

# PLANNING COMMITTEE MEETING

Date: Thursday 23 June 2022  
Time: 6.00 p.m.  
Venue: Town Hall, High Street, Maidstone

## Membership:

Councillors Brindle, Cox, English, Harwood, Holmes, Kimmance, McKenna, Munford (Vice-Chairman), Perry, Spooner (Chairman), Trzebinski, D Wilkinson and Young

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

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## AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 30 June 2022
6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 26 May 2022 1 - 8
11. Presentation of Petitions (if any)
12. Any Questions on Notice from Local Residents
13. Any Questions on Notice from Members
14. Deferred Items 9 - 10

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**Issued on Wednesday 15 June 2022**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

- |   |         |
|---|---------|
| 15. Appointment of Political Group Spokespersons to Discharge Condition 3 of Planning Permission 21/503615/FULL (Vinters Park Crematorium, Bearsted Road, Weaving, Maidstone, Kent) |         |
| 16. 21/503457/FULL - Fox Pitt Farm Commercial Estate, Shingle Barn Lane, West Farleigh, Maidstone, Kent   | 11 - 32 |
| 17. 22/501983/FULL - 98 Sandling Road, Maidstone, Kent  | 33 - 36 |
| 18. 22/502289/REM - Kent Medical Campus, Newnham Way, Maidstone, Kent   | 37 - 42 |
| 19. 22/500345/FULL - 8 Nethermount, Bearsted, Maidstone, Kent   | 43 - 55 |
| 20. 22/501606/FULL - Ringles Gate, Grigg Lane, Headcorn, Ashford, Kent  | 56 - 72 |
| 21. 21/506207/FULL - Staplehurst Service Station, High Street, Staplehurst, Kent  | 73 - 91 |
| 22. Appeal Decisions  | 92 - 93 |

#### **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 ask a question at this meeting in person or by remote means, please call 01622 602899 or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Tuesday 21 June 2022). You will need to provide the full text in writing.**

**In order to speak at the meeting in person or by remote means, please call 01622 602899 or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 4 p.m. on Wednesday 22 June 2022. You will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated for each application on a first come, first served basis.**

**If you require this information in an alternative format please contact us, call 01622 602899 or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk)**

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## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 26 MAY 2022**

**Present:** Councillor Spooner (Chairman) and Councillors Brice, Cooper, Cox, English, Harwood, Holmes, Kimmance, McKenna, Munford, Perry, Trzebinski and D Wilkinson

**Also Present:** Councillors Hastie and Newton

1. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillors Brindle and Young.

2. **NOTIFICATION OF SUBSTITUTE MEMBERS**

The following Substitute Members were noted:

Councillor Brice for Councillor Young  
Councillor Cooper for Councillor Brindle

3. **ELECTION OF CHAIRMAN**

**RESOLVED:** That Councillor Spooner be elected as Chairman of the Committee for the Municipal Year 2022/23.

4. **ELECTION OF VICE-CHAIRMAN**

**RESOLVED:** That Councillor Munford be elected as Vice-Chairman of the Committee for the Municipal Year 2022/23.

5. **NOTIFICATION OF VISITING MEMBERS**

Councillor Newton had given notice of his wish to speak on the report of the Head of Planning and Development relating to application 22/501614/FULL (Land West of Church Road, Otham, Kent), and attended the meeting in person.

Councillor Hastie attended the meeting in person as an observer.

6. **ITEMS WITHDRAWN FROM THE AGENDA**

There were none.

7. URGENT ITEMS

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

8. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the report of the Head of Planning and Development relating to application 22/501614/FULL (Land West of Church Road, Otham, Kent), Councillor McKenna said that since he lived close to the development and was adversely affected by it, he would not participate in the discussion or the voting when the application was considered.

Councillor Munford said that, with regard to the report of the Head of Planning and Development relating to application 20/501427/OUT (Land to Rear of Kent Police Training School, Off St Saviours Road, Maidstone, Kent), he was the Chairman of Boughton Monchelsea Parish Council. However, he had not participated in the Parish Council's discussions on the application and intended to speak and vote when it was considered.

9. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

17.	21/506792/HYBRID - Land at Woodcut Farm, Ashford Road, Hollingbourne, Kent	Councillors Brice, Cox, Harwood, Kimmance and Munford
18.	21/506790/OUT - Land at Woodcut Farm, Ashford Road, Hollingbourne, Kent	Councillors Brice, Harwood, Kimmance and Munford
19.	22/501614/FULL - Land West of Church Road, Otham, Kent	Councillors Brice, Cooper, Cox, Harwood, Holmes, Kimmance, McKenna, Munford and Perry
20.	21/506208/FULL - Ledian Farm, Upper Street, Leeds, Kent	Councillors Harwood, Kimmance, Munford, Spooner, Trzebinski and D Wilkinson
21.	20/501427/OUT - Land to Rear of Kent Police Training School, off St Saviours Road, Maidstone, Kent	Councillors Harwood, Kimmance, Munford and D Wilkinson
22.	22/500192/FULL - Land at Oakhurst Lodge, Clapper Lane, Staplehurst, Kent	Councillors Brice and Perry

10. EXEMPT ITEMS

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

11. MINUTES OF THE MEETING HELD ON 21 APRIL 2022

**RESOLVED:** That the Minutes of the meeting held on 21 April 2022 be approved as a correct record and signed.

12. PRESENTATION OF PETITIONS

There were no petitions.

13. ANY QUESTIONS ON NOTICE FROM LOCAL RESIDENTS

There were no questions from local residents.

14. ANY QUESTIONS ON NOTICE FROM MEMBERS

There were no questions from Members.

15. DEFERRED ITEMS

21/503150/FULL - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 3 NO. HOUSES WITH ASSOCIATED AMENITY SPACE, LANDSCAPING AND ACCESS - THE OLD FORGE, CHARTWAY STREET, EAST SUTTON, MAIDSTONE, KENT

21/506664/FULL - DEMOLITION AND REBUILDING OF THE EXISTING BARN TO PROVIDE A 3 BEDROOM DWELLING INCLUDING REAR PAVILIONS LINKED BY GLASS LINK. RE-ROUTING AND ALTERATION OF EXISTING ROAD ACCESS TO ALLOW SEPARATE ACCESS TO HOUSE AND BARN AND ASSOCIATED LANDSCAPING - ROSEHILL, VANITY LANE, LINTON, MAIDSTONE, KENT

The Major Projects Manager advised the Committee that both Case Officers had received information from the applicants. The information was being assessed with a view to reporting both applications back to Committee in June or July.

16. 21/506208/FULL - ERECTION OF 39 NO. UNITS FOR ASSISTED LIVING (CLASS C2) AS PHASE 3 OF LEDIAN GARDENS CONTINUING CARE RETIREMENT COMMUNITY DEVELOPMENT WITH ASSOCIATED SUBSTATION AND ANCILLARY BUILDINGS, OPEN SPACE, LANDSCAPING, PARKING AND VEHICULAR ACCESS VIA PHASE 1 WITH ADDITIONAL 8 OFF-STREET PARKING SPACES FOR UPPER STREET RESIDENTS - LEDIAN FARM, UPPER STREET, LEEDS, KENT

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

In introducing the application, the Principal Planning Officer said that she wished to add another Head of Term to the recommendation to secure four affordable units at 80% of Market Rent or Open Market Value as this had been omitted by mistake.

The Head of Planning and Development advised the Committee that there was a current deficit in supply of Extra Care units in the Borough and weight should be given to that as a material planning consideration in the determination of the application.

Mr Razzell, for objectors, and Mr Blythin, agent for the applicant, addressed the meeting in person.

**RESOLVED:** That subject to:

- A. The prior completion of a legal agreement in such terms as the Head of Legal Partnership may advise to secure the Heads of Terms set out in the report and the urgent update report and the additional Head of Term referred to by the Principal Planning Officer when introducing the application; and
- B. The conditions and informatives set out in the report, as amended by the urgent update report, with the amendment of condition 12 (Landscape Scheme) and amended informative 1 (Landscape Details) to reflect Members' requirement that the landscape scheme shall comprise 100% native species,

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

Voting:        6 – For        2 – Against        5 – Abstentions

17. 20/501427/OUT - OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 76 NO. DWELLINGS (ALL MATTERS RESERVED EXCEPT ACCESS) - LAND TO REAR OF KENT POLICE TRAINING SCHOOL, OFF ST SAVIOURS ROAD, MAIDSTONE, KENT

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

**RESOLVED:** That subject to:

- A. The prior completion of a legal agreement in such terms as the Head of Legal Partnership may advise to secure the Heads of Terms set out in the report; and
- B. The imposition of the conditions and informatives agreed by the Planning Committee at its meeting held on 16 December 2021,

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

Voting: 12 – For 0 – Against 1 – Abstention

18. 22/500192/FULL - CHANGE OF USE OF LAND TO USE AS A RESIDENTIAL CARAVAN SITE PROVIDING ONE ADDITIONAL GYPSY PITCH TO ACCOMMODATE ONE STATIC CARAVAN/MOBILE HOME, INCLUDING LAYING OF HARDSTANDING AND INSTALLATION OF PACKAGE SEWAGE TREATMENT PLANT - LAND AT OAKHURST LODGE, CLAPPER LANE, STAPLEHURST, KENT

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

In introducing the application, the Senior Planning Officer advised the Committee that, if Members were minded to grant permission, she wished to add two further conditions:

1. Specifying that the development shall be begun before the expiration of three years from the date of the permission; and
2. Specifying that, to safeguard the character and appearance of the countryside, vehicle access to and from the application site shall only be taken from the existing access on Clapper Lane that serves Oakhurst Lodge.

**RESOLVED:**

1. That permission be granted subject to the conditions and informatives set out in the report and the additional conditions referred to by the Senior Planning Officer in her introduction of the application, with an additional informative advising the applicant/agent to work with the Council's Landscape Team to ensure that the landscaping scheme is delivered in accordance with the approved details, is appropriate to the surrounding landscape and safeguards the frontage vegetation.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the additional conditions and informative and to amend any other conditions as a consequence.

Voting: 11 – For 2 – Against 0 – Abstentions

**FURTHER RESOLVED:** That the Council's Landscape Team be requested to assess the hedgerow and hedgerow trees in the curtilage of the site and general area for the making of a Tree Preservation Order.

Voting: 13 – For 0 – Against 0 – Abstentions

19. 22/501614/FULL - SECTION 73 - APPLICATION FOR VARIATION OF CONDITION 30 (TO VARY THE TRIGGER POINT FOR THE DELIVERY OF THE WILLINGTON STREET/DERINGWOOD DRIVE IMPROVEMENTS, TO PRIOR TO OCCUPATION OF 100 UNITS, RATHER THAN PRIOR TO COMMENCEMENT ABOVE FLOOR SLAB LEVEL) PURSUANT TO

APPLICATION 19/506182/FULL (ALLOWED ON APPEAL) FOR RESIDENTIAL DEVELOPMENT FOR 421 DWELLINGS WITH ASSOCIATED ACCESS, INFRASTRUCTURE, DRAINAGE, OPEN SPACE AND LANDSCAPING - LAND WEST OF CHURCH ROAD, OTHAM, KENT

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

In introducing the application, the Principal Planning Officer sought delegated powers to add reasons to all of the recommended conditions.

The Democratic Services Officer read out a statement on behalf of Councillor Hickmott of Otham Parish Council who was unable to attend the meeting.

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

**RESOLVED:** That permission be granted subject to the conditions set out in the report with delegated powers being given to the Head of Planning and Development to add reasons to all of the recommended conditions.

Voting: 5 – For 3 – Against 4 – Abstentions

Note: Having stated that he lived close to the development and was adversely affected by it, Councillor McKenna did not participate in the discussion or the voting on the application.

20. 21/506792/HYBRID - HYBRID PLANNING APPLICATION FOR DEMOLITION OF EXISTING BUILDING (USE CLASS C3) AND REDEVELOPMENT FOR A MIXED COMMERCIAL SCHEME. FULL PLANNING APPLICATION COMPRISING OF ERECTION OF 2 NO. UNITS (UNIT E2 - LIGHT INDUSTRY/B8 AND UNIT D1 - OFFICES/COFFEE SHOP), HGV FAST CHARGE FACILITY, BUS STOP, HARD AND SOFT LANDSCAPING, AND ASSOCIATED INFRASTRUCTURE. OUTLINE PLANNING APPLICATION COMPRISING OF ERECTION OF 1 NO. UNIT (UNIT E1 - OFFICES) WITH APPEARANCE MATTER RESERVED - LAND AT WOODCUT FARM, ASHFORD ROAD, HOLLINGBOURNE, KENT

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

In response to a question, the Principal Planning Officer confirmed that the alternative site to be used to deliver off-site habitat creation and restoration was within the Borough.

**RESOLVED:** That subject to:

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



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

Voting: 12 – For 0 – Against 1 – Abstention

21. 21/506790/OUT - SECTION 73 - APPLICATION FOR VARIATION OF CONDITION 9 (OFFICE OR RESEARCH AND DEVELOPMENT USE FLOORSPACE) TO REQUIRE AT LEAST 7,500M2 OF FLOORSPACE PURSUANT TO 20/505195/OUT (OUTLINE APPLICATION FOR A MIXED COMMERCIAL DEVELOPMENT COMPRISING B1(A), B1(B), B1(C) AND B8 UNITS, WITH A MAXIMUM FLOOR SPACE OF 45,295 SQUARE METRES) - LAND AT WOODCUT FARM, ASHFORD ROAD, HOLLINGBOURNE, KENT

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

**RESOLVED:** That subject to:

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

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

Voting: 12 – For 0 – Against 1 – Abstention

22. APPEAL DECISIONS

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

The Major Projects Manager advised the Committee that the appeal against the decision taken under delegated powers to refuse application 18/503291/FULL for the change of use of land to use as a residential gypsy caravan site at Oaktree Farm, Lenham Road, Headcorn had been allowed. A letter would be sent to the Quality Assurance Unit at the Planning Inspectorate expressing concerns about the Inspector's findings particularly in relation to (a) the emphasis placed on Local Plan policy DM15 instead of Local Plan policy SP17 (lowering the bar in terms of harm) and (b) the failure to adequately assess the cumulative impact of the development.

**RESOLVED:** That the report be noted.

23. DURATION OF MEETING

6.00 p.m. to 8.15 p.m.

## MAIDSTONE BOROUGH COUNCIL

### PLANNING COMMITTEE

**23 JUNE 2022**

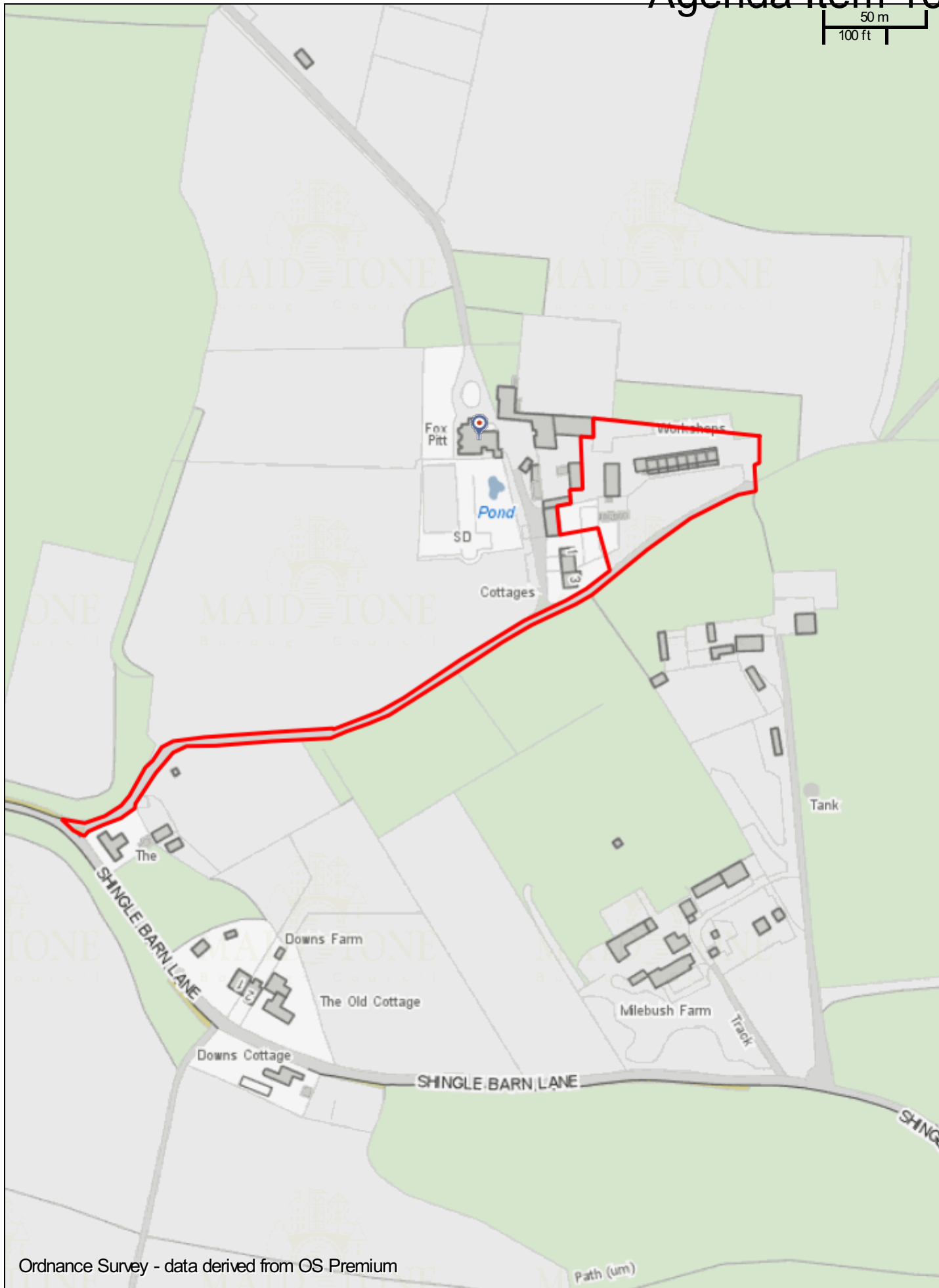
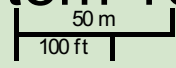
#### **REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT**

#### **DEFERRED ITEMS**

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

<b>APPLICATION</b>	<b>DATE DEFERRED</b>
<p><u>21/503150/FULL - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 3 NO. HOUSES WITH ASSOCIATED AMENITY SPACE, LANDSCAPING AND ACCESS - THE OLD FORGE, CHARTWAY STREET, EAST SUTTON, MAIDSTONE, KENT</u></p> <p>Deferred for further negotiations to secure:</p> <ul style="list-style-type: none"> <li>• A fully worked up ecological and sustainable landscaping scheme to include investigation of how the southern parcel of land in the ownership of the applicant can be safeguarded as an ecological area such as a wood pasture, base-line ecological survey work, and details of the boundary treatments in respect of the property at the site frontage with a 10-year replacement period;</li> <li>• Good quality vernacular materials and detailing;</li> <li>• Energy efficient measures such as heat source pumps; and</li> <li>• A wet SUDS solution for ecological gain.</li> </ul>	24 March 2022
<p><u>21/506664/FULL - DEMOLITION AND REBUILDING OF THE EXISTING BARN TO PROVIDE A 3 BEDROOM DWELLING INCLUDING REAR PAVILIONS LINKED BY GLASS LINK. RE-ROUTING AND ALTERATION OF EXISTING ROAD ACCESS TO ALLOW SEPARATE ACCESS TO HOUSE AND BARN AND ASSOCIATED LANDSCAPING - ROSEHILL, VANITY LANE, LINTON, MAIDSTONE, KENT</u></p> <p>Deferred for further negotiations to bring forward an exemplar scheme with a design as close to the original building as possible, making as much use of the existing building materials as possible; this to</p>	21 April 2022

<p>include a re-examination of the design (in particular the glass link); the incorporation of renewable energy generation measures; and above standard ecological measures such as boundary treatments (gaps under fences) and timber piles etc. in addition to those referenced in the report.</p>	
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Ordnance Survey - data derived from OS Premium

21/503457/FULL Fox Pitt Farm Commercial Estate, Shingle Barn Lane, West Farleigh, Maidstone, Kent, ME15 0PN

Scale: 1:2500

Printed on: 13/6/2022 at 8:57 AM by JoannaW

## REPORT SUMMARY

<b>REFERENCE NO:</b> 21/503457/FULL		
<b>APPLICATION PROPOSAL:</b> Demolition of 3no. existing single storey commercial units/structures and replacement with a two-storey commercial building comprising of 10 units, provision of a new internal road layout including additional entrance from the private access road serving the development, revisions to on-site vehicle parking, construction of a detached refuse bin store, and associated landscaping.		
<b>ADDRESS:</b> Fox Pitt Farm Commercial Estate, Shingle Barn Lane, West Farleigh		
<b>RECOMMENDATION:</b> Grant permission subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The proposals: <ul style="list-style-type: none"> <li>• accord with the principles of supporting the rural economy;</li> <li>• provide good quality employment floorspace for small businesses;</li> <li>• significantly improve the energy efficiency of available accommodation;</li> <li>• provide biodiversity enhancement;</li> <li>• improve the character and appearance of the site;</li> <li>• are designed to mitigate adverse landscape impacts;</li> <li>• do not affect the amenity of any nearby residential properties; and</li> <li>• do not raise any access or highway concerns.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Treated as a departure as no permissive policy relating to expansion of managed rural employment sites.		
<b>WARD:</b> Marden & Yalding	<b>PARISH COUNCIL:</b> Yalding	<b>APPLICANT/AGENT:</b> CF Thurlow Planning
<b>CASE OFFICER:</b> Austin Mackie	<b>VALIDATION DATE:</b> 30 June 2021	<b>DECISION DUE DATE:</b> 22 April 2022
<b>ADVERTISED AS A DEPARTURE:</b> Yes		

## RELEVANT PLANNING HISTORY

86/0424	Conversion of redundant farm building to five small rural workshops.
86/1587	Conversion of piggeries to workshops.
86/0711	Conversion of cowsheds to workshops
89/1982	Change of use from redundant agricultural building to small rural workshop.
95/0071	Use of the site as a base for the servicing of automatic vending machines and the supply of food and drink materials associated with such machines and the associated storage of food and drink materials.
19/505636/AGRIC	Prior approval for barn (adjacent site with shared access)

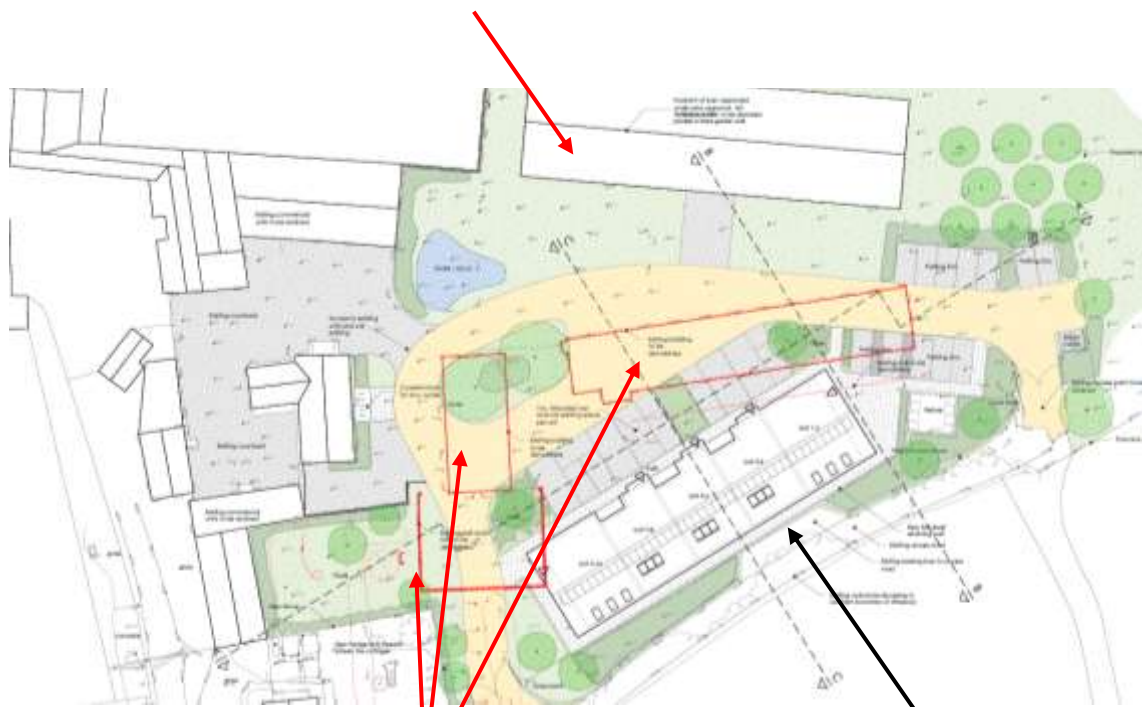
## **1.0 DESCRIPTION OF SITE**

- 1.01 The application site is located in the countryside, some 1.5 miles to the west of Coxheath. It is part of a long-established small business site comprising a series of existing commercial buildings / structures of varying quality and appearance, a number of which are generally low grade. It is understood that 11 small businesses are located on the wider site providing 34 jobs.
- 1.02 The existing buildings to be demolished consist of former agricultural buildings, including a cowshed and piggery that were converted in the mid 1980's to offices and workshops.
- 1.03 Within the wider site 4 No. existing buildings which are divided into 6 units are to be retained, but will benefit from the improvements to the access, parking and landscaping.
- 1.04 The buildings to be demolished do not offer a standard of accommodation that small businesses now require, for example, are poorly insulated and thus have poor energy efficiency and are relatively costly to heat / cool.
- 1.05 The site is accessed via a private drive that leads off Shingle Barn Lane, shared with the adjacent site, Fox Pitt Farm; which itself includes the GII listed Fox Pitt House, a walled garden, a series of agricultural buildings and three cottages.
- 1.06 PRoW KM31 runs along the access drive adjacent to the southern boundary of the site, to the south of which is a further cluster of industrial / agricultural buildings.

## **2.0 THE PROPOSALS**

- 2.01 The proposals seek to demolish two existing single storey buildings, which are divided into 6 small business units, together with a partly covered storage area; and replace them with a new two storey building, again for occupation by small business as offices or workshops.
- 2.02 Ten small business units will be provided within the new building – a net gain across the whole complex of 4 units (from 12 No. to 16). The Applicant advises that up to 5 of the existing businesses (with 21 employees) will be relocated into the new building.
- 2.03 The proposed block plan below also shows the position of an adjacent agricultural building approved under 19/505636/AGRIC, which has shared access over the application site and which would be constructed at the same time as the new commercial building. This barn has a similar footprint to the proposed replacement commercial building and would rise to 7.6m at ridge.

19/505636/AGRIC



The buildings / structures to be removed are shown below. Proposed replacement.



2.04 In summary there will be a net reduction in footprint of -35 sq.m, whilst the net changes for the for the site as a whole are:

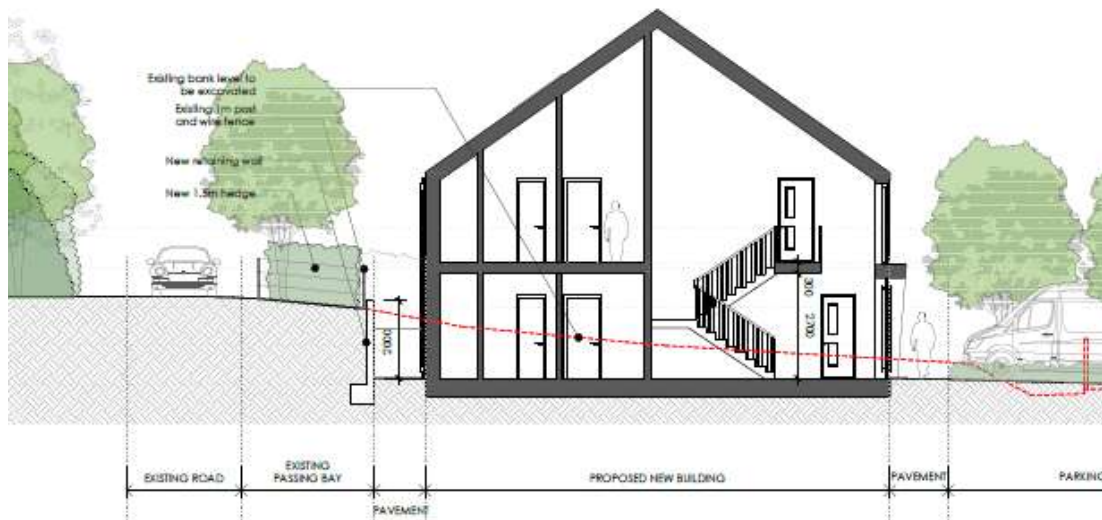
	Ex'	Pr'
GIA	1,038 sq.m	1,341 sq.m

This represents an uplift of 29%.

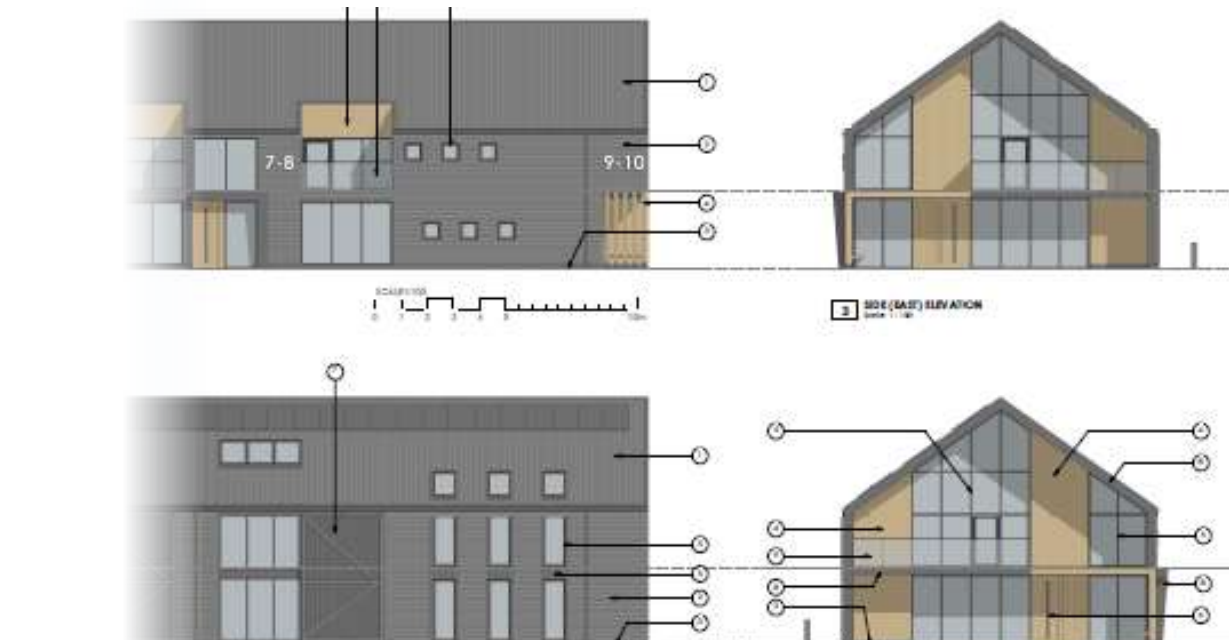
2.05 The new building footprint will measure 43m x 12m (a reduction of 35sq.m compared to existing) and would be 5.5m high at eaves, rising to 9.4m high at its roof apex (due to the traditional steep pitch barn roof). Its overall



height will be mitigated by setting the building into the slope, together with new landscaping, so that when viewed from the adjacent PRow, the height and scale of the building will appear similar to the new barn to be built opposite.



2.06 The replacement building will be constructed in a contemporary interpretation of a traditional rural building typology, with materials including timber and black weatherboard cladding, complimented with modern materials such as black engineering bricks and glazed balustrades.



2.07 The existing constrained access arrangements will be modified and improved car, motorcycle and bicycle parking provided, including disabled bays.

2.08 A new landscaping and biodiversity scheme includes new tree, hedgerow and shrub planting, together with wildflower and pond areas. New habitat will be created not only on the new building, but across the wider site.

2.09 The overall planting schedule includes a wide range of native habitat planting:

- Native hedge, Orchard hedge, Native shrubs, Native trees
- Marginal aquatics, Herbaceous planting, Wildflower meadow, Butterfly meadow
- Wetland meadow, Wetland wildflowers

2.10 In addition to natural habitat, the scheme will also incorporate the following:

- Barn owl box x1
- Bat boxes x4
- Bird Boxes x2
- Insect tower x5
- Log piles x7

### **3.0 POLICY AND OTHER CONSIDERATIONS**

3.01 MBLP17 - SS1 Spatial Strategy, SP17 The Countryside, SP18 / DM4 Heritage, SP21 Economic Development, DM1 Design, DM3 Natural Environment, DM21 Transport Impacts, DM30 Rural Design, DM37 Rural Business Sites

3.02 NPPF - 8 & 81 Building a strong economy, 84 Building a prosperous rural economy, 85 Meeting local rural needs, 174 protecting and enhancing natural landscapes

3.03 Wider MBC strategies - Strategic Plan, Economic Development Strategy

### **4.0 LOCAL REPRESENTATIONS**

4.01 No representations have been received from neighbouring residential properties, agricultural holdings or other commercial operations.

4.02 Three letters of support have been received from companies based on site, making the following (summarised) points:

1. *We have been a tenant at Fox Pitt Estate for 4 years during which we have expanded from 1 to 2 units to expand our offering and we are looking to maintain and grow that in the near future. The new building will assist.*

*The location of Fox Pitt estate suits our business as it is close for our employees, which enables consistency of staff, stability of the business and more reliability for our customers.*

*The application will help secure the future of the business.*

2. *We are a business start-up which sprung out of an existing business on the site, the juxtaposition with which offered support in the early stages. We aspire to expand our business, not only here but to support another business in Maidstone town centre.  
We also seek to maintain our staff here and potentially increase them when we can.  
The new unit will provide better space and an up-to-date facility for us to work from.*
3. *We are a long-standing tenant of this site. We prefer to be in a quiet and rural location.  
We have 2-4 people in the building on a daily basis. A new building would refresh our working environment and would enable us to be sure of staying here for as long as we are in business, we would have no need or wish to relocate anywhere else. I should also mention the resulting huge improvement from an energy-usage perspective.*

## **5.0 CONSULTATIONS**

5.1. **Yalding PC** raise 'no objection'.

5.2. **MBC Economic Development**

Ensuring Key employment sites are delivered, and that local commercial and inward investment is increased are strategic priorities for the Council as set out in the councils adopted Strategic Plan

The Councils Economic Development Strategy 2021, includes the following priorities:

- To create a positive and entrepreneurial environment in which businesses can grow and thrive.
- Realising the potential of our rural assets.
- An inclusive approach to growth to ensure that all communities can benefit from economic success and prosperity.

In terms of commercial property demand, The Borough remains attractive for inward investment enquiries but is hampered to a certain extent by the supply of available modern fit for purpose commercial units and employment sites.

Both MBC and Locate in Kent recorded inquiries for business space include smaller units (such as those proposed). The proposed redevelopment at 'Foxpitt Farm' could assist in accommodating smaller sized rural enquiries.

5.3. **KCC Highways** - No objection. Consider the Transport Statement to be robust and accept no adverse highway impacts. Improved access arrangements are welcomed subject to confirmation of the location for the

new passing bay. Parking levels are acceptable, although 10% EV charging bays are advised.

- 5.4. **Mid Kent Environmental Protection** - No objection. Recommend a condition regarding external plant (see below).
- 5.5. **Kent Police** – No objection. Make various recommendations regarding security etc (to which the Applicant has responded).
- 5.6. The following also confirm no objection: KCC LLFA, Environment Agency, Southern Water, Natural England.

## **6.0 APPRAISAL**

6.1. The main planning considerations are:

- Principle of development
- Landscape impacts
- Building design, landscaping and ecology considerations
- Heritage impacts
- Transport and parking
- Amenity considerations

### **Principle of Development**

- 6.2. The site lies within the open countryside, the character and appearance of which the Local Plan seeks to protect. This is assessed below. Policy SP17 states that development will not be permitted unless it accords with other policies of the Plan and does not harm the character and appearance of the area.
- 6.3. Policy SS1/8 states that as part of the overall spatial strategy, small scale employment opportunities will be permitted at appropriate locations to support the rural economy. As an existing employment site and with a modest net increase in floorspace proposed, this is considered to be an 'appropriate location' under SS1/8, subject to the wider considerations below.
- 6.4. Policy SP21 emphasises that the Council is committed to supporting / improving the local economy through, inter alia, (vii) supporting proposals for the expansion of existing economic development proposals in the countryside. The policy goes on to state "... provided the scale and impact of the development is appropriate for its countryside location in accordance with DM37". It is important to note that this reference to DM 37 is only in relation to the scale and impact test.
- 6.5. The site is brownfield land in active employment use. However, policy DM5 does not apply as it focusses on the 'alternative' residential or leisure use

of rural employment sites, rather than their expansion or enhancement for continued commercial uses. (It is, however, relevant to note that were the Council to reject the proposed improvements to the site's employment capacity / quality; the site could arguably be converted under PN rights or via DM5 to alternative uses such as residential.)

6.6. Policy DM37 states that the growth and expansion of existing rural business will be permitted where:

- The buildings are small in scale and can be incorporated into the landscape
- Any increase in floorspace will not result in traffic issues
- There will be no loss of amenity
- There will be no adverse impact upon views from public roads

6.7. The title of Policy DM37 refers specifically to "existing businesses", whereas the text within the policy itself states that "Planning permission will be granted for the sustainable growth and expansion of rural businesses". The question arises as to whether DM37 only allows for occupier-led growth and therefore doesn't allow a landlord to deliver growth on their behalf.

6.8. However, in the majority of cases, smaller rural businesses and start-ups tend to be lessees of space provided / managed by landlords, as is the case at Fox Pitt Farm. However, that should not serve to detract from the need to provide accommodation that will enable the growth of rural micro businesses and the improvement in the quality and efficiency of their accommodation.

6.9. It is considered that Policy DM37 should apply to landlord-led schemes, but even if it were considered that it did not, then both policies SS1/8 and SP21 provide support for the principle of development. In such an instance, the proposal is not contrary to DM37, it simply isn't specifically supported by it, but SS1/8 and SP21 still apply. Notably the text supporting SP21 states at 1.144:

*Within the countryside economic development will be permitted for the conversion and extension of existing suitable buildings and established sites, farm diversification and tourism where this can be achieved in a manner consistent with local rural and landscape character in order that a balance is struck between supporting the rural economy and the protection of the countryside for its own sake.*

6.10. It is therefore clear that the Local Plan allows for the extension of sites and is not solely focussed upon occupier-led proposals.

6.11. This is a long-established employment site which forms part of a wider cluster of commercial, residential and agricultural uses. The existing buildings to be demolished are of a low grade appearance and do not have a positive impact upon the character and appearance of the area. The proposals result in a net reduction in built footprint, but an increase in floorspace and height due to the new building incorporating a first floor.

However, across wider commercial site, the overall net increase in floorspace is relatively modest.

6.12. In addition to the Local Plan Policy support, further policy / strategy support is provided by:

NPPF

- Paragraph 84 of the NPPF states that *"Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings....."*
- Paragraph 85 continues..... *"Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. ...."*

MBC Economic Development Strategy

- The recently adopted Economic Development Strategy promotes, inter alia, *'a successful and thriving rural economy, provision of start-up and grow-on business space, support for rural diversification*

Strategic Plan

- The Council's overarching 'Strategic Plan' seeks a *"prosperous, urban and rural community at the heart of Kent where everyone can realise their potential"*

6.13. To summarise, there is clear policy support for the principle of economic development within the countryside, including the expansion of existing sites. The Applicant has identified that five existing local companies will be provided with enhanced accommodation as a result of the scheme, with the remaining units available to other micro businesses or start-ups.

6.14. The provision of new and enhanced employment accommodation is a significant material consideration and having regard to the number of rural commercial sites that have and continue to be lost to residential through PD rights and Policy DM5, it is one that carries significant weight. As an example, at a similar site at Church Farm Ulcombe, there are up to 25 commercially rated business units that have permission / rights to convert to residential.

6.15. Therefore, subject to the considerations below, the principle of the rationalisation and improvement of the site accords with policies SS1/8, SP21 and DM37.

6.16. The question does arise as to whether, being a rural site, considerations of sustainability should be addressed. As identified above, NPPF 84 states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas. Para 105 of the NPPF acknowledges that the concept of sustainability varies between rural and urban areas.

6.17. There are bus stops at the location where the private site access drive meets Shingle Barn Lane, although these are a 580m walk from the new unit.

6.18. The net uplift in floorspace is circa 300 sq.m. Employment densities for small business units vary, subject to the nature of the use, but can typically be between 15 and 25-30 sq.m per employee. This could result in say 10-15 additional employees within the (net) 4 new business units. It is not considered that this represents a significant uplift in unsustainable movements.

6.19. It must also be recognised that small businesses seek rural locations for a number of reasons, for example:|

- A marketplace / catchment that is rural / village based – not centred upon say the town centre / main urban area of Maidstone
- The limited availability of appropriate business space within small villages - such as Yalding
- Proximity to local workforce – where travel to work distances can be relatively short
- Co-location with other complimentary businesses
- History of rural location

For these reasons it is not considered that a modest increase in an established rural business centre will result in an unsustainable pattern of land use.

### **Landscape Impacts**

6.20. The principal policy tests identified above are that the development does not harm the character and appearance of the site and surrounding countryside. For example, Policies SP17 and SP21 state that, inter alia, development in the countryside should not result in harm to the character and appearance of the area. Policy DM3 states that relevant proposals should be subject to landscape assessment and seeks to protect designated landscapes – the site is not within an LLV. DM37/1(i) requires new development to be integrated into the landscape.

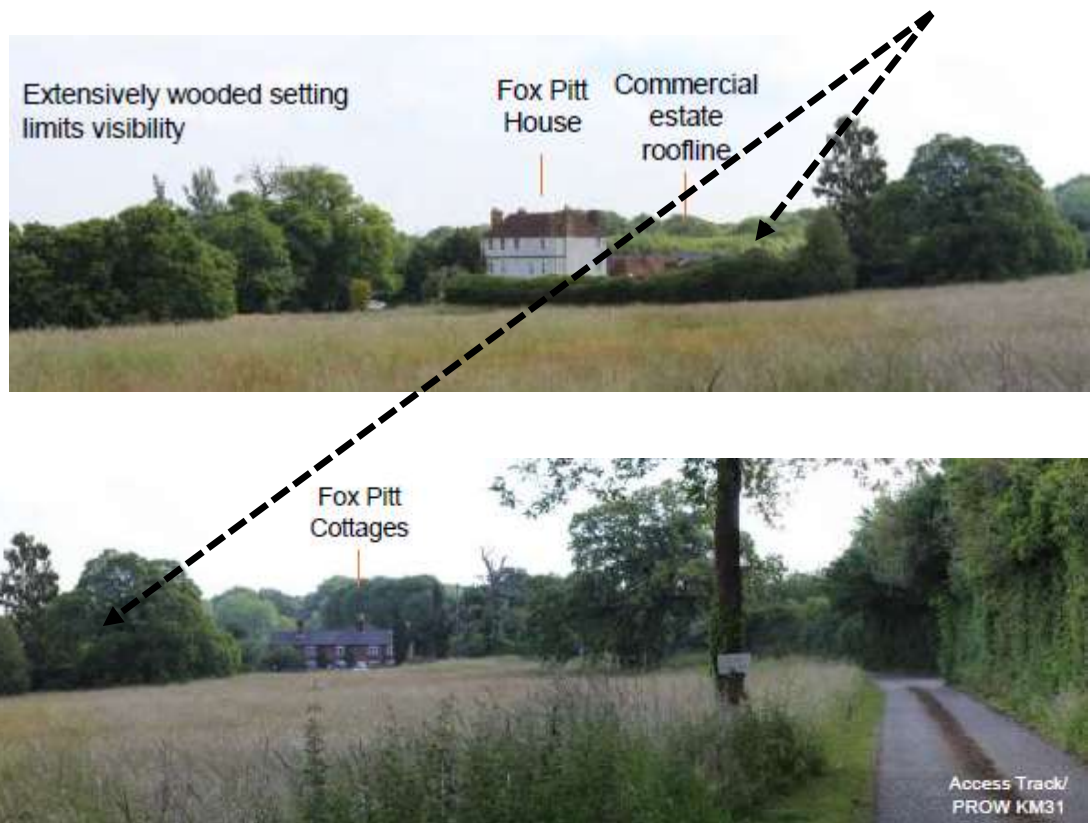
6.21. The application is supported by a 'Visual and Landscape Character Analysis' which identifies a number of existing broad characteristics:

- Whilst the wider landscape slopes northwards towards the river, the site itself is generally flat
- Whilst there are currently long-distance views across the site from PRow KM31 to the north, these will be blocked by the barn permitted under 19/505636/AGRIC

- To the south the ridge rises a further 20m, so reverse views up to the ridge would not be affected
  - A mature tree'd hedgerow to the south of the footpath visually encloses the site
  - The site forms part of a cluster of buildings
- 6.22. In terms of the character of the wider area, the 'Maidstone Landscape Character Assessment' identifies that the site lies within the dip slope of the Greensand Ridge and within the Farleigh Greensand Fruit-Belt local character area, that has a high sensitivity to change, within which actions include:
- The potential for minor development within scattered properties and farmsteads
  - Conserving the setting of heritage buildings
  - Encouraging the planting of isolated trees
  - Promoting the use of local materials.
- 6.23. The Applicant identifies that scheme design responses include:
- Keeping the building within the limits of the existing built complex
  - Cutting the building into the bank to reduce height by circa 2 metres
  - A massing and scale in keeping and subservient to the dominant listed Fox Pitt Farmhouse
  - Enhancing the landscape content of the wider site, including the introduction of native planting and 'select' trees
  - The removal of non-native dominant cypress trees
  - Muted materials that respect local vernacular
  - Dark-sky sensitive lighting
- 6.24. The site visit demonstrated that long distance views currently exist from the PRow to the north, towards tree lined ridges. This principally results from the low height of existing buildings, although regard needs to be had to the fact that that this view is undergoing change due to the new barn to be implemented under 19/505636/AGRIC, which is 7.6m high and will interrupt these views. The proposed replacement commercial building sits in alignment with the new barn, such that it will not extend the interruption in views from the PRow, which to the E and W will be unaffected.
- 6.25. In terms of the approach to the site from the West along the PRow, the new building is set behind mature planting and will not impact on views of the wooded ridge beyond (see below). It is not considered that the character or appearance of the site will change when viewed from this approach.



6.26.



6.27. In more immediate views of the site, the proposed building will inevitably change the context of the site, but relevant considerations include:

The building line is moved to the west opening views over the walled garden and the valley beyond.

When built, the approved barn would interrupt longer distance views



The new building will be cut into the bank, with the ground floor level circa 2m below the footpath.

- 6.28. For users of the PRow, the experience is already one of a commercial business use. The appearance of the site will change as a result of the replacement of existing buildings, but the character, that of a complex of small business units will not. The new building is high quality. The landscaping is also of a high quality and extensive hard surfaces areas will be converted to naturalised habitat.
- 6.29. To conclude, having regard to the following factors, it is considered that the development adequately mitigates its potential landscape impacts and will not adversely affect the character and appearance of the site and its countryside setting:
- The site is visually contained by existing landscaping and does not impact upon longer-distance views towards the site.
  - Existing buildings of a low-grade appearance will be removed.
  - The proposed building is sited within the existing PDL area in accordance with LCA guidelines and the footprint of buildings will be reduced.
  - The building is cut into the land to reduce its prominence and its design (see below) is high quality.
  - From the PRow impacts will be limited to immediately adjacent to the building and the wider landscape setting of the site is limited.
  - The proposed native landscape scheme (see below) responds to LCA objectives and will improve the overall landscape character of the site, within both close and longer distance views.
- 6.30. To conclude it is considered that the proposals does not cause unacceptable harm to the policies identified above.

### **Design, Landscaping and Ecology**

- 6.31. Policy DM1 encourages high quality design in built and landscape forms. DM30 requires, inter alia, materials mass and design to reflect local distinctiveness, proposals to be supported by LVIA and evidence that existing building are not available as alternatives. Policy DM3 requires, inter alia, an assessment of existing ecological potential and proposals to enhance wildlife habitat.
- 6.32. An inspection of the existing buildings shows that they are of a low-grade construction with, for example, poor energy efficiency and inflexible layouts. They are not suited to adaptation or extension and would leave owners / occupiers with higher running costs. In addition, they do not have a positive impact upon the character of the area.
- 6.33. The principle of their replacement with modern accommodation better suited to the needs of modern small businesses with greater flexibility and improved levels of energy performance is supported, subject to their quality.
- 6.34. The proposed building adopts a traditional rural barn form, but in a contemporary, but nevertheless high-quality manner, with good quality materials and detailing. Traditional features such as sliding barn doors will

sit alongside modern interventions such as glass balustrades and gables. Cedar cladding will provide accents to the doors, inset balconies and gable walls.

- 6.35. It will be clear to users of the PRow, that the building is new, but it's contextual rural form will clearly be identifiable. The level of detailing and the combination of both traditional and quality modern materials will add to its interest, without jarring.
- 6.36. For the access and parking areas, a low key, permeable material will be used.
- 6.37. The setting of both the existing-retained employment buildings and the new buildings will be enhanced by the introduction of a new native landscape and biodiversity strategy, which includes the replacement of mown grass and hard surfaced areas with:
- New native tree and shrub planting to reflect LCA guidelines
  - A small 'orchard' area'
  - New pond habitat
  - Meadow wildflower beds
  - Log piles, bee 'hotels', bat and bird boxes
  - (see wider schedule of native planting at 2.10 above)
- 6.38. The application was accompanied by an ecological impact assessment which identified no on-site sensitivities. However, KCC did request further information regarding reptile and bat emergence surveys, which were provided. No further comments were received from KCC and therefore Officers are satisfied that the submitted ecological assessment confirms no adverse impacts; although the bat survey sets out monitoring measures that will be secured by condition.
- 6.39. In summary the proposals respond positively to the expectation of high-quality contextual design, native landscaping an ecological enhancement, including a number of enhancement measures promoted for this LCA, namely:
- The use of local detail and materials - in a modern high-quality interpretation of traditional built form
  - Conserving the setting and scale of existing groups of buildings
  - Conserving the rural setting of historic buildings
  - Securing an increased ecological habitat
  - New native tree planting to respect parkland character
  - Use of local materials in boundary treatments and access points / gates

- 6.40. Having regard to the above it is considered that the proposals respond positively to the requirements of policies DM1, DM3 and DM30.

### **Heritage Impacts**

- 6.41. Local Plan Policy DM4 is consistent with guidance in the NPPF in requiring that development should conserve and where possible enhance the significance and setting of heritage assets and be informed by an appropriate level of assessment and understanding. The application is accompanied by a heritage assessment.
- 6.42. None of the buildings to be demolished possess any heritage interest. However, the adjacent C18th Fox Pitt (farmhouse) is grade II listed. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon decision makers to have special regard to the desirability of preserving the setting of a listed building.
- 6.43. Historic mapping does not show the buildings to be demolished as forming part of the original cluster comprising farmhouse, walled garden and associated outbuildings. They only appear on historic images by 1960, sited on what appears to have been until then an orchard that is set beyond the historic building cluster.
- 6.44. Whilst it appears that the application site has formed part of the wider estate associated with Fox Pitts and thus there will have been some past visual and or functional relationship to its setting; over time the cluster has become separated into a number of functionally separate units; for example, the conversion of agricultural buildings to commercial use and their subdivision and the separation of the former worker cottages to untied dwellings. As such, the assessment of its setting is principally related to its visual setting.
- 6.45. When viewed from the PRow approach from the west (also the main western approach to the house) the listed house sits in relative isolation, with only glimpses of the adjacent cluster, with the subject buildings being set behind a substantial screen of foreground trees and hedgerow.
- 6.46. The application buildings and the listed house are visible together when viewed from the PRow as it passes to the immediate south east of the proposed site of the new building. However, they appear functionally separate and in this existing view the buildings to be demolished detract from the wider setting of the listed building. Their removal and the partial re-landscaping of this area will enhance the direct setting of what was the rear of the listed house.
- 6.47. The proposed new building will be set back from the house's eastward aspect and with retained existing commercial buildings between, it is not considered to affect its setting. Although taller than the existing building, this is not a primary view of the house and with the new building set down into the bank, the house will remain the visually principal structure.

Further, the barn typology of the new building will replicate an ancillary structure and function.

- 6.48. It is therefore considered that there will be a neutral impact upon the setting of Fox Pitt and in accordance with the NPPF and Policy DM4, there is no requirement to demonstrate public benefits.

### **Transport and Parking**

- 6.49. The existing site access involves a single entry/exit point with a tight turn off the private lane. Parking across the site is currently informal, with no allocated parking, cycle areas or dedicated disabled parking.
- 6.50. The proposal will deliver an enhanced access egress arrangement, formalised parking spaces, cycle / motorcycle parking and designated disabled bays. This represents a significant improvement that will be a benefit to both existing and new commercial units.
- 6.51. KCC are satisfied that there are no adverse traffic impacts and consider the parking and access layout to be acceptable, subject to the installation of EV parking to two bays, which can be addressed by condition.
- 6.52. Whilst KCC query the details of the passing bay to be provided on the access drive, it should be noted that the new layout allows for separate entry/exit points, ie, a one-way route on the access lane, so the passing bay is only for exceptional circumstances, not daily needs and therefore further examination is not considered to be necessary.
- 6.53. It is therefore considered that the application accords with Policy DM21.

### **Amenity**

- 6.54. Policy DM1 requires proposal to avoid or mitigate potential impacts upon the amenity of existing residents.
- 6.55. Fox Pitt Farmhouse is separated from the building by existing commercial uses and is not affected by the proposals. However, the three cottages are located adjacent to the site and have the potential to be affected by (i) the replacement building being pulled closer to their rear outlook and (ii) the creation of the new egress adjacent to their rear boundary.
- 6.56. A noise report is submitted which demonstrates no adverse impact upon the neighbours in terms of commercial activity or traffic. The number of vehicle movements are limited and for very small business units such as this tend to be restricted to principal daytime hours, so would not impact evenings and weekends. Whilst the EHO requests details of an acoustic boundary fence, this is not considered to be necessary as the main access route is unchanged and an enhanced landscaped buffer is proposed to the new egress.

- 6.57. The boundary to the rear of the cottages will be subject to enhanced native planting, as will the 'facing' elevation of the new building and there is a significant separation between the two, sufficient to avoid overlooking. In addition, the area immediately to the north of the cottages will be converted to a new meadow, which will enhance their setting.
- 6.58. The new building is set sufficiently away from the cottages not to be overbearing. There are windows and a balcony on the gable elevation facing towards the cottages, but this will be in excess of 30m from existing windows and will preserve privacy. In addition, existing non-native hedgerow will be replaced with a new native hedge and trees that will improve natural lighting to the gardens, but also assist to diffuse views.
- 6.59. There are no operating hours restrictions attached to the existing site and it is not considered that the application justifies such for the replacement building.
- 6.60. There have been no objections from occupiers of adjacent dwellings, but notwithstanding this, Officers consider that there is no adverse impact upon amenity and therefore the scheme complies with Policy DM1.

### **Other Matters**

- 6.61. The proposals follow positive pre-application written advice given by Officers and in accordance with the NPPF the Applicant has responded to the advice offered in relation to, for example, contextual design, landscape mitigation and biodiversity/ecology.
- 6.62. The Applicant advises that in terms of the buildings to be demolished the EPC ratings are as follows; 1 unit has a C rating; 3 units have a D rating and 2 units have an E rating. In a non-technical manner these ratings are middling to poor at best. Due to their original piggery function, these buildings are not capable of further improvement, so in terms of energy load and cost would remain poor and represent a burden on occupiers and be environmentally inefficient.
- 6.63. The Applicant confirms that the new building will be heated / cooled by air source heat pumps and will incorporate efficient insulation, air tightness and ventilation to minimise energy demands throughout the year.
- 6.64. Dark sky sensitive lighting is proposed, which will ensure that, for example, during wintertime, when operational the site will not adversely impact upon the character of the area or the wider setting of the countryside.
- 6.65. There are no objections in relation to flood risk or minerals

### **Public Sector Equality Duty**

- 6.66. 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.

CIL

- 6.67. The proposed development is not CIL liable as the charge for employment uses is zero.

EIA Screening

- 6.68. The proposals fall well below the screening thresholds for EIA development

## **7.0 CONCLUSIONS**

- 7.1. The proposals were subject to positive pre-application advice and have responded to that advice.
- 7.2. There have been no objections from neighbours, the Parish Council or consultees.
- 7.3. The proposal would result in an increased level of floorspace and building mass, which will result in a change to the appearance of the site. The increased massing will interrupt views north across from the open countryside as users of the footpath pass by the building. However, this represents a relatively short section of the PRow and in any respect, the proposed new barn under would have a similar impact, thus reducing the net level of harm.
- 7.4. Whilst there is an increase in height for the replacement building when compared to the existing, this is mitigated by cutting the building into the slope, which significantly reduces its apparent height.
- 7.5. The removal of low grade buildings and the significant landscaping and ecological enhancement of the site are also afforded significant weight.
- 7.6. I have given considerable weight to policies at both national and local level which support the principles of supporting the rural economy. The proposals will assist in meeting the increasing demands for rural employment opportunities for micro businesses, in-part driven by the significant loss of other rural employment sites to residential.
- 7.7. The proposal replaces low grade employment floorspace with high quality accommodation with modern energy efficient standards and the use of renewable heating / cooling.
- 7.8. Whilst the existing buildings are not uncommon in a rural location, they are of a low grade appearance and do nothing to enhance the appearance of the site as a whole or the setting of the listed building.
- 7.9. The modern interpretation of a traditional rural typology and the use of good quality design detail and materials is afforded weight.
- 7.10. The removal of non-native planting and replacement with a native-led scheme with extensive new habitat to provide biodiversity enhancement is again afforded weight.

- 7.11. The potential impacts upon the amenity of nearby residential properties is mitigated through siting and landscaping.
- 7.12. There are no objections from the Highway Authority to access or highway impacts and the proposals will deliver significantly improved access and parking arrangements, with, for example, improved disabled parking and also EV charging bays, motorcycle and bicycle parking to encourage more sustainable modes of travel.
- 7.13. Having regard to policy and other material considerations, it is considered that on-balance the proposal accords with national and local policy and will deliver economic and environmental benefits with no adverse environmental or other impacts.

## **8.0 RECOMMENDATION –**

**GRANT PLANNING PERMISSION subject to the following conditions** with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

### Time Limit

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

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

KEN 2509 01 Rev B	Landscape Strategy
KEN 2509 02 Rev A	Detailed Planting Proposals
6771-PD-02 Rev D	Proposed Site Layout
6771-PD-03 Rev A	Proposed Floor and Roof Plans
6771-PD-04 Rev A	Proposed Elevations
6771-PD-05 Rev B	Proposed Site Sections
6771-PD-06	Proposed Bin Store

Reason: To clarify which plans have been approved.

### Material Samples

The development hereby approved shall not commence above slab level until, written details and appropriate virtual samples of the materials to



be used in the construction of the external surfaces of the building 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 and to protect the amenity of neighbouring occupiers.

#### Hard Landscaping

The development hereby approved shall not commence above slab level until, details of hard landscape works 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;

Reason: To ensure a satisfactory appearance to the development.

#### Soft Landscape Scheme

The development hereby approved shall be carried out in accordance with the approved 'Landscape Strategy' Plan KEN2059-01-B and Detailed Planting Plan KEN2509-02 Rev A.

All such landscaping shall be carried out no later than the first planting season (October to February) following the completion / first occupation of the development. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation 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

#### No External Plant

No structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof or on external walls without the prior approval in writing of the local planning authority;

Reason: To safeguard the external appearance and character of the building and the amenity of neighbouring residents.

#### Demolition of Existing Buildings

The existing buildings as shown to be demolished on the approved plans shall be demolished and the resulting materials and debris removed from the site to the satisfaction of the local planning prior to the first occupation of the building hereby permitted;

Reason: To prevent an overdevelopment of the site and to safeguard the character and appearance of the surrounding area.

#### Parking/Turning Implementation

The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use.

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

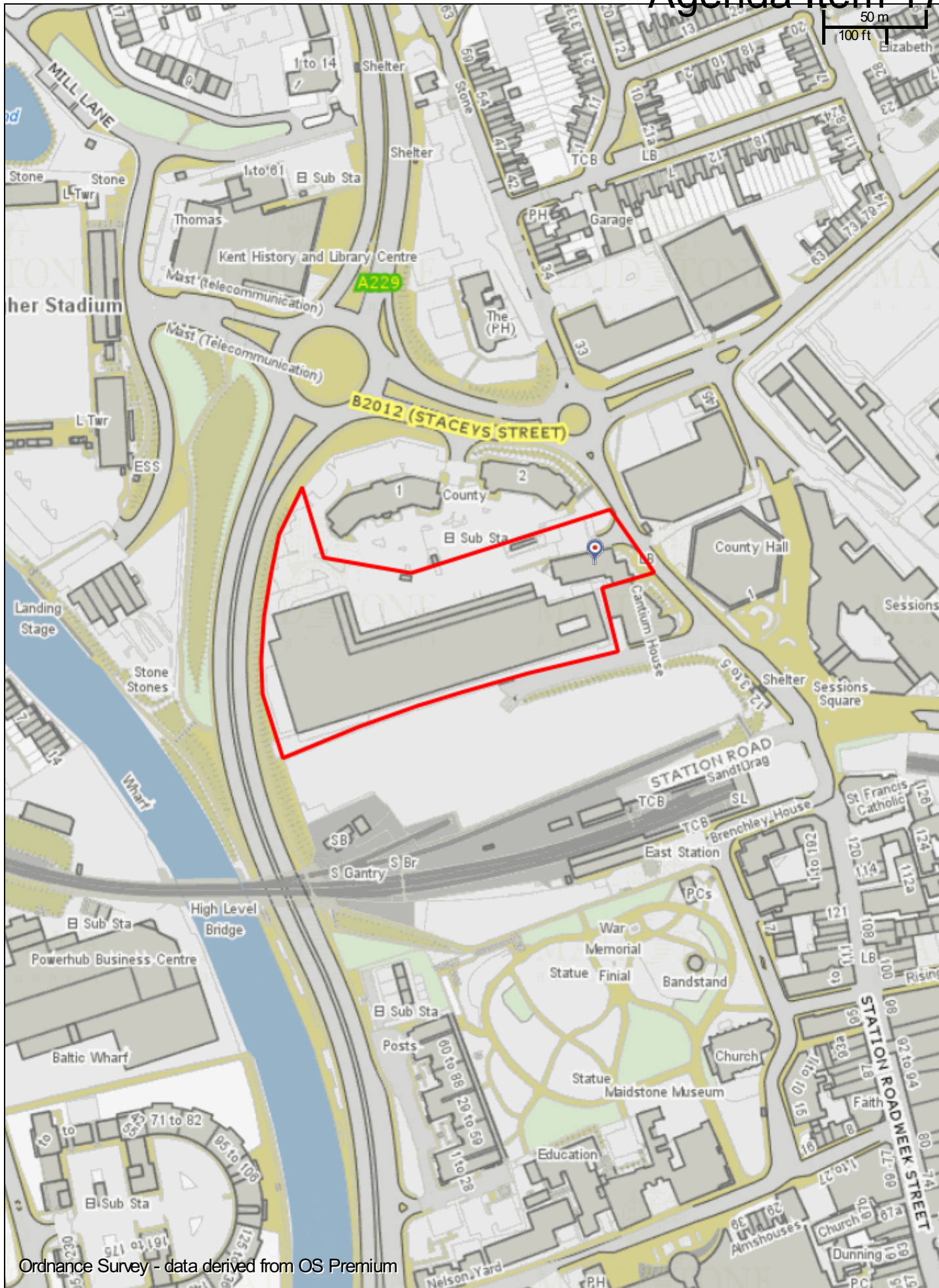
#### Bat Mitigation

Works shall be carried out in accordance with the recommendations and methodology set out in Section 9 of the 'Bat Survey & Mitigation Report' JFA Ref: KEN 2059 dated August 2021.

#### Electric charging points

The accommodation shall not be occupied until a minimum of two electric vehicle charging points have been installed which shall thereafter be retained for that purpose.

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



Ordnance Survey - data derived from OS Premium

22/501983/FULL 98 Sandling Road, Maidstone, Kent, ME14 2RJ

Scale: 1:2500

Printed on: 13/6/2022 at 9:01 AM by JoannaW



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## REPORT SUMMARY

<b>REFERENCE NO:</b> - 22/501983/FULL		
<b>APPLICATION PROPOSAL:</b> Extension to the time for a temporary use by a further 3 years. Use comprises offices, storage and retail warehouse, and public car parking.		
<b>ADDRESS:</b> Former RM Depot, 98 Sandling Road, Maidstone, ME14 2RJ		
<b>RECOMMENDATION:</b> Application Permitted		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL:</b> This is an acceptable resubmission of a previous temporary planning permission to permit up to 3 more years on the basis that the uses are economically and socially beneficial and do not prejudice the more comprehensive redevelopment scheme coming forward under policy RMX1(2) of the Maidstone Borough Local Plan 2017.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Council Application		
<b>WARD</b> North	<b>APPLICANT</b> Maidstone Borough Council <b>AGENT</b> Evans & Langford LLP	
<b>CASE OFFICER:</b> Austin Mackie	<b>VALIDATION DATE:</b> 20.04.2022	<b>DECISION DUE DATE:</b> 20/07/22
<b>ADVERTISED AS A DEPARTURE:</b> Not necessary		

### RELEVANT PLANNING HISTORY:

16/507358 Change of use of Royal Mail Depot and ancillary offices to a mix use comprising B1a (Offices), use of main warehouse for public car parking, use of warehouse 2 for a mixed B8 and A1 retail warehouse, use of undercroft parking as a carpark; for a temporary period of 5 years. Approved January 2017.

#### 1.0 DESCRIPTION OF SITE

- 1.01 The site is located towards the northern end of the town centre, is accessed from Sandling Road and contains a three-storey office building, two former warehouses, service yards and parking areas.
- 1.02 The land has been used for a number of years for car parking, a mixed B8 storage and A1 retail warehouse unit and offices/community meeting rooms; following the grant of temporary planning permission 16/507358/FULL. That permission expired in January 2022.
- 1.03 Licensees include Demelza (from 2017), and Liberty Church from 2019. In addition to the public parking there are short term private parking contracts with the NHS, the Coroners Office and Golding Homes.
- 1.04 The site is owned by MBC who have an aspiration to redevelop the site.

## **2.0 PROPOSAL**

- 2.01 It is proposed to continue the above temporary uses for up to 3 further years.
- 2.02 As well as the public car parking, the buildings are occupied by local charities, as well as a community meeting space.
- 2.03 There are no changes proposed to the buildings or other surface fabric.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough Local Plan (2017): RMX1(2)

Maidstone Borough Council – Local Plan Review, Submission March 2022. The Regulation 22 draft is a material consideration, and some weight must be attached to the document because of the stage it has reached. This weight is limited, as it has yet to be the subject of an examination in public. However, the emerging plan is consistent with the adopted in promoting the regeneration of the site and again this objective is not prejudiced by the temporary use.

## **4.0 LOCAL REPRESENTATIONS**

None received

## **5.0 CONSULTATIONS**

Environment Agency: No objections

Kent Police: We would like to request a crime prevention statement to provide further information in relation to physical security measures.

KCC (Flood and Water Management): No comment

Environmental Protection: No comments

## **6.0 APPRAISAL**

- 6.01 The site is allocated under policy RMX1(2) to deliver a mix of retail, employment and housing development. At this stage no redevelopment scheme has been submitted and the redevelopment programme is being prepared. Thus currently anticipates works on the redevelopment scheme commencing in 2024/5, but as the Council has control over the terms of the licences / leases, any change in the redevelopment programme can be managed without prejudice to the delivery of the regeneration scheme.
- 6.02 The temporary permission now sought would have the effect of extending the overall length of the 'temporary' uses for what will be up to 8 years,

however, pending the redevelopment of the site, it is considered that the continuation of the temporary uses represents good use of the land/buildings.

- 6.03 The provision of public car parking spaces in the area continues to have a beneficial effect in meeting parking demand from town centre shoppers and local workers. The proposed temporary uses will continue to benefit the voluntary sector / charities and the public they support.
- 6.05 In the light of the benefits associated with the temporary uses and the absence of any prejudice to a more comprehensive redevelopment coming forward, it is considered acceptable in this instance for the uses to continue for up to 3 more years.
- 6.06 The comments of Kent Police can be dealt with by informative.

#### Public Sector Equality Duty

- 6.07 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**

- 7.01 This is an acceptable request for a temporary planning permission for up to 3 more year on the basis that the public parking and charity/voluntary uses are economically and socially beneficial and the uses do not prejudice more comprehensive redevelopment schemes coming forward under policy RMX1(2) of the Maidstone Borough Local Plan 2017 and the draft Local Plan Review.

## **8.0 RECOMMENDATION –**

**GRANT PLANNING PERMISSION subject to the following condition** with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and / or as resolved by the Planning Committee.

### **CONDITION**

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

Reason: To avoid prejudicing the long-term redevelopment of the site.

### **INFORMATIVES**

- 2) You are advised to contact Kent Police in relation to security measures to be adopted for this site.





Ordnance Survey - data derived from OS Premium

<b>REFERENCE NO - 22/502289/REM</b>		
<b>APPLICATION PROPOSAL</b> Reserved Matters of access, appearance, landscaping, layout and scale of temporary car park (being alternative to those approved under 20/502037/REM) pursuant to outline application 16/507292/OUT as varied by 18/506609/OUT (Application to vary conditions 3, 4, and 5 of planning permission 16/507292/OUT (outline application with access sought for development of medical campus) to allow for the relocation of the Nature Reserve).		
<b>ADDRESS</b> Kent Medical Campus Newnham Way Maidstone Kent		
<b>RECOMMENDATION</b> Application Permitted		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>  The proposal will provide the Innovation Centre with additional parking to the parking demands for that type of use and to cater for Events and Conferences. A condition is suggested to tie the development with the occupation of the Maidstone Innovation Centre.  The location of the proposed car park would not be acceptable as a permanent feature due to short range harmful impact from an open surfaced car park in a visually prominent location on a key junction on the main spine road with limited scope for significant landscaping other than the native hedgerow proposed. A condition is suggested that it only be in place for 5 years from implementation pending a longer-term permanent solution being progressed.  As a temporary proposal, it would not prejudice the long term continued development of the Campus site as per Policy RMX1 (1).  It does not breach maximum parking standards on the overall site. KCC Highways have no objections.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The Council is the applicant		
<b>WARD</b> Boxley	<b>PARISH/TOWN COUNCIL</b> Boxley	<b>APPLICANT</b> Maidstone Borough Council <b>AGENT</b> Andrew Wells Planning & Design
<b>CASE OFFICER:</b> Marion Geary	<b>VALIDATION DATE:</b> 13.05.2022	<b>DECISION DUE DATE:</b> 08.07.2022
<b>ADVERTISED AS A DEPARTURE:</b> NO		

**Relevant Planning History**

16/507292/OUT

Outline Application with access matters sought for development of medical campus comprising up to 92,379 m<sup>2</sup> of additional floorspace (including additional hospital facilities, clinics, consultation rooms and a rehabilitation centre (classes C2/D1); education and training facilities with residential accommodation (class C2/D1); keyworker accommodation for nurses and doctors (class C3); pathology laboratories (class B1); business uses (class B1); ancillary retail services (class A1, A2, A3); and up to 116 bed class C2 neuro-rehabilitation accommodation; internal roads and car parks, including car park for residents of Gidde Pond Cottages; hard and soft landscaping including creation of a nature reserve (to renew existing consent 13/1163).  
Approved Decision Date: 16.06.2017

18/506658/REM

Reserved Matters of appearance, landscaping, layout and scale pursuant to outline application 16/507292/OUT (outline application with access sought for development of



medical campus) for construction of proposed four storey Innovation Centre office building (Class B1) and associated external works.

Approved Decision Date: 17.04.2019

20/502037/REM

Reserved Matters of appearance, landscaping, layout and scale of temporary car park pursuant to outline application 16/507292/OUT as varied by 18/506609/OUT (Application to vary conditions 3, 4, and 5 of planning permission 16/507292/OUT (outline application with access sought for development of medical campus) to allow for the relocation of the Nature Reserve).

Approved 03.09.2020

## **1. DESCRIPTION OF SITE**

- 1.01 The application site is located within the Kent Medical Campus (KMC), in a corner plot to the south of Gidds Pond Way and east of Newnham Court Way.
- 1.02 The site has an area of approx. 0.2ha and is sunken below road level by approx. 4m. Access from Newnham Court Way would be via a ramped track and footpath.
- 1.03 The Maidstone Innovation Centre is on the northern side of Gidds Pond Way, immediately opposite the application site.

## **2. PROPOSAL**

- 2.01 The site has outline planning permission for a large scale mixed use (medical campus led) development with a requirement that all reserved matters be submitted within 10 years (ie before 16.06.2027).
- 2.02 This Reserved Matters application is a proposal for a temporary overflow car park of 42 spaces for the recently opened 'Innovation Centre' which is owned by MBC. The proposal is stated to be specifically for staff and visitors to the Maidstone Innovation Centre.
- 2.03 It is a revision of Reserved Matters application 20/502037/REM which was approved by Planning Committee in September 2020, for a 5 year temporary, 42 space car park surfaced in tarmac and landscaped with native trees and a native hedgerow.
- 2.04 The differences are an access point closer to the junction with Gidds Pond Way. The surface of the car park to be a perforated grid with gravel. The area of the car park is slightly reduced by a different layout and the footpath link is shorter. Overall, there is less engineering with this amended scheme. The proposed landscape screening is also amended to a mixed native hedgerow on all sides of the car park.
- 2.05 The applicant would prefer a temporary permission of 10 years compared to the 5 years granted previously. It is still intended that a multi-level car park will be provided in the longer term to serve the wider campus (although there is no timescale given for delivery).

## **3. POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough Local Plan 2017 SS1, SP1, RMX1(1), DM1, DM23

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough Council – Local Plan Review Regulation 22 Submission

- The Regulation 22 submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is a material consideration and some weight must be attached to the document because of the stage it has reached. This weight is limited, as it has yet to be the subject of an examination in public.

#### **4. LOCAL REPRESENTATIONS**

##### **Local Residents:**

- none received

#### **5. CONSULTATIONS**

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

- 5.01 Boxley PC: No objection
- 5.02 KCC Highways: No objections.

#### **6. APPRAISAL**

##### **Principle**

- 6.01 The principle of this type of development has been established by the previous approval, complying with Policies SS1 and SP1: the urban area being the sustainable focus for new development.
- 6.02 There is no approved masterplan as such for the Kent Medical Campus. The application site is indicated in the outline planning permission "The Vision" drawing for an L-shaped building wrapping around the outer corner of the plot with some car parking to the rear. The outline permission indicates that communal parking would also be provided across the campus in addition to plot based parking.
- 6.03 This proposed temporary car park is in a relatively small and confined portion of the overall site and is to serve new business provision, complying with Policy RMX1(1). It would not prejudice the ongoing economic development of the surrounding land in accordance with that policy.
- 6.04 The proposed car park will still be linked to the Innovation Centre. Therefore, the principle is still acceptable as a temporary transitional arrangement until such time as a central communal parking facility is provided (envisaged to be a multi storey or undercroft style rather than open air)

##### **Highways and Parking**

- 6.05 KCC does not object.
- 6.06 The 42 space car park approved under 20/502037/REM were concluded to comply with the Environmental Impact Assessment and Campus wide Travel Plan pursuant to the outline planning permission.
- 6.07 Therefore the acceptability of the development in terms of highway safety and level of overall parking for the campus has been established by the previous approval. The consent would need the re-imposition of conditions on the maximum gradient of the access ramp, and a condition requiring the parking to be associated with the Innovation Centre only.

### **Visual Impact and Landscaping**

- 6.08 Due to local topography and screening by existing buildings and by being sunken, there is no medium and long range visual or landscape impact. However, there is short range visual impact from an open surfaced car park in a visually prominent location on a key junction on the main spine road. Therefore, when assessed against Policy DM1 of the MBLP, only a temporary planning permission of up to 5 years would be appropriate in my view. The applicant's request for a 10-year temporary planning permission is not considered to be justified.
- 6.09 In terms of landscaping, the size and location of the application site and the temporary nature of this proposal do not make it appropriate for large areas of structural tree planting. The native hedgerow planting around the car park is therefore appropriate. The applicant is limited in proposing additional landscaping as this is not acceptable to the landlord of the overall site.

### **Other Matters**

- 6.10 The application details that new, low lux level LED, solar powered lighting columns around the perimeter of the car park will ensure the safety of the car park users.
- 6.11 This site has minimal ecological value and has outline planning permission to be the site of a building with associated car parking in the future. All of the principles and maintenance arrangements set out in the previously agreed LEMP will apply equally to the planting proposed as part of this scheme. Hibernacula, ponds and higher quality terrestrial habitat to benefit GCN have been created elsewhere at more appropriate locations on the Campus and so there is no necessity to achieve this within the application site plus there are also nesting boxes for birds and bats throughout the wider development site.
- 6.12 As with the approval 20/502037/REM, the details submitted incorporate measures to minimise the risk of crime.
- 6.13 Matters such as sustainable drainage, contamination, archaeology, construction management, hard surfacing; boundary treatments and electric vehicle charging points will be dealt with in subsequent discharges of planning conditions on the outline planning permission.

### **PUBLIC SECTOR EQUALITY DUTY**

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

## **7. CONCLUSION**

- 7.01 The proposal will provide the Innovation Centre with additional parking to the parking demands for that type of use and to cater for Events and Conferences. A condition is suggested to tie the development with the occupation of the Maidstone Innovation Centre.
- 7.02 The location of the proposed car park would not be acceptable as a permanent feature due to short range harmful impact from an open surfaced car park in a visually prominent location on a key junction on the main spine road with limited scope for significant landscaping other than the native hedgerow proposed. As a temporary proposal, it would not prejudice the long term continued development of the Campus site as per Policy RMX1 (1)
- 7.03 It does not breach maximum parking standards on the overall site. KCC Highways have no objections

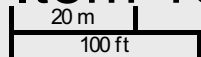
## **8. RECOMMENDATION**

**APPROVE Reserved Matters subject to the following conditions:**

- 1) The car park hereby permitted shall be commenced within 2 years from the approval and the Local Planning Authority shall be notified in writing of the date of commencement within 1 calendar month of that event. On or before 5 years from the date of completion, the car park shall be removed and the land upon which it is sited shall either be restored to its former condition or developed in compliance with a subsequent planning permission/approval of Reserved Matters.  
Reason: There is inadequate justification for the location, form and materials on a long term basis due to harmful visual impact.
- 2) The gradient of the access to the car park hereby approved shall be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.  
Reason: In the interests of highway safety.
- 3) The car park hereby approved shall be used only by staff and visitors in association with the occupation of the Maidstone Innovation Centre.  
Reason: It is the specific use of the Innovation Centre which justifies a divergence from the parking strategy of the Environmental Impact Assessment of the outline planning permission.
- 4) The approved landscaping details shall be carried out in the first planting season following completion. Any plants which, within 5 years from planting, 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: To ensure a satisfactory setting and external appearance to the development.
- 5) The development hereby approved shall be carried out in accordance with drawing PL / 690 / 01 E.  
Reason: For the avoidance of doubt.

**INFORMATIVE**

- 1) You are reminded that conditions of the outline planning permission will need to be discharged prior to commencement: 9 (contamination); 10 (surface water drainage); (14) Construction Management Plan and Code of Construction Practice; (15) Archaeology; (17) hard surfacing; (18) boundary treatments; (19) lighting; (20) electric vehicle charging points.



Ordnance Survey - data derived from OS Premium

**22/500345/FULL 8 Nethermount, Bearsted, Maidstone, Kent, ME14 4FE**

Scale: 1:1250

Printed on: 13/6/2022 at 9:09 AM by JoannaW



<b>REFERENCE NO - 22/500345/FULL</b>			
<b>APPLICATION PROPOSAL</b> Retrospective application for the replacement and reconfiguration of patio to the rear of the house with proposed privacy screen; the erection of a gazebo with surrounding decking; the erection of an orangery; and the part conversion of the integral garage to a utility room and WC			
<b>ADDRESS</b> 8 Nethermount Bearsted Maidstone Kent ME14 4FE			
<b>RECOMMENDATION</b> Approval with Conditions			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> Subject to conditions being imposed with regard to the provision and retention of the proposed privacy screening, the development complies with the relevant development plan policies.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Councillor Springett called in the proposal and also raised objections.			
<b>WARD</b> Bearsted	<b>PARISH/TOWN</b> Bearsted	<b>COUNCIL</b>	<b>APPLICANT</b> Mr T Croom <b>AGENT</b> Kent Design Studio Ltd
<b>TARGET DECISION DATE</b> 30/06/22		<b>PUBLICITY EXPIRY DATE</b> 26/05/22	

### **Relevant Planning History**

**13/1795** - Loft conversion with dormer window to rear elevation, and rooflights to front and side elevations Approved 16.12.2013

**13/1560** - An application for a Certificate of Lawfulness for a Proposed Development being the introduction of rooflights to front and side elevations and rear dormer Refused 26.09.2013

**09/2222** - Part retrospective planning permission for construction of timber decking, raising of ground levels and erection of 2.4m fencing and trellis to plots 1, 2 and 3 - Approved 04.02.2010

**08/1183** - Amendments to approved scheme MA/07/0152 for the erection of three detached houses and six semi-detached houses with associated garaging - Approved 01.08.2008

**07/0152** - Erection of three detached houses and six semi-detached houses with associated garaging - Approved 19.06.2007

### **Enforcement History:**

21/500972/OPDEV – Unauthorised erection of a raised deck – pending consideration (subject of this application)

### **Appeal History:**

N/A

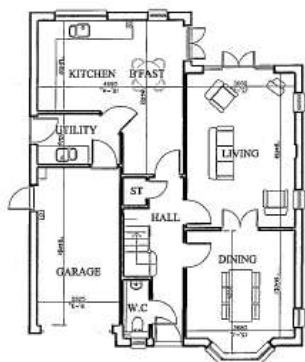
### **MAIN REPORT**

## 1. DESCRIPTION OF SITE

- 1.01 The application site comprises a detached house located to the north-eastern side of Nethermount. The land levels fall heading to the north-east and consequently, the rear garden is on a lower level than the floor level of the dwelling and continues to drop towards the boundary with 2 Little Orchard to the rear. The dwelling has previously been the subject of a loft conversion and orangery extension as well as internal and external alterations to convert part of the integral garage to a utility room and WC.
- 1.02 Nethermount itself is located within Bearsted and is a relatively new development of 9 houses located to the north-west of Church Lane.

## 2. PROPOSAL

- 2.01 This is a retrospective planning application that was initially submitted to regularise matters relating to the construction of a raised patio and gazebo addition to the rear of the property. During the assessment of the proposal, it transpired that the orangery was a later addition to the dwelling and also part of the original integral garage had been converted to a utility room and WC. As the original planning consent for Nethermount includes conditions that withdraw householder permitted development rights from Classes A to E; and that the approved parking spaces remain available for such use at all times, these items were added to the application to regularise matters.
- 2.02 As originally approved, 8 Nethermount had an irregular footprint to the ground floor and according to the evidence provided by the applicant, the previous owners of the house constructed an orangery extension in 2012 to effectively 'square - off' the ground floor. Internal alterations were also made in 2011 to enlarge the kitchen and reposition the utility room within the garage area:



**Original Layout**

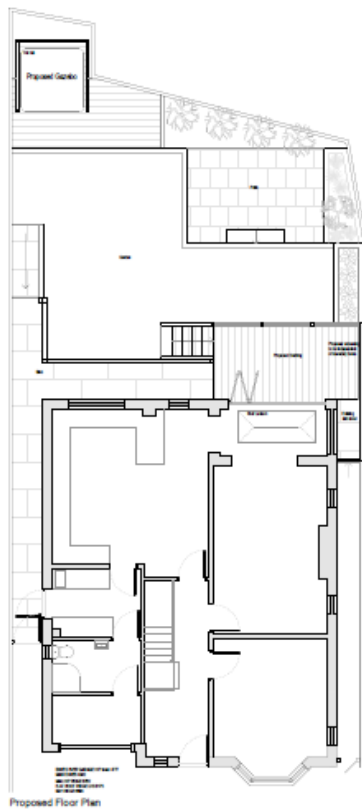


**Layout Following Orangery Extension and garage alterations**

- 2.03 Further alterations have since been carried out to relocate the downstairs WC to within the former garage space, including the insertion of a small window:

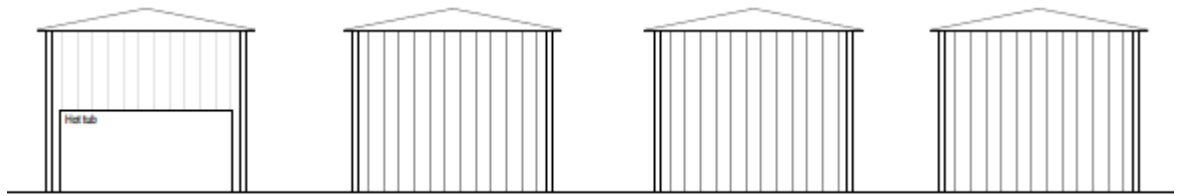


- 2.04 In terms of the patio, given the land level differences in the rear garden, the original design of the dwellings in this part of Nethermount incorporated a patio and stepped access down to the main garden areas (approved as an amendment to the original scheme under reference 09/2222). The construction of the orangery at no.8 had reduced the patio space and the current occupants of the dwelling wished to increase its size. Consequently, the area to the rear of the orangery was replaced and enlarged. The original area projected approximately 1.5m from the rear elevation of the orangery and the new addition increases this depth to approximately 2.3m. The maximum height of the original patio at approximately 1.15m is retained in the current proposal. The original patio incorporated steps into the garden to the north-eastern elevation and these have been repositioned to the north-western elevation. The orangery addition has also been altered to incorporate glazed bi-folding doors across the rear elevation leading onto the patio as well as amendments to the window on the flank elevation. Due to the higher ground levels in the garden for the application property when compared to no.9 (the adjacent property to the east) an obscure glazed privacy screen of 1.8m in height is proposed along the eastern boundary. A glazed balustrade of 1.1m in height is also proposed along the end of the patio and adjacent the stairs:



- 2.04 At the present time, the raised patio has been constructed but the proposed balustrading has not been installed as the applicants stopped any further works when advised that planning permission is required.
- 2.05 In addition to the alterations to the patio, a gazebo has been constructed at the end of the rear garden to house a hot tub. The ground immediately adjacent to the gazebo has been surfaced with decking:





### Proposed Gazebo

- 2.06 The gazebo has a height to eaves of approximately 1.9m and a maximum height of 2.15m. The building is 2.3m in width and 2.3m in depth. The exterior walls are finished in timber. The gazebo is open to the elevation facing into the garden and is used to house a hot tub.

## 3. POLICY AND OTHER CONSIDERATIONS

**Maidstone Borough Local Plan 2017:** DM1; DM9

**Emerging Policy:** The Regulation 22 draft is a material consideration and some weight must be attached to the document because of the stage it is at, but its weight is limited, as it has yet to be the subject of an examination in public. The following policies within the draft are relevant to this application: Policy LPRSP15 – Principles of Good Design; Policy LPRHOU 2 - Residential extensions, conversions, annexes and redevelopment in the built-up area; Policy LPRTRA4 – Assessing the Transport Impacts of Development

**Supplementary Planning Documents:** Residential Extensions (2009)

**National Planning Policy Framework (NPPF)**

**National Planning Practice Guidance (NPPG)**

## 4. LOCAL REPRESENTATIONS

### Local Residents:

- 4.01 The consultations on the initial application, which related only to the patio and gazebo, resulted in representations from no.9 Nethermount, the adjacent property to the south-east, expressing the following (summarised) objections:
- The application is inaccurate and misleading, it doesn't show measurements and implies that there was a patio whereas it was just a narrow path in front of the conservatory and steps into the garden;
  - We were not consulted about this proposed building work but became concerned when, whilst in our house, workmen appeared head and shoulders above our boundary fence;
  - The decking extends up to and touches our boundary fence which does not allow any room for maintenance and no provision has been made for water to disperse away from our fence. Previously, there was a gap;
  - The top of our boundary fence to the decking below, nearest the conservatory, measures approximately 140cm high and reduces to 110cm at the 2.6m point due to the sloping boundary fence. Therefore, a torso of an adult standing on the deck can be clearly seen above the top of the fence. This gives then a clear line of sight down into our property and garden, especially if the decking is used

recreationally as a patio with table, chairs, BBQ etc. This results in a total lack of privacy both visually and audibly;

- The storage area under the patio may be predisposed to vermin;
- The conservatory has been significantly changed, with a new brick pillar, walls removed to incorporate floor to ceiling bi-folding doors, and an enlarged side window facing our garden that now opens;
- We have concerns regarding both visual and audible privacy, especially as the conservatory has no internal walls or doors between the kitchen and lounge;
- The conservatory was originally constructed without planning permission;
- We explained our concern to our neighbour and they suggested that they would erect a higher fence, albeit that we own the fence and we consider this to be unacceptable;
- We request that the planning application in respect of the raised decking be refused and request that any decking is lowered so that it maintains privacy; any development be sited an appropriate distance from the fence to maintain privacy and allow maintenance; the conservatory windows be addressed such that privacy is maintained.

4.02 Following amendments to the application, which include the introduction of a proposed privacy screen adjacent to the boundary with no.9 Nethermount and the inclusion of the orangery and alterations to the integral garage, a second round of consultations was undertaken and this resulted in objections from no.9 Nethermount, which are summarised as follows:

- We wish to make no comment in relation to the gazebo and conversion of the garage space into habitable accommodation other than the fact that the property now has only two parking spaces at the front of the property for a, now, five-bedroom house. We should also point out that we first raised our concerns in November 2021 with Maidstone Borough Council (ref DIG381234738). The time taken to raise the retrospective planning (i.e. certificate of lawfulness) has subsequently created a lapse of 10 years;
- We have significant concerns relating to the side windows of the conservatory and the raised decking that extends from the conservatory out into the garden. Our comments below should also be read in conjunction with comments relating to the original application (22/500345FULL) which we submitted on 14 March 2022 and are still valid;
- The placement of no.8 sits back in its plot 5m compared to no.9 which means the side windows of the conservatory are adjacent to our garden and overlook it;
- Both nos.8 and 9 are situated on land which significantly slopes away from the rear of the houses down into the back gardens. Our boundary fence, at 1.8m high starts from the edge of the original house at no.8 and the top of the fence maintains the 1.8m height as it travels down the incline, thus providing privacy without being overbearing;
- The new raised decking does not replace an existing patio and is approximately 0.7m in height at the furthest point into the garden. Its level is approximately half way up our boundary fence so the torso of any adult standing on the raised decking is visible above the top of the fence and has a clear view of our garden and house;
- There are inaccuracies in the plans in terms of the window positions and boundary length;
- The proposed opaque screen would result in a construction of around 2.5m – 2.6m in height above our ground level and we assume it would be fixed to the decking and not our boundary fence. According to the plans, it would only partially obscure the side windows starting half way along the side of the conservatory;

- Previously all three side windows to the conservatory were non-opening and the replacements include one opening window;
- The bi-folding doors and ability to open the side window will increase the level of noise emanating from the property and the proposed screen would be unlikely to prevent this;
- The raised decking is likely to be used for social activities that would have a greater impact on us rather than using the existing patio at the bottom of the garden;
- The screen would not prevent diagonal views across the rest of our garden and patio;
- No details have been given of the level of obscurity of the glass;
- No details have been given of the method of construction and we would object to any alterations to or for anything being attached to our boundary fence;
- The proposed screening when viewed from no.9 would be overbearing;
- The location of the screen could impact water run-off causing rotting of our fence and it would make it difficult to maintain the fence;
- The proposed screen would appear incongruous and does not have sufficient regard for the context or setting and would not conserve or enhance the character and appearance of our property;
- The resultant increase height of the boundary would be overpowering and over-dominating, our garden is small and would be surrounded by tall fences/boundaries and would feel like being contained within a box;
- Considering the staggered placement of our property the view and outlook from no.9 would be severely curtailed;
- Upon our objection being upheld, we request that the raised decking outside the conservatory be removed or lowered to no more than 30cm above ground level; any revised construction of any such decking be constructed away from our fence; we would not insist on obscure glass being inserted into the side windows of the conservatory but would insist on the side windows having no openings below 1.7m above finished floor level.

4.03 The issues raised relating to potential for vermin to inhabit the storage area and ability to maintain the fence are not material planning considerations and therefore cannot be taken into account in the determination of this application. The other matters raised by neighbours and other objectors are discussed in the detailed assessment below.

## **5. CONSULTATIONS**

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

### Bearsted Parish Council

5.01 Recommend refusal, loss of privacy to neighbour.

### Bearsted Parish Council – Response to Consultations on Revisions

- 5.02 BPC feels that all elements of the application are acceptable except the height of the decking as this infringes on the neighbour's privacy. Therefore we recommend refusal, although if the decking height could be reduced BPC would happily recommend approval for the application.

Councillor Springett

- 5.02 Cllr Springett submitted the following neighbour comments on the proposal:

"I have no comment to make on the garage conversion or the gazebo. However, although I have no particular objection to the orangery extension to the original property, as if applied for in isolation, would probably be permitted with the inclusion of obscure glass in the side window, I strongly object to the revised patio, which is in the form of a large area of raised decking. The creation of this decking on the sloping plot has created an unacceptable loss of privacy for the adjacent property, and the proposed screen is visually intrusive and affects the openness of the outlook and amenity of the adjacent property. At 1.8 metre height above the decking, it is effectively 2.5 metres above the garden height of the adjacent garden, and although formed of obscure glass, will create an overbearing element to the neighbour's garden. It appears to extend about two-thirds of the length of the neighbour's garden. The decking should be rebuilt at a lower level to reinstate the existing privacy and amenity of the adjoining neighbour".

- 5.03 Cllr Springett also emailed the Planning Officer and requested that the application be called in on the following grounds:

*"I have just submitted comments on the above application. Although I have no objections to the bulk of the application, which is for the garage conversion, the 'orangery' extension and the gazebo, I do have serious concerns about the decking area and the unusual screening proposal which I consider a 'botch' to correct a botch. Because of this, I would ask that this application is referred to planning committee should you be minded to approve it."*

- 5.04 As the application was reconsulted upon, due to the submission of amended plans, the application was within the call in period.

## **6. APPRAISAL**

### **Main Issues**

- 6.01 The key issues for consideration relate to:

- The principle and visual impact of the orangery extension; alterations to the garage; and raised patio addition;
- The impact on the amenities, privacy and outlook of the neighbouring householders.

### **Principle and Visual Impact**

- 6.02 As set out above, the original planning consent for the residential development of Nethermount included a condition that withdrew the permitted development rights that dwellings would usually enjoy as well as a condition to protect the parking provision for each property. Regardless of this, the raised patio would require consent because it does not fall within the limitations of permitted development due to its height. The initial application related only to the raised patio however a consideration of the history of the dwelling brought up the requirement to regularise

the additional works carried out and the application was subsequently amended. The revised application is accompanied by a supporting statement which sets out a timeline of when the orangery extension and initial works to the garage were completed. This provides evidence that the orangery extension was originally completed in 2012 and the initial works to the garage were carried out in 2011.

- 6.03 In the context of policies DM1 and DM9 as well as the SPD guidelines relating to domestic extensions, the design and appearance of the orangery extension is reflective of the existing dwelling and the addition is also subservient to the original property. The alterations to the garage have seen the retention of the original garage door and consequently, the appearance to the street facing elevation of the dwelling remains unchanged. The small ground floor window serving the new WC does not make a significant or unacceptable change to the appearance of the dwelling.
- 6.04 The internal alterations to the garage reduce its length to the extent that it can no longer accommodate a vehicle. In reviewing the application documents associated with the loft conversion approved in 2013, the plans from that time indicate that the garage would not be suitably sized for the parking of a vehicle and as such, the application was approved on the basis that the off-street parking on the driveway was sufficient for the increased number of bedrooms. Whilst the Local Plan has been updated since that approval, it is the case that the current policies and guidelines would not support an alternative view on this issue.
- 6.05 The gazebo style addition that has been constructed at the end of the rear garden is a relatively modest building that is comprised of timber. The addition has a shallow pitched roof that is hipped on all sides. Its position within the garden is such that the building is seen against the backdrop of the boundary fence and this in combination with its overall scale and massing means that it is not visually dominating in its setting. The decking path that has been added around the gazebo is also visually acceptable and is not significantly greater in height than the established ground level.
- 6.06 In terms of the raised patio, the design, which incorporates a light grey composite decking material together with a glazed balustrade and privacy screen is of a relatively modern appearance and would not therefore appear at odds with the contemporary style of the dwelling. It would appear that originally, the area to the rear elevation of the orangery was approximately 1.5m in length and approximately 4.6m in width. The alterations proposed in this application increase the length to approximately 2.5m and approximately 4.7m in width (plus the stairs down to the garden). The additional pathway across the rear of the house and ramp down to the garden remain as originally constructed when the house was built. The sales details from 2018 provide the following photograph of the original patio/walkway and steps:



- 6.07 The present construction, at the time of the site visit, had been developed to the following extent, with work having been halted when the applicants were advised that planning permission is necessary:



- 6.08 On balance, the overall size of the proposed patio area is not disproportionate or overly sized in relation to the dwelling. The glazed privacy screen will not appear visually intrusive in its setting. The size of the patio, relative to the overall dimensions of the rear garden, will not encompass an excessive amount of space and ultimately, is not significantly greater in footprint than the original raised area and steps. By virtue of its location, the addition will not generally be visible from the street. I therefore conclude that the patio and associated balustrade and privacy screen will not be materially harmful to the visual character of the application property or its surroundings.

#### **Impact on Neighbouring Amenities**

- 6.09 The application property has neighbours to all sides of the rear garden, being no.9 Nethermount to the east/south-east; no.7 Nethermount to the north-west; 2 Little Orchard to the north-east; and a small part of the rear boundary of 24 The Orchard to the north-west. The gazebo addition is closest to no.2 Little Orchard and no.24 The Orchard. Given its height relative to the boundary fences and the design of the roof form, this addition does not present an overbearing feature in the general outlook from these dwellings. The pathway that has been installed around the gazebo is marginally above the original ground level and consequently, does not create any greater issues of overlooking to the neighbouring gardens. The distance from no.7 Nethermount together with the height of the fence that separates the properties sees that there are no adverse impacts on the amenities of these particular occupants. Similarly, the distance and position of the gazebo in relation to no. 9 Nethermount is such that the relationships are acceptable.
- 6.10 The alterations to the integral garage were largely internal asides from the introduction of a small ground floor window to the flank elevation which has not resulted in any adverse relationships.
- 6.11 The orangery extension that was completed in 2012 is closest to the boundary with no.9 Nethermount. The footprint is quite modest and the extension itself would comply with the BRE 45 degree rule. The addition incorporates a window to the flank elevation and this currently faces the boundary fence. It is however the case that although the fence drops in height at this point, the fence is higher where it is closer to the rear elevation of no.9 and this partially obstructs the views. The angled relationship with the windows at no.9 also sees that the window does not look directly into the windows on the rear elevation of no.9. In considering the relationships, it is also the case that consideration must be given to the fact that this addition has been proven to be in place for 10 years and whilst it would seem that the window was recently replaced, the principle of a window in this location is long established.
- 6.12 The patio addition has undoubtedly altered the relationship between nos.8 and 9 Nethermount in the sense that there are increased opportunities for overlooking

into the private garden area of no.9 by virtue of the enlarged length. The originally approved walkway/patio and steps to the rear of the property did not incorporate any screening (as approved in the original planning consent for the dwellings) and the fence has not (it would appear) been altered in height since the houses at Nethermount were originally constructed. It is therefore the case that to some degree, there has always been a situation of overlooking from the rear of no.8 towards the garden of no.9. The patio as installed aligns with the floor level of the dwelling, the same as the original and therefore it is the increase in the length of approximately 0.8m that is the source of the issues.

- 6.13 In response to the overlooking problems, the applicant proposes to install an obscure glazed privacy screen of 1.8m in height along the length of the patio, adjacent to the boundary with no.9. The privacy screen has also been located such that it will extend in front of the window to the flank elevation of the orangery thereby obscuring the views from this window as well. Specific details of the screen have not been provided however they can be requested via a condition. The wording of the condition should specify that the obscurity level of the glass should not be less than 3 on the Pilkington Scale (or equivalent) as this is the accepted minimum standard. In view of the retrospective nature of this application, the applicant should also be required to submit the details of the privacy screen within 2 months of the date of the decision being issued and following approval, the screen should be required to be installed within 2 months. I also recommend that the privacy screen is conditioned to be maintained as approved on a permanent basis.
- 6.14 The SPD Residential Extensions (2009) determines that the private garden area of a property will be classed as the area within 5m of the rear elevation of a property. In this regard, any views across the latter parts of the neighbouring gardens would not be contrary to policy. It is also the case that the original walkway/patio would have allowed views in this direction.
- 6.15 The objections received from no.9 and the Local Ward Councillor refer to the proposed privacy screen as being overbearing in the outlook from the neighbouring property as well as generally appearing incongruous and out of character. The proposed elevation drawing is also said to be inaccurate and suggests that the boundary is greater in length than it actually is. In assessing this issue, it must be considered that to a large extent, the privacy screen will be obscured by the boundary fence, with only the upper section being visible. The fact that no.8 is on a slightly higher ground level than no.9 is the reason for need to consider an enhanced boundary treatment and a glazed form of screening is a common solution to this type of situation. In balancing the issues of this case, it would appear that the privacy screen would present a suitable way to overcome the issues raised in the objection.
- 6.16 In terms of the points relating to the accuracy of the plans, the proposals are clearly set out on the block and elevation plans, it is the 2D nature of the elevation drawing that is perhaps suggesting a greater boundary length as the boundary turns to the north-west. The objection also referred to the ground floor flank windows being incorrectly positioned. In reviewing the drawings, the windows are correctly placed, it was in fact that the extent of the first floor of the property that was not correctly positioned and this has been rectified since the consultations took place.
- 6.17 The objections received also refer to the potential for greater noise generation due to the patio being used for social activities etc. and also, because the bi-folding doors and flank window open the house to a greater extent than before. The patio relates to a single dwellinghouse and there is nothing within the application submission to suggest that it will be used for any alternative purposes. In planning terms, it would be difficult to substantiate a refusal on this ground, particularly in an appeal situation, as the patio will be part of the domestic use of the site and no change of use is proposed. The applicant also states that the previous window to the

flank elevation was always capable of being opened. Essentially, as with all residential dwellings, should noise and disturbance become an issue, this would be dealt with by the appropriate environmental health controls and not planning regulations.

- 6.18 In terms of the relationship with no.7, the fence along this boundary is greater in height than along the boundary with no.9. In view of this together with the distance of the patio from the boundary, there are no adverse relationships.

## **PUBLIC SECTOR EQUALITY DUTY**

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

## **7. CONCLUSION**

- 7.01 On balance, whilst it is regrettable that planning permission was not sought prior to the development works taking place, it is the case that subject to the conditions set out above, the proposal is acceptable in the context of the relevant development plan policies and SPD guidelines. The initial alterations to the garage and the construction of the orangery took place over 10 years ago and were not reported to Planning Enforcement at the time. Under the terms of Section 191 of the Town and Country Planning Act 1990, such development would be exempt from enforcement action after a period of 10 years. Whilst these additions have been the subject of more recent alterations, the general principle is long established.
- 7.02 In considering the objections received, as well as carrying out an assessment on site, the patio construction in its present form undoubtedly results in an unacceptable relationship between no.8 and no.9 by virtue of the ground level differences and the resulting inability of the established boundary treatment to maintain a satisfactory level of privacy for the occupants of no.9. It therefore becomes necessary to consider whether the use of conditions could overcome this issue. The amended proposal relating to the provision of a privacy screen within the application site along the boundary will remedy the situation and can be conditioned to be maintained on a permanent basis. Whilst this proposal has raised an objection from the Local Ward Councillor, Parish Council and the occupants of no.9, the amount of the screen that will be visible from this property is not so significant as to be considered overbearing. The continued use of the property as a single dwellinghouse would also see that the issues regarding noise could not be substantiated as a reason for refusal.
- 7.03 In assessing the details of the proposal and the objections raised, it is recommended that subject to imposing a suitably worded condition regarding the appearance of the screening and its retention on a permanent basis, this is an acceptable scheme.

## **8. RECOMMENDATION**

GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 3859-01D; 3859-02I; 3859-03A; 3859-04B.



Reason: To clarify which plans have been approved.

- 2) Within 2 months of the date of this decision notice, details of the design and appearance of the proposed obscure glazed privacy screen shall be submitted to the Local Planning Authority and shall incorporate glazing with an obscurity level of not less than 3 on the Pilkington Privacy Glass Scale (or equivalent). The privacy screening shall subsequently be installed and fully completed within 2 months of being approved and shall thereafter be maintained on a permanent basis;

Reason: In the interests of the privacy and amenities of the neighbouring householders.

### **INFORMATIVES**

- 1) 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.

Case Officer: Georgina Quinn

# Agenda Item 20



Ordnance Survey - data derived from OS Premium

## REPORT SUMMARY

<b>REFERENCE NO:</b> - 22/501606/FULL		
<b>APPLICATION PROPOSAL:</b> Erection of a replacement dwelling. (Resubmission of 21/504862/FULL)		
<b>ADDRESS:</b> Ringles Gate, Grigg Lane, Headcorn Ashford, Kent, TN27 9LY		
<b>RECOMMENDATION:</b> REFUSE PERMISSION		
<b>SUMMARY OF REASONS FOR REFUSAL:</b> <ul style="list-style-type: none"> <li>The development would introduce an unduly dominant and imposing building in the street scene that would have a harmful impact upon the character and appearance of the area.</li> <li>Development would conflict with Policies DM1, DM30 and SP17 of the Local Plan and the NPPF which seek, to ensure that development <ul style="list-style-type: none"> <li>- does not harm the character and appearance of the area,</li> <li>- has regard to the scale, height, and site coverage and is</li> <li>- sympathetic to local character and the surrounding built environment.</li> </ul> </li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> <ul style="list-style-type: none"> <li>The application has been called in by a ward member should the case officer be minded to refuse the application. This is on the basis that the development would not have a harmful impact upon the wide area, being seen in the context of other development in the area.</li> </ul> <p>Any approval of the current application would represent a departure from SP17 and DM32 of the adopted Local Plan.</p>		
<b>WARD:</b> Headcorn	<b>PARISH/TOWN COUNCIL:</b> Headcorn	<b>APPLICANT/AGENT:</b> Mr Douglas Hodson / Mrs Heidi Mangold
<b>CASE OFFICER:</b> William Fletcher	<b>VALIDATION DATE:</b> 28/03/2022	<b>DECISION DUE DATE:</b> 01/07/2022
<b>ADVERTISED AS A DEPARTURE: YES</b>		

## RELEVANT PLANNING HISTORY

Application Site			
App No	Proposal	Decision	Date
21/504862/FULL	Erection of a replacement dwelling. Refused on the following grounds:  The development would introduce an unduly dominant and imposing building in the street scene that would have a harmful impact upon the character and appearance of the street scene and this rural area. The	Refused	26/11/2021

	development would conflict with Policies DM1, DM30, DM32 and SP17 of the Local Plan and the National Planning Policy Framework (2021)		
21/500065/LAWPRO	Lawful Development Certificate for a proposed single storey side extension.	Certificate Granted	02/02/2021
20/505859/PNEXT	Prior notification for a proposed single storey rear extension which: A) Extends by 8 metres beyond the rear wall of the original dwelling. B) Has a maximum height of 2.65 metres from the natural ground level. C) Has a height of 2.65 metres at the eaves from the natural ground level.	Prior Approval Not Required	27/01/2021
14/500656/FULL	Demolition of existing property and erection of detached dwelling.	Refused - Appeal Withdrawn	12/05/2021
06/1808	Demolition of existing dwelling and erection of a replacement dwelling as shown on drawing number DHA/4959/01, 02, 03, 04 and supported by the design and access statement received on 28/09/06.	Approved	23/11/2006
<b>Adjoining Site (Land Between Ringle Side &amp; Ringle Gate)</b>			
17/500984/FULL	Erection of detached, two-storey house with parking. Refused on the following grounds:  The site is outside of any settlement as defined in the Maidstone Borough Local Plan 2017 and the development of this site with a new house of the design, scale and proportions proposed would result in significant harm to the character and appearance of the street scene and immediate context of the site, failing to promote local distinctiveness and would result in an overly prominent and visually obtrusive dwelling, infilling a currently open gap in	Refused	08/12/2017

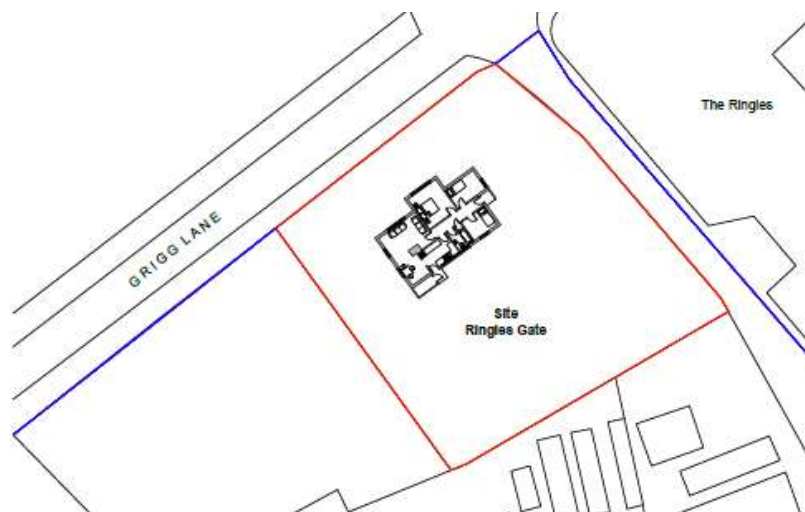
	<p>development contrary to the National Planning Policy Framework 2012, National Planning Practice Guidance 2013 and Policies SP17, DM1 and DM30 of the Maidstone Borough Local Plan 2017.</p> <p>Appeal Dismissed (see appendix 1)</p>		
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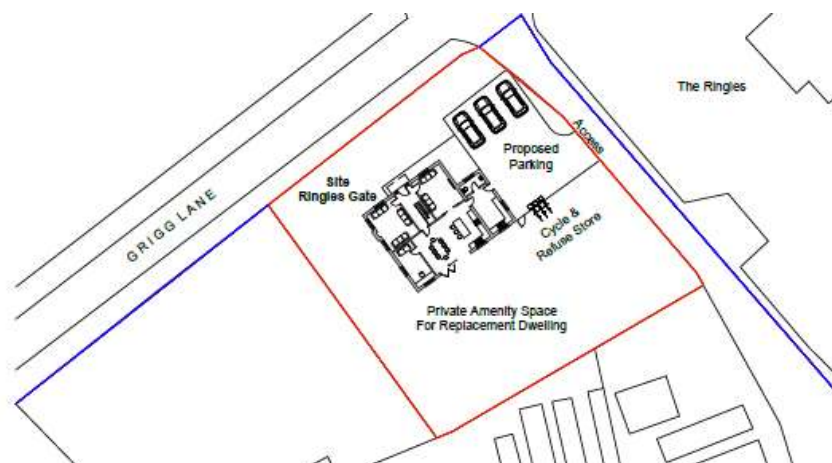
## 1.0 DESCRIPTION OF SITE

1.01 The dwelling on the application site 'Ringles Gate' is a single storey timber clad bungalow, the site is laid to grass and bounded on all sides by mature hedging. To the rear (south) of the site is Ringles Nursery that contains a number of larger buildings and glasshouses. Dwellings are dispersed throughout the area and are generally sited within decent sized plots. Approximately 50m to the dwellings northeast is the two-storey dwelling 'Ringles'.

1.02 In policy terms the application site is within the countryside but otherwise is not within any other policy designation i.e. Kent Downs Area of Outstanding Natural Beauty. The site as it exists now is depicted in the first image below, with the second image showing the site if the current application is approved.

**Image 1: Current layout at the top, with proposed at the bottom.**





## 2.0 PROPOSAL

2.01 The dwelling as it exists is a single storey bungalow 4.8m in height, 12.7m in depth and 7.6m in width. The application, which follows a previous refusal, seeks to replace the existing timber bungalow with a two storey brick built dwelling which would be 8.2m in overall height with eaves of 5m with its gabled roof form, 10.2m in depth and 10.25 m in width. Please see the drawings below detailing the existing, previous, and current front elevations.

**Image 2:**  
**Existing elevation (top drawing),**  
**21/504862/FULL elevation (middle drawing – previously refused),**  
**22/501606/FULL elevation (bottom drawing–current application).**





- 2.02 The existing dwelling has parking at the rear of the site which is accessed via the rear garden, the parking area is 24 metres distance south east of the dwelling.
- 2.03 The proposal is to incorporate an area of permeable hard standing to the northeast of the dwelling to provide off-street parking next to the main entrance of the dwelling.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough Local Plan (2011-2031):

SS1 - Maidstone borough spatial strategy  
SP17 - Countryside  
DM1 - Principles of good design  
DM3 - Natural environment  
DM23 - Parking standards  
DM30 - Design principles in the countryside  
DM32 - Rebuilding and extending dwellings in the countryside

The National Planning Policy Framework (NPPF):

Section 12 – Achieving well-designed places

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021.

- The Regulation 22 draft is a material consideration, and some weight must be attached to the document because of the stage it has reached. This weight is limited, as it has yet to be the subject of an examination in public.

### **4.0 LOCAL REPRESENTATIONS**

- 4.01 As well as the posted site notice, seven neighbouring properties were consulted by direct mail. The consultation expired on 02/05/2022, 15 representations were received, 14 in support, 1 in objection, although this appears to be a 'mislabelled' representation.

4.02 The representations in support of the development can be summarised as follows:

- That the existing building is not visually aesthetic
- That the existing dwelling is not a suitable, modern, family home i.e. poor internal layout and energy performance.
- That the development does not impact upon the street scene.
- Major housing development elsewhere in Headcorn
- Development would be in keeping with neighbouring properties.

## **5.0 CONSULTATIONS**

### Headcorn Parish Council

5.01 Wish to see approved, no referral required.

### KCC Highways

5.02 This consultee replied with their standing advice, no objections received.

### MBC Environmental Health

5.03 Environmental Health have requested additional information regarding a proposed air source heat pump be submitted prior to determination. "...the default position of the Environmental Protection Team is to recommend refusal on the grounds of insufficient information."

### Natural England

5.04 No representations received

### Councillor Martin Round

5.05 Members are advised to visit the site to understand the nature of this application. A number of previous applications have been refused on the basis of unacceptable effect to street scene and the design and size being harmful in respect of scale and mass. This application must be taken in consideration of the current and most recent context and with new multiple housing developments some 100 metres away and with farmyard conversions half a mile away.

5.06 The applicants design and footprint lays in front of a massive multi hectare glasshouse farm and a very high energy plant. Immediately to the side lays a two storey mansion like house whilst 100 metres away another mock Georgian mansion has been built over green fields, whilst adjacent to a weatherboard cottage.

5.07 A decision to reflect consistency and pragmatism is required, plus recognise the needs of a family. I therefore ask Planning Committee to consider this.

## **6.0 APPRAISAL**

6.01 The key issues are:

- Visual impact / Character and appearance of the countryside



- Neighbour amenity
- Standard of accommodation
- Transport, highways, access and parking.
- Landscape and ecology

### **Visual impact/ Character and appearance of the countryside**

- 6.02 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, "Development proposals in the countryside will not be permitted unless they accord with other policies in this plan, and they will not result in harm to the character and appearance of the area".
- 6.03 The supporting text for policy SP17 states "The Countryside is a sensitive location within which to integrate new development and the council will expect proposals to respect the high quality and distinctive landscapes of the borough in accordance with policy DM30.
- 6.04 Policy DM1 (Principles of good design) states that proposals must "Respond positively to, and where possible enhance, the local, natural or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage – incorporating a high quality, modern design approach and making use of vernacular materials where appropriate."
- 6.05 Policy DM30 (Design principles in the countryside) states "The type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features;".
- 6.06 The development seeks to replace an existing dwelling in the countryside and as such falls under Policy DM32 (Rebuilding and extending dwellings in the countryside). It states that replacement dwellings must be no more visually harmful than the original dwelling in terms of mass and volume and that the replacement dwelling must result in development which is visually acceptable within the countryside.
- 6.07 Expanding upon this point Paragraph 8.6 of the Local Plan (the supporting text to DM32) and the supporting text to SP17 talks about the "The intrinsic character and beauty of the countryside..." in that it is not about screening inappropriate development. The supporting text highlights that the countryside "...is an important asset of the borough, which is recognised by the NPPF and the local plan and which is highly sensitive to development"
- 6.08 Paragraph 8.7 continues "the council will have particular regard to the mass and visual prominence of the resulting building, including the cumulative impact of such changes. The volume of new development will be more critical than its footprint."

- 6.09 In the context of the application site and its relationship to the development in the area, the appearance and scale of the dwelling would result in an unduly dominant and imposing building in the street scene. This area of Grigg Lane is resolutely rural. Dwellings are dispersed throughout the area and are generally sited within generously sized plots. Whilst the application site is only 100m from the built-up area of Headcorn, the appeal site better relates to the rural area in which it is sited and has a pleasant, verdant and distinctly open quality that is reinforced by the presence of mature landscaping within this countryside setting. This section of Grigg Lane features mature hedgerows along both sides of the highway. The proposed dwelling would be significantly more visible above the hedgerow on the southern side of Grigg Lane when travelling along the highway than the existing single storey bungalow. The proposal would result be an incongruous form of development that would substantially diminish and erode the rural qualities of the site identified above.
- 6.10 The existing bungalow has a floor space of approximately 100m<sup>2</sup> the proposed dwelling would double this with a corresponding increase in volume, bulk and massing. This change would have a significantly greater impact "than the original dwelling in terms of mass and volume" which policies DM30 and DM32 seek to avoid.
- 6.11 The supporting text to policy DM32 details how the proposal must not be more "visually harmful than the original dwelling" this is dwelling prior to the addition of any other extensions or permissions subsequently gained. In this context the volume that could be added to the property under permitted development is irrelevant. .
- 6.12 In terms of consistency, it is assessed that the appeal decision on the adjacent site immediately to the southwest of the application site (3204425) relating to 17/500984/FULL must be given considerable weight in relation to the determination of this current application. Please see the below images which depict the location and design of the proposed dwelling in that instance.

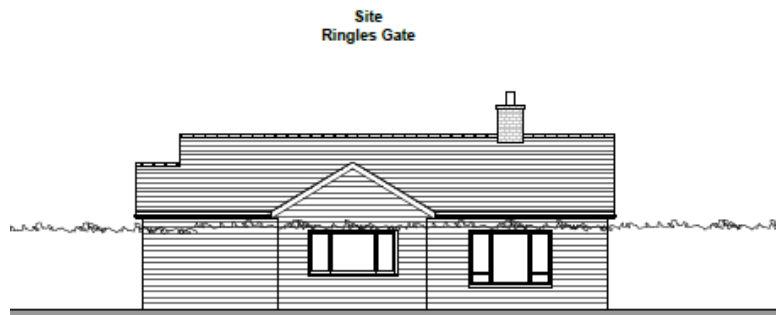
**Image 3:**  
**17/500984/FULL Proposed site plan and elevations**





- 6.13 The government appointed planning inspector at paragraph 7 of the appeal decision letter states "I acknowledge that to the rear of the site are very large buildings that are used in connection with the horticultural business that operates there. The buildings are themselves visually associated with the agricultural land that surrounds the site and are typical of functional horticultural buildings that one would expect to see in the countryside. Moreover, given the scale of the proposed dwelling, the backdrop of these buildings would not alter the dominating impact the development would have on the street scene when viewed from Grigg Lane." Paragraph 8 then concludes detailing how the development would have been "in conflict with Policies DM1, DM30 and SP17 of the Local Plan".
- 6.14 The Street View plans submitted with the current application demonstrate how visible the building would be above the hedgerow running along the southern side of Grigg Lane, as depicted below. Only the roof of the dwelling is currently visible, the proposed dwelling would be significantly more visible in the street scene. The proposed dwelling as part of the current application is of a similar appearance to the one dismissed at appeal relating to 17/500984/FULL and is similar with regards to location/relationship to the highway, as can be viewed in the images above and below.
- 6.15 The 'test' of policy DM32 is whether the resulting dwelling is more "visually prominent" than the existing dwelling prominence which the Council will pay "particular regard to". In this instance it would be and as such the proposal would cause visual harm to the countryside.

**Image 4:**  
**Existing Street View Top,**  
**Proposed Street View Bottom**



- 6.16 Addressing the comments received, first the personal circumstances of the applicant are not a material planning consideration that can be assessed as part of this application, nor is the dwellings' energy performance or whether it is a modern home suitable for family occupation. The dwelling as it exists now is small single storey timber bungalow, the applicant would have been aware of this prior to acquiring the property.
- 6.17 In terms of the surrounding development the planning inspectorate has addressed this. Paragraph 9 of appeal 3204425 states "I acknowledge that larger dwellings such as The Ringles and Twelve Acre Farm are in the immediate vicinity. However, these particular properties are set back into their respective sites and do not have the same impact on the street scene as the proposed dwelling would."
- 6.18 In response to comments from the ward councillor, paragraph 10 continues "The appellant also makes reference to several appeal decisions and applications that have been approved for various developments in the local area and sites that have been allocated for residential development in Headcorn as part of the Local Plan. Invariably, such cases will depend on their individual circumstances and so while noting these decisions and the changes that have occurred in the area, they are not determinative in this appeal. I have not been provided with the full details of these decisions to be sure that they are a direct parallel to the development before me." This is concurred with.
- 6.19 It is accepted that the Parish Council as well as a number of local representations support the development. It is noted that the development

would provide a larger house for the applicant. Whilst acknowledging the benefits that would result in this respect, these issues are not sufficient to outweigh the harm that has been identified above.

- 6.20 Policy SP17 states that development proposals in the countryside will not be permitted unless they accord with other policies in the local plan. For the reasons detailed above the development is not in accordance with policies DM1, DM30 and DM32 and as such is not in accordance with policy SP17.

### **Neighbour amenity**

- 6.21 Policy DM1 states that applications must respect the amenity of neighbouring properties and that development must not result in overlooking, visual intrusion, loss of privacy or light enjoyed by nearby properties, nor should occupants be impacted upon by vehicle movements.
- 6.22 To the northeast of the site, is the nearest dwelling called 'The Ringles'. It is a large three storey detached dwelling and is located 33m away, the other side of a private access road to Ringles Nursery. When considering the distance, the development would not cause any amenity impacts.

### **Standard of accommodation**

- 6.23 Policy DM1 details how development must provide adequate amenity for future occupants.
- 6.24 The application seeks a three-bedroom property. The overall gross internal area of the dwelling is approximately 200m<sup>2</sup> which exceeds the minimum area required for a three bedroom dwelling in the Nationally Described Space Standards Whilst these have not currently been adopted by the Local Planning Authority this is an acceptable arrangement.
- 6.25 Rooms are spacious, well-lit and the dwelling features dedicated storage space. This would be a comfortable dwelling for future occupants.

### **Transport, highways, parking and access**

- 6.26 Policy DM1 states that applications must ensure that development does not result in, amongst other things excessive activity or vehicle movements.
- 6.27 Submitted plans indicate that the proposed dwelling would be served by three parking spaces, this is sufficient parking provision for a three bedroom dwelling. The development would not have a harmful impact upon parking in the area or the wider highway network. Should permission be forthcoming conditions will be imposed requiring an electric vehicle charge point be installed.

### **Landscape and ecology**

- 6.28 Policies DM1 and DM30 both detail the need for development to appropriately mitigate impacts on landscape and biodiversity.

- 6.29 Plans indicate that existing landscaping would remain, the application site is not within any protected landscape or biodiversity designation. Should members be minded to approve the application it would be possible to impose conditions for additional landscaping and for details of biodiversity enhancements to be submitted.

### **Other matters**

#### **Previous permissions**

- 6.30 The applicants supporting statement refers to an expired permission on site from 2006 also for a replacement dwelling as depicted below.

**Image 5: 06/1808 Proposed Elevation**



- 6.31 This permission, granted almost 20 years ago, has limited to no weight in the assessment of the current application which is assessed under a new local plan. The current plan which was considered by the appeal inspector on the adjacent site places a greater emphasis on countryside harm.

#### **Environmental Health Comments**

- 6.32 Environmental Health consultees have recommended that the application be refused on the basis of insufficient information regarding an Air Source Heat Pump. This is a strong stance, if members are minded to approve this application this could be addressed by a pre-commencement condition.

#### **PUBLIC SECTOR EQUALITY DUTY**

- 6.33 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.

#### **CIL**

- 6.34 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 development would introduce an unduly dominant and imposing building in the street scene that would have a harmful impact upon the character and appearance of the area. It would conflict with Policies DM1, DM30 and SP17 of the Local Plan and the Framework which seek, amongst other things, to ensure that developments do not harm the character and appearance of the area, that regard is had to the scale, height, and site coverage of the development and is sympathetic to local character and surrounding built environment.

## **8.0 RECOMMENDATION –**

### **REFUSE for the following reasons:**

The development would introduce a unduly dominant and imposing building in the street scene that would have a harmful impact upon the character and appearance of the streetscene and this rural area. The development would conflict with Policies DM1, DM30, DM32 and SP17 of the Local Plan and the National Planning Policy Framework (2021)



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## Appeal Decision

Site visit made on 3 October 2018

**by Graham Wyatt BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8<sup>th</sup> November 2018**

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**Appeal Ref: APP/U2235/W/18/3204425**

**Land between Ringleside and Ringles Gate, Grigg Lane, Headcorn, Kent TN27 9LY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Douglas Hodson against the decision of Maidstone Borough Council.
  - The application Ref 17/500984/FULL, dated 22 February 2017, was refused by notice dated 11 December 2017.
  - The development proposed is the erection of a detached, two storey house with parking.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. Since the submissions of the appellant's appeal the revised National Planning Policy Framework (the Framework) was published and came into force on 24 July 2018. In light of this I have sought the views of the main parties in writing and I have taken any subsequent responses into account in reaching my decision.

### Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

### Reasons

4. The site lies outside of the settlement boundaries of the Maidstone urban area, rural service centres and larger villages and is therefore considered to be within the countryside. Policy SP17 of the Maidstone Borough Local Plan 2017 (the Local Plan) states, amongst other things, that development will not be permitted within the countryside if it results in harm to the character and appearance of the area.
5. The appeal site forms a parcel of land that sits between two existing bungalows known as Ringles Gate and Ringleside. The site is laid to grass and bounded on all sides by mature hedging. To the rear of the site is Ringles Nursery that contains a number of buildings and glasshouses. Dwellings are dispersed throughout the area and are generally sited within decent sized plots. While very close to the built up area of Headcorn, the appeal site better relates to the rural area in which it is sited and has a pleasant, verdant and distinctly open



quality that is reinforced by the presence of mature landscaping within this countryside setting.

6. There are other dwellings in the vicinity and in that respect, the proposed development would not represent an isolated dwelling in the countryside. The residential development either side of the site is low key and relatively inconspicuous within the street scene and although the appeal site forms part of the garden to Ringles Gate, it nonetheless makes a positive contribution towards the rural character of the area. The proposed dwelling would be of a substantial size with a width of some 13m, which includes the single storey lean-to on the side of the dwelling, and a depth of some 10m and an overall height of some 7m. I accept that, taken in isolation, the design of the dwelling is acceptable. However, in the context of the appeal site and its relationship to the development either side, the appearance and scale of the dwelling would result in an unduly dominant and imposing building in the street scene. The proposal would be an incongruous form of development that would substantially diminish and erode the rural qualities of the site and area.
7. I acknowledge that to the rear of the site are very large buildings that are used in connection with the horticultural business that operates there. The buildings are themselves visually associated with the agricultural land that surrounds the site and are typical of functional horticultural buildings that one would expect to see in the countryside. Moreover, given the scale of the proposed dwelling, the backdrop of these buildings would not alter the dominating impact the development would have on the street scene when viewed from Grigg Lane.
8. Thus, the development would harm the character and appearance of the area. It would be in conflict with Policies DM1, DM30 and SP17 of the Local Plan and the Framework which seek, amongst other things, to ensure that developments do not harm the character and appearance of the area, that regard is had to the scale, height, and site coverage of the development and is sympathetic to local character and surrounding built environment.

### **Other Matters**

9. I acknowledge that larger dwellings such as The Ringles and Twelve Acre Farm are in the immediate vicinity. However, these particular properties are set back into their respective sites and do not have the same impact on the street scene as the proposed dwelling would. I also note that the site was granted planning permission<sup>1</sup> for a dwelling and that Ringles Gate had permission<sup>2</sup> to be replaced by a further dwelling. However, notwithstanding that these previous permissions allowed two storey dwellings, they have now expired and thus carry very little weight as a material consideration.
10. The appellant also makes reference to several appeal decisions and applications that have been approved for various developments in the local area and sites that have been allocated for residential development in Headcorn as part of the Local Plan. Invariably, such cases will depend on their individual circumstances and so while noting these decisions and the changes that have occurred in the area, they are not determinative in this appeal. Moreover, I have not been provided with the full details of these decisions to be sure that they are a direct parallel to the development before me. That said, I have considered this

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<sup>1</sup> Planning Permission MA/04/2240 dated 18 March 2005

<sup>2</sup> Planning Permission MA/06/1808 dated 21 November 2006

appeal on its own merits which is a fundamental principle that underpins the planning system.

11. The appellant argues that the site is previously developed land (PDL) and a windfall site which should be accorded weight in the decision making process. I acknowledge that the Framework states at paragraph 68 that small and medium sites can make an important contribution to meeting housing requirements and are often built out relatively quickly. The definition of PDL is contained at Annex 2 of the Framework and states that it is land which is or was occupied by a permanent structure, including the curtilage of the developed land, although it should not be assumed that the whole of the curtilage should be developed. In this instance, the harm that I have identified outweighs the benefits of re-using the land. Moreover, all developments, including small and windfall sites, must also comply with the provision of the Development Plan in all other respects.
12. I accept that the Parish Council supported the development and that the principle of a dwelling on the site may be supported by the Council. I also note that the development would not harm the living conditions of adjoining occupiers. Moreover, the proposed dwelling would provide a larger house for the appellant. Whilst acknowledging the benefits that would result in this respect, these are not sufficient to outweigh the harm that I have identified.

### **The Planning Balance**

13. The development seeks to boost the supply of housing which would result in some support for local services and facilities, both during construction and when the dwelling is occupied. As such, the proposal would have social and economic benefits. Nevertheless, given the modest amount of development proposed, the weight I accord these benefits is limited.
14. However, I have found that the proposed development would be contrary to the Development Plan in that it would result in material harm to the character and appearance of the area, to which I afford significant weight. Moreover, even if the Council is unable to demonstrate a five year housing land supply and whether or not the policies which are most important for determining the application are considered out-of-date, the harm I have found to the character and appearance of the area is serious and in my view that significantly and demonstrably outweighs the benefits of the scheme when assessed against the policies in the Framework taken as a whole. As such the presumption in favour of sustainable development as envisaged by the Framework does not apply in this case. There are no other material considerations that indicate a decision other than in accordance with the Development Plan.

### **Conclusion**

15. For the reasons given above, and having regard to the Development Plan when read as a whole, the appeal is dismissed.

*Graham Wyatt*

**INSPECTOR**



Ordnance Survey data derived from OS Premium

<b>REFERENCE NO - 21/506207/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Redevelopment of the former Staplehurst Service Station for retirement living accommodation for older people (60 years of age and/or partner over 55 years of age) comprising 27 retirement apartments and 2 retirement cottages including communal facilities, access, car parking and landscaping.			
<b>ADDRESS</b> Staplehurst Service Station, High Street, Staplehurst, Kent, TN12 0BN			
<b>RECOMMENDATION – APPROVE WITH CONDITIONS</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>			
<ul style="list-style-type: none"> <li>• The scheme would provide a good quality development that would have a positive visual impact within the centre of the village making efficient use of a vacant brownfield site.</li> <li>• There would be no harmful impacts upon residential amenity, the level of parking is considered to be suitable, and there are no objections from the Local Highways Authority.</li> <li>• It has been demonstrated that the scheme is only viable for a reduced off-site affordable housing financial contribution but the environmental, economic, and social benefits from the development (set out in detail in the report) are considered to be of a sufficient level for this to be acceptable.</li> <li>• The proposals are in accordance with the relevant policies of the Maidstone Local Plan and Staplehurst Neighbourhood Plan and permission is therefore recommended subject to conditions and a legal agreement.</li> </ul>			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
<ul style="list-style-type: none"> <li>• Staplehurst Parish Council consider the application should be refused for the reasons set out in the report and request the application is reported to Planning Committee if officers are minded to approve.</li> </ul>			
<b>WARD</b> Staplehurst	<b>PARISH COUNCIL</b> Staplehurst	<b>APPLICANT</b> Churchill Retirement Living <b>AGENT</b> Planning Issues Ltd	
<b>CASE OFFICER:</b> Richard Timms	<b>VALIDATION DATE:</b> 20/12/21	<b>DECISION DUE DATE:</b> 24/06/22	
<b>ADVERTISED AS A DEPARTURE: NO</b>			
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
12/0220	Redevelopment of existing petrol filling station, together with the provision of kiosk, access arrangements and landscaping.	APPROVED	23.04.12
11/0618	Renewal of permission MA/08/0205 for residential development comprising thirteen	APPROVED	11.09.12

	dwellings (six apartments and seven houses) with associated parking and access.		
08/0205	Residential development comprising thirteen dwellings (six apartments and seven houses) with associated parking and access	APPROVED	30.04.08
06/0818	Demolition of existing buildings and construction of a care home with associated works (resubmission of application MA/05/1749)	REFUSED	02.08.06
05/1749	Demolition of existing building and construction of a care home with associated works.	WITHDRAWN	23.11.05
	Various applications relating to the former petrol station.		

## **1.0 DESCRIPTION OF SITE**

1.01 The application relates to a former service station that had a petrol filling station and kiosk, vehicle repairs service, and car hire company. The petrol pumps have been removed but the kiosk and repairs buildings remain on the south side (single storey), as does the car hire company building (single storey) on the north side. Between these is a two-storey pitched roofed building understood to originally have been a dwelling. The site is largely covered in hard standing.

1.02 To the north are houses fronting the A229, to the east a telephone exchange and houses beyond, to the south houses on Cornforth Close, and to the west the A229.

1.03 The site falls within the settlement boundary of Staplehurst and is not subject to any special designations. The northern boundary of the Staplehurst Conservation Area is around 70m to the south, and the nearest listed buildings are around 65m to the north.

## **2.0 PROPOSAL**

2.01 Permission is sought for an apartment block mainly two-storeys in height with dormer windows in the roof space, and a three-storey section to the front. The appearance is 'traditional' with pitched gable roofs and hipped dormers, and it has an L-shaped footprint. The apartment block would contain 27 one and two bedroom apartments, and a communal lounge and coffee bar for residents. A communal outdoor space/courtyard would be provided on the north side of the building and the access to the site/parking area is on the south side.

2.02 Permission is also sought for one pair of semi-detached cottages towards the rear of the site each with a rear garden (so 29 units in total). They would be 1.5 storeys in height (dormers in the roof) and also be of 'traditional' appearance. More detail on the proposals will be outlined in the assessment.

2.03 The agent outlines that the applicant (Churchill Retirement Living) specialises in purpose-built apartments specifically designed to meet the needs of independent retired residents with self-contained apartments for sale. It is stated that a key aspect of the design is that the units are a single block to ensure control over access, safety, and social interaction. Communal facilities proposed are a lodge manager employed by a management company to provide assistance and security for owners; video entry system linked to apartments; owners lounge; coffee bar, communal garden; and guest room.

2.04 This is defined as 'retirement living or sheltered housing' under national guidance being purpose-built flats or bungalows with limited communal facilities and some support to enable residents to live independently such as 24 hour on-site assistance and a warden or house manager. This is relevant as a lower affordable housing provision is sought under the Local Plan (20%), which will be discussed in the assessment.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

- Maidstone Borough Local Plan (2011-2031): SS1, SP5, SP10, SP18, SP19, SP20, SP23, ID1, DM1, DM2, DM3, DM4, DM5, DM6, DM8, DM12, DM19, DM21, DM23,
- Staplehurst Neighbourhood Plan: PW4, H1, H2, H3
- Kent Waste and Minerals Plan (amended 2020)
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- MBC Air Quality Guidance
- Maidstone Local Plan Review (Regulation 19)

### **4.0 LOCAL REPRESENTATIONS**

4.01 **Local Residents:** 12 representations received raising the following (summarised) points:

- Insufficient parking for residents, visitors, and staff.
- New residents will own cars as alternatives are not feasible/lacking.
- Bus service is poor and unreliable.
- Lack of services in the village mean people will have to drive.
- Overspill parking will impact on the quality of life of local residents.
- Comparisons with other Churchill sites are not realistic as they are not the same.
- No EV charging points.
- Traffic noise and air pollution for residents.
- Question whether Parish Councillors were consulted.
- Errors and inaccuracies in the documents.
- Agree with Parish Council.
- Support redevelopment of the site but the scheme is not acceptable.
- Support for application with some adjustment around parking.
- Support for the application – well connected site; provides for downsizing of homes; will support local businesses; will build a social life at the centre of the village.

4.02 **Staplehurst Parish Council:** Recommend the application is refused and reported to committee if officers are minded to approved for the following (summarised) reasons:

- The Parish were not consulted prior to submission.
- Lack of parking for residents, staff, and visitors contrary to policy DM23.
- Residents are likely to have a car and be dependent upon it.
- Overspill parking will be detrimental to neighbours in particular Cornforth Close and Chestnut Avenue contrary to policy DM1.
- Question choice of comparators used by the applicant which are not comparable to Staplehurst.
- 80 year old+ residents would be even more car dependent.
- If approved parking strategy needed to protect local roads and the A229.
- Reliance on public transport is flawed and bus and train services are unreliable.
- Lack of local services so car use will be required.
- Over intensification and incongruous in the streetscene.
- Support Kent Police comments.
- Errors and inaccuracies in the documents.
- Concern re. disruption during construction so there should be a construction management plan to include workers parking.
- Refer to their traffic survey data showing increased and significant traffic on the A229 and crossroads, and speeding (Nov 2021).

## **CONSULTATIONS**

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

4.03 **KCC Highways: No objections** subject to conditions.

4.04 **KCC SUDs: No objections** subject to conditions.

4.05 **KCC Minerals & Waste: No objections.**

4.06 **KCC Archaeology: No objections.**

4.07 **KCC Ecology: No objections** subject to conditions.

4.08 **KCC Infrastructure:** Acknowledge MBC is a CIL authority but still outline financial contributions towards community learning, libraries, social care, and waste.

4.09 **MBC Environmental Health: No objections** subject to conditions.

4.10 **Southern Water: No objections** subject to a condition.

4.11 **Kent Police:** Make a number of detailed points re. crime prevention.

## **5.0 APPRAISAL**

5.01 The site is brownfield land in the centre of Staplehurst so is clearly a suitable location for the proposed development. The main issues are considered to be:

- Layout, Scale and Appearance
- Highways and Parking
- Residential Amenity (existing properties and proposed)
- Affordable Housing & Viability
- Other Matters – Ecology, Drainage, Infrastructure, and Representations

### Layout, Scale & Appearance

5.02 The streetscene near the site is characterised by fairly large detached two storey houses with buildings set back on average around 15m from the pavement on the east side. The presence of some mature trees close to the road is also a positive feature of the streetscene, which complements the row of mature trees on the opposite side of the road. The existing service station is harmful to the streetscene with run down commercial buildings and extensive hard surfacing.

5.03 The proposed building would be closer to the road being set back between 6.2m to 8.5m. This is similar to the permission renewed in 2012 (11/0618) and whilst this has expired and so is not a 'fallback', the Council nonetheless considered this set back was acceptable. Although this decision was 10 years ago nothing has changed under local and national policy/guidance on a specific issue such as building line/impact on the streetscene and so there are not considered to be any sound reasons to reach a different conclusion. Importantly, the mature trees at either end of the frontage would be retained and there would be room for new trees along the frontage to compliment the streetscene. For these reasons, it is considered that the set back with proposed tree planting is acceptable and would not cause harm to the streetscene.

5.04 Existing buildings are well spaced on the east side of the A229 and sufficient spaces would be retained between the main building and those to the north (7.5m) and south (21m) to retain this openness.

5.05 The main building would be predominantly two storeys with a three storey section to the front. Whilst the footprint of the apartments is larger than neighbouring buildings, as is the three storey element, the building steps down to the sides to tie in with neighbouring buildings and good articulation and interest is provided with different ridge/eaves height and set-backs so the mass of the building is broken up. For these reasons it would not appear out of scale with other buildings in the locality and overall, the height and massing of the building is considered to be acceptable.

5.06 In terms of the appearance, the proposals have been amended since submission to provide vernacular materials, much more detailing, and to take more cues from quality buildings in Staplehurst, which has also taken into



account the village character assessment/architectural detail examples set out in the Neighbourhood Plan.

- 5.07 The main building now has clay hung tiles including detail with 'club tile' banding; decorative finials and exposed rafters within the front gables; taller chimneys with more brick detailing; canopies with decorative posts to the front; smaller hipped roof dormers, flat arched brick headers above windows; stone cills; projecting gables on the south side; and more glazing bars on windows. More white boarding has been introduced, clay roof tiles would be used, and ragstone piers between railings to the frontage. Importantly, the north and south flanks to the front of the main building, which would be visible in street, are well animated with different materials and fenestration.
- 5.08 The semi-detached cottages would have a brick plinth with white boarding above, and a clay roof with barn hips and hipped dormers which would be acceptable. The parking area would be finished in block paving.
- 5.09 These changes have resulted in an improved appearance with quality vernacular materials, good detailing, and interest. The white boarding would be composite due to ongoing maintenance but it is still considered to be acceptable and is generally used on new buildings outside conservation areas. The appearance and finish of the buildings is considered to be of good quality and the building will make a positive impact upon the streetscene in accordance with policy DM1 of the Local Plan and policy H1 of the Neighbourhood Plan. Conditions will specifically secure the detailing and materials.
- 5.10 The site is around 70m north of the Staplehurst conservation area (CA). At this distance there would be no impact upon the CA itself and the proposals would have a neutral to positive impact upon the setting. The nearest listed buildings are around 65m to the north and for the same reasons the proposals would not cause any harm.

#### Highways & Parking

- 5.11 KCC Highways sought clarification on the predicated vehicle movements in order to assess the traffic impact and the proposed level of parking (15 spaces). Following additional information being provided they have raised no objections in terms of the traffic impact on the highway network or safety, or the parking provision.
- 5.12 Many objections consider there is not enough parking and there will be overspill onto local roads affecting quality of life. There are no MBC or KCC parking standards specifically for retirement living development. Therefore, KCC Highways requested information to demonstrate the parking provision (15 spaces) is sufficient, which includes other examples of retirement living development, and vehicle trip generation from development/sites KCC consider are comparable. The applicant predicts the maximum demand for cars (residents, one member of staff, and visitors) at any one time would be 8 from the 27 flats and 2 from the cottages and so a maximum of 10 vehicles. KCC Highways consider this is acceptable and the capacity of the car park will not be exceeded. The applicant also states that,

*"The typical age profile of those currently moving into Churchill Retirement communities is at present an 80-year-old widow. Generally, 50% of residents also come from within a 5 mile radius of the location. Given the above, many residents of Churchill communities tend to not have cars. It is also generally found that those who do have cars tend to give them up soon after moving into a lodge as they find they no longer need it given the sustainable and accessible location."*

- 5.13 As stated above, there are no local parking standards specifically for 'retirement living or sheltered housing' but I consider it is reasonable to conclude that car ownership will be lower than 'standard' housing based on the high likelihood of older residents. Five more spaces are being provided than the predicted requirement, and the total of 15 is just under half of what would be required if this was 'standard' housing. Whilst objectors question the quality of public transport there is nonetheless bus and train services in the village, and shops and other facilities within walking distance. It is not a car dependent location, and it would be possible to live at the properties without owning a car.
- 5.14 If there was some limited overspill parking this would be likely to occur on residential side roads such as Cornforth Close or Chestnut Avenue. Any limited parking here would not result in any highway safety issues nor would it be harmful to residential amenity. Ultimately KCC Highways have raised no objections to the parking provision, and on balance it is acceptable, and when considering the evidence.
- 5.15 Mobility scooter parking will also be provided and EV charging (7kW speed) on 8 spaces which can be secured by condition.
- 5.16 KCC Highways are also satisfied there is sufficient turning space for cars and any delivery/service vehicles, and appropriate visibility at the access. Overall, the proposals are considered to be in accordance with policies SP23, DM1, DM21 and DM23 of the Local Plan.

#### Residential Amenity (existing properties and proposed)

- 5.17 The new properties would meet but largely exceed national minimum space standards and would have suitable privacy and light. A main communal outdoor space would be provided (around 350m<sup>2</sup>) which would be landscaped with seating areas. There are no standards for outdoor space but this is considered to be of sufficient size for the future occupants and the cottages would have their own gardens. Environmental Health have not raised concerns regarding traffic noise from the main road.
- 5.18 For existing properties, there would be no unacceptable impacts upon privacy. First and second floor windows on the north flank of the building closest to 'Glen Doone' would be obscure glazed which can be secured by condition. Otherwise, the main building is a sufficient distance from any neighbouring properties not to cause any unacceptable loss of privacy or impact upon light or outlook. The cottages are close (10.7m) to 3 Cornforth Close to the south (as was the previous approval) but amendments have

been negotiated to reduce the height of the building to a chalet bungalow including half hips to the roof so the impact upon the light or outlook of that property is not harmed. There would only be rooflights to the rear so no unacceptable impacts upon privacy to the rear would occur. For these reasons the proposals are in accordance with policy DM1 of the Local Plan.

#### Affordable Housing

5.19 For 'retirement housing' 20% provision is required under policy SP20 which would equate to 6 units. The applicant is claiming vacant building credit (VBC) which allows vacant floorspace to be offset against AH requirements and provides an incentive to develop land with vacant buildings under local and national policy/guidance.

5.20 It is considered the buildings qualify for VBC and off setting the vacant buildings (419m<sup>2</sup>) against that proposed floorspace (2,552m<sup>2</sup>) results in a net increase of 2,133m<sup>2</sup>. This results in an AH requirement of 5 units.

*(Net increase / Proposed GIA) x 22 unit requirement = AH requirement  
(2133 / 2552) x 6 = 5.01 units (**5 units**)*

5.21 Policy SP20 and the recently adopted AH SPD requires on site provision and so the applicant has contacted seven AH providers to see whether they would take on 5 units but there has been no interest expressed, responses that the provision is too low, or that the age restriction was a concern. This is usually the case when the provision is this low and this is also a different type of housing, so I consider the applicant has reasonably explored this. Therefore, the applicant is proposing an off-site contribution. National guidance on 'First Homes' requires that at least 25% of any financial contribution is used to secure First Homes provision.

#### *Viability*

5.22 The applicant has submitted a viability appraisal as they do not consider the scheme can support a full off-site contribution. In summary, this is for the following main reasons as advised by the Council's viability consultants (Dixon Searle):

- Remediation costs associated with the former use as a petrol station.
- The need for non-standard foundations due to the nature of the ground and the former use of the site (deepened trench fill or piled).
- The nature of the proposed development, being retirement housing which although having high values in comparison to standard housing has higher amounts of communal/non-saleable areas (owners lounge, coffee bar, office, lobbies and walkways, and guest room), so a relatively high build cost. It also takes longer to sell than standard housing and with sales completions not taking place until the entire build is complete and communal facilities are in place – so more investment is required early on before any revenue is received.
- The cost of land (i.e. the land value against which the value of the scheme is assessed), which has additional value beyond the existing use due to a

previous permission for general needs residential development. An 'alternative use value' has been accepted in this case as the Council's consultants advise the 'existing use value' would rely on an unrealisable scenario. This is because the landowner would not release the land for its 'existing use value' due to there being a previous planning permission for residential development relatively recently.

5.23 The appraisal has been reviewed by the Council's consultants and they agree a maximum contribution of £264,859 is viable for the scheme of which at least £66,215 (25%) would be used towards securing 'First Homes' provision.

5.24 For context, the full off-site contribution for this development as calculated by the Council's consultants is in the region of £1m. However, a lower contribution can be allowed for under policy SP20 and the SPD subject to viability, which has been demonstrated. This does not mean the Council must accept this and can balance whether any benefits of the development outweigh this lower contribution.

#### *Benefits*

5.25 The proposals will provide environmental benefits through redevelopment of a site that has been vacant and an eyesore at a prominent location within the centre of the village for some time, and other residential schemes with permission have not come forward. The applicant is stating the scheme is viable and can come forward. The proposals would have a positive impact on the streetscene and local area for the reasons outlined earlier in the report.

5.26 There would be economic benefits from the development with the applicant predicting these as £3.5m from construction, £9.1m GVA to the economy and 85 jobs. From operation, £544,000 resident expenditure on local shops and services, and £60,000 GVA to the economy are predicted.

5.27 There would be social benefits through the provision of 'older persons housing' which provides mixed communities in line with policy SP19 (housing mix) and national guidance states that, "*the need to provide housing for older people is critical as people are living longer lives and the proportion of older people in the population is increasing.*" It is also noted the Council's latest Strategic Housing Market Assessment (2021 Update) states that Maidstone is projected to see a notable increase in the older person population (aged 65 and over) being just over a third of total population change so there is clearly a need.

5.28 It is considered the positive impact the development will have at the site, and the associated economic and social benefits outlined above are sufficient for a lower AH contribution, which has been demonstrated as the viable maximum, to be acceptable in this case.

#### Other Matters

##### *Ecology*

- 5.29 Specific surveys have been carried out relating to bats and reptiles. The surveys found no evidence of bats roosting with none observed emerging from the buildings. A hibernation survey was not possible due safety issues with access to the two-storey building so as a precaution the applicant will assume hibernating bats could be present and therefore demolition would occur outside the hibernation period. Should bats or evidence of bats be found during demolition then works would stop and a Natural England mitigation licence would be sought. Compensation for the potential loss of any hibernation features would be provided through a hibernation bat box and this will be secured by condition. This ensures suitable mitigation in accordance with policy DM3 of the Local Plan.
- 5.30 In terms of reptiles, a breeding population of slow worms has been recorded on site and the report has recommended that a precautionary mitigation approach is implemented and if any reptiles are captured during the work they are removed to suitable habitat. This consists of 3 hibernacula and wildflower areas within the communal area and rear gardens of the cottages. Once these habitats have established KCC Ecology agree they will be able to support the population. I do not consider having some of these in private gardens is appropriate so all the hibernacula and wildflower planting should be provided in the communal area, which will be possible, and this can be secured by condition. Because these areas do not currently exist KCC recommend that the area of proposed garden in the southeast corner of the site is retained during the construction period to act as a receptor site and allow the boundary habitat to establish and this will be secured by condition.
- 5.31 Other enhancements are proposed including bird and bat boxes, and hedgehog friendly fencing. Bird and bat bricks will also be secured by condition.

#### *Drainage*

- 5.32 The underlying ground conditions are not suitable for the use of soakaways so surface water would collect into an attenuation tank which would control discharge rates to the local surface water sewer. The applicant predicts this would provide a 95% betterment from the existing situation. KCC LLFA have raised no objections subject to standard conditions. Southern Water have also confirmed this is acceptable.
- 5.33 In terms of foul drainage, Southern Water confirm that they will provide any necessary reinforcement/improvements and recommend a condition so occupation aligns with their delivery which they say they will endeavour to provide within two years of any permission. I do not consider such a condition is reasonable such that a developer may have to wait two years before any properties can be occupied. The onus is on the statutory undertakers to ensure infrastructure is in place in a timely manner.

#### *Energy Strategy*

- 5.34 Solar PV panels are proposed on the central flat roof section and the precise amount will be determined at the detailed design stage but it is expected to be in the region of 66 panels. A condition can ensure this is provided and the

precise details. These would not be highly visible, if at all, being on the central flat roof section.

#### *Infrastructure*

5.35 The development is CIL liable and so the levy would be paid and can be used towards local infrastructure. The applicant estimates this to be in the region of £121,000. The Council operates CIL and so s106 payments as requested by KCC are not appropriate, necessary, or reasonable.

#### *Representations*

5.36 Representations not considered in the main issues above relate to the Kent Police comments and construction management. The Kent Police comments are noted but are not necessary to make the development acceptable and some relate to non-planning matters. Construction management via a planning condition is not considered necessary due to the limited size of the development, which will not be under construction for any considerable period of time.

#### Legal Agreement

5.37 A legal agreement is required to secure the affordable housing off-site contribution.

## **6.0 CONCLUSION**

6.01 For the reasons outlined above, the scheme would provide a good quality development that would have a positive visual impact within the centre of the village. There would be no harmful impacts upon residential amenity, the level of parking is considered to be suitable, and there are no objections from the Local Highways Authority. It has been demonstrated that the scheme is only viable for a reduced off-site affordable housing financial contribution but the environmental, economic, and social benefits from the development are considered to be of a sufficient level for this to be acceptable. The proposals are in accordance with the relevant policies of the Maidstone Local Plan and Staplehurst Neighbourhood Plan. Permission is therefore recommended subject to a legal agreement and conditions.

## **7.0 RECOMMENDATION**

### **Subject to:**

The conditions set out below, and the prior completion of a legal agreement to secure the heads of terms set out below:

**the Head of Planning and Development BE DELEGATED POWERS TO GRANT PLANNING PERMISSION** (and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee).

Heads of Terms:

1. Securing an off-site affordable housing contribution of £264,859 of which at least £66,215 (25%) shall be used towards securing 'First Homes' provision.
2. Securing a Section 106 monitoring fee of £1,020.

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.

*Approved Plans & Details*

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

20082SH PL 001 Rev P1  
20082SH PL 002 Rev P2  
20082SH PL 003 Rev P2  
20082SH PL 004 Rev P2  
20082SH PL 005 Rev P2  
20082SH PL 006 Rev P2  
20082SH PL 007 Rev P2  
20082SH PL 008 Rev P2  
20082SH PL 009 Rev P2  
20082SH PL 010 Rev P2  
20082SH PL 011 Rev P2

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

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

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

4. The approved details of the access to the site as shown on drawing no. 135.0037.001 RevD shall be completed prior to the occupation of any buildings

and the visibility splays maintained free of obstruction above a height of 0.6m above carriageway level.

Reason: In the interests of highway safety.

5. The development shall be carried out in accordance with the arboricultural method statement and tree protection plan within the arboricultural assessment and method statement report (26<sup>th</sup> October 2021).

Reason: To ensure the protection and retention of trees.

6. All planting, seeding and turfing specified in the approved landscape details shall be carried out either before or in the first planting season (October to February) following the occupation of the building(s) or the completion of the development to which phase they relate, whichever is the sooner; and 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: To ensure an appropriate appearance and setting to the development.

#### *Pre-commencement*

7. No demolition works or development shall take place until a reptile mitigation strategy following the principles of 'Tetra Tech' letter dated 27/04/22 has been submitted to and approved in writing by the local planning authority. It must include the following:

- a) Updated reptile survey (if existing survey data over two years old)
- b) Overview of mitigation
- c) Detailed methodology to implement works.
- d) Map of temporary receptor area during construction
- e) Map of permanent receptor areas (which shall not be in the private gardens).
- f) Timing of works.

The strategy must be implemented as detailed.

Reason: To protect and mitigate impacts upon protected species.

8. No demolition works or development shall take place until a bat mitigation strategy following the principles of 'Tetra Tech' Bat Hibernation and Bat Roost Report dated 26/05/22 has been submitted to and approved in writing by the local planning authority. It must include the following:

- a) Updated bat survey (if existing survey data over two years old)
- b) Building demolition outside the hibernation period (i.e. outside November to February inclusive)



- c) Overview of mitigation
- d) Detailed methodology to implement works.
- e) Timing of works.

The strategy must be implemented as detailed.

Reason: To protect and mitigate impacts upon protected species.

9. No development shall take place until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

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

Reason: In the interests of human health.

10. No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk and Drainage Technical Note prepared by 'awp' dated October 2021 shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

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

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

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding.

#### *Pre-Slab Level*

11. No development beyond slab level shall take place 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 a planting specification, a programme of implementation and a 5 year management plan. The landscape scheme shall specifically provide the following:

- a) Native tree and hedge planting across the site frontage.
- b) Native tree and hedge planting within the car park.
- c) Retention of the horse chestnut tree south of the access.

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

12. No development beyond slab level shall take place until full details of the ecological mitigation and enhancements and their delivery have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and measures which shall include the following:

- a) Bat and bird bricks
- b) Measures to allow hedgehogs to move through the development
- c) Bat and bird boxes
- d) Log piles.

Reason: To protect and enhance biodiversity.

11. No development beyond slab level shall take place until written details and images of the materials to be used in the construction of the external surfaces of the buildings have been submitted to and approved in writing by the local planning authority. The materials shall include the following:

- a) Multi stock facing bricks
- b) Clay hanging tiles
- c) Clay roof tiles

d) Ragstone pillars

The development shall be constructed using the approved materials unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a high-quality development.

12. No development beyond slab level shall take place until written details and images of the surface materials have been submitted to and approved in writing by the local planning authority. The surface materials shall comprise block paving for the access and parking areas and pathways. The development shall be constructed using the approved materials unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a high-quality development.

13. No development beyond slab level shall take place in any phase until large-scale plans showing the following architectural detailing have been submitted to and approved in writing by the local planning authority:

- a) Flat arched brick headers above windows.
- b) Deep fascias with club detail, decorative finial, and exposed rafters.
- c) Tile hanging with club tile banding.
- d) First floor brick banding detail.
- e) Chimney detailing.
- f) Single storey canopy with decorative posts.
- g) Bonnet tiles on dormer windows.
- h) Stone window cills.
- i) Glazing bars to windows.

Reason: To ensure a high-quality development.

14. No development beyond slab level shall take place until details of external lighting that shall be designed to minimise impacts upon bats have been submitted to and approved in writing by the local planning authority for that phase. The lighting shall be carried out in accordance with the approved scheme.

Reason: In the interest of protecting residential amenity and protected species.

15. No development beyond slab level shall take place 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. The boundary treatments shall include the use of railings with ragstone piers along the frontage.

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

16. No development beyond slab level of each building shall take place until full details of the PV panels have been submitted to and approved in writing by the local planning authority. The approved details shall be provided prior to occupation of the buildings and maintained thereafter.

Reason: To secure the proposed energy strategy measures.

#### *Pre-Occupation*

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

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

18. No buildings shall be occupied until EV charging points providing at least 7kW charging speed for 8 car parking spaces have been installed and made available for use. The charging points shall be maintained thereafter.

Reason: To reduce impacts upon air quality.

#### *Compliance/Restrictions*

19. The dwellings/apartments hereby permitted shall only be occupied by:
  - a) Persons aged 60 or over; or
  - b) A spouse/or partner living as part of a single household with a person or persons aged 60 or over; or
  - c) Persons who were living in one of the dwellings/apartments as part of a single household with a person or persons aged 60 or over who has since died.

Reason: To meet the terms of the application and because the assessment of the impacts, viability, and benefits of the development have been based on the provision of age restricted retirement living/sheltered housing.

20. Before the development hereby permitted is first occupied, the proposed first and second floor windows on Elevation B-B (drawing no. 20082SH PL 008 Rev P2) shall be obscure glazed and shall subsequently be maintained as such.

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

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no extensions to any buildings shall be carried out without the permission of the Local Planning Authority.

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

# Agenda Item 22

## **THE MAIDSTONE BOROUGH COUNCIL** **PLANNING COMMITTEE – 23<sup>rd</sup> June 2022**

### **APPEAL DECISIONS:**

- 1. 21/504437/FULL** Demolition of existing outbuildings and pergola.  
Erection of a two storey side and rear extension.

**APPEAL: DISMISSED**

1 Walleth Court Cottages  
Southernnden Road  
Headcorn  
Ashford  
Kent  
TN27 9LN

(Delegated)

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- 2. 20/502117/FULL** Change of use of land and the stationing of  
12no. holiday cabins, with associated  
landscaping and access.

**APPEAL: DISMISSED**

The Finches  
Chartway Street  
East Sutton  
Kent  
ME17 3DU

(Delegated)

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- 3. 21/503774/FULL** Demolition of existing dwelling and outbuildings  
and erection of 1no detached dwelling.

**APPEAL: DISMISSED**

Cocketts  
Bimbury Lane  
Stockbury  
Sittingbourne  
Kent  
ME9 7QX

(Delegated)

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**4. 21/503146/FULL**

Conversion of an existing stable at Stud Farm to provide a new two bedroom dwelling with associated parking, landscaping, private amenity space and external store.

**APPEAL: DISMISSED**

Stables At Stud Farm  
Dunn Street Road  
Bredhurst  
Kent  
ME7 3NA

(Delegated)

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