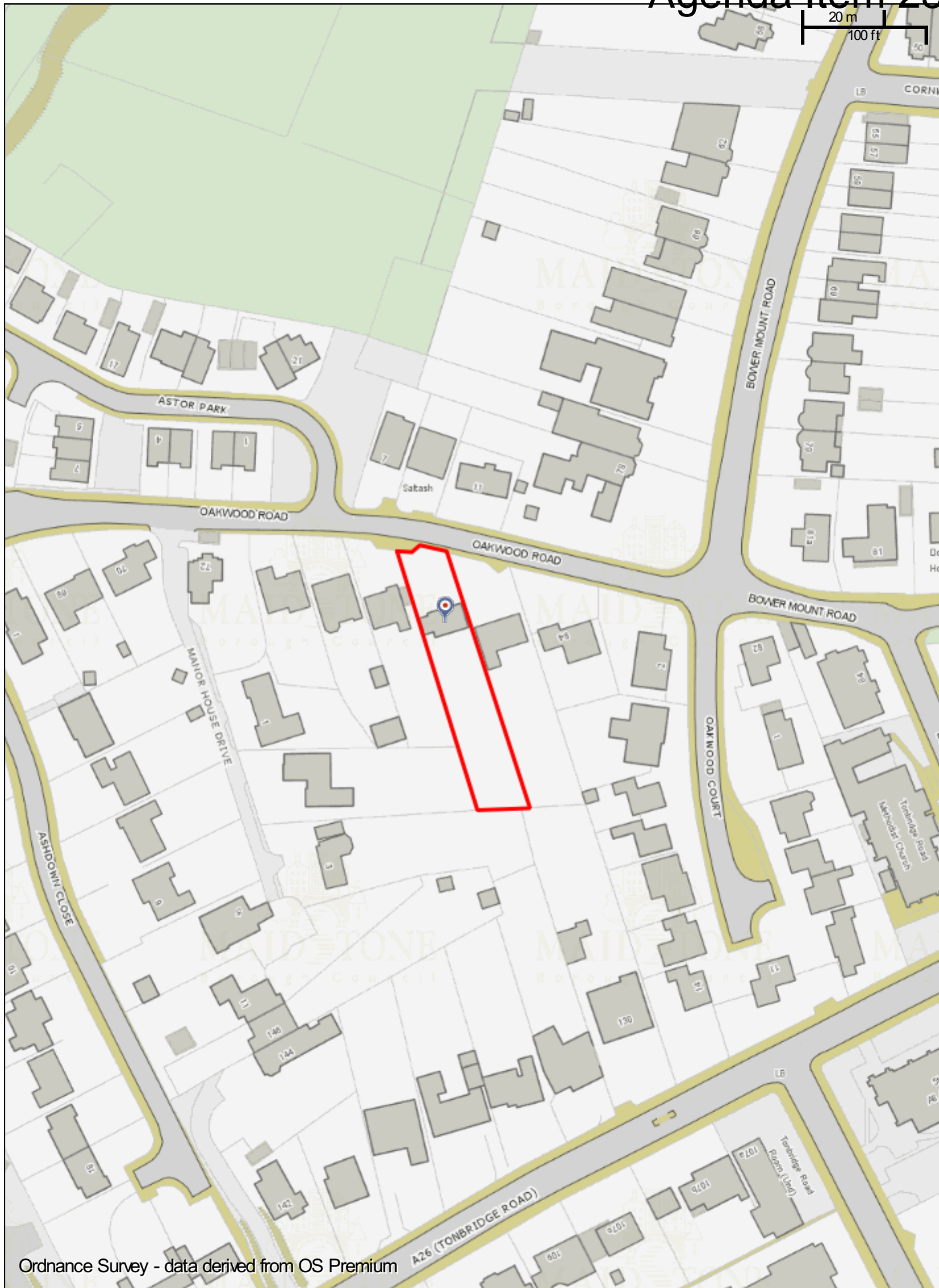
Informatives:

- (1) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.
- (2) It is the responsibility of applicant to ensure, before development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by Highway Authority.
- (3) Applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.
- (4) As lighting can be detrimental to roosting/foraging/commuting bats, the recommendations from Bat Conservation Trust and Institution of Lighting Professionals, titled Guidance Note 8 Bats and Artificial Lighting, should be adhered to when designing lighting schemes for new development. Lighting must not directly illuminate any ecological features for bats (i.e. suitable roosting features or habitats).
- (5) Granting of planning permission confers no other permission or consent on applicant. Applicant is advised no works can be undertaken on a Public Right of Way without express consent of Highways Authority. In cases of doubt please contact KCC before commencing any works that may affect the PROW. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:
 - The applicant pays for the administration costs
 - The duration of the closure is kept to a minimum
 - Alternative routes will be provided for the duration of the closure.
 - A minimum of 6wks notice required to process applications for temporary closures.

This means the PROW must not be stopped up, diverted, obstructed (including any building materials or waste generated during any construction phases) or the surface disturbed. There must be no encroachment on current width, at any time now or in future and no furniture/fixtures may be erected on or across PROW without consent.
- (6) Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- (7) The applicant is advised to contact the Environment Agency to establish whether or not a discharge consent from them would be required: [Discharges to surface water and groundwater: environmental permits - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits).

Case officer: Kathryn Altieri

20 m
100 ft



Ordnance Survey - data derived from OS Premium

21/500927/FULL - 80 Oakwood Road, Maidstone, Kent, ME16 8AL

Scale: 1:1250

Printed on: 19/5/2021 at 10:27 AM by StevieH



REPORT SUMMARY

REFERENCE NO - 21/500927/FULL		
APPLICATION PROPOSAL Erection of annexe in rear garden, ancillary to main dwelling.		
ADDRESS 80 Oakwood Road Maidstone Kent ME16 8AL		
RECOMMENDATION Approval		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL For the reasons set out below it is considered that the proposed extensions and alteration to the property would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor be unacceptable in terms of any other material planning considerations such as the proposed development is considered to be in accordance with current policy and guidance.		
REASON FOR REFERRAL TO COMMITTEE – CLLR VIZZARD This is an annex and ancillary to the main building that I wanted to be sure the siting location and scale of the annex did not impinge on any of the adjoining residential premises.		
WARD Heath	PARISH/TOWN COUNCIL	APPLICANT Mr Steve & Mrs Amanda Booth AGENT
DECISION DUE DATE 26/05/21	PUBLICITY EXPIRY DATE 10/05/21	OFFICER SITE VISIT DATE 19/04/21
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): No planning history		

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site is located within the urban area of Maidstone Borough just off the A26 which is a public transport corridor. The site comprises of a two-storey detached dwelling which is served with a reasonable sized front garden with driveway suitable for up to 3 cars and benefits from a large rear garden. The boundaries at the rear of the property comprise of close boarded fences and ample vegetation from surrounding properties such as trees and hedges. There is a shed and greenhouse sited in the rear garden towards the rear of the garden boundary.

2.0 PROPOSAL

2.01 The proposal is for the erection of annexe in the rear garden which is to be ancillary to the main house. The annexe will be single storey and measure 9m in width, internal living space will be a depth of 6m and the overall depth including the front deck area would measure 8.5m. The proposed roof will be pitched with a height to eaves of 3m and overall height of 4.7m. The annexe will comprise of living area, bathroom, bedroom and office.

- 2.02 The application form confirms the annexe will be a wooden structure with double glazed UPVC windows and doors.
- 2.03 The proposed windows sited on the rear of the annexe will serve the bathroom and living area, there will also be a window serving the bedroom and office on the west elevation. All the windows proposed are small and will be no higher than 2.6m from ground level.

3.0 POLICY AND OTHER CONSIDERATIONS

The 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 built up area.

DM11 – Residential Garden Land

Maidstone Local Development Framework, Residential Extensions Supplementary Planning Document (2009), KCC SPG4

4.0 LOCAL REPRESENTATIONS

- 4.01 6 neighbour representations received objecting on the following grounds:

- Visibility of annexe
- Impact on character and landscape area
- Independent access
- Impacts upon biodiversity
- Overlooking
- Visually detrimental
- Loss of privacy
- Noise, smell and disturbance
- Location of annexe

5.0 CONSULTATIONS

- 5.01 KCC County Arch – No comments received

6.0 APPRAISAL

- 6.01 The key issues are:

- Impact upon neighbouring amenities
- Visual amenity

6.02 Policy Context

- 6.03 Policy SP1 states *Within the urban area and outside of the town centre boundary identified in policy SP4, Maidstone will continue to be a good place to live and work. This will be achieved by: ii. The development and redevelopment or infilling of appropriate urban sites in a way that contributes positively to the locality's distinctive*

character;

- 6.04 Policy DM9 states Within the defined boundaries of the urban area, rural service centres and larger villages, proposals for the extension, conversion or redevelopment of a residential property which meet the following criteria will be permitted if:
- i. The scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the street scene and/or its context;
 - ii. The traditional boundary treatment of an area would be retained and, where feasible, reinforced;
 - iii. The privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents would be safeguarded; and
 - iv. Sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene.

- 6.05 Policy DM1 states Proposals which would create high quality design and meet the following criteria will be permitted:
- ii. Respond positively to, and where possible enhance, the local, natural or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage - incorporating a high quality, modern design approach and making use of vernacular materials where appropriate;

iv. Respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties;

- 6.06 Paragraph 4.72 of the Residential Extensions Supplementary Planning Document states:

In order to safeguard the privacy of neighbours, the introduction of windows in extensions which would overlook windows of habitable rooms in any adjoining property at a close distance and would result in an unreasonable loss of privacy will not be permitted. For similar reasons, a window overlooking the private area immediately adjacent to the rear of an adjoining dwelling is also inappropriate. The Borough Council will normally calculate the private amenity area as a depth of 5 metres from the back of the property which, if it has been extended, will be measured from the back edge of the extension.

6.07 Design and Visual Impact

- 6.08 The annexe has been designed to be sympathetic to the surrounding area in terms of height and materials. The structure will be timber with UPVC windows and doors with a decked area to the front.

- 6.09 There are other outbuildings located in the rear gardens of nearby properties and wooden outbuildings of various sizes are not an unexpected feature in this setting and some can even be built without requiring planning permission. This proposal has been designed to appear as an ancillary outbuilding, with use of traditional materials. A condition has been imposed requiring material samples. All surrounding properties have generous sized gardens ensuring that the proposal will have minimal visual impact. The proposal will not be visible from the nearby roads

and so will have no adverse impact on streetscene. It is not considered that the property is of such high visual amenity value that the erection of an outbuilding/annexe would result in any significant harm as it is not listed, nor located in a conservation area or other area of special designation. All the surrounding properties are mostly modern in design and appearance and the proposal would blend in with its domestic surroundings.

6.10 Overall, it is considered that, in its context, the proposed development would not appear significantly out of place or out of character with its surroundings.

6.11 Impact on neighbouring amenities

6.12 82 Oakwood Road

6.13 This property is sited east of the property, due to the siting and the annexe being a single storey structure this would not impact the outlook of this neighbouring property and would not be an overbearing development, the annexe is sited at the very rear boundary of the site and is sufficient distance away to not impact upon the private amenity are of the property.

6.14 2 Manor House Drive

6.15 This property is sited to the west of the property, due to the siting and the annexe being a single storey structure this would not impact the outlook of this neighbouring property and would not be an overbearing development, the annexe is sited at the very rear boundary of the site and is sufficient distance away to not impact upon the private amenity are of the property. The occupier of this property has raised concerns in regards to overlooking, however the annexe is sited over 34m away for the rear elevation of the property and therefore there would be no overlooking or loss of privacy issues to the residential amenity of this property. Other concerns raised includes the two windows sited on the elevation facing this property, the windows are small and serve the annexes bedroom and office space, given the distance from the property again this would not be detrimental to the residential amenity.

6.16 3 Manor House Drive

6.17 This property is sited to the west of the property, due to the siting and the annexe being a single storey structure this would not impact the outlook of this neighbouring property and would not be an overbearing development, the annexe is sited at the very rear boundary of the site and is sufficient distance away of over 36m from the properties rear elevation to not impact upon the private amenity are of the property.

6.18 Oakwood Court

6.19 Properties sited on the western side of Oakwood Court are separated from the application site by the rear garden of 82 Oakwood Road and are also a significant distance away from the proposed annexe so as to suffer no adverse impacts.

6.20 130 Tonbridge Road

6.21 This property is sited at the rear boundary and is only slightly joining the boundary of the application site. The residential amenity area of this property is situated over 43m from the rear boundary and is sufficient distance away from the properties rear elevation to not impact upon the private amenity are of the property.

6.22 Overall, therefore, there is no justification on grounds of loss of amenity to refuse this proposal it is well sited away from other properties, single storey with a low height and a reasonable sized footprint. It is noted that outbuildings would normally be constructed at the end of gardens and overall the proposal would not greatly differ from a summerhouse or other structure and the annexe use can be controlled via condition.

6.23 Other Matters

6.24 KCC Highways state within their residential parking standards that a property with 4+ bedrooms should be allocated at least 2 independently accessible spaces within a suburban area. I would consider the amount of space retained on the private forecourt to accommodate 2+ cars and would therefore be in accordance with policy DM9 and KCC Highways recommendation for properties of this size. Furthermore, the application site is sustainably located near to bus routes and the town centre.

6.25 There are no significant trees in close proximity to the site that will be detrimentally impacted by this development.

6.26 Policy DM1 of the local plan sets out at point viii that proposals should 'protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide mitigation.' A biodiversity condition has been imposed to enhance on-site biodiversity. The property has a long and spacious garden and ample opportunity for planting and biodiversity provision and the proposal will not adversely impact on biodiversity, but creates the opportunity for enhancement.

6.27 The proposed annexe has no independent vehicular access which assists in ensuring that it remains ancillary to the main dwellinghouse. Furthermore, a condition has been imposed to ensure that the annexe is ancillary to 80 Oakwood Road.

6.28 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. An Informative has been imposed informing the applicant about CIL.

7.0 CONCLUSION

7.01 For the reasons set out in this report, it is considered that the development proposals would meet the requirements as set out in the planning policies and residential guidance and, as such, recommend approval subject to conditions.

8.0 RECOMMENDATION – GRANT Subject to the following conditions.

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

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

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

Site Location Plan – Received 31.03.21
Proposed Site Location Plan – Received 31.03.21
Proposed Sections – Received 31.03.21
Proposed Floor Plan – Received 31.03.21
Proposed Elevations – Received 31.03.21
Proposed Block Plan – Received 31.03.21
Foundation Plan – Received 31.03.21
Site Outline and Drainage – Drawing Number Rev 0.6 – Received 18.03.21
Tree Location Plan – Received 18.03.21

Reason: To clarify which plans have been approved.

- (3) The development hereby approved shall not commence above slab level until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

- (4) 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 80 Oakwood Road

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, would be contrary to the provisions of the development plan for the area within which the site is located.

- (5) 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.

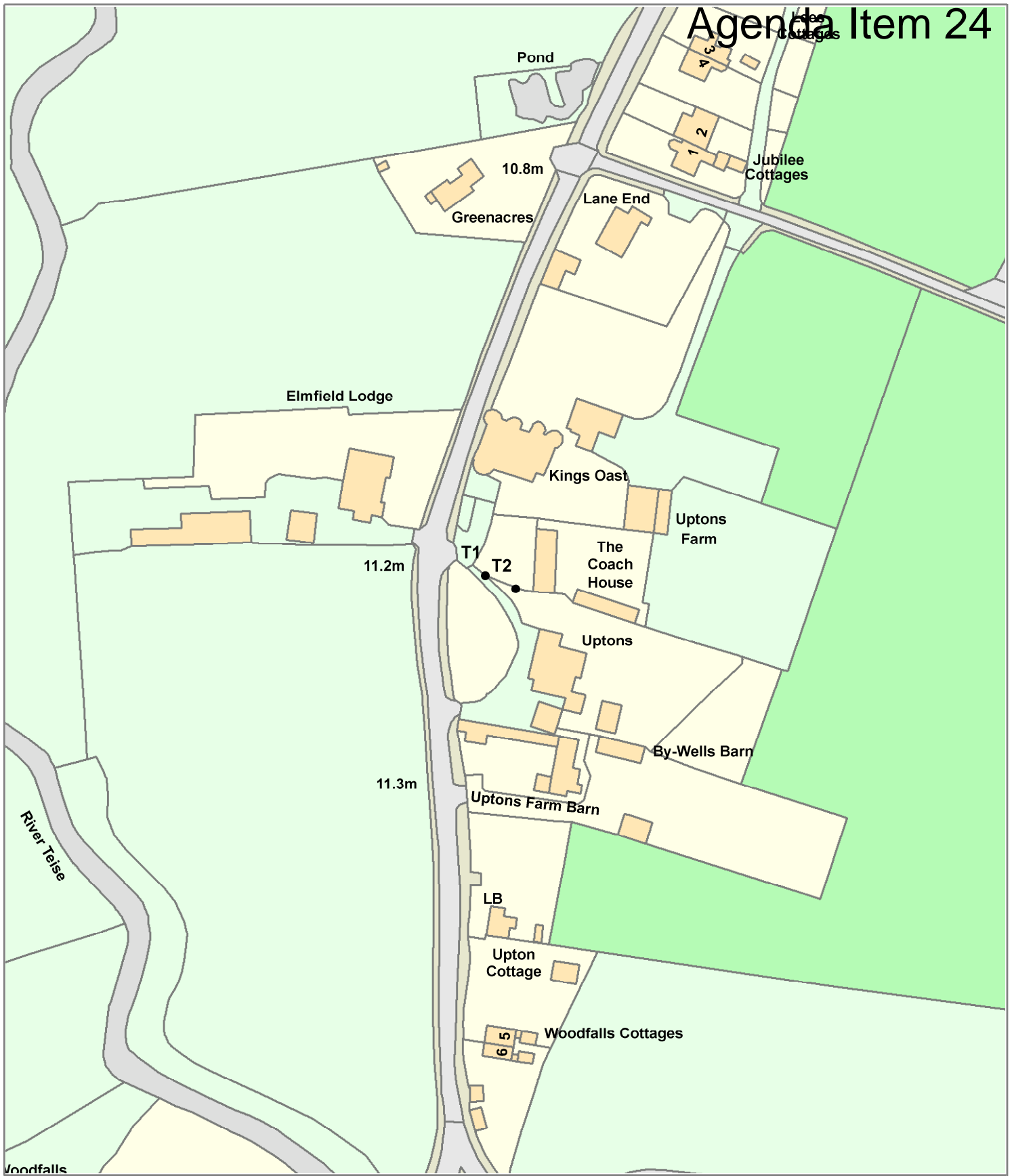
INFORMATIVES

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

- (2) It is the responsibility of the developer to ensure, before the development hereby approved is commenced, that approval under the Building Regulations (where required) and any other necessary approvals have been obtained, and that the details shown on the plans hereby approved agree in every aspect with those approved under such legislation.
- (3) The applicant is advised to note the provisions of the Environmental Protection Act 1990 Part III with regard to noise.

Case Officer: Joanna Woods

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

Tree Preservation Order No. 5009/2020/TPO
Uptons Farmhouse, Lees Road, Laddingford ME18 6DB



**Maidstone Borough Council
PLANNING COMMITTEE**

REPORT BY THE HEAD OF PLANNING SERVICES

**The Maidstone Borough Council
TREE PRESERVATION ORDER NO 5009/2020/TPO**

Uptons Farmhouse, Lees Road, Laddingford, Maidstone, Kent ME18 6DB

EXECUTIVE SUMMARY

This report seeks the permission of the Planning Committee to Confirm without modification Tree Preservation Order No 5009/2020/TPO for which objections have been received.

FOR DECISION

RELEVANT PLANNING HISTORY

None relevant

SUMMARY TPO INFORMATION

TPO Served Date: 14 December 2020	TPO Expiry Date 14 June 2021	
Served on: Uptons Farmhouse, Lees Road, Laddingford, Maidstone, Kent ME18 6DB The Coach House, Lees Road, Laddingford, Maidstone, Kent ME18 6DB 2 The Coach House, Lees Road, Laddingford, Maidstone, Kent ME18 6DB		
Copied to: Kent Highway Services Mid Kent Division GIS Team MKIP Yalding Parish Council Land Charges Team		
Representations	Support: 6	Objections: 1

OBJECTIONS AND REPRESENTATIONS

Objection to the making of the Order

An objection to the making of the TPO was received from the owners of the Coach House (also assumed shared owner of the Lime tree). The objection is summarised below.

- They have been in constant communication with their neighbours at Uptons Farmhouse regarding the two trees in question and have at all times complied with their wishes.
- From their perspective, the East, South and West boundaries of Uptons Farm have precision manicured hedges and bushes. The North boundary with their property has various trees and hedges, many evergreen, which are unkempt and left to their own devices. Many overhang their land but are too tall for them to prune without hiring expensive professional help.

Regarding the Yew tree: -

- The main issue is the height of the tree and lack of management. The tree is less than five metres from their house and a good deal taller than the house. They feel it is a danger to our house and themselves, with the rise in frequency and ferocity of storms/gales in this ever-changing climate.
- They fear the root system could disturb their foundations.
- The tree was pruned for the first time in at least 15 years, at their request, about six months ago. However, the height was not reduced a great deal and the branches / greenery only taken back to the fence line and is already encroaching on their side of the fence.
- They can cut it back themselves up to around ten feet but higher requires a professional at a cost. That cost should not be incurred by them and if under the protection order and they are required to apply for permission each time, their property entrance will certainly be overtaken.
- A further issue is the shielding of solar panels, which had become noticeable before the pruning.

- The tree sheds needles constantly which fall on their flowerbed, driveway, parked cars and block their house guttering. This necessitates regular and frequent attention.
- The constant shadow created by the tree makes cultivation in their flowerbed to hide an ugly fence almost impossible.

Regarding the Lime tree: -

- This tree is mainly on their land and about five years ago they instigated a prune, first consulting their neighbours and again bowing to their wishes. In their view the tree is ugly and untidy and does nothing to enhance the area. It would be fine in an orchard or field but not on a driveway.
- If left to its own devices, it will obstruct the overhead power lines and quickly obstruct the vehicular access to their property.
- They do not feel it adds anything to the landscape and would prefer to cut it down completely and plant a more attractive and more manageable tree.
- They have planted six trees at the rear of their property and five at the front but do manage the trees to ensure they do not become overgrown and cause problems or danger to neighbours.
- On the boundary with Uptons Farm there are also two conifers/leylandii in line with the Yew tree in question. This constitutes an evergreen hedge which cannot be over two metres in height. There is also a covenant in their deeds which contains 'a provision as to light or air', something they lose due to the height of these trees.
- The lack of management of these trees and consequent loss of light and enforced extra property maintenance is anti-social and needs to be addressed.
- Past damage to cars parked underneath the trees was verbally reported during the site visit.

Representations in support of the making of the Order

6 representations in support of the making of the TPO were received from the owners of Uptons Farmhouse (owners of the Yew and assumed shared owner of the Lime tree), the Yalding Tree Warden and 4 other local residents. The representations are summarised below.

- The two trees are variously described as valuable, magnificent, beautiful, old, native, ancient, healthy and meriting protection.
- The trees support wildlife. Several representations refer to the Lime in particular being home to several species of nesting birds in the spring and attracting bees in the summer.
- The trees have high amenity value to the general public passing on foot or in vehicles.
- The trees are a bonus to the passing public and to the environment in general.
- The trees shield both houses from the busy road.
- The trees absorb flood water. Several representations noted this and that that flooding in Lees Road in an ongoing problem that seems to be getting worse.
- The Lime appears to have been badly pruned over the years, which is a shame.
- Too many trees are disappearing in the area.
- Concern at the prospect of the trees being removed; they have been there longer than the current residents.
- We need to protect our trees, especially those established as part of the local environment and not bow to the whim of passing human interest.

APPRAISAL OF TREES

T1 Lime

T1 Lime is a late mature tree with an estimated basal stem diameter greater than 1 metre, radial crown spread of up to 6 metres and a crown reaching about 12 metres in height. The main stem size indicates that the tree is much older than its crown size suggests.

It has clearly been subject to significant pruning works in the past, with crown structure indicating that it was last topped at a height of about 8 metres. It is reported that this work was carried out approximately 4 years ago, which is consistent with the regrowth of 3-4 metres present. The tree exhibits some deadwood /dieback following the topping works and associated decay may be present but is not confirmed.

Dense epicormic growth, typical in Lime trees, is present from the base of the main stem up to 3 metres height, which hinders inspection of the main stem for possible structurally significant decay, but none was found during inspection and in any case, failure risk would be significantly reduced by the severe reduction works that have been carried out.

A drilled hole with a copper pipe inserted was noted on the North side of the main stem at a height of approximately 1 metre.

Overhead electricity cables were noted on the roadside at a distance of approximately 7 metres from the base of the tree. Current clearance between the crown and the cables is about 2 metres.

In general, the tree appears to be in reasonable health for its age and in its current form, with appropriate arboricultural management could be expected to have a safe useful life expectancy of 20-40 years. The species is typically long lived, but in this case its lifespan is likely to be compromised by decay following past pruning works. Its current condition is assessed as fair. The presence of drill hole(s) and copper pipe is concerning, as it indicates a possible attempt to deliberately harm the tree, although it is considered unlikely to have a significant effect on its long-term health.

As a native tree in a prominent roadside position, with its age and features present suggesting potential for future veteran tree status with good wildlife habitat opportunities, it is considered a good candidate for TPO protection on public amenity grounds.

A TEMPO (Tree Evaluation Method for Preservation Orders) assessment scores the tree in the 'TPO defensible' category.

Ownership of the tree is unclear, as the exact position of the boundary between The Coach House and Uptons Farmhouse is not known, but both parties seem to agree that the main stem of the tree straddles the boundary. The tree is therefore assumed to be in shared ownership.

T2 Yew

T2 Yew is a mature Yew tree with an estimated stem diameter of 80 centimetres, radial crown spread of up to 7 metres reaching about 12 metres in height. It appears to be in good health and

structural condition. It generally has good form but has been subject to a recent crown reduction that included cutting back to the boundary on the North side where the foliage is now denser and hedge-like suggesting that this has been carried out regularly in the past. The tree is regenerating well following the pruning works. No evidence of decay or significant defects were noted during inspection.

Some ivy growth is present in the crown, but it was noted that this has recently been severed at the base of the tree.

The Yew tree appears to be in good health for its age and could be expected to have a very long safe useful life expectancy in excess of 100 years. The species typically is very long lived and generally tolerates pruning well. Its current condition is assessed as good.

As a large native tree, it is considered a suitable candidate for TPO protection. It is set back from the road and is therefore less visible than T1 Lime, which partially obscures public views of the Yew but it is nonetheless visible from public viewpoints. It is therefore considered a good candidate for TPO protection on public amenity grounds.

A TEMPO (Tree Evaluation Method for Preservation Orders) assessment scores the tree in the 'Definitely merits TPO' category.

Ownership of the Yew tree is Uptons Farmhouse. The main stem is located approximately 1.5 metres inside the property boundary.

APPRAISAL OF CASE

T1 Lime, despite its past management is considered to be a suitable candidate for ongoing TPO protection on amenity grounds. Its shared ownership and the clear disagreement between the two parties on how it should be managed, together with the apparent deliberate attempt to harm the tree are considered to make it expedient for the Council to continue to have control over future works proposed to the tree and the potential to prosecute wilful destruction.

T2 Yew, although less visible is also considered to be suitable for ongoing protection on amenity grounds. There are also conflicting views between the two parties on how it should be managed. Again, there appears to be disagreement and it is therefore expedient for the Council to continue to have control over future works proposals.

In response to the objections and representations received,

- The management of other trees in a neighbouring garden is irrelevant to the matter that the Council is considering.
- The perception of trees being 'unkempt', 'ugly' or 'untidy' is a subjective observation, as is demonstrated by the representations describing the trees with opposing terms such as 'beautiful', 'magnificent' and 'valuable'.

- A 'lack of management' is similarly subjective and a distinction should be made between negligence through failure to address a clear danger and management for management's sake. Trees do not necessarily need to be regularly pruned; pruning breaches a tree's natural defences and creates wounds that are potential entry points for pathogens, principally decay fungi and as such is best avoided unless there are clear objectives and reasons for having to prune.
- Overhanging branches and litter dropped from neighbouring trees is a natural consequence of living in a semi-rural area characterised by mature landscaping. Blocked gutters and leaves shed by trees are an inconvenient but unavoidable consequence of living in such an area and can be addressed through regular maintenance without necessarily resorting to pruning or felling. It is generally considered to be unreasonable to expect to remove the problem entirely.
- Proximity and height of trees in relation to a house, in itself, is not considered grounds to prune trees of perceived amenity value. There may be clear grounds to justify pruning, such as the prevention of direct damage from branches in contact with the built structure, defects that indicate an elevated failure risk, or damage to foundations where a tree is clearly implicated as a contributory factor in the damage. It is not reasonable to expect to prune on the basis of fear that failure or foundation damage may occur, in the absence of evidence to demonstrate that it is likely that it will.
- A Tree Preservation Order does not transfer liability for the cost of works to the Council. It is simply a control mechanism over works that are proposed to the tree. Making applications for works to protected trees does not attract a fee and it is possible to apply for works on a regular cycle to avoid the need for repeat applications for the same works.
- Shading of solar panels may be grounds for pruning, so the confirmation of the TPO would not necessarily prevent works to alleviate this problem, but would enable the extent of pruning to be controlled to ensure that it is proportionate to the problem and balances the negative impact of pruning on amenity and tree health with resolving the problems experienced.
- The Lime tree is not currently obstructing overhead power lines or access to The Coach House and confirmation of the TPO would not prevent applications for works to be submitted to carry out works to prevent such conflicts, which are likely to be considered justifiable grounds for pruning.
- The planting of trees is irrelevant to the matter that the Council is considering, albeit commendable.
- The presence of other evergreen trees on the boundary is irrelevant to the matter that the Council is considering. It is suggested that this may constitute a 'high hedge' under the Anti-social Behaviour Act 2003, and therefore cannot be over 2 metres in height. At this time, a formal complaint has not been submitted under the Act and it has not been determined whether the trees (which includes Yew T2) would fulfil the definition of a hedge under the Act. If it did, however, the Act does not state that it must be less than 2 metres. A complaint cannot be made about a hedge less than 2 metres in height, but where a complaint is made about a hedge that fulfils the definition, the Council would decide what a reasonable hedge height is for that situation, which might be considerably greater than 2

metres but cannot be less than 2 metres. Covenants are a private matter that are not afforded weight in decisions relating to protected trees.

- It is likely that the trees, as native species, will provide wildlife benefits.
- The TEMPO assessments confirm the view that the trees are considered to have good amenity value and merit protection on amenity grounds.
- The trees may shield both houses from the busy road, but this is a private rather than public benefit and a subjective observation. Trees may provide an effective visual screen but are unlikely to reduce noise significantly.
- The trees will contribute to the uptake of groundwater in the area, but it is important to note that this is not a proposal to remove the trees and is therefore irrelevant to the matter that the Council is considering.

CONCLUSION

It is considered that the two trees merit protection on amenity grounds and that it is expedient to confirm the Tree Preservation Order due to the threat of inappropriate future management that would be harmful to the trees' amenity value or life expectancy. It is not considered that the reasons for objection to the making of the order demonstrate that the trees do not merit protection nor that it is inappropriate for the Council to seek to retain control over future works proposals. It is therefore recommended that the Tree Preservation Order is confirmed without modification.

RECOMMENDATION

Confirm Tree Preservation Order No 5009/2020/TPO without modification

Contact Officer: Nick Gallavin

Agenda Item 25

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 27.05.2021**

APPEAL DECISIONS:

- | | | |
|-----------|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | 17/504923/FULL | DESCRIPTION |
| | | Part retrospective and part proposed application for change of use of woodland to airsoft activity centre and erection of associated structures (retrospective) and proposed change of use for camping, filming, re-enacting, woodcraft, Duke of Edinburgh and life skills. |
| | | APPEAL: Allowed, permission granted. |
| | | Longton Wood
Stockbury Valley
Stockbury
Kent
ME9 7QP |
| | | (Delegated) |
| <hr/> | | |
| 2. | 20/503794/FULL | DESCRIPTION |
| | | Demolition of garage and erection of part single, part two storey side extension and single storey rear extension. (Resubmission of 20/502649/FULL) |
| | | APPEAL: Allowed, permission granted. |
| | | Barming Place Cottage
Abingdon Road
Maidstone
Kent
ME16 9ED |
| | | (Delegated) |
| <hr/> | | |
| 3. | 17/500633/TREES | DESCRIPTION |
| | | Appeal against an enforcement notice. |

The requirements of the notice are (i) Cessation of parking of vehicles in the approximate area crosshatched within the red line on the plan attached to the enforcement notice. (ii) Remove hard surfacing in the area crosshatched within the red line on the plan attached to the enforcement notice, to be broken up and return land to its previous condition by ripping the ground in two directions, re-spreading topsoil over that land to a depth of 150mm (or more where necessary) to fill in any depression and grading, within the approximate hatched area within the red line on the plan attached to the enforcement notice. (iii) Removal from the land resultant materials from complying with step (ii).

APPEAL: Allowed, enforcement notice quashed.

Unit 3, Lordswood Industrial Estate
Gleamingwood Drive
Lordswood
Kent

4. 20/501972/FULL

DESCRIPTION

Demolition of existing 1no. garage/canopy and 1no. garage/store. Erection of 1no. four bedroom chalet bungalow with garage and associated access/parking.

APPEAL: Allowed, permission granted.

Land At 3
Hockers Lane
Detling
Kent
ME14 3JP

(Delegated)
