

PLANNING COMMITTEE MEETING

Date: Thursday 15 December 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.

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 Items withdrawn from the Agenda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 - Monday 19 December 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 24 November 2022 1 - 7
11. Presentation of Petitions (if any)
12. 22/504747/FULL - Land Rear Of The Taj Of Kent, Church Green, Marden, Kent 8 - 23

Issued on Wednesday 7 December 2022
Over/:

Continued

Alison Broom

Alison Broom, Chief Executive

13.	22/502176/FULL - School House, Ashford Road, Harrietsham, Maidstone, Kent	24 - 35
14.	22/503920/FULL - The Cornwallis School, Hubbards Lane, Boughton Monchelsea, Maidstone, Kent	36 - 55
15.	22/503699/FULL - 18 Bower Street, Maidstone, Kent	56 - 64
16.	22/503584/FULL - Cherry Tree Farm, Pett Road, Stockbury Kent	65 - 78
17.	22/502738/FULL - Upper Little Boy Court, Boy Court Lane Headcorn, Ashford, Kent	79 - 90
18.	22/503721/FULL - 2 Wierton Corner Cottages, Wierton Hill Boughton Monchelsea, Kent	91 - 100

PLEASE NOTE

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

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

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

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

In order to speak at the meeting, please call 01622 602899 or email committee@maidstone.gov.uk by 4 p.m. on Wednesday 14 December 2022. You will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated for each application on a first come, first served basis.

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

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MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 24 NOVEMBER 2022

Present:

Committee Members:	Councillor Spooner (Chairman) and Councillors Brindle, Harwood, Holmes, McKenna, Munford, Perry, Trzebinski, D Wilkinson and Young
Visiting Members:	Councillors Brice and Mrs Gooch

139. APOLOGIES FOR ABSENCE

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

140. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

141. NOTIFICATION OF VISITING MEMBERS

Councillor Brice indicated her wish to speak on the report of the Head of Development Management relating to application 22/503914/FULL (Staplehurst Transits, Staplehurst Road, Marden, Kent).

Councillor Mrs Gooch indicated her wish to speak on the reports of the Head of Development Management relating to applications 22/501777/FULL and 22/501778/LBC (2 Hillside Cottage, Malling Road, Teston, Maidstone, Kent).

142. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

143. URGENT ITEMS

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

144. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Brindle said that, with regard to the report of the Head of Development Management relating to application 22/504194/ADV (Maidstone Innovation Centre, Gidds Pond Way, Weavering, Kent), she was a Member of Boxley Parish Council. However, she had not participated in the Parish Council's discussions on the application and intended to speak and vote when it was considered.

145. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

12.	22/501777/FULL - 2 Hillside Cottage, Malling Road, Teston, Maidstone, Kent	Councillors Brindle, Harwood, Holmes, McKenna, Munford, Perry, Trzebinski, D Wilkinson and Young
13.	22/501778/LBC - 2 Hillside Cottage, Malling Road, Teston, Maidstone, Kent	Councillors Brindle, Harwood, Holmes, McKenna, Munford, Perry, Trzebinski, D Wilkinson and Young
14.	22/503867/FULL - 4 Scott Street, Maidstone, Kent	Councillor Harwood
15.	22/504194/ADV – Maidstone Innovation Centre, Gidds Pond Way, Weaving, Kent	No lobbying
16.	22/500509/FULL – 48 Richmond Way, Maidstone, Kent	Councillor Brindle, McKenna, Munford, Trzebinski, D Wilkinson and Young
17.	20/503709/FULL – Northdown Croft, Pilgrims Way, Hollingbourne, Kent	No lobbying
18.	22/503914/FULL – Staplehurst Transits, Staplehurst Road, Marden, Kent	Councillors Brindle, Harwood, Holmes, McKenna, Munford, Perry, Spooner, Trzebinski, D Wilkinson and Young
19.	22/503775/FULL – The Acorns, Frittenden Road, Staplehurst, Tonbridge, Kent	Councillor Perry
20.	22/503774/FULL – Delilah Lodge, Frittenden Road, Staplehurst, Tonbridge, Kent	Councillor Perry
21.	22/500222/FULL – Heather House and Pavilion Building, Bicknor Road, Maidstone, Kent	Councillors McKenna, Munford and D Wilkinson

146. EXEMPT ITEMS

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

147. MINUTES OF THE MEETING HELD ON 20 OCTOBER 2022

RESOLVED: That the Minutes of the meeting held on 20 October 2022 be approved as a correct record and signed.

148. PRESENTATION OF PETITIONS

There were no petitions.

149. GENERAL DELEGATION TO OFFICERS ON CONDITIONS

The Legal representative requested that a general delegation be given to Officers to add any conditions mentioned in a Committee report that may have been missed in the list of recommended conditions and to add these to the decision notice should the application be approved (subject to any additional conditions or required deletions by Members). The Legal representative explained that there was a case that if the Committee granted permission subject to a list of conditions, the Officers could not go back and add or amend conditions even if they were listed in the original report without reference back to the Committee.

RESOLVED: That a general delegation be given to Officers to add any conditions mentioned in a Committee report that may have been missed in the list of recommended conditions and to add these to the decision notice should the application be approved (subject to any additional conditions or required deletions by Members).

150. 22/503867/FULL - DEMOLITION OF EXISTING SINGLE STOREY REAR EXTENSION, ERECTION OF A PART SINGLE STOREY, PART TWO STOREY REAR EXTENSION AND A LOFT CONVERSION WITH REAR DORMER AND 1 NO. ROOF LIGHT TO THE FRONT SLOPE - 4 SCOTT STREET, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management.

In introducing the application, the Joint Team Leader (Development Management) (Householder Team) advised the Committee that the re-consultation period had expired on 17 November 2022 after publication of the agenda. No further neighbour representations had been received. However, the applicant had sought to rebut neighbour comments highlighting that the proposal would improve the quality of the accommodation and was in accordance with policy; it was not proposed to use the dwelling as a house in multiple occupation; and some of the works could be undertaken as permitted development.

Mr Wilson, the applicant, addressed the meeting.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report with delegated powers given to the Head of Development Management 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.

Voting: 9 – For 0 – Against 1 – Abstention

151. 22/501777/FULL - RENEWAL OF THE REAR DORMER, REPLACEMENT WINDOWS AND DOORS INCLUDING INTERNAL AND EXTERNAL REPAIRS AND 3 NO. EXTERNAL LIGHTS - 2 HILLSIDE COTTAGE, MALLING ROAD, TESTON, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management.

Councillor Coulling of Teston Parish Council, Mr Stratford, for the applicant, and Councillor Mrs Gooch, Visiting Member, addressed the meeting.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report with delegated powers given to the Head of Development Management 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.

Voting: 7 – For 2 – Against 1 – Abstention

152. 22/501778/LBC - LISTED BUILDING CONSENT FOR RENEWAL OF THE REAR DORMER, REPLACEMENT WINDOWS AND DOORS INCLUDING INTERNAL AND EXTERNAL REPAIRS. INSTALL MECHANICAL VENTILATION TO BATHROOM AND KITCHEN, 3 NO. EXTERNAL LIGHTS. RETROSPECTIVE REPLACEMENT CEILING WORKS TO THE TOP BEDROOM - 2 HILLSIDE COTTAGE, MALLING ROAD, TESTON, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management.

Councillor Coulling of Teston Parish Council, Mr Stratford, for the applicant, and Councillor Mrs Gooch, Visiting Member, addressed the meeting.

RESOLVED:

1. That listed building consent be granted subject to the conditions and informatives set out in the report with an additional condition to secure a more appropriate external lighting solution.
2. That the Head of Development Management be given delegated powers to be able to add, settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 8 – For 2 – Against 0 – Abstentions

153. 22/503914/FULL - ERECTION OF A TWO STOREY MANAGER'S HOUSE AND A DOUBLE CAR BARN (RE-SUBMISSION OF 21/506544/FULL) - STAPLEHURST TRANSITS, STAPLEHURST ROAD, MARDEN, KENT

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

Councillor Turner of Marden Parish Council, Mr Goldup, the applicant, and Councillor Brice, Visiting Member, addressed the meeting.

RESOLVED: That permission be refused for the reasons and informative set out in the report as amended by the urgent update report.

Voting: 5 – For 4 – Against 1 – Abstention

Note: Councillor Harwood left the meeting after consideration of this application (8.25 p.m.).

154. 22/500509/FULL - DEMOLITION OF EXISTING DERELICT GARAGE AND ERECTION OF A REPLACEMENT DOUBLE GARAGE. DEMOLITION OF EXISTING FRONT PORCH AND ERECTION OF A PART SINGLE STOREY, PART TWO STOREY FRONT

EXTENSION, A TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR
EXTENSION - 48 RICHMOND WAY, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management.

Mr Gatting, an objector, addressed the meeting.

The Chairman read out a statement on behalf of Mr Tipping, agent for the applicant, who was unable to be present at the meeting.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report with delegated powers given to the Head of Development Management 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.

Voting: 7 – For 1 – Against 1 – Abstention

155. 22/503775/FULL - STATIONING OF TWO ADDITIONAL MOBILE HOMES WITHIN EXISTING GYPSY SITE TO ACCOMMODATE ADDITIONAL FAMILY MEMBERS AND ERECTION OF A DAYROOM - THE ACORNS, FRITTENDEN ROAD, STAPLEHURST, TONBRIDGE, KENT

The Committee considered the report of the Head of Development Management.

The Chairman read out a statement on behalf of Staplehurst Parish Council which was unable to be represented at the meeting.

Mr McKay, agent for the applicant, addressed the meeting on this application and application 22/503774/FULL (Delilah Lodge, Frittenden Road, Staplehurst, Tonbridge, Kent).

RESOLVED: That permission be granted subject to the conditions and informative set out in the report with delegated powers given to the Head of Development Management 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.

Voting: 8 – For 0 – Against 1 – Abstention

156. 22/503774/FULL - STATIONING OF TWO ADDITIONAL MOBILE HOMES WITHIN EXISTING GYPSY SITE TO ACCOMMODATE ADDITIONAL FAMILY MEMBERS AND ERECTION OF REPLACEMENT DAYROOM - DELILAH LODGE, FRITTENDEN ROAD, STAPLEHURST, TONBRIDGE, KENT

The Committee considered the report of the Head of Development Management.

The Chairman read out a statement on behalf of Staplehurst Parish Council which was unable to be represented at the meeting.

Mr McKay, agent for the applicant, had already addressed the meeting on this application and application 22/503775/FULL (The Acorns, Frittenden Road, Staplehurst, Tonbridge, Kent).

RESOLVED:

1. That permission be granted subject to the conditions and informative set out in the report with an additional informative encouraging the applicant to install an EV charging point on the dayroom.
2. That the Head of Development Management be given delegated powers to be able to add, settle or amend any necessary planning conditions/informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee.
3. That the Head of Development Management be requested to investigate whether the Council can seek the installation of EV charging points in connection with gypsy and traveller developments.

Voting: 8 – For 0 – Against 1 – Abstention

157. 20/503709/FULL - CHANGE OF USE OF EXISTING PADDOCK TO PROVIDE A SHEPHERD HUT FOR USE AS HOLIDAY LET ACCOMMODATION AND 2 NO. OUTBUILDINGS (RETROSPECTIVE) - NORTHDOWN CROFT, PILGRIMS WAY, HOLLINGBOURNE, KENT

The Committee considered the report of the Head of Development Management.

RESOLVED: That permission be granted subject to the conditions set out in the report with delegated powers given to the Head of Development Management 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.

Voting: 9 – For 0 – Against 0 – Abstentions

158. 22/500222/FULL - DEMOLITION OF HEATHER HOUSE COMMUNITY CENTRE AND CONSTRUCTION OF A NEW COMMUNITY CENTRE AND CHANGE OF USE OF LAND TO PARKWOOD RECREATION GROUND. DEMOLITION OF THE PAVILION BUILDING AND ERECTION OF 11 NO. DWELLINGS ON THE SITE OF THE PAVILION AND PARTLY ON ADJACENT PARKWOOD RECREATION GROUND. BOTH WITH ASSOCIATED PARKING, VEHICULAR AND PEDESTRIAN ACCESS AND LANDSCAPING - HEATHER HOUSE AND PAVILION BUILDING, BICKNOR ROAD, MAIDSTONE, KENT

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

RESOLVED: That subject to:

- A. The prior completion of a Memorandum of Understanding to secure the Heads of Terms set out in the report to include a Monitoring Fee of £1,530; and
- B. The conditions and informatives set out in the report, as amended by the urgent update report, with:

The removal of the conditions relating to the installation of electric vehicle charging points if necessary to avoid duplication with Building Regulations; and

In the interests of openness and transparency, an additional informative referring to the existence of the Memorandum of Understanding (MOU) (the MOU to be attached to the Decision Notice);

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

Voting: 9 – For 0 – Against 0 – Abstentions

159. LONG MEETING

Prior to 10.30 p.m., after consideration of application 22/500222/FULL (Heather House and Pavilion Building, Bicknor Road, Maidstone, Kent), the Committee considered whether to adjourn at 10.30 p.m. or to continue until 11.00 p.m. if necessary.

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

160. 22/504194/ADV - ADVERT APPLICATION FOR 1 NO. NON-ILLUMINATED FASCIA SIGN - MAIDSTONE INNOVATION CENTRE, GIDDS POND WAY, WEAVERING, KENT

The Committee considered the report of the Head of Development Management.

RESOLVED: That permission be granted subject to the conditions set out in the report with delegated powers given to the Head of Development Management 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.

Voting: 9 – For 0 – Against 0 – Abstentions

161. APPEAL DECISIONS

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

The Head of Development Management advised the Committee that the appeal against the decision to refuse application 21/502307/OUT (The Three Ashes, Boxley Road, Walderslade) had been allowed. This was due to the Council being too specific on the conditions imposed on an outline planning application. The issue would be included in Member training going forward.

RESOLVED: That the report be noted.

162. DURATION OF MEETING

6.35 p.m. to 10.31 p.m.

Agenda Item 12



Ordnance Survey - data derived from OS Premium

22/504747/FULL Land rear of The Taj Of Kent, Church Green, Marden, Kent

Scale: 1:1250

Printed on: 7/12/2022 at 8:34 AM by JoannaW

REPORT SUMMARY

REFERENCE NO: 22/504747/FULL		
APPLICATION PROPOSAL: Erection of 4 residential dwellings with associated access, parking and landscaping (Re-sub of 21/503821/FULL).		
ADDRESS: Land rear of The Taj Of Kent, Church Green, Marden, Kent		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: Marden Parish Council have requested application is considered by Planning Committee if Officers are minded to approve application. This request is made for the reasons outlined in the consultation section below.		
WARD: Marden & Yalding	PARISH: Marden	APPLICANT: Oast Investments AGENT: Freeths LLP
CASE OFFICER: Kate Altieri	VALIDATION DATE: 29/09/22	DECISION DUE DATE: 19/12/22
ADVERTISED AS A DEPARTURE: NO		

RELEVANT PLANNING HISTORY

- 21/503821 – Erection of 6 dwellings – Refused for following (summarised) reasons:
 1. *Proposal, by virtue of its appearance, layout & scale, would result in harm to character, appearance and significance of Marden Conservation Area and grade II listed buildings (Church Green Cottages). This harm is not outweighed by any public benefits and proposal is contrary to policies DM1, DM4 & SP18 of Local Plan; policies NE3 & BE1 of Marden NP; and paras 189, 199, 200, 202 of NPPF.*
 2. *Submission failed to demonstrate future residential occupants of site would not be adversely impacted upon in terms of odours from adjacent abattoir. Proposal would therefore be contrary to policy DM1 of Local Plan; policy BE2 of the Marden NP; and aims of NPPF (incl. para 130).*
 3. *Submission failed to demonstrate acceptability of proposal in relation to highway safety. This would be contrary to aims of policies DM1 and DM21 of Local Plan; and para 111 of NPPF.*
 4. *Submission failed to demonstrate protected species would not be adversely impacted upon as a result of proposal. This is contrary to policies DM1 & DM3 of Local Plan; policy NE4 of Marden NP; Para 99 of Govt. Circular (ODPM 06/2005); Natural England Standing Advice; and paragraph 174 of NPPF.*
- 19/502689 – Pre-app: Proposed office block – Officer views were negative towards proposal
- 15/503611 – (outline) Erection of building (260m² of B1 use on ground floor level with potential mezzanine): Access, layout & scale sought – Refused (dismissed at appeal)
- MA/12/0551 – 8 dwellings: occupation for over 55yrs (access & scale considered) - Refused
- MA/11/0773 – 8 dwellings: occupation for over 55yrs (access & scale considered) - Refused

1.0 DESCRIPTION OF SITE

- 1.01 The proposal site relates to an irregular shaped parcel of land located on the northern side of Church Green that is currently car parking area and an overgrown area of land. The 'backland' site is accessed via an existing point in between the Taj of Kent and Kent Mart, to the south of the main site; to the north is the railway line; to the east is an abattoir; and to the west is undeveloped land and then a number of residential properties, including 1 and 2 Church Green Cottages that are Grade II listed. For the purposes of the Local Plan the proposal site falls within Marden village (a Rural Service Centre). The site also falls within Marden Conservation Area; an area with archaeological potential; and Flood Zone 1.

2.0 PROPOSAL

2.01 The proposal is described as: *Erection of 4 residential dwellings with associated access, parking and landscaping (Resubmission of 21/503821/FULL).*

2.02 The dwellings (2x2-bed and 2x3-bed), would be laid out as a pair of semi-detached units and two detached units, all with garden space to the rear. The dwellings would not stand more than 6.4m in height; and plots 1 and 2 would have a gross internal floor area of some 88.5m², with plots 3 and 4 measuring some 115m².

2.03 The proposal would provide eight onsite parking spaces; and vehicle access for the proposal would be via an existing access to the side of the Taj of Kent. The external materials palette for the units is shown as follows:

- Plain clay roof tiles and tile hanging
- Weatherboarding (painted white)
- Facing brick plinth
- Dark metal clad dormer windows and Conservation style rooflights
- Timber framed window casements
- Permeable block paving

2.04 For comparison, please see the proposed layouts and elevations for this current proposal and the scheme refused under 21/503821:



3.0 POLICY AND OTHER CONSIDERATIONS

- Local Plan (2017): SS1, SP5, SP9, SP18, SP19, SP23, DM1, DM2, DM4, DM5, DM6, DM8, DM12, DM21, DM23
- Marden Neighbourhood Plan (2017-2031)
- Landscape Character Assessment (2013) & Supplement (2012)
- Landscape Capacity Study: Sensitivity Assessment (2015)
- National Planning Policy Framework (2021) & National Planning Practice Guidance
- Building for Life 12 (2018)
- Regulation 22 of emerging Local Plan: LPRSP6; LPRSP6(E); LPRSP10; LPRSP14; LPRSP14(A); LPRSP14(B); LPRSP14(C); LPRSP15; LPRTRA2; LPRTRA4; LPRENV1; LPRQ&D1; LPRQ&D2; LPRQ&D4; LPRQ&D6; and LPRQ&D7.

Local Plan

- 3.01 Outside the Maidstone urban area, which is the most sustainable settlement in the hierarchy, the second tier of rural service centres (RSCs) can accommodate limited growth. Indeed, Local Plan policy SP5 stipulates that the Council will focus new housing development within RSCs when it is (inter alia): *Minor development such as infilling.*
- 3.02 Furthermore, Local Plan policies seek high quality design to ensure that new development (inter alia): does not result in harm to the character and appearance of the area; respects the amenity local residents and future occupants; is acceptable in highway safety terms; it protects and enhances any on-site biodiversity features where appropriate or provides sufficient mitigation measures; and it is acceptable in flood risk and heritage terms. Part of the application site also appears to be previously developed land.

Marden Neighbourhood Plan (2017-2031)

- 3.03 The Marden Neighbourhood Plan is adopted and is part of the Council's Development Plan. It seeks new development (inter alia): To be designed to integrate into their surroundings in the landscape, and contribute positively to the conservation and enhancement of that landscape; to provide a biodiversity net gain; to incorporate appropriate additional landscaping; to respect residential amenity; and to be based upon the principles of sustainable construction. Furthermore, policy BE1 (Local Character) states:

Development proposals should be designed to protect fabric and setting of any designated and non-designated heritage asset and respect and enhance existing character of village. New development must be both visually and functionally sympathetic to existing styles and materials, which are illustrated at pages 21/22 in this Plan and also described in the Marden Design Statement (2001), in order to maintain and enhance Marden's sense of place.

Maidstone Landscape Character Assessment & Capacity Study

- 3.04 The Maidstone Landscape Character Assessment identifies most of the application site as falling within the Staplehurst Low Weald (Area 44). The landscape guidelines for this area are to 'CONSERVE'. The Landscape Capacity Study (Jan 2015) has the Staplehurst Low Weald as being assessed as being of 'HIGH' overall landscape sensitivity and 'sensitive to change'.

NPPF

- 3.05 The NPPF is clear that good design is a key aspect of sustainable development; and section 12 of the NPPF refers to achieving well-designed places. Section 16 relates to conserving and enhancing the historic environment.

Other matters/guidance

- 3.06 Sections 16(2) and 66(1) of the Planning (Listed buildings and Conservation Areas Act) 1990 require the decision maker to have special regard to the desirability of preserving listed buildings, or their setting, or any features of special architectural or historic interest which they possess, must be given.
- 3.07 A Marden Conservation Area appraisal and management plan is not available.

Regulation 22 Local Plan

- 3.08 This is a material consideration, but limited weight is attached to the document because of the stage it has reached, having not yet been the subject of full public examination. Notwithstanding this, it is worth noting that Marden remains a Rural Service Centre in the emerging Local Plan (the secondary focus for housing development); and that minor infilling development is still supported subject to the details of any submitted scheme.

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents:** 3 representations have been received raising following concerns over: Highway safety/traffic generation; ecology; drainage/sewage disposal; residential amenity; building heights not shown on plans; fire safety; refuse collection; repeated applications being submitted; noise; impact upon stone pillar to side of access; and heritage impact.

5.0 CONSULTATIONS

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

- 5.01 **Marden Parish Council:** Wish to see application refused and reported to Planning Committee if officers are minded to recommend approval for the following (summarised) reasons:

Cllrs recognise some concerns from previous application had been addressed and accept site is sustainable. However, we are concerned about site access and wished to reiterate previous comments:

Limited width and height of access would cause problems during construction; and following occupation of site there would be ongoing restrictions for emergency services, removal vehicles and refuse collection. Larger vehicles would not be able to access site directly which will only exacerbate existing parking problems in Church Green area to unacceptable extent and are likely to encourage double parking and/or pavement parking and congestion thus worsening road safety problems.

Number of retail establishments including convenience store, fish & chip shop, garage, Indian restaurant and butchers in area already create high level of vehicles parked on road causing blocking and congestion across entrance to site, particularly at lunchtime and early evening. This is exacerbated with pedestrians and vehicles leaving train station. This is contrary to Marden Neighbourhood Plan Policy In3. Access is irredeemable which Cllrs could not see being resolved during construction or occupancy.

Concerned where refuse collection would take place and where residents of dwellings would store their refuse bins on collection day. No available space was clear, or indicated, at front of site. There is no mention in Heritage Statement (HS) of mounting block on side wall of convenience store (Kent Mart). Thus contrary to Marden NP Policy BE1. HS does not appear to address issue of archaeological finds which are known to exist; and contrary to Marden NP Policy NE1 as Cllrs felt that due to known surface and ground water issues in area this should be dealt with in application and not left to be conditioned.

- 5.02 **MBC Conservation Officer:** Raises no heritage objections to proposal (see main report).
- 5.03 **Environmental Protection Team:** Raises no objections to proposal (see main report).
- 5.04 **KCC Highways:** Raises no objections to proposal (see main report).
- 5.05 **KCC Biodiversity Officer:** Raises no objections to proposal (see main report).
- 5.06 **MBC Landscape Officer:** Raises no objections to proposal (see main report).
- 5.07 **KCC Archaeology:** Raise no objection (see main report).
- 5.08 **Historic England:** Advises for local specialist conservation/archaeological advice to be sought.
- 5.09 **Network Rail:** Confirm they have no objections to the proposal.

6.0 APPRAISAL

6.01 The key issues are:

- Impact upon character and appearance of area;
- Highway safety matters;
- Residential amenity;
- Biodiversity matters; and
- Other matters.

Impact upon character and appearance of area

6.02 Policy SP18 of the Local Plan relates to the historic environment and requires that inter-alia the characteristics of heritage assets are protected, and design is sensitive to heritage assets and their setting. Policy DM4 of the Local Plan also relates to development affecting designated heritage assets, and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.

6.03 The NPPF sets out what should be considered in terms of conserving and enhancing the historic environment. Paragraphs 195, 197 & 199 state:

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

In determining applications, local planning authorities should take account of:

- a) desirability of sustaining and enhancing significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) desirability of new development making positive contribution to local character and distinctiveness.*

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

6.04 The submission is accompanied by a Heritage Statement. This assessment will include consideration of the proposal's impact upon the significance of the near-by listed buildings (Church Green Cottages) and Marden Conservation Area; and will include heritage comments that have been made by the Council's Conservation Officer.

6.05 The streetscene within the vicinity of the site is mixed, with both residential and commercial properties of differing scale, design and age. Furthermore, whilst the buildings in the rear yards are seen within the conservation area, they are primarily modest in terms of scale and size, with the frontage buildings remaining the dominant structures; and the variety of materials, architectural features, and built forms contribute to the character of the surrounding area. The application site itself, is an area of overgrown land to the rear of buildings fronting Church Green.

6.06 It has previously been established that the application site currently makes no significant contribution to the setting of the buildings in this part of the conservation area. Notwithstanding this, any new development here should not adversely alter the current subservient character of the existing development in this yard area, to the detriment of the conservation area.

6.07 It is considered that the amount of development proposed would retain the subservient character of the site, given the scale and layout of the development now proposed. Indeed, the four dwellings would stand less than 6.4m in height from their ridge lines to ground level, with the first floor accommodation within the roof; it is noted that the buildings would not stand taller

than the adjacent abattoir nor Church Green Cottages (listed buildings to west of site); and the low eaves heights (less than 3m from ground level) and the hipped roofs, would further reduce the bulk of the buildings. In addition to this, the level of hardstanding is not considered to be excessive and there is the opportunity for landscape enhancements when compared to the current condition of the site; and the layout allows for a sense of space to be retained within the site, with plot sizes generally reflecting what is in the locality. On this basis, the proposal would no longer represent a cramped form of development on this backland site, and nor would it appear obtrusive in terms of the setting of the conservation area.

6.08 The design and appearance of the dwellings are also considered to be appropriate. Indeed, the dwellings are of a simple and traditional design, and clearly domestic in character (which is considered to be an appropriate approach for this backland site); the dormer windows are well proportioned and sit well within the roofscape; the level of glazing to the front elevations is not considered excessive; and the tile hanging on the flank elevations and the brink plinths would add further interest and quality to the scheme. The suggested external materials and these are the subject of a condition for the dwellings are also considered to be appropriate for the location, and broadly in accordance with the local vernacular (as set out in the Marden Neighbourhood Plan); and details of these would be secured by way of condition. To further safeguard the character and appearance of the area, conditions are also recommended for details of hardsurfacing; hard boundary treatments; landscaping (to be 100% native planting); and to remove the permitted development rights for house extensions, outbuildings and hard boundary treatments.

6.09 There are likely to be public views of the proposal from the site's access and from Pattenden Lane (in between Church Green Cottages and Coronation Villas). However, as the submission has demonstrated (see proposed images below), these would only be glimpsed views and mostly of the tops of a clay tiled roofscape. On this basis, it would be difficult to argue that the proposal would appear harmfully dominant and visually incongruous from any public vantage point.



VIEW THROUGH SITE ACCESS



VIEW FROM PATTENDEN LANE



VIEW FROM PATTENDEN LANE

6.10 The Council's Conservation Officer has also reviewed the submission and has raised no objection in terms of heritage impacts (subject to conditions for details of joinery; conservation roof lights and sample materials). In summary, they have commented as follows:

Resubmission follows a refusal of permission for 6 dwellings. Revised proposal shows a reduction in dwellings from 6 to 4, the re-siting of dwellings and changes in fenestration. Reduction in dwellings would no doubt provide additional space around new builds and would allow site to appear less cramped. In my previous comments I raised concerns regarding overdevelopment of site and overall scale of each building. This has now been reduced and overcome my earlier concerns. Proposed gardens to front and rear will soften existing hardstanding and enhance character of conservation area (CA).

Improvements have been made that reduce overall impact on setting of CA. While development will result in a small degree of harm to setting of Marden CA, the harm has been identified due to the amount of development proposed on a historically undeveloped site, this would be at lower end of less than substantial. There are benefits to scheme in that the softening of hardstanding and addition of trees would enhance character of the conservation area.

6.11 With everything considered (including the Conservation Officer's specialist comments), it is accepted that the proposal would now cause less than substantial harm (at the lower end) to the setting of Marden Conservation Area. In accordance with paragraph 202 of the NPPF, this harm needs to be weighed against the public benefits of the proposal. There are benefits to the current scheme, in that it would enhance native landscaping on the site, that in turn would enhance the character of the conservation area; and the proposal would provide well designed new housing in a sustainable location. On this basis, it is therefore considered that the public benefits of the proposal would outweigh the low heritage harm identified.

6.12 In terms of the proposal's impact upon surrounding listed buildings, the Conservation Officer has commented as follows (in summary):

Plot 1 would be sited closer to a listed building than previous refused scheme, nevertheless there would be a substantial gap between two buildings and therefore I do not consider development to harm the setting of Grade II listed Church Green Cottages. Views would be possible of proposal from Pattenden Lane, however as the heritage statement states, these views would remain predominantly unaltered with views of greenery/trees but may feature glimpses of the dwellings traditionally covered clay tile roofs. Proposed materials would be traditional and therefore views of scheme would not appear out of keeping in area.

6.13 With this considered, the Conservation Officer is satisfied that the proposal would not harm the setting and significance of any listed building, and on the basis of this specialist advice, there is no justifiable reason to object to the proposal on this matter.

6.14 In short, the proposal is considered to be in accordance with the relevant policies within the current Local Plan, the Marden Neighbourhood Plan and the NPPF; and the proposal would no longer cause unacceptable harm to the character, appearance, setting and significance of Marden Conservation Area nor any listed building.

6.15 Please note that the Conservation Officer was previously made aware of the stone mounting block adjacent to side of Kent Mart and they have not raised any specific objection to the proposal in respect of this. Furthermore, the agent has demonstrated that the proposal will not impact this mounting block.

Highway safety matters

6.16 Unlike the previous refusal, this application is now accompanied by a Transport Statement and the current proposal is for one less unit.

6.17 The site will make use of an existing access that currently serves a car park behind The Taj of Kent restaurant. In terms of parking provision, the proposal would provide 8 on-site parking spaces, and this is in accordance with the Local Plan adopted parking standards (including visitor parking provision). Each unit would also benefit from covered and secure bicycle parking provision for 2 bicycles each.

6.18 The Highways Authority have reviewed the application and have raised no objection to the proposal in highway safety matters (as summarised below):

Site is located in close proximity to public transport and local facilities in Marden and development provides for adequate car and cycle parking. Access is proposed via existing access onto Church Green. Visibility from existing access is restricted by restaurant building to east. Consideration is given to Inspector's comments relating to a previous application (15/503611). Inspector was of view that provision of 9 parking spaces, as proposed, would be unlikely to lead to a significant increase in traffic movements, bearing in mind historic use of car park and sustainable location. Inspector concluded proposal would not result in additional highway hazards. Current application proposes 8 parking spaces and traffic generation of only 2 two way traffic movements in each peak hour. This is not likely to lead to any significant impact on highway safety or congestion and therefore I do not wish to raise objection subject to recommended conditions.

6.19 It is noted that KCC has not raised any concern with the resulting loss of nine of the existing thirteen parking spaces to the rear of the Taj of Kent.

- 6.20 Paragraph 111 of the NPPF states: *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.* With everything considered, this development is not considered to result in a 'severe' impact and as such no objection is raised to the application on highway safety grounds, subject to recommended conditions to secure permanent retention of parking spaces and bicycle parking.

Residential amenity

Future occupants

- 6.21 The site is in the proximity of an abattoir; railway line; and restaurant. An Odour Assessment has been submitted and the Environmental Protection Officer consider this to be a comprehensive report that establishes that the impact of odours from both the abattoir and the nearby restaurant would be low, and so no objection is now raised to the proposal in this respect. The Environmental Protection Officer have also again raised no objection to the proposal in terms of noise; and in summary, they are satisfied that appropriate mitigation can be secured by way of their recommended condition, that would seek further details to demonstrate that noise levels would conform to the standard identified by the current version of BS:8233 (2014). It is noted that the adjacent abattoir does have a 24hr emergency casualty animal facility. On the basis of this serviced being infrequent, the Environmental Protection Officer confirms that they still raise no objection to the current proposal.
- 6.22 It is also considered that future occupants of the site would benefit from acceptable living conditions, in terms of light, outlook and privacy (both internally and externally); and the proposal complies with the Government's Technical Internal Space Standards. Furthermore, the garden space would be adjacent to each relevant dwelling; there would be external access available to all gardens; and the gardens are considered to be of an acceptable shape and size.

Existing residential neighbours

- 6.23 Given the proposed dwellings separation distances from any existing residential property, the submission would not have an adverse impact upon any local resident when enjoying their own property, in terms of light, outlook and appearing overbearing. The new dwellings would also be a significant distance from any residential property; there would only be angled rooflights to the rear roofscape; and no dormer window would directly overlook any immediate private garden area. On this basis, it is accepted that the proposal would not have an adverse impact upon local residents in terms of privacy. By its nature, the proposal would also not have an adverse impact upon the amenity of local residents in terms of general noise and disturbance (including the associated comings and goings of people/vehicles to and from the site).
- 6.24 With all of the above considered, there is no objection to the proposal in residential amenity terms and the proposal is considered to be compliant with Local Plan policy DM1 in this respect.

Biodiversity matters

- 6.25 Paragraph 99 of the ODPM 06/2005 states: *"it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision"*.
- 6.26 Unlike before, an Ecological Assessment has now been submitted as part of this application. The Biodiversity Officer has reviewed the submission and has commented as follows (in summary):

There is potential for bats to be roosting in immediate surroundings, as well as possibility for reptiles to be on-site. However, due to relatively small-scale of development and location of site, precautionary mitigation measures have been proposed. This includes measures such as habitat manipulation during reptile active season and ensuring finished development has a sensitive lighting design. Breeding birds are likely to be present in scrub and, therefore, such vegetation should be removed outside breeding bird season. This may conflict with precautionary mitigation for reptiles. As such, we strongly recommend vegetation is removed during Sept/Oct to avoid conflict. To ensure precautionary mitigation measures are enacted, we advise a condition is attached to any granted planning permission.

6.27 On the basis of this specialist advice, it is considered that the recommended condition is reasonable and it shall be duly imposed. As also recommended, a suitable condition will be imposed regarding any external lighting, that is to be in accordance with the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting'.

6.28 In terms of enhancements, the Biodiversity Officer has commented as follows (in summary):

Under section 40 of NERC Act (2006), para 174 of NPPF and Environment Act (2021), biodiversity must be maintained and enhanced through planning system. Additionally, in alignment with para 180 of NPPF, implementation of enhancements for biodiversity should be encouraged.

Our primary concern with this development is that the replacement of ruderal vegetation and scrub with hardstanding, buildings and curtilages would appear to be resulting in a biodiversity net-loss. Use of Defra metric would confirm/refute this. However, without secondary legislation for Environment Act, refusing application on these grounds alone may be difficult to defend. If LPA decide putative loss of biodiversity is acceptable, we advise landscaping consists of native species only and that bird boxes are provisioned.

6.29 At this time, it is agreed that only refusing the application because it would result in a biodiversity net-loss, would be difficult to defend at this time. There is the opportunity to secure enhancements, such as integrated design methods, small mammal highways, log piles, and native landscaping; and the submitted Ecological Assessment has demonstrated that protected species would not be adversely impacted upon as a result of proposal. As such, and on balance, no objection is raised to the proposal in ecological terms subject to the recommended conditions set out at the end of this report.

Other matters

6.30 The Landscape Officer has reviewed the submitted arboricultural information and is satisfied that there are no arboricultural grounds to refuse this application, subject to conditions requiring the development to comply with the submitted arboricultural information by Sylvan Arb consultants. The Landscape Officer has also concluded that the proposal would in fact be less intrusive on the retained Horse Chestnut (listed as T1 in Sylvan Arb report), than the scheme most recently refused on the site.

6.31 The KCC Archaeological Officer has confirmed that there are indications of iron working, some of which may be of prehistoric date and some may be Medieval; and that there are indications of Medieval activity around the T-junction just west of the application site. In addition, there is a suggestion that there may be remains of a 19th century or earlier building within the application site (possibly for the stabling for horses if the Taj was originally a coaching inn). On this basis, the recommended condition is considered reasonable to ensure that features of archaeological interest are properly examined, recorded, reported and disseminated.

6.32 In accordance with Local Plan policy and to ensure an energy efficient form of development, a condition is recommended requesting details of renewable energies to be incorporated into the development. It is not necessary to secure the provision of operational electric vehicle charging points for low-emission plug-in vehicles, as this is dealt with under building regulations.

6.33 The Environmental Protection Team have also raised no objection to the proposal in terms of air quality and land contamination, subject to a pre-commencement condition relating to contamination. Such a condition is considered reasonable and in the interests of public health. The proposal site is within Flood Zone 1 and there is no objection in terms of flood risk; and surface water and foul sewage will both be disposed of by way of mains sewer. No objection is raised on these matters and no further details are required. In terms of refuse storage/collection, bins would be stored in the garden areas and then brought out by the residents on collection day to be emptied, as seems to be typical in the area. This is not objectionable and no further details are required.

6.34 There are two pre-commencement conditions recommended (relating to archaeology and contamination), and the agent has confirmed their acceptance of these conditions.

- 6.35 The issues raised by Marden Parish Council and local residents have been considered in the assessment of this application. Please note that issues surrounding health and safety are covered under building regulations; the submitted plans do not need to be annotated with measurements as they are to a measurable scale; and the Highways Authority have not requested a construction management plan to be submitted in order to make this proposal acceptable in highway safety terms. Furthermore, the issue of land ownership was raised and in response the agent has amended the site location plan to remove the land in question. This change does not impact the main planning assessment for this application and no further details are required in this respect.
- 6.36 Due regard has also been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010; and it is considered that the development would not undermine the objectives of the Duty.
- 6.37 The development is CIL liable. The Council adopted a Community Infrastructure Levy in October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time if planning permission is granted or shortly after.

7.0 CONCLUSION

- 7.01 For the reasons set out above, the application is considered to be acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant; and it has addressed the previous reasons for refusal under 21/503821. A recommendation of approval is therefore made on this basis.

8.0 RECOMMENDATION

- 8.01 **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.

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

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

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

- Drawing references: 18009-P-101; 102; 103 Rev A; 104; 105; 106 Rev A; 107; and 108.
- Tree Removal Plan (ref: CG/TRP/1791-02B); Tree protection Plan (ref: CG/TRP/1791-03-B); Tree Survey Plan (ref: CG/TRP/1791-01); and Arboricultural Report (ref: SA/1791/21-B dated: 10th Sept 2022);.
- Ecological Assessment (Greenspace Ecological Solutions - Aug 2022); Environmental Noise Impact Assessment (ADT – Sept 2022); Odour Appraisal (Oast Investments Ltd – Aug 2022); Transport Statement (Oast Investments Ltd – Aug 2022); Planning Statement (Freeths – Sept 2023); and Design and Access Statement (Zuber Dobson Architects – Sept 2022).

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

3. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:
- (i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - (ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority;
 - iii programme of post excavation assessment and publication.

Reason: To ensure that features of archaeological interest are properly examined, recorded, reported and disseminated.

4. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:
- (1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - (2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - (3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: These details are required prior to the commencement of the development in the interests of public health.

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

Reason: In the interests of public health.

6. In accordance with the submitted plans and prior to the commencement of development above damp-proof course level, written details of the materials to be used in the construction of the external surfaces of the buildings hereby approved shall be submitted to and approved in writing by the local planning authority. These details shall be:
- (i) Multi-stock brick for building plinths;
 - (ii) Timber weatherboarding (painted white) for external elevations;
 - (iii) Plain clay roof tiles and plain clay hanging tiles; and
 - (iv) Details of zinc cladding for dormer windows (dark grey in colour).

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

Reason: To safeguard the character and appearance of the area that falls within Marden Conservation Area.

7. The development hereby approved shall not commence until, full details of the following matters have been submitted to and approved in writing by the local planning authority:
- (i) New external joinery in the form of large scale drawings; and
 - (ii) Details of Conservation rooflights to be used.

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

Reason: To safeguard the character and appearance of the area that falls within Marden Conservation Area.

8. Prior to the commencement of development above damp-proof course level, details of all fencing, walling and other boundary treatments, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be maintained as such thereafter.

Reason: To safeguard the character and appearance of the area that falls within Marden Conservation Area; and to safeguard the enjoyment of their properties by existing and prospective occupiers.

9. Prior to the commencement of development above damp-proof course level, details of a scheme of landscaping, using indigenous species, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and long-term management, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment (2012) and shall show:
- (i) Location, species, number and size of all new trees, perennials and shrubs to be planted within site;
 - (ii) Provision of new 100% mixed native species hedgerow planting along northern and western boundaries of site;
 - (iii) Provision of 100% native species tree planting (minimum of Standard size);
 - (iv) Details of block paving access road and parking spaces within the site.

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

Reason: To safeguard the character and appearance of the area that falls within Marden Conservation Area; and in the interests of biodiversity enhancements.

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

Reason: To safeguard the character and appearance of the area that falls within Marden Conservation Area; and in the interests of biodiversity enhancements.

11. Prior to the commencement of the development above damp-proof course level, details of the following ecological enhancements shall be submitted to and approved in writing by the local planning authority:
- (i) Integrated enhancements into the design and fabric of each dwelling, to include bat tubes/tiles and bee bricks;
 - (ii) Multiple swift nest boxes;
 - (iii) Measures to allow hedgehogs to move through the development site; and
 - (iv) The incorporation of log piles, bug hotels, hibernaculas and bee posts.

The development shall be implemented in accordance with the approved details prior to the first occupation of any dwelling and all features shall be maintained as approved thereafter.

Reason: To enhance biodiversity on the site and to achieve a net biodiversity gain.

12. From the commencement of the development hereby approved (including site clearance), all precautionary mitigation measures for protected species shall be carried out in accordance with the details contain in section 6.4 of the submitted Ecological Assessment (Greenspace Ecological Solutions Aug 2022).

Reason: In order to safeguard protected species.

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

Reason: To ensure an energy efficient form of development.

14. Prior to the first occupation of any dwelling hereby approved, a scheme (equivalent to that submitted in the ADT report ref: ADT 3412/ENIA Rev B) to demonstrate that the internal noise levels within the residential units and the external noise levels in gardens and other relevant amenity areas would conform to the standard identified by the current version of BS 8233 2014, Sound Insulation and Noise Reduction for Buildings, shall be submitted to and approved in writing by the local planning authority. The assessment shall have regard to ProPG: Planning & Noise (2017) and the Acoustics Ventilation and Heating Guide (2020) to ensure that there is a good balance between acoustics, ventilation and thermal comfort for future occupants. It is expected that higher levels of noise that require windows to be closed to meet BS8233 internal level specifications will need greater ventilation than the minimum standard in the Building Regulations in trying to achieve open window equivalence which will involve user control of ventilation rates to key rooms such as living rooms and bedrooms. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of any dwelling and it shall be maintained as such thereafter.

Reason: To safeguard the amenity of future occupants.

15. The development hereby approved shall be carried out in accordance with submitted Arboricultural Report by Sylvan Arb (ref: SA/1791/21-B, dated 10th Aug 2022); the Tree Removal Plan (ref: CG/TRP/1791-02B, dated 4th Feb 2021) by Sylvan Arb; and the Tree protection Plan (ref: CG/TRP/1791-03-B, dated 4th Feb 2021) by Sylvan Arb.

Reason: To safeguard the character and appearance of the area that falls within Marden Conservation Area and the interests of protecting the Horse Chestnut tree (listed as T1 in Sylvan Arb report).

16. No external lighting shall be installed until a detailed scheme of lighting has been submitted to, and approved in writing by the local planning authority prior to the commencement of the development. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The submitted lighting scheme shall also be in accordance with the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting'. The scheme of lighting shall be installed, maintained and operated in accordance with the approved details.

Reason: In the interests of amenity and to mitigate against potential adverse effects on bats (and other nocturnal wildlife).

17. The vehicle parking spaces within the application site, as shown on the submitted plans, shall be provided prior to occupation of any dwelling hereby approved and shall be permanently retained for parking thereafter and not used for any other purpose.

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

18. The secure bicycle storage for 2 bicycles per dwelling, as shown on the submitted plans, shall be provided and useable prior to the occupation of the relevant dwelling they are associated with and shall then be permanently retained as such thereafter.

Reason: In the interest of sustainability.

19. The development hereby approved shall be carried out in accordance with the submitted site sections (drawing ref: 18009-P-107).

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

20. Notwithstanding the provisions of the Town and Country Planning General Permitted Development (Amendment) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), and except for what is shown on the approved plans and the details to be approved pursuant to condition 8 of this decision, no development within Schedule 2, Part 1 Classes A, AA, B, D, and E; and Schedule 2, Part 2, Class A, shall be carried out.

Reason: To safeguard the character of the area that falls within Marden Conservation Area and in the in the interests of residential amenity.

Informatives:

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

2. The applicant is advised to consider the fact that the adjacent abattoir runs a 24hr emergency casualty animal facility when submitting details pursuant to condition 14 of this permission.
3. It is the responsibility of applicant to ensure, before development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by Highway Authority. Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Agenda Item 13



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

REFERENCE NO: - 22/502176/FULL		
APPLICATION PROPOSAL: Erection of three detached dwellings. Creation of a new access. (Resubmission of 21/504810/FULL)		
ADDRESS: School House Ashford Road Harrietsham Maidstone Kent ME17 1AJ		
RECOMMENDATION: REFUSE PLANNING PERMISSION		
SUMMARY OF REASONS FOR RECOMMENDATION: <p>Although the principle of the development of the site is supported, the current proposal would have an unacceptable visual impact and would cause harm (at the lower end of the scale) to the setting of a non-designated heritage asset.</p> <p>The proposal would result in harm to the long term health of a tree protected by a Tree Preservation Order and have an unacceptably overbearing and dominant impact on a neighbouring dwelling. The proposal would therefore fail to accord with Local Plan policies SP18, DM1, DM4 or guidance within the NPPF.</p>		
REASON FOR REFERRAL TO COMMITTEE: <p>Harrietsham Parish Council have advised that should the Planning Officer be minded to refuse this application, Councillors would request that it is reported to the Planning Committee.</p>		
WARD: Harrietsham And Lenham	PARISH/TOWN COUNCIL: Harrietsham	APPLICANT: Mr Michael Montila & Mr Antony Lee AGENT: Mr Alex Bateman
CASE OFFICER: Joanna Russell	VALIDATION DATE: 24/05/22	DECISION DUE DATE: 18/11/22
ADVERTISED AS A DEPARTURE: No		

Relevant Planning History

21/504810/FULL - Erection of four detached dwellings with associated access and parking. This was refused for the following reasons:

(1) The proposed dwellings, due to their design, materials, site coverage and siting would have a harmful impact on the character and appearance of this site, the streetscene and the local area with the development failing to respect the existing pattern of development and resulting in a poorly integrated and over-developed scheme contrary to DM1, DM9, and DM12 of the Maidstone Local Plan and guidance in the NPPF (2021).

(2) The proposed dwellings due to their design, materials, massing and siting will have a harmful impact on the setting of the adjacent former Harrietsham Primary school buildings that are a non-designated heritage asset contrary to policies SP18 and DM4 of the Maidstone Local Plan and guidance in the NPPF (2021).

(3) The proposed dwellings due to their design, quantity and siting will have a harmful impact on the amenities of neighbouring properties both in terms of overlooking and loss of privacy and through noise disturbance resulting from the general use of the proposed access road contrary to DM1 of the Maidstone Local Plan and guidance in the NPPF (2021).

(4) The submitted application has failed to demonstrate that the development will provide an adequate standard of living accommodation for future occupiers, especially in respect

of the layout of the development and location of the site between an arterial road (A20) that carries a significant quantity of traffic and the railway line to the rear of the site contrary to DM1 of the Maidstone Local Plan and guidance in the NPPF (2021).

(5) The submitted application has failed to demonstrate that the development will not result in direct harm (construction activity etc) and/or indirect harm (new hardsurfacing and pressure from future occupiers for tree works) to the long term health of the tree protected by a Tree Preservation Order that is located adjacent to the south-east boundary of the site, contrary to DM1 of the Maidstone Local Plan and guidance in the NPPF (2021)

Adjoining site to the west of the application site combined with the current application site

12/2140 Application for a new planning permission to replace extant planning permission MA/08/1767 (Residential development of Harrietsham old school site, including the refurbishment of the existing main school building into 2 No. two bedroom units with additional garage. Refurbishment of existing kitchen house into 1 No. two bedroom unit with integral garage. The erection of 3 No. three bedroom dwellings with garages and 3 No two bedroom dwellings with garages) to extend the time limit for implementation. Approved 21/02/2013

MA/08/1767 Residential development of Harrietsham old school site, including the refurbishment of the existing main school building into 2 No. two bedroom units with additional garage. Refurbishment of existing kitchen house into 1 No. two bedroom unit with integral garage. The erection of 3 No. three bedroom dwellings with garages and 3 No two bedroom dwellings with garages

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.1 The site is located in the designated settlement of Harrietsham (Rural Service Centre). To the south and on the opposite side of the A20 trunk road is a two storey housing development which was a housing allocation site. Immediately to the north of the site lies the railway line. Recent housing lies to the west of the site.
- 1.2 The site was originally part of Harrietsham Primary School grounds, which has been vacant for approximately 15 years. The site has been divided into two parts which were sold separately.
- 1.3 The school and outbuildings which formed part of the second section of the site are located to the east of the current site. The school is in good condition and is a well preserved example of a Victorian village school. It is considered to be a non-designated heritage asset.
- 1.3 The school house and a single storey classroom building are currently on this land. The school house comprises a traditional rectangular building constructed in brick and tile. It is two storeys in height with a pitched roof and gable end flank walls. The classroom is brick with a flat roof. A bungalow (Bellvue) is located towards the front of the site and a two storey property (2 The Friars) located to the rear.
- 1.4 The site contains 3 protected trees and one protected group of trees.

2. PROPOSAL

- 2.1 The proposal is for 3 detached dwellings with integral garages located in a linear manner along the site. The houses have render and brick elevations with quoin detailing. The houses sit approx 2-5m from the side boundaries of the site and each

house is between 15 and 19m wide and 10-11m deep. They are shown as approx 9.2m high.

- 2.2 None of the dwellings contain windows in their flank elevations.
- 2.3 The building which sits closest to Ashford Road is shown as set approx 10m from the front of the site, but set in front of the front line of the two neighbouring buildings.
- 2.4 A driveway from Ashford Road runs along the eastern boundary of the plot to access the three dwellings. Each house provides one garage and approx 2 off road parking spaces.
- 2.5 The proposal shows the removal of one of the protected trees and the protected group.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031)

SS1 Spatial strategy
SP5 Rural Service Centre
SP6 Harrietsham Rural Service Centre
SP18 Historic environment
DM1 Principles of good design
DM3 Natural Environment
DM4 Development affecting designated and non-designated heritage assets
DM12 Density of housing development
DM23 Parking standards

Supplementary Planning Documents:

Maidstone Landscape Character Assessment
Buildings for Life

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

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021. - The Regulation 22 draft is a material consideration however weight is currently limited, as it is the subject of an examination in public that commenced on the 6 September 2022 (hearings are currently adjourned until early 2023). The relevant policies in the draft plan are as follows:

LPRSS1: Maidstone borough spatial strategy
LPRSPR6: Rural service centres
LPRSP12: Sustainable transport
LPRSP14: The environment
LPRSP14A: Natural environment
LPRSP14(B): Historic environment
LPRSP14(C): Climate change
LPRSP15: Design
LPRTRA2: Assessing the transport impacts of development
PRTRA4: Parking
LPRQ&D 1 Sustainable design
LPRQ&D 2: External lighting
LPRQ&D 4 Design principles in the countryside

4. LOCAL REPRESENTATIONS

- 4.1 Harrietsham Parish Council have advised that should the Planning Officer be minded to refuse this application. Councilors would request that it is reported to the Planning Committee.
- 4.2 2 letters of support for the proposal have been received.
- 4.3 1 letter of objection has been received which raises concern about access to the site.

5. CONSULTATIONS

Kent Ecology

- 5.1 Have advised that their comments remain the same as the previous application and that the submitted proposals do not demonstrate how previous biodiversity losses from site clearance are to be compensated for and how biodiversity net gain is to be delivered.

Maidstone Environmental Protection

- 5.2 Have recommended approval subject to the imposition of conditions

Network Rail

- 5.3 Have raised no objection

Kent Highways

- 5.4 Have raised no objection subject to the imposition of conditions.

Maidstone Conservation Officer

- 5.5 'The proposed scheme looks to place 3No large, detached, two-storey (4-bedroom) houses with attached garages. To allow for these properties to be formed on the site, the building line has been brought to the front of the plot, almost in line with the next-door but one neighbour to the west.
- 5.6 The first dwelling is almost completely built-in front of the building line of the school. Any view of the former school when approaching from the west will be blocked until level with the school. At present, the large roof of the school can clearly be seen when approaching from this angle.
- 5.7 The proposed ridge height of the new dwellings is substantially taller than the school building and therefore due to the proposed position of the first dwelling, its height and the large mass, it is considered that this will overpower and dominant the setting of the School.
- 5.8 The proposed design responds to more traditional materials in the use of brick; however, the proposed design looks to have brick with stone quoins, differing size windows and columns, and appears to be a mix of architectural styles, including Georgian/ Classical, as well as trying to respond to the Tudor style offered by the school. This Tudor style was specifically chosen for the school buildings, partly to provide a contrast between the existing dwellings and the use as a school.
- 5.9 Summary - The proposed scheme is considered to cause harm (at the lower end of the scale) to the setting of the school, due to the placing of the property in front of

the building line of the school, the additional height, bulk, and proposed design.

- 5.10 A smaller, subservient structure could be placed forward of the schools building line, but consideration would need to be undertaken of the dwellings behind overpowering the smaller structure. The creation of three large, detached dwellings is considered to overcrowd the plot, and over bear the smaller structure of the school.
- 5.11 The creation of the buffer zone would offer limited benefit, especially as it has been recognised that many 'buffer zones' are reduced to allow natural light or connectivity with the street scene to be undertaken. Therefore, the proposed large house(s), in the proposed design, with garage and parking would bring an urban appearance to this more rural section of Ashford Road. '
- 5.12 Whilst the revised scheme offers traditional materials, the architectural style is a mix, and is considered to compete architecturally with the Tudor inspired School.'

6. APPRAISAL

The key issues are:

- Principle
- Visual Impact
- Impact on the non-designated heritage asset.
- Trees and landscaping
- Residential amenity
- Access/Highways/transport
- Biodiversity

Principle

- 6.1 Guidance in the National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 6.2 Local Plan Policy SS1 relates to the provision of the Borough's housing supply. It demonstrates that local housing targets can be met from within the existing settlements and on sites with the least constraints on the edge of settlements. It describes the most sustainable locations for the provision for new housing within the urban area of Maidstone, with Rural Service Centres as the secondary focus.
- 6.3 Policy SP1 supports the development and redevelopment or infilling of appropriate urban sites in a way that contributes positively to the locality's distinctive character;
- 6.4 The application site is located within the Rural Service Centre of Harrietsham and, for this reason, it is considered to be sited within a sustainable location.
- 6.5 The principle of the development of the site is therefore supported.

Visual Impact

- 6.6 Local Plan Policy DM1 seeks to achieve high quality design in all development proposals, and to achieve this, the Council expects proposals to positively respond to, and where possible enhance, the local, natural and 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.

- 6.7 Policy DM12 sets out that on sites within or adjacent to Rural Service Centres new residential density will be expected to achieve a net density of 30 dwellings per hectare, sets out that new housing should achieve good design, and that the density of the development proposal should not compromise the distinctive character of the area in which it is situated.
- 6.8 The NPPF states that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'
- 6.9 The 3 dwellings are shown sited in an undesirable linear layout with an access road running alongside the boundary with the neighbouring school building. The large buildings occupy a significant amount of the available space. Along with the access road, the site would be heavily built up with little spatial relief, which is exacerbated by the proposed building height.
- 6.10 Revised illustrative plans were produced which showed the height of the buildings reduced to the same as the adjacent school, however these were not confirmed by the applicant as being for formal submission. While the reduced height would be welcomed, it would not ameliorate the overall excessive scale or bulk of built form.
- 6.11 As per the higher submitted plans, the proposed dwelling height would be excessive, particularly in combination with the dwelling width and proximity to the front of the site. The overall impact is of excessive scale and form that would overwhelm the neighbouring buildings and be of a poor spatial quality.
- 6.12 The proposed design responds to more traditional materials in the use of brick; however, the proposed design looks to have brick with stone quoins, differing size windows and columns, and appears to be a mix of architectural styles, including Georgian/ Classical, as well as trying to respond to the Tudor style offered by the school. This Tudor style was specifically chosen for the school buildings, partly to provide a contrast between the existing dwellings and the use as a school.
- 6.13 Whilst the revised scheme offers traditional materials which is an improvement over that previously refused, the architectural style is a mix, and is considered to adversely compete architecturally with the Tudor inspired School.
- 6.14 In summary, the proposal represents an over-development of the site, with dwellings sited in an undesirable linear layout. The proposal demonstrates a poor degree of spatial quality with dwellings of excessive scale. The proposal would have a poor relationship to the streetscene and adjacent buildings and contains a confused mix of architectural styles and therefore lacks cohesion.
- 6.15 The proposal would therefore fail to accord with Local Plan policy DM1, or guidance within the NPPF.

Heritage Impact

- 6.16 Policy SP18 of the Local Plan relates to the historic environment and requires that, inter-alia, the characteristics of heritage assets are protected and design is sensitive to heritage assets and their settings. Policy DM4 of the Local Plan also relates to development affecting designated heritage assets, and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.

6.17 The National Planning Policy Framework states:

'In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.'*

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

- 6.18 The site was originally part of the school grounds of Harrietsham Primary school, which has been vacant for approximately 15 years. It has been divided into two parts which were sold separately. The school and outbuildings which formed part of the second section of the site lay to the east of this site. The buildings comprise a Victorian school and three outbuildings of which two are located along the northern boundary and one is located along the western boundary of the application site. The Victorian school, although it has lain empty for some 15 years, is still in reasonable repair. As the building holds some historic value and would be of significant interest to the locality, there would be an expectation that the building would be retained.
- 6.19 The application site comprises the school house with one school classroom to the rear of the site. These buildings would be demolished as part of the development proposal.
- 6.20 As discussed above, the building line of the closest dwelling to the Ashford Road has been brought to the front of the plot, almost in line with the next-door but one neighbour to the west.
- 6.21 The first dwelling is almost completely built-in front of the building line of the school. Any view of the former school when approaching from the west will be blocked until level with the school. At present, the large roof of the school can clearly be seen when approaching from this angle.
- 6.22 The proposed ridge height of the new dwellings is substantially taller than the school building and therefore due to the proposed position of the first dwelling, its height and the large mass, it is considered that this will overpower and dominant the setting of the School.
- 6.23 The proposed design responds to more traditional materials in the use of brick; however, the proposed design looks to have brick with stone quoins, differing size windows and columns, and appears to be a mix of architectural styles, including Georgian/ Classical, as well as trying to respond to the Tudor style offered by the school. This Tudor style was specifically chosen for the school buildings, partly to provide a contrast between the existing dwellings and the use as a school.
- 6.24 The proposed scheme is considered to cause harm (at the lower end of the scale) to the setting of the school, due to the placing of the property in front of the building line of the school, the additional height, bulk, and proposed design.
- 6.25 A smaller, subservient structure could be placed forward of the schools building line, but consideration would need to be undertaken of the dwellings behind

overpowering the smaller structure. The creation of three large, detached dwellings would overcrowd the plot, and overbear the smaller structure of the school.

- 6.26 The creation of the buffer zone would offer limited benefit, especially as it has been recognised that many 'buffer zones' are reduced to allow natural light or connectivity with the street scene to be undertaken. Therefore, the proposed large houses, in the proposed design, with garage and parking would bring an urban appearance to this more rural section of Ashford Road.
- 6.27 As such, the design, materials, siting and location of the development proposal would have an adverse impact on the setting of the non-designated heritage asset contrary to Local plan policies SP18, DM4, and the NPPF.

Trees and landscaping

- 6.28 Policy DM1 sets out that proposed development should respond to the location of the site and sensitively incorporate natural features such as trees, hedges and ponds worthy of retention within the site. Particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation appropriate to local landscape character around the site boundaries should be used as a positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area.
- 6.29 The following trees will be removed to enable the proposed development:
- T2 to enable the construction of a dwelling
G1 to enable the construction of a dwelling
- 6.30 T1 is shown as retained. Its Root Protection Area (RPA) would, however be encroached by the front most dwelling.
- 6.31 The submitted arboricultural survey identifies that the affected trees are all of good structural integrity and all have a significant number of contribution years. It provides a method statement to attempt to retain the tree.
- 6.32 Despite this, the proposed development would have an adverse impact on the health of the T1 (copper beech) due to the incursion in its RPA. This is particularly considered in light of the previous assessment of the undesirable siting of the dwelling too close to the front of the site. The close proximity of the dwelling to the tree would also have the potential to result in pressure for it to be lopped or felled in future years.
- 6.33 Although landscaping has been shown at the front of Ashford Road to replace the amenity lost through the felling of previous mature trees along the road frontage, its benefit is lost through its proximity to the frontmost dwelling, along with the pressure to be removed in future years.
- 6.34 As such the submitted application fails to demonstrate that the development will not result in direct harm (construction activity etc) and/or indirect harm (new hardsurfacing and pressure from future occupiers for tree works) to the long term health of the tree protected by a Tree Preservation Order that is located adjacent to the south-east boundary of the site, contrary to DM1 of the Maidstone Local Plan and guidance in the NPPF.

Residential amenity

- 6.35 Policy DM1 states that the amenities of occupiers of neighbouring properties and uses should be respected and adequate residential amenities should be provided

for future occupiers of development proposals. Applications should ensure that development does not result in, or is exposed to excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of neighbouring properties.

- 6.36 In response to concerns raised by Maidstone Environmental Protection, further acoustic information has been submitted. This concludes that a suitable noise mitigation scheme has been recommended based on the measured road and railway noise levels including glazing, ventilation and acoustic barrier specifications etc, to ensure an adequate level of protection against noise. Environmental Protection have concluded that these measures should provide enough attenuation to meet the required internal and external acoustic noise criteria as detailed in BS8233:2014. They have therefore raised no objection to this element of the proposal subject to the imposition of conditions.
- 6.37 The nearest properties to the development proposal would be Bellevue and 2 The Friars, located to the west of the site. Bellevue (a bungalow) has two windows on the flank wall adjacent to the boundary with the site, and 2 The Friars has two bedroom windows on the flank wall at first floor level, also adjacent to the site.
- 6.38 The flank elevations of all dwellings are blank with no windows. As such, there would be no overlooking caused to neighbouring occupiers in this regard.
- 6.39 Any windows on the ground floor level could reasonably be prevented from overlooking issues by maintaining acceptable boundary treatments.
- 6.40 Plot 2 sits approx 3m from the side boundary with neighbouring Bellvue which is a bungalow. In addition, the two storey element of plot 1 sits approx 5m from the same boundary, and is set a little further forward of the bungalow. Both the dwellings are shown at approx 5.7m height to their eaves and 9.3m in total.
- 6.41 The dwellings extend across the side elevation and boundary of the bungalow at Bellvue by a total of approx 16.9m at two storey level.
- 6.42 Given the extent of boundary that built form would run across, and its height, along with its proximity to the boundary with Bellvue, and that the neighbouring property is a bungalow, the proposal would have an unacceptably overbearing impact on the dwelling and in this regard would be contrary to policy and cannot be supported.

Access/Highways/Transport

- 6.43 Local Plan policy DM1 sets out that new development should provide adequate vehicular and cycle parking to meet adopted council standards, and policy DM23 encourages good access routes through the site with electric charging points incorporated into the development proposals.
- 6.44 Parking standards require a maximum of two independently accessible parking spaces for a four bedroom dwelling in this location. The provision shown on the plans is acceptable and KCC Highways have not objected to the development proposal.
- 6.45 KCC Highways have also required that a Section 278 Agreement between applicant and KCC, to enable bus stop location to be moved be required by condition. This along with the requirement for electric charging parking provision could be satisfactory dealt with by condition.

Biodiversity

- 6.46 Local Plan policy DM3 encourages development that responds to the natural environment by ensuring that it protects and enhances it where appropriate.
- 6.47 The applicant has already stripped the land of all trees and landscaping, so the chance of any biodiversity remaining on the site is unlikely.
- 6.48 Kent Ecology have advised that the submitted proposals do not demonstrate how previous biodiversity losses from site clearance are to be compensated for and how biodiversity net gain is to be delivered. These matters could be dealt with by condition in the event of an approval being issued.

PUBLIC SECTOR EQUALITY DUTY

- 6.49 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

- 6.50 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

- 7.1 Although the principle of the development of the site is supported, the current proposal would have an unacceptable visual impact. The proposal represents an over-development of the site, with dwellings sited in an undesirable linear layout. The proposal demonstrates a poor degree of spatial quality with dwellings of excessive scale. The proposal would have a poor relationship to the streetscene and adjacent buildings, and contains a confused mix of architectural styles which therefore lacks cohesion.
- 7.2 The siting of plot 1 would block views from the wests of the non designated heritage asset school building. The height and scale of the development would overwhelm and dominate its setting. The design of the buildings would compete with the school building.
- 7.3 As such, the proposed scheme would cause harm (at the lower end of the scale) to the setting of the non designated heritage asset, due to the placing of the property in front of the building line of the school, the additional height, bulk, and proposed design.
- 7.4 The submission to demonstrate that the development will not result in direct harm (construction activity etc) and/or indirect harm (new hardsurfacing and pressure from future occupiers for tree works) to the long term health of the tree protected by a Tree Preservation Order that is located adjacent to the south-east boundary of the site.
- 7.5 The proposal would have an unacceptably overbearing and dominant impact on the neighbouring dwelling at Bellevue.

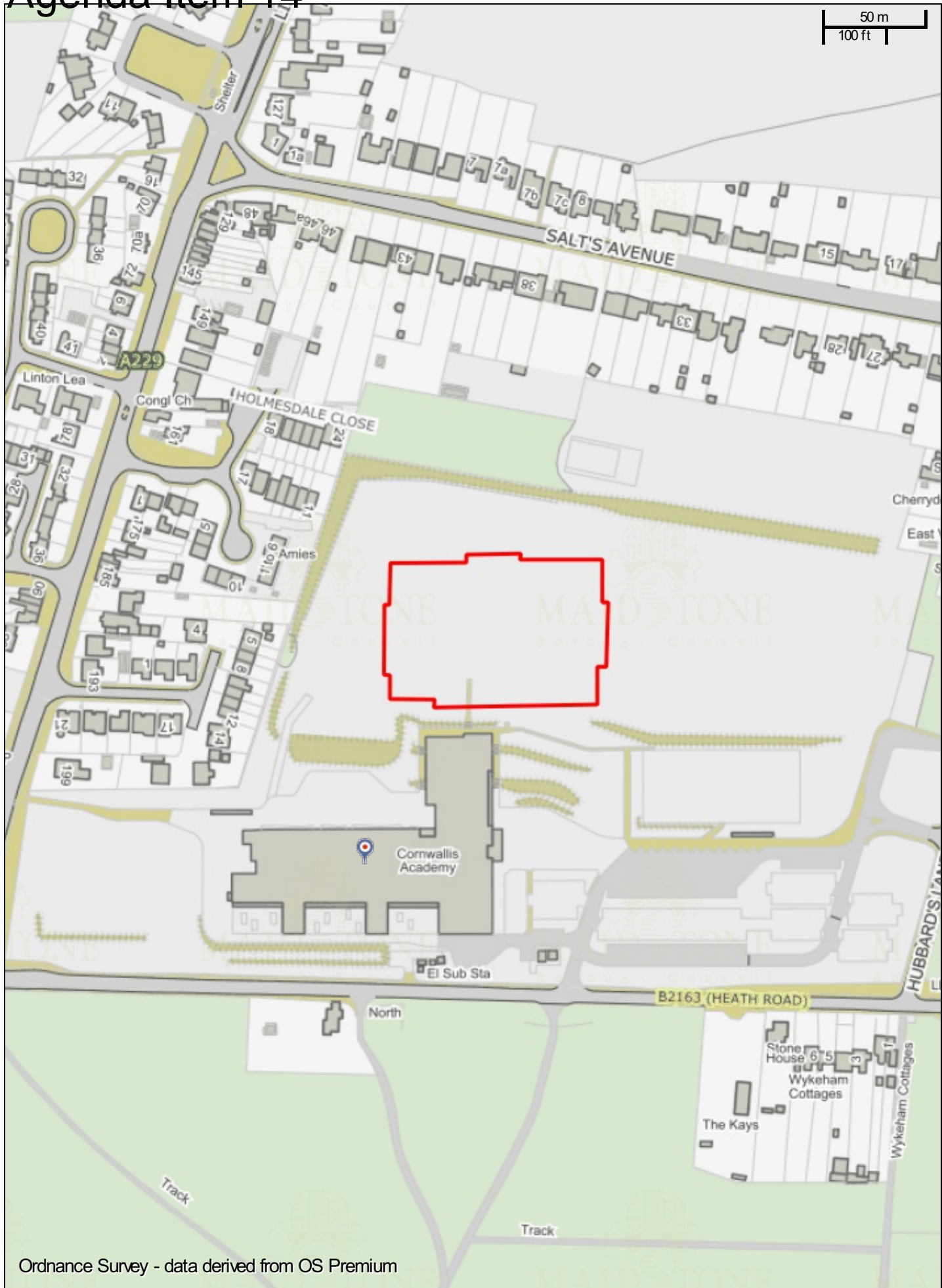
- 7.6 The proposal would therefore fail to accord with Local Plan policies SP18, DM1, DM4 or guidance within the NPPF.
- 7.7 Despite the acceptability of the principle of the development of the site, the current proposal, on balance and for the reasons detailed above, fails to accord with local plan policy and it is therefore recommended that permission is refused.

7. RECOMMENDATION

REFUSE PLANNING PERMISSION for the following reasons:

- 1) The proposal would have a harmful impact on the character and appearance of the site, the streetscene and the local area due to overdevelopment, poor spatial quality, scale and layout contrary to policy DM1 of the Maidstone Local Plan and guidance in the NPPF.
- 2) Due to design, scale, massing and siting, the proposal will have a harmful impact on the setting of the adjacent former Harrietsham Primary school building which is a non-designated heritage asset, contrary to policies SP18 and DM4 of the Maidstone Local Plan and guidance in the NPPF.
- 3) The submission fails to demonstrate that the development will not result in direct and/or indirect harm to the long term health of a tree protected by a Tree Preservation Order contrary to policy DM1 of the Maidstone Local Plan and guidance in the NPPF.
- 4) The proposal would have an unacceptably overbearing and dominant impact on the neighbouring dwelling contrary to policy DM1 of the Maidstone Local Plan and the NPPF.

Agenda Item 14



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

REFERENCE NO: - 22/503920/FULL		
APPLICATION PROPOSAL: Creation of a 3rd generation artificial grass pitch (AGP) with perimeter fencing, new macadam hardstanding area, 15-metre-high floodlight columns, soil bundling, goal storage areas and team shelters.		
ADDRESS: Cornwallis Academy, (The Cornwallis School) Hubbards Lane, Boughton Monchelsea, ME17 4HX		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions (subject to no adverse comments and any additional conditions recommended in a consultation by Sport England and KCC Highways)		
SUMMARY OF REASONS FOR RECOMMENDATION: <ul style="list-style-type: none"> • The need for a new artificial grass pitch in the borough has been identified separately in two different assessments, with a particular gap in provision found in the south of the borough. • The loss of an area of the existing playing fields is in line with Sport England exception as the provision of the facility will provide sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of an area of the existing playing field. • With the housing on neighbouring roads a sufficient distance away and with existing intervening landscape screening supplemented by landscaping sought through a condition it is concluded that there is no significant visual impact. • The submitted noise assessment and lighting design information were found to be acceptable in relation to the potential impact on amenity. Additional measures such as a noise management plan and an acoustic fence are proposed to further reduce noise disturbance. • The existing academy site benefits from existing infrastructure such as changing rooms, a large car park with coach parking with separate entry and egress points on to Hubbards Lane the access was found to be acceptable with no 'severe' impact on the highway network. 		
REASON FOR REFERRAL TO COMMITTEE: The application has been referred to committee at the request of Loose Parish Council, with summarised comments from the parish council in section 4 below.		
WARD: Loose	PARISH COUNCIL: Loose	APPLICANT: Cornwallis Academy AGENT: Surfacing Standards Limited
CASE OFFICER: Gerald Chibumu	VALIDATION DATE: 23/08/22	DECISION DUE DATE: 23/12/22
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

NB: The planning applications below were considered by KCC as the site at that time was occupied by KCC run The Cornwallis School. Cornwallis School closed on the 31 August 2007 and the site redeveloped as Cornwallis Academy (08/2186 below). The current planning is submitted to Maidstone BC as the site is no longer run by KCC following the change to an academy.

- 77/1530 Use of land as additional playing field

- 87/1578 Provision of additional playing fields
- 75/0993 Erection of 3m high black plastic coated chain link boundary fencing
- 82/1427 Use of land as playing fields for Cornwallis School
- 08/2186 - Maidstone Borough Council consultation by Kent County Council for the demolition of existing school buildings (Cornwallis School), erection of new academy (Cornwallis Academy), provision of outdoor playing pitches, new 4 court MUGA, 220 car parking spaces including 14 disabled parking spaces, 250 bicycle spaces, strategic landscaping works and associated circulatory access roads. MBC raised no objection to the planning application which was being considered by KCC - 08/01/2009.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 For the purpose of the Maidstone Borough Local Plan 2017, the application site is located in the countryside. The site has no special landscape designation. The site is in the KCC minerals safeguarding area and a site of potential archaeological importance.

Site layout approved by KCC under 08/2186



- 1.02 The application site, whilst in the countryside, is located close to four settlements as follows:
- *West - along the B2163 (Heath Road) the boundary of the designated larger village of Boughton Monchelsea is circa 0.9km from the site.*
 - *East - along the B2163 (Heath Road) the boundary of the designated larger village of Coxheath is circa 0.7km from the site.*
 - *North - along the B2163 (Heath Road) and A229 (Linton Road) the Maidstone Urban area boundary is circa 1.6km from the site*

- *South - along the B2163 (Heath Road) and A229 (Linton Road) Linton Village (St Nicholas's Church) is circa 0.9km from the site.*

- 1.03 The application site is an area of land within the existing playing fields of Cornwallis Academy (ages 11 – 19). The main school buildings and car park are located to the south of the playing fields.
- 1.04 Whilst located in the countryside, high density residential housing is located to the west of the playing fields in cul de sacs off Linton Road (Hansen Drive and Holmesdale Close).
- 1.05 Housing with a suburban layout is located to the north along Salt's Ave with housing bordering part of the boundary to the east along Hubbards Lane. There is a vegetated buffer zone to these east, west and north boundaries of the playing fields. The proposed facility is 50 metres from the rear elevation of the closest residential property.
- 1.06 Cornwallis Academy is located to the northeast of the signalised crossroads (known as Linton Crossroads) where Linton Road/Linton Hill (A229 running north south) meets Heath Road (B2163 running east west). The separate vehicle access and egress points to Cornwallis Academy are on the eastern boundary in Hubbards Lane.

2. PROPOSAL

- 2.01 Planning permission is sought for the creation of 3G artificial grass pitch (AGP) with perimeter fencing, new macadam hardstanding area, 15-metre-high floodlight columns, soil bundling, goal storage areas and team shelters.

- 2.02 The applicant has provided the following supporting information:

- *"This application seeks planning permission to create a new external Artificial Grass Pitch (AGP) in order to contribute to the improvement of sporting and recreational facilities at Cornwallis academy.*
- *The provision of a new AGP will provide increased usage in comparison to the existing grassed playing field, for benefit of the Academy, partner organisations and sports clubs in the surrounding area, via pre-arranged and structured access.*
- *The new AGP will offer a variety of football pitches and training areas within the same enclosed playing space to support development plans into grassroots football.*
- *In accordance with The Football Association's (FA) current technical guidance, the aspiration is to introduce multiple pitch markings to gain the maximum football developmental outcomes and benefit from the site footprint."*

<i>The AGP will be capable of supporting the following formal pitch arrangements: Size and Age grouping</i>	<i>Quantity</i>
<i>Main pitch size 100m x 64m (Over 18/ Adult Football) in white</i>	<i>1</i>
<i>63.8m x 46m* (U11/U12, 9v9) in blue</i>	<i>2</i>
<i>55m x 37m (U9 / U10, 7v7) in yellow</i>	<i>2</i>
<i>37m x 27m (U7 / U8, 5v5) in red</i>	<i>4</i>
<i>48m x 30m training grids in red</i>	<i>4</i>
<i>* 63.8m x 46m smaller than recommended size, but acceptable for match play use</i>	

- 2.07 The applicant advises that the aims of the project are as follows:
- *Provide opportunities for the local community and sports organisations to participate in sport and physical activity for health improvement and development of their skills, particularly amongst low participant groups;*

- *Operate in line with the national agenda for sport taking into account nationally adopted strategies.*
- *Generate positive attitudes in sport and physical activity by young people and reducing the dropout rate in sports participation with age.*
- *Increase the number of people of all ages and abilities participating in sport and physical activity including people with disabilities.*
- *Use the facilities to encourage the range, quality and number of sports club links and to stimulate competition that is inclusive of young people and adults.*
- *Provide affordable access to the facilities and to be self-financing in terms of community use.*
- *Contribute to The Football Association's strategic objectives for grassroots football development.*
- *Satisfy competition play and training needs with a robust sustainable business plan to monitor the delivery of the football development plan on a regular basis. The committee will review a variety of objectives and controls to correctly manage, adequately operate and maintain the facility.*
- *Ensure the AGP, once subjected to performance testing to validate necessary quality standards, is added to the FA register of approved sites for match play.*

3G Artificial grass playing surface

2.03 The following information is supplied:

- *The installed appearance of the playing surface will comprise a 3G artificial turf containing a 50mm pile and partially in-filled with silica sand (for stability) and granulate rubber (for performance), coloured grass green. This is consistent with current Football Association (FA) technical requirements to deliver adequate performance characteristics for the intended sporting activities.*
- *This surface type is recognised as the most suitable artificial playing surface for community football and youth football development.*
- *This surface type is credited as 'preferred football surface' and 'surface for high level competition / training' within Sport England's guidance document 'Selecting the Right Artificial Surface for Hockey, Football, Rugby League and Rugby Union' Issue 002 / December 2010".*

Images showing the type of ball stop fencing that is proposed



Ball Stop Fencing Discreet Against a Rural Background



High Level Ball Stop Fencing

Perimeter ball stop fencing

2.04 The following information is supplied:

- *"The proposed type and quality of ball-stop fencing is consistent with current Football Association (FA) technical requirements for fencing to enclose artificial grass sports pitches.*
- *The installed appearance of perimeter ball stop fencing (4.5m high) and a pitch perimeter barrier (1.2m high and 2.0m high) will be polyester powder coated RAL6005 Moss Green.*
- *The fencing type will be steel open mesh fencing containing a general 200x50mm aperture*

- *Fence panels are insulated from the posts using neoprene washers to be fitted to every fence post / mesh fixing point to aid noise reduction and acoustic attenuation by reducing rattle and vibration from ball impacts.*
- *Panels are fixed onto posts with 8mm galvanised security bolts to (U shape) brackets containing threaded inserts and neoprene washers (inserts) to reduce panel rattle and vibration from ball impacts”.*

Lighting

2.05 The following information is supplied:

- *Lighting “...will include six (6no.) slimline 15m high sectional hinged steel masts finished galvanised (Z275) self-coloured, mounted with sixteen (16no.) slimline LED luminaires and fittings finished raw aluminum.*
- *The LED floodlighting system will also have functionality and controls to dim the lighting to 10lux in order to act as amenity lighting to safely allow users to enter and vacate the site and follow the proposed lit pathway out from the site”.*

Hard standing and maintenance equipment storage container

2.06 The following information is supplied:

- *“The...new hard standing areas (access pathway, goal storage recesses/alcoves, ‘respect’ spectator viewing area) will be grey / black coloured porous asphalt.*
- *...the new maintenance store will be steel, powder coated RAL 6005 moss green to match the perimeter fence and measuring 2.59 metres in height”.*

Aerial image of application site location



3.00 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2017): policies
SS1: Maidstone borough spatial strategy
SP11: Larger villages
SP12 Boughton Monchelsea Larger Village
SP13: Coxheath larger village
SP17: Countryside
SP18: Historic environment (Archaeology)
DM1: Principles of good design
DM3: Natural environment
DM4: Development affecting heritage assets (Archaeology)
DM8: External lighting

DM20: Community facilities
DM23: Parking standards
DM30: Design principles in the countryside

- Loose Neighbourhood Plan (2019): policies
LP1 Views across village & countryside
LP3 Design of development in the countryside
LP4 Natural environment in Loose
DQ1 Design quality
- Landscape Character Assessment (2013) and Supplement (2012)
- Landscape Capacity Study: Sensitivity Assessment (2015)
- Kent and Medway Structure Plan 2006 Supplementary Planning Guidance (SPG4): Vehicle Parking Standards
- The National Planning Policy Framework (NPPF) (revised 2021)
- National Planning Practice Guidance (NPPG)
- Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021. - The Regulation 22 draft is a material consideration however weight is currently limited, as it is the subject of an examination in public that commenced on the 6 September 2022 (hearings are currently adjourned until early 2023). The relevant policies in the draft plan are as follows:

LPRSS1: Maidstone borough spatial strategy
LPRSPR6: Rural service centres
LPRSPR6(A): Coxheath
LPRSP9: Development in the countryside
LPRSP12: Sustainable transport
LPRSP14: The environment
LPRSP14A: Natural environment
LPRSP14(B): Historic environment (Archaeology)
LPRSP14(C): Climate change
LPRSP15: Design
LPRTRA2: Assessing the transport impacts of development
PRTRA4: Parking
LPRINF1: Publicly accessible open space and recreation
LPRINF2: Community facilities
LPRQ&D 1 Sustainable design
LPRQ&D 2: External lighting
LPRQ&D 4 Design principles in the countryside

- Sport England's Planning for Sport Guidance (June 2019)
- MBC Playing Pitch Strategy November 2020 (evidence for Local Plan Review).
- Football Association Maidstone 'Local Football Facilities Plan'

4.00 LOCAL REPRESENTATIONS

- 4.01 In response to public consultation 105 representations have been received and these representations are divided as follows:
- 34 representations objecting to the application.
 - 71 representations supporting the application.
- 4.02 The 34 objections to the proposal are made on the following summarised grounds:
- Noise and disturbance
 - Light pollution
 - Traffic congestion
 - Air quality
 - Commercial enterprise
 - Quality of life

- Property values
- Wildlife
- disrupt our sleeping schedules, impacting our everyday lives
- mental health with deprivation of sleep caused by the intrusive noise.
- Would support purely school use
- Would support an athletics track

4.03 The 71 comments in support of the proposal are on the following summarised grounds:

- Community and sports facility for local children.
- Facility will help to build networks within sports community
- Challenge local distasteful campaign against this new facility
- Golden opportunity to address the criticism relating to a lack of infrastructure connected to new housing development.
- Fantastic opportunity to enhance opportunities for girls football following success of local girl Alessia Russo.
- Will help youth behaviour issues
- Any additional resource that promotes physical activity, teamwork and sporting discipline should be weighed very carefully and with a high degree of favour particularly when targeted at young people.
- We want them to be active and engage in clubs and sport. This is fundamental to their physical and mental wellbeing.
- Saddened to hear that a local group has sent a very emotive letter worrying residents, making assumptions that are totally unfounded.
- Site will be expertly managed with strict protocols for use both in and out of school hours.
- Marden Academy recently installed a 3G pitch to a neighbouring retirement bungalow and have managed to co-exist happily.
- A 3G pitch located at Linton would be of a great benefit to the Cornwallis School and also the wider community.
- Disappointing and senseless that the town football club needs to use Medway town facilities due to the lack of our own.

Cornwallis Academy entrance elevation (facing east towards Hubbards Lane)



Loose Parish Council

4.04 Objection on the following grounds and if officers are minded to approved request that the application is called in to a planning committee:

- The location with residential properties in proximity on 3 sides. *(Officer comment: As set out below adjacent properties are separated by sufficient distance and screening to avoid the significant additional harm that would be needed to justify the refusal of planning permission. The potential impact is*

- further reduced by conditions relating to the control the floodlight illumination hours, the construction of the facility and the noise management plan)
- Contrary to NPPF paragraph 99 as facility will be for hired by competitive football clubs and teams and will not be available for recreational use by local community. (Officer comment: The future use of the facility will be the subject to a community use agreement that will be sought through a planning condition – the proposal is considered in line with the advice at NPPF para 99)
 - Contrary to NPPF paragraph 185 as proposal does not
 - a) mitigate and reduce noise to a minimum and avoid harm to health and quality of life. (Officer comment: These properties are separated by sufficient distance and screening to avoid sufficient additional harm to justify the refusal of planning permission, this potential impact is considered in the main part of this report)
 - b) protect tranquil areas "...which have remained relatively undisturbed by noise and are prized for their recreational and amenity value". (Officer comment: The application site is on existing school playing fields and the sport use is retained)
 - c) "limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation" (Officer comment: These properties are separated by sufficient distance and screening to avoid sufficient additional harm to justify the refusal of planning permission, this potential impact is considered in the main part of this report)
 - Noise and light pollution, impact on well-being and long hours of use (Officer comment: The application site is on existing school playing fields that are currently available for sport during the hours of daylight (longest day sunrise to sunset 04:42 – 21:21, this potential impact is considered in the main part of this report)
 - Parking and access issues (Officer comment: The application site is on existing school site with a large car park and space for coaches, this potential impact is considered in the main part of this report)
 - Fail to enhance local environment and will change the local dynamic. (Officer comment: The application site is on existing school playing fields that are used for sport and this use will not change as a result of this proposal.)
 - There are a good number of quality all weather pitches south of Maidstone already in less residential areas. (Officer comment: two separate studies have indicated a need for new artificial pitches especially in the south of the borough)

5.00 CONSULTATIONS

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

Mid Kent Environmental Health

- 5.01 No objection subject to conditions on hours of use (08:00 to 22:00hrs Monday to Friday, 08:00 to 18:00hrs on Saturdays, Sundays & Bank Holidays), and the submission and adherence to an approved noise management plan.

KCC Minerals and Waste Planning Policy Team

- 5.02 The County Council has no minerals or waste management capacity safeguarding objections or comments to make regarding this proposal.

KCC Highways

- 5.03 Response to follow

Sport England

- 5.04 Response to follow

6.00 APPRAISAL

6.01 The key issues are:

- Need
- Loss of existing natural turf playing surface
- Character and appearance (SP17, DM1, DM30)
- Residential amenity (DM1, DM8)
- Access, parking and traffic (DM1)
- Landscaping ecology and biodiversity (DM3)

Need

- 6.02 The advice in the NPPF (para 98) is that *"Access to ... opportunities for sport and physical activity is important for the health and well-being of communities..."* Sport England's Planning for Sport Guidance (June 2019) sets out the importance of promoting healthy communities and achieving sustainable development.
- 6.03 The 'Local Football Facilities Plans' (LFFPs) produced by the Football Association for each local authority in England aim to provide a guide for investment in facilities. The Maidstone LFFP was published in July 2020 and contains the following key findings:
- There are currently four full-sized '3G' football turf pitch in Maidstone, plus one slightly smaller facility at the YMCA.
 - A full-sized World Rugby Regulation 22-compliant artificial grass pitch is planned at Maidstone Grammar School and whilst the primary use will be for rugby, there will be some football training usage.
 - The '3G' pitch surface at Maplesden Noakes School is poor quality and needs to be replaced.
 - There is a current requirement for two further full-sized '3G' football turf pitches in the borough to meet current needs.
 - The existing facilities are located in Maidstone town and Lenham, which leaves gaps in the south of the borough.
- 6.04 As part of the evidence base for the Local Plan Review the MBC Playing Pitch Strategy was published in November 2020. The Playing Pitch Strategy provides a baseline for current and future supply and demand assessments and sets out a vision with a strategic approach to sport and recreation provision in the Borough in the short, medium and long term (to 2037). The strategy also establishes the principles to help inform where future resources should be focussed to ensure that proposed provision of pitches and related facilities will meet future demand and reflect sustainable development objectives.
- 6.05 The Playing Pitch Strategy found an issue with securing football pitches for community use with 25% of pitches on unsecured sites and a particular issue with '3G' pitches, where two of the five full-sized pitches found to be on sites with unsecured community use.
- 6.06 The FA Maidstone 'Local Football Facilities Plan' and the Playing Pitch Strategy (carried out on behalf of the Maidstone Council) both identify a need for two additional 3G football pitches like the pitch that is currently proposed as part of this planning application.

Loss of existing natural turf playing surface

- 6.07 The NPPF advises *"Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless...the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use"* (para 99). Sport England exception E5. Exception E5 states that the loss of a natural turf playing field is acceptable where

"The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields".

- 6.08 The benefits from the Artificial Grass Pitch (AGP) over a natural turf surface include continuous use throughout the year and efficient use due to its artificial grass surface and floodlighting allowing community use. It is found that the loss of the area of natural turf playing fields is acceptable on these grounds.
- 6.09 The application site is located in the countryside and the starting point for assessment of applications in the countryside is Local Plan Policy SP17. Policy SP17 states that development proposals in the countryside will not be permitted unless:
- a) they will not result in harm to the character and appearance of the area, and
 - b) they accord with other Local Plan policies

SP17 a) Character and appearance.

- 6.10 Policy SP17 states that development proposals in the countryside will not be permitted unless: a) they will not result in harm to the character and appearance of the area. Policies DM1 (Principles of good design) and DM30 (Design principles in the countryside) also consider the potential impact of proposals on existing character.
- 6.11 The submitted proposal will impact on the character and appearance of the existing playing fields. The magnitude of the impact on existing character and appearance needs to be considered and then balanced against the extent to which the proposal accords with other Local Plan policies and any other material considerations that are present.
- 6.12 The application site is located on the existing playing fields of Cornwallis Academy. The playing fields border the rear gardens of residential properties to the west, north and partially to the east. This adjoining residential development is generally of urban and suburban density and layout. The school buildings of up to 4 storeys in height and car park are located to the south of the site that is adjacent to Heath Road.
- 6.13 The new artificial grass pitch is located closest to the western site boundary. This western boundary has existing screening provided by a vegetated border of between circa 15 and 23 metres in depth. This border contains Oak, Scots Pine, Common Beech, Bramble, Poplar, Spruce. To the north of the proposed site of the facility, the vegetated border is made up of Common Ash, Bramble, Poplar, Scots Pine and Common Hawthorn.
- 6.14 The perimeter ball stop fencing (4.5m high) and a pitch perimeter barrier (1.2m high and 2.0m high) will be polyester powder coated in a discreet colour of RAL6005 Moss Green. The proposal includes six 15m high slimline floodlight masts with associated luminaires around the perimeter of the Artificial Grass Pitch (AGP). The floodlight masts with a galvanised (Z275) self-coloured finish are slim profile tubular steel masts. The height of the masts is required to ensure that lighting is directed to where it is required, and it is considered that the slimline mast design will reduce the visual impact to an acceptable level.
- 6.15 The proposal site, whilst in the countryside is read in the context of the existing academy and its existing infrastructure including play equipment, and existing boundary planting. In this context the facility would not have a significant impact on local character and appearance, the proposal would not appear visually incongruous or dominant within the countryside.
- 6.16 Policy LP1 of the Loose Neighbourhood Plan states that consideration should be given to *'...identified short and long-range views across the countryside and the*

village...". The application site is on playing fields that are almost entirely enclosed by existing built development with areas of landscaping on a proportion of the site boundaries. In this context the application is in accordance with Policy LP1 of the Loose Neighbourhood Plan. The proposal providing sports facilities on existing playing fields is considered in line with policy LP3 Design of Development in the Countryside.

SP17 b) Accordance with other Local Plan policies

- 6.17 Policy SP17 states that development proposals in the countryside will not be permitted unless: b) they accord with other Local Plan policies.
- 6.18 Other relevant Local Plan policies include SS1 (Spatial strategy), SP11: Larger villages, SP12 (Boughton Monchelsea larger village) SP13 (Coxheath larger village), DM1 (Principles of good design – Amenity and access) DM3 (Natural environment), DM8 (External lighting) DM20 (Community facilities) and DM23: Parking standards

Site location – Policy SS1 (Spatial Strategy)

- 6.19 Policy SS1 advises that as the most sustainable location in the borough, the Maidstone urban area will be the principal focus for development in the borough. The roles of the rural service centres will be reinforced by directing suitable development and supporting infrastructure to Harrietsham, Lenham, Headcorn, Marden and Staplehurst.
- 6.20 The Local Plan advises "*The five larger villages(including Boughton Monchelsea and Coxheath) have fewer services than rural service centres, but can still provide for the day-to-day needs of local communities and the wider hinterland.*" (para 4.21). The Local Plan states "*The roles of the larger villages ... will be maintained through the delivery of limited development, where appropriate, together with supporting infrastructure*" (Spatial vision Page 8).
- 6.21 The application site, whilst located in the countryside, is within easy reach of the two larger villages of Boughton Monchelsea and Coxheath and the Maidstone Urban Area with pavements available to pedestrians to all these destinations from the application site and in all directions from Linton Crossroads. The site is an existing school and Local Plan policies SP11, SP12 and SP13 state that key services will be retained and supported in the larger villages.
- 6.22 The application site is an existing educational facility with supporting infrastructure already in place such as changing facilities, a large car park, coach parking and cycle parking. Whilst the site is not in a designated settlement, the site is in easy reach of two larger villages and the urban area. The Maidstone LFFP found a gap in similar sports pitch provision in the south of the borough and the current proposal would assist in meeting this need.
- 6.23 In the context of the existing academy use on the site which the proposed facility will support and the existing accessibility of the site, the site location is found to be acceptable in relation to Local Plan policy SS1.

Community facilities - Policy DM20 (Community facilities)

- 6.24 The supporting text to policy DM20 Community facilities advises that "*In order to build well-functioning, sustainable communities, it is essential that adequate community facilities are provided*" (para 6.94). The NPPF emphasises the importance of creating healthy, inclusive communities, with appropriate facilities, to create attractive residential environments. The Infrastructure Delivery Plan lists the key social infrastructure needed to support the level of development planned for the borough. Community facilities encompass educational...recreational facilities, including schools...and sports venues.

- 6.25 Policy DM20 states "The council will seek to ensure, where appropriate, that providers of education facilities make provision for dual use of facilities in the design of new schools and will encourage the dual use of education facilities (new and existing) for recreation and other purposes". The supporting text (para 6.96) adds *"School premises are generally only in operation during particular hours. These sites offer opportunities to provide additional community uses outside of school hours. Such dual uses can increase the range of community facilities and can help to maximise land usage in a suitable manner. The council will therefore encourage dual usage of educational premises in appropriate circumstances"*.
- 6.26 Sport England's Planning for Sport Guidance (June 2019) sets out the importance of promoting healthy communities and achieving sustainable development. The guidance mentions that many educational sites have very good sports facilities which are often underused out of normal school hours. The document covers issues such as community use agreements and provides guidance on how they should be managed and to provide a safe environment as well as setting out how the community use is intended to operate.
- 6.27 The proposed playing surface offers greater resilience to adverse weather conditions and greater evening use especially in the winter months with the introduction of floodlighting. This is considered in line with the stated objectives of the Loose Neighbourhood plan (objective 4) which include seeking more efficient use of land and resources. A planning condition is recommended to seek the submission and approval of a formal community use agreement and for the facility to only operate in accordance with this agreement.

Residential amenity Policy DM1 Principles of good design

- 6.28 Amies House is a two storey block of 6, one bed flats in Holmesdale Close which is to the west of the application site.
- 6.29 The rear elevation of Amies House faces towards the shared boundary with Cornwallis School. At the closest point a distance of circa 50 metres separates this block from the closest part of the new facility. Within these circa 50 metres, there is a distance of circa 15 metres separating Amies House from the Cornwallis School boundary and a circa 22 metre deep vegetated area that includes several trees (T8 to T10).

Aerial image and proposed plan of the facility and the eastern site boundary



- 6.30 The rear elevation of terraced and detached properties in Hanson Drive face towards the shared boundary with Cornwallis School. At the closest point a distance of circa 58 metres separates these properties from the closest part of the new facility.
- 6.31 Within these 58 metres, there is a distance of circa 11 metres between the nearest property and the Cornwallis School boundary, a circa 16 metre deep vegetated area that includes several trees (T4 to T6) and a proposed earth bund that is up to a maximum height of 1.5 metres.
- 6.32 Detached and semi detached houses in Salt's Avenue are located to the north of Cornwallis Academy. At the closest point a distance of circa 124 metres separates

these properties from the closest part of the new facility. Within these 124 metres, there is a vegetated area of circa 37 metres along the majority of the boundary to the north of the proposed facility and the Cornwallis School boundary, that includes several trees (T122 to T21).

- 6.33 Detached houses in Hubbard's Lane border the northern section of the eastern site boundary. The closest property in Hubbard's Lane is circa 175 metres from the new facility with intervening landscape screening and two existing and retained natural turf pitches.

Noise and disturbance

- 6.34 Policy DM1 encourages new development to respect the amenities of neighbouring properties by ensuring that development does not result in, or is exposed to, excessive noise, air pollution, activity or vehicular movements, overlooking or visual intrusion.

Aerial image and proposed plan of the facility and the northern site boundary



- 6.35 The guidance recognises that noise associated with sport can come from various sources such as the players and balls hitting boards on artificial grass pitches. The guidance sets out that with appropriate siting and suitable mitigation measures, acceptable noise levels can be achieved without adversely affecting surrounding uses.
- 6.36 The current application is supported by a noise impact assessment. The noise impact assessment used noise levels measured at nine sports sessions on four separate existing AGPs. The measurements then provided a 'typical' noise level for an AGP sports session. A noise model was then generated for the application site the development site based on these measurements
- 6.37 The predicted noise levels were found to be in line with World Health Organisation guidance which states "*To enable casual conversation indoors during daytime, the sound level of interfering noise should not exceed 35 dB LAeq. British Standard 8233:2014 provides the same noise criteria for a bedroom during the daytime period*".

- 6.38 The noise impact assessment noted "...we would expect that the development would potentially be noticeable but not intrusive and would result in 'no observed adverse effect'. This is defined in the NPPG as 'Noise can be heard, but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life'". The noise impact assessment found: "The predicted maximum noise level from voice and ball impact, are within the criteria and is thus considered acceptable"
- 6.39 Notwithstanding the findings of the noise impact assessment that noise levels will be acceptable, a number of measures are proposed to further reduce the potential noise disturbance to neighbouring properties.
- 6.40 These measures include the submission for approval of a noise management plan that will contain a procedure for the submission and assessment of any future complaints. Conditions will seek to ensure that the ball stop fencing is constructed with impact softeners to reduce the 'rattling' associated with ball impacts and the implementation of a no whistle policy. A planning condition is recommended seeking the installation of an acoustic fence. The condition will seek details of the height, materials and location of the proposed acoustic fence to be submitted, approved in writing and installed prior to the first use of the approved facility.
- 6.41 The Council's Environmental Health officer has assessed the submitted information and has raised no objection in relation to the noise generated by the current proposal. These comments are made on the basis that then use of the facility is restricted to between the hours 0800hrs to 2200hrs Monday to Friday and 0800hrs to 1800hrs on Saturdays, Sundays and Bank Holidays, and the submission and adherence to an approved noise management plan.

Lighting

- 6.42 Sport England's Planning for Sport Guidance (June 2019) mentions lighting of outdoor sports facilities which can provide extended hours and this is considered critical to long-term viability. It is reported that significant recent advances in lighting technology minimise the impact on local amenity and neighbouring properties.
- 6.43 The supporting text to DM8 (para 6.51) states "The council recognises that carefully designed external lighting can enhance the night-time economy and have benefits for security and the viability of recreational facilities. Policy DM8 advises that *"Proposals for external lighting criteria will be permitted: i. It is demonstrated that the minimum amount of lighting necessary to achieve its purpose is proposed; ii. The design and specification of the lighting would minimise glare and light spillage iii. The lighting scheme would not be visually detrimental to its immediate or wider setting"*.
- 6.44 The submitted proposal includes 6x15 metre slimline high floodlighting columns. In support of the application the applicant has provided a Floodlighting Scheme plan, a Floodlighting Performance Report, LED Floodlight Data Sheet and Institute of Lighting Professional Guidance Notes.
- 6.45 The applicant advises that the lighting will have "An intelligent control system...that allows pre programmable switching of the lights for each allocated time slot to ensure lights are extinguished at the curfew hour every night of use". The system will "...operate within a pre-programmed time including a seasonal changeover facility for BST and GMT".
- 6.46 The proposal seeks to provide the minimum light necessary with measures to minimise glare and light spillage. The submitted information has been considered by the Council's Environmental Health officer who notes that the submitted information has demonstrated that the lighting would result in a low vertical overspill and backwards light and would fully and uniformly direct the light onto the

pitch surfaces. The Council's Environmental Health officer has raised no objection in relation to light generated by the current proposal. After considering the submitted information, the proposal was found to be in accordance with policy DM8. With a condition to ensure that the lighting is installed and maintained in line with the approved details, the proposal was found acceptable in relation to the impact on wildlife.

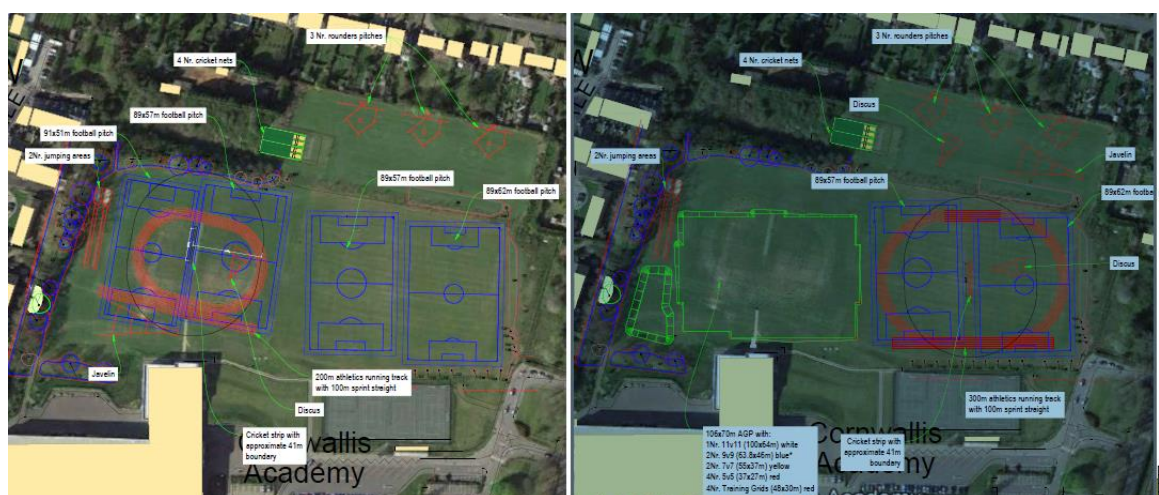
Air quality

- 6.47 As set out earlier in this report, the application site is an existing school which is a short distance from two designated larger villages and the urban area, with pavements providing pedestrian access from these locations. There was no issue found in relation to the impact on air quality and there has been no objection received from Environmental Health.

Traffic, parking and access.

- 6.48 Policy DM1 states that proposals should safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access. NPPF paragraph 111 states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".
- 6.49 The site is an existing school with the submitted application form stating that the school will retain 213 car parking spaces, 11 motorcycle spaces, 13 disability spaces, 30 cycle spaces and spaces for 11 buses. The main vehicle access to the site is from Hubbard's Lane where there is a separate controlled entry and egress points.
- 6.50 The existing Hubbard's Lane access is acceptable for the use associated with the proposed facility including in relation to driver sightlines. The existing car, cycle and coach parking is also considered acceptable in terms of the demand from the proposed facility. The traffic generated by the proposed facility can be safely accommodated on the local highway network. A planning condition is recommended seeking the submission for approval and implementation of a construction logistics plan.

Images of the existing playing field layout (left) and the proposed layout (right)



Landscaping, ecology and biodiversity

- 6.51 Policy DM1 sets out that proposed development should respond to the location of the site and sensitively incorporate natural features such as trees, hedges worthy of retention within the site. Policy DM 3 Natural environment 1. To enable Maidstone borough to retain a high quality of living and to be able to respond to

the effects of climate change, developers will ensure that new development protects and enhances the natural environment.

- 6.52 The NPPF (para 174) states that planning decisions should contribute to the local environment providing net gains for biodiversity. A planning condition is recommended seeking mitigation for the loss of this grassed field and ecological enhancement and demonstrating a net gain.
- 6.53 Planning conditions are recommended seeking the retention of the existing landscaping and additional landscaping to infill and supplement the existing around the boundaries of the site. A further condition is recommended seeking measures to ensure a net biodiversity gain with the loss of the natural grass turf pitch.

Other matters

- 6.54 The application site is in a safeguarding area for minerals. Following consultation with the KCC waste and minerals team, no objection has been raised in respect of the current application.
- 6.55 The application site is in and a site of potential archaeological importance. A condition is recommended seeking the submission of an archaeological watching brief to be submitted to and approved in writing prior to work commencing.
- 6.56 The submitted information includes a drainage strategy. The strategy set out that surface water is to be disposed of into a surface water drain. The applicant states *"Adequate attenuation within pitch base and upper surface (comprising a permeable granular sub-base) to ensure that excess volumes, which would be experienced during a critical storm event, does not bypass the control system, Hydro-Brake or similar"*. A condition is recommended stating that the drainage is installed and maintained in accordance with the submitted details.
- 6.57 The majority of the issues raised in consultation responses have been considered in the assessment above. The impact of development on property values is not a valid planning consideration.

PUBLIC SECTOR EQUALITY DUTY

- 6.58 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 the objectives of the Duty.

7.00 CONCLUSION

- 7.01 The need for a new Artificial Grass Pitch in the borough has been identified separately in two different assessments, the Football Association Maidstone 'Local Football Facilities Plan' July 2020 and the MBC Playing Pitch Strategy November 2020 with a particular gap in provision found in the south of the borough.
- 7.02 The loss of an area of the existing Cornwallis Academy playing fields to Artificial Grass Pitch (AGP) is in line with Sport England Exception E5 as the provision of the facility will provide *"... sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of.... (an area of the existing) playing field"*. The benefits over a natural turf surface include efficiency in the use of the space allowing continuous use throughout the year and intensively due to its artificial grass surface and floodlighting with community use secured by condition.
- 7.03 Whilst the playing fields where the application site is located has housing nearby, the housing is a sufficient distance away and has intervening screening to ensure that there is no significant visual impact. Planning conditions are recommended to supplement this existing landscaping.

- 7.04 The conclusions of the submitted noise assessment and lighting design information have been assessed and found to be acceptable in relation to the potential impact on amenity. The proposal will include several measures such as a noise management plan and an acoustic fence to further reduce the potential for noise disturbance. In this context the proposal is found to be acceptable in relation to neighbour amenity.
- 7.05 The artificial grass pitch is located on an existing academy site that benefits from and will make more efficient use of existing infrastructure such as changing rooms. The site has an existing large car park with separate entry and egress points on to Hubbards Lane. The access, parking and traffic generation from the proposal will not result in any 'severe' impact on the road network and the proposal is acceptable in these areas.
- 7.06 The proposed developments are acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of approval of this application is therefore made on this basis subject to conditions

RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:
(subject to no adverse comments and any additional conditions recommended in a consultation by Sport England and KCC Highways)

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans and document:
 - SSL3028 01 – Topographical Survey
 - SSL3028 02 – Site Location Plan
 - SSL3028 03 Rev 01 – Proposed Site Plan
 - SSL3028 04 Rev 01 – Proposed ATP Plan
 - SSL3028 05 Rev 01 – Proposed Elevations
 - SSL3028 06 – Floodlighting Scheme
 - SSL3028 07 – Proposed AGP Drainage Layout
 - SSL3028 08 – Proposed AGP Drainage Strategy
 - SSL3028 09 – Proposed Playing Pitch Layout
 - Design and Access Statement
 - Appendix A – Floodlighting Performance Report
 - Appendix B – LED Floodlight Data Sheet
 - Appendix C – ILP Guidance Notes
 - Appendix D – Proposed Materials and Appearance
 - Appendix E – Drainage Strategy
 - Appendix F – Noise Management Plan
 - Appendix G – Tree Survey and Arboricultural Impact Assessment
 - Appendix H – Ecology and Landscape Use Assessment
 - Appendix I – Noise Impact AssessmentReason: in the interests of proper planning.
- 3) No development including site clearance shall take place until tree protection is in place for trees in accordance with the submitted Tree Survey and Arboricultural Impact Assessment. The tree protection shall be in accordance with BS 5837 and maintained until all equipment, machinery and any surplus materials have been removed from the site. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local

planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority.

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

- 4) No development including site clearance shall take place until a Construction Management Plan for the site has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include the following details-

(a) Routing of construction and delivery vehicles to / from site

(b) Parking and turning areas for construction and delivery vehicles and site personnel

(c) Timing of deliveries

(d) Provision of wheel washing facilities

(e) Temporary traffic management / signage

(f) Measures to control dust

The construction works shall proceed only in accordance with the approved Construction Management Plan.

Reason: In the interests of residential amenity and highway safety.

- 5) No development including site clearance shall take place until the applicant has secured and had implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the local planning authority. The development shall only proceed in accordance with the approved details.

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

- 6) Prior to the first use of the approved facility biodiversity enhancement shall be in place that is in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity to achieve a net biodiversity gain through methods such as swift bricks, bat tube or bricks and habitat piles.

Reason: In the interests of ecological enhancement and biodiversity net gain.

- 7) Prior to the first use of the approved facility a soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- show all existing trees, hedges and blocks of landscaping to the north and east of the academy boundaries and indicate whether they are to be retained or removed,
- provide details of on-site replacement planting to mitigate the loss of amenity and biodiversity value arising from the proposal and to provide a biodiversity net gain. Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted.
- include a planting specification, implementation details and a [5] year landscape management plan.

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

- 8) All planting, seeding, trees and turfing specified in the approved landscape details shall be completed by the end of the first planting season (October to February) following the first use of the approved facility. Any seeding or turfing which fails to establish or any trees or plants which, within five years from following the first use of the approved facility, 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.

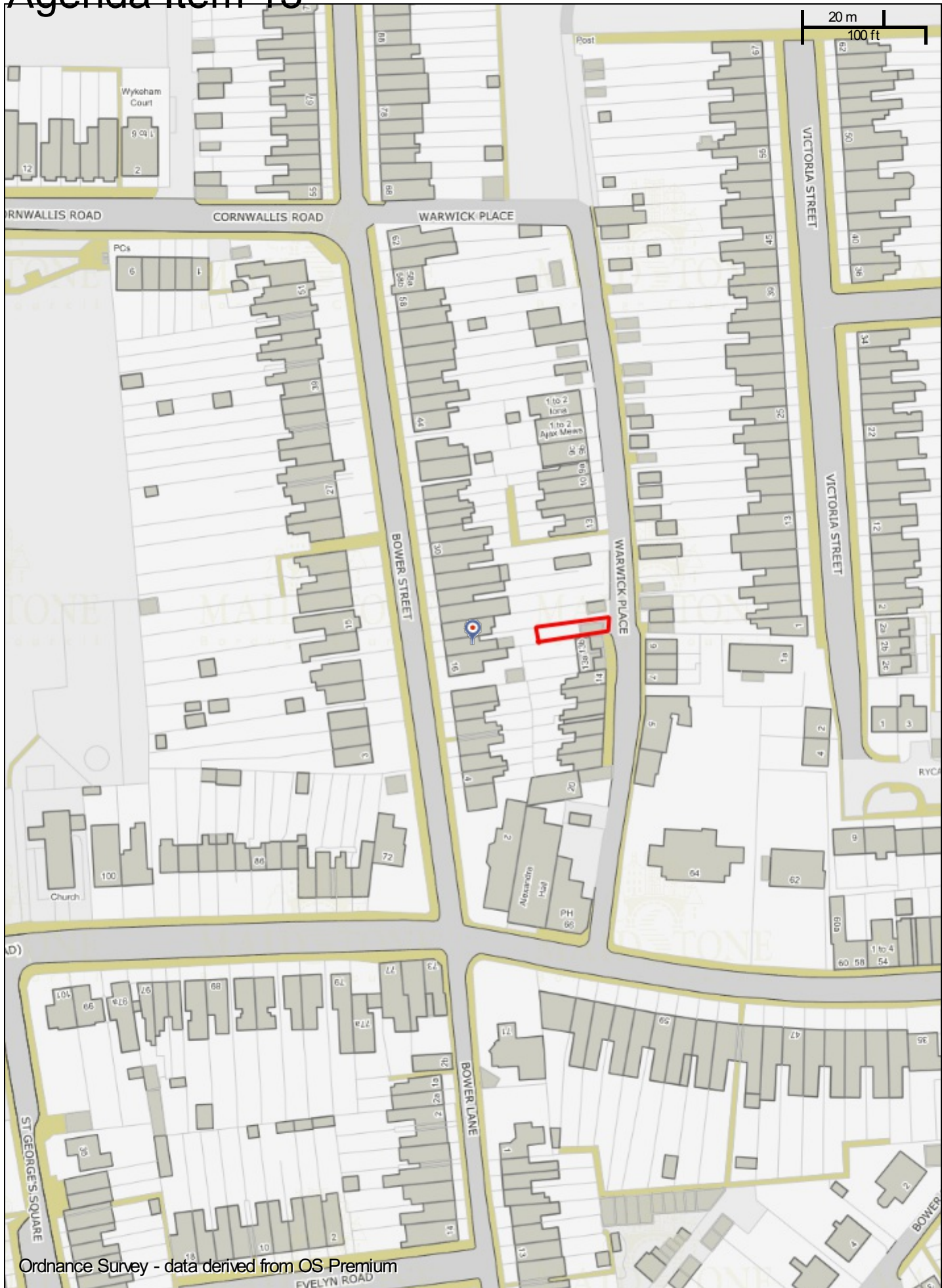
Reason: In the interests of landscape visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 9) The artificial grass pitch and the floodlighting hereby permitted shall only be in use between the hours of 0800hrs to 2200hrs Monday to Friday, and between the hours of 0800 to 1800hrs on Saturdays, Sundays and Bank Holidays. Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.
- 10) The approved artificial sports pitch shall only operate in accordance with an approved noise management plan. The noise management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the facility. The noise management plan shall include
- a no-whistle policy applying to the use of the facility,
 - confirmation that all perimeter fencing is constructed with neoprene isolators and that a maintenance regime is in place to ensure that the panels do not loosen over time.
 - procedures for response to complaints from residents or the local authority and a review mechanism in response to justified complaints
 - a named contact where complaints can be directed.
- Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.
- 11) An acoustic fence shall be provided prior to the first use of the artificial grass pitch hereby permitted. The acoustic fence shall be in accordance with details that have previously been submitted to and approved in writing with the fencing thereafter be maintained in position in perpetuity.
Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.
- 12) The floodlighting hereby approved shall be carried out in accordance with the written details as set out in the submitted Design and Access Statement/ SSL Flood lighting design report (received 8th August 2022/10/18) and maintained as such thereafter. The floodlighting shall only be operated within the approved hours of use.
Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers and in the interests of visual amenity.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order amending, revoking or re-enacting that order), the AGP hereby approved shall not be used other than for outdoor sport. Reason: To protect the AGP from damage, and to maintain the quality of and secure the safe use of the facility.
- 14) Prior to the first use of the facility a community use agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority. The agreement shall include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement. Reason: To secure well managed safe community access to the sports facility.
- 15) Prior to the first use of the facility the drainage shown on the submitted details SSL3028 07, SSL3028 08 and Appendix E shall be implemented and thereafter shall be maintained as such. Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers

Informative:

Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications/> For artificial grass pitches it is recommended that you seek guidance from the Football Association on pitch construction when determining the community use hours the artificial pitch can accommodate.

Agenda Item 15



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

REFERENCE NO: - 22/503699/FULL		
APPLICATION PROPOSAL: Demolition of an existing single storey detached garage and erection of 1no. 2 bed dwelling to form end terrace with associated parking and landscaping.		
ADDRESS: 18 Bower Street Maidstone Kent ME16 8SD		
RECOMMENDATION: GRANT PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: The reasons for referral to committee from Cllr Stuart Jeffries_are detailed below within section 4 (Local Representations)		
WARD: Bridge	PARISH/TOWN COUNCIL:	APPLICANT: Mr Kemsley AGENT: Kent Design Studio Ltd
CASE OFFICER: William Fletcher	VALIDATION DATE: 08/08/22	DECISION DUE DATE: 06/01/23
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

22/501884/FULL

Proposed demolition of an existing single storey detached garage and the replacement of existing garage with 1no. 3-bed dwelling to form an end-terrace, with associated parking and landscaping.

Refused 06.07.2022 on the following grounds

- 1) The proposed development by reason of its out of proportion and scale, excessive height with front dormer, and awkwardly disjointed design would be out of place to the adjoining pair of terrace resulting significant visual harm to local character and appearance of the streetscene and detrimental to the character of the area. The proposal is therefore contrary to policies DM1, DM9 and DM11 of the Maidstone Borough Local Plan 2017 and policies within the NPPF.
- 2) The proximity, height and length of the rear projection of the proposed dwelling will result in an overbearing and overshadowing impact to the rear elevation and rear amenity area and outlook of no. 13B Warwick Place detrimental to the amenities of this property contrary to policy DM1 and DM11 of the Maidstone Borough Local Plan 2017.

MAIN REPORT**1. DESCRIPTION OF SITE**

- 1.01 The application site lies in the Maidstone urban area as designated in the Maidstone Borough Local Plan 2017.
- 1.02 The application site is located at the end of the rear garden of No.18 Bower Street and situated to the north of and attached to the end of the existing terrace (13A to 19 Warwick Place). The two roads join Tonbridge Road (A26) to the south.
- 1.03 The surrounding area is characterised by two storey terrace houses in close proximity to the pavement with a variety of external facing materials including red

and buff facing brick, painted brick and render. The existing terrace at 13A to 19 Warwick Place consists of Victorian properties at 14 to 19 Warwick Place which have accommodation on three levels, semi basement, ground and first floor levels. With a general rise in ground level from Tonbridge Road, these terraced properties are stepped up towards the application site.

- 1.04 In a manner similar to the current application, the existing dwellings at 13A and 13B were added to the end of the pre-existing terrace in the 1980's. The dwellings at 13A and 13B continue the step in the terrace using the space at semi basement level to provide off street under croft car parking.

2. PROPOSAL

- 2.01 Planning permission is sought for the demolition of the existing single detached garage and erection of one end-terrace 3-bed dwelling with associated parking and landscaping. The new dwelling in a similar way to the existing adjoining houses would have accommodation on four levels. A garage/carport and bathroom lower ground floor level, kitchen, living, dining on ground level, with bedrooms at first floor and second/loft floor levels with a rear roof dormer. The rear garden of No18 Bower Street would be subdivided, and the end-terraced dwelling would be attached to 13B Warwick Place fronting Warwick Place.
- 2.02 To address the reasons for refusal on an earlier application, the following changes have been made
- the height of the dwelling has been reduced so the roof height matches the adjoining building, and the fenestration also aligns.
 - The 'bulk' at the rear of the dwelling which caused amenity issues has also been removed and as such the 'form' of the building essentially mirrors the adjoining property
 - The front dormer previously sought has also been removed and replaced with Velux windows.
 - Only the stairs leading to the front door are absent from the front elevation although the proposal still retains the 'ground floor' opening present on neighbouring properties.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2017):

SS1 Maidstone borough spatial strategy
SP1 Maidstone urban area
DM1 Principles of good design
DM2 Sustainable design
DM9 Residential extensions, conversions and redevelopment
DM11 Residential garden land
DM12 Density of housing development
DM23 Parking standards

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

4. LOCAL REPRESENTATIONS

Local Residents: 2 representations in objection to the development were received from local residents raising the following (summarised) issues:

- harmful impact upon amenity of neighbouring properties, in terms of loss of light and loss of privacy.
- Visual harm
- Parking provision in the area
- Disturbance during construction
- Loss of property value

- 'Utilities' located on the current end of terrace wall

Disturbance during the construction period and loss of property value are not material planning considerations. The utilities in this instance are a television aerial and an air extraction vent. Under the 'remit' of the planning system this would be considered a private issue between neighbours, certificate B has been submitted with the application.

Cllr Stuart Jeffries

The application has been called in for the following summarised reasons:

- Loss of light
- Harm to parking in the area
- Contentious application.

These issues are addressed in the below 'Appraisal' section.

5. CONSULTATIONS

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

KCC Highways

No objection with reference to their standing advice.

Environmental Health

No objections issued.

6. APPRAISAL

The key issues are:

- Site Location
- Design and Visual Impact
- Standard of Accommodation
- Neighbouring Amenity
- Highways
- Ecology and Biodiversity

Site Location

6.01 The proposal site is located within the Maidstone Urban Area. Policies SS1 and SP1 details how the Local Planning Authority will focus new development principally within the Maidstone urban area where employment, key services, and facilities together with a range of transport choice are available. The application site which is within the urban area and a short distance from the Maidstone Town Centre boundary is a suitable location for new dwellings.

6.02 The principal issues to therefore consider in the determination of this application are whether the plot is of a sufficient size to accommodate a new dwelling and, whether design of the dwelling will be acceptable in the street scene, and whether it will provide both a dwelling of suitable size and sufficient amenity space for future occupants. It must also be ensured that the new properties do not harm neighbouring amenity, nor will they jeopardise parking provision in the area.

Visual Impact

6.03 In terms of the policies relating to the development policies DM1, DM9 and DM11 detail the design considerations for development in the urban area.

6.04 Policy DM1 Principles of good design states that development 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 DM9 Residential extensions, conversions and redevelopment within the built-up area continues, stating that "the scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and character of the street scene and/or its context".
- 6.06 Policy DM11 states that development on residential garden land must not have a detrimental impact upon the character and appearance of the area.
- 6.07 The proposed end-terraced dwelling would be attached to 13B Warwick Place. This current application follows a previous refusal which included the following officer assessment:

"The proposed end-terraced dwelling would be attached to 13B Warwick Place, the ridge height is approximately 0.5m higher than the adjoining terrace with the insertion of a front flat roof dormer which does not match with the plain hipped roof of this set of terraces. The front elevation is mismatched where the fenestration does not align and the key feature of the front stairs leading up to the front door on the first level has not been adopted. As an end-terraced dwelling, the proposal due to its excessive height, massing, and awkwardly disjointed design out would be out of place to the adjoining pair of terrace dominating the streetscene and resulting significant visual harm to local character and detrimental to the character of the area."

- 6.08 In terms of how this application addresses the above, the roof height matches the adjoining building, and the fenestration also aligns, the 'bulk' at the rear of the dwelling has also been removed and as such the 'form' of the building broadly replicates the adjoining property. The front dormer previously sought has also been removed and replaced with Velux windows. In terms of matching the neighbouring property, only the stairs leading to the front door are absent from the front elevation of the new property, although the proposal does provide a front entrance at street level.

Image 1: Previous front elevation (left), current front elevation (right)



- 6.09 In terms of the lack of stair way access, it is not assessed that this is such a significant feature overall that a design refusal on this ground alone is warranted. Whilst the dwellings to the south of the application site feature stair way access, dwellings opposite the application site do not, nor do dwellings further north along Warwick Place. Stairs, where they are present, are functional in design and it is not assessed that this is a feature that necessarily needs to be replicated.

Standard of accommodation

- 6.10 Policy DM1 details the need to provide an appropriate level of amenity for future occupants.
- 6.11 The internal space of the dwelling (approximately 100m²) is in excess of the space standard for a 2 bedroom (4 person), 3 storey dwelling (90m²). The dwelling has spacious living areas, rooms would be well lit and the dwelling is served by a suitable outdoor amenity area.

Neighbouring Amenity

- 6.12 Policies DM1 and DM11 detail the need for development to respect the amenity of neighbouring properties and to provide suitable private amenity for future occupants.
- 6.13 The second previous grounds for refusal related to "The proximity, height and length of the rear projection of the proposed dwelling will result in an overbearing and overshadowing impact to the rear elevation and rear amenity area and outlook of No. 13B Warwick Place detrimental to the amenities of this property..."
- 6.14 Unlike the previous application the form of the dwelling now matches 13B Warwick Place 13B would now only be impacted upon by the single storey rear extension, however this is similar to what would be possible under permitted development. It is not assessed that this element on its own is significantly harmful that a refusal would be warranted on the grounds of neighbouring amenity. When considering the distance, the dwelling would not overshadow properties along Bower Street.
- 6.15 A distance of circa 19 metres will separate the upper floor windows of the new dwelling from the existing upper floor windows to the rear of 18 Bower Street. The property at 18 Bower Street is in the applicant's ownership. Whilst this separation distance is below the normal requirement of 21 metres, the proposed relationship is almost identical to that between other properties in the two roads both to the north and the south of the application site.
- 6.16 Additionally, the issue of utilities located on the side of the existing dwelling along Warwick Street is also raised. These would be impacted upon by the development however this is not a material planning consideration, under the remit of the planning system this is a private issue between neighbours and is not an issue that can be assessed as part of a planning application.

Highways

- 6.17 Policy DM1 states that applications must ensure that development does not result in, amongst other things excessive activity or vehicle movements.
- 6.18 In accordance with policy DM23, the parking provision in the urban area is maximum and not minimum, hence new development does not necessarily need to provide off-street parking.
- 6.19 Paragraph 6.99 of the supporting text to policy DM23 states that "The council adopts a flexible approach to minimum and maximum parking standards to reflect local circumstances and the availability of alternative modes of transport to the private car. It also seeks to encourage innovative designs that can sufficiently demonstrate that a provision lower than the minimum standard is feasible and would not have an unacceptable adverse impact on the surrounding locality.
- 6.20 In terms of the impact upon parking in the area, the application site is currently host to a garage relating to No.18 Bower Street. Floor plans indicate that the proposed dwelling would provide a single parking space for a vehicle stored within the 'undercroft' area.
- 6.21 The proposal would result in the loss of a parking space relating to No.18 Bower Street. Both Warwick Place and Bower Street have residents permit schemes for

parking; however, this does not guarantee a space. Dwellings in both streets are within walking distance of all the employment opportunities, amenity and shopping facilities and public transport provision within Maidstone and as such it is not necessary to own a private vehicle in this location. This is why Maidstone urban area is considered the most 'sustainable' location for new housing development. It would not be appropriate to issue a refusal on the basis the proposal providing an unacceptable level of parking provision as any impact would not be severe which is the threshold set out in the NPPF.

Ecology and Biodiversity

- 6.22 Paragraph 2 of DM3 sets out a need to appraise the value of the borough's natural environment through the provision of an ecological evaluation of development sites. and to take full account of any biodiversity present.
- 6.23 Given the application site is developed land and located within a densely populated urban area it is not assessed that the application site or the garage would provide suitable habitats for any protected species. However, the development will need to demonstrate that it provides a 'net-gain' for biodiversity, this could be achieved by placing enhancements around the site, and incorporating enhancements into the dwelling itself, and this can be requested by way of condition if permission is granted.

PUBLIC SECTOR EQUALITY DUTY

- 6.24 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

- 6.25 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. CONCLUSION

- 7.01 The application site which is within the urban area (the most sustainable location for new residential development) and a short distance from the Maidstone Town Centre boundary is a suitable location for a new dwelling.
- 7.02 In terms of design the development has overcome the previous reasons for refusal, the roof height matches the adjoining building, and the fenestration also aligns, the 'bulk' at the rear of the dwelling has also been removed and as such the 'form' of the building broadly replicates the adjoining property now. The front dormer previously sought has also been removed and replaced with Velux windows. The new dwelling would be seen in the context of the existing dwellings in the area.
- 7.03 The dwelling provides an appropriate level of residential amenity for future occupants
- 7.04 Following the revised design, it is not assessed that the development causes harm to neighbouring amenity. The development would not result in such a significant intensification of any existing impacts that a refusal would be warranted on loss of privacy.
- 7.05 Given the site is located in a sustainable location close to town centre, it is not considered to result in any significant harm to highway safety and parking.

- 7.06 Given the application site is developed land it is not considered to consist of protected species, however, the development will need to demonstrate that it provides a 'net-gain' for biodiversity, this could be achieved by placing bird and bat boxes around the site, and incorporating bat and bee bricks into the dwellings themselves, and this can be requested by way of condition if permission is granted.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development shall be carried out in accordance with the following approved plans and documents:
Application for planning permission
3118 - 01 Rev C Site Location and Existing Block Plan
3118 - 02 Rev C Existing Floor Plan
3118 - 03 Rev C Existing Elevations
3118-10 Rev E Proposed Block Plan
3118-11 Rev G Proposed Floor Plans
3118-12 Rev F Proposed Elevations
Design and Access Statement
Reason: To clarify the approved plans and to ensure the development is carried out to an acceptable visual standard.
- 3) The development hereby approved shall not commence above slab level until, written details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted shall have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials;
Reason: To ensure a satisfactory appearance to the development.
- 4) Upon completion, no further development permitted by Classes A, B, C or D of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order), shall be carried out.
Reason: In the interests of the amenities of the area
- 5) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall use predominantly native or near-native species as appropriate and show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall also provide details of replacement planting to mitigate any loss of amenity and biodiversity value, the location of any habitat piles of cut and rotting wood and include a plant specification, implementation details, a maintenance schedule and a [5] year management plan.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development
- 6) Prior to first occupation of the approved dwelling all planting, seeding and turfing specified in the approved landscape details shall have been completed. All such landscaping shall be carried out during the planting season (October to February).

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.

- 7) Prior to development commencing above slab level a scheme for the enhancement of biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the extension by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details prior to first occupation and all features shall be maintained thereafter.

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

- 8) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation of the relevant dwelling and maintained thereafter;

Reason: To ensure an energy efficient form of development.

- 9) The dwelling hereby approved shall not be occupied until an electric vehicle charging point has been installed on the building, and 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.

INFORMATIVES

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

Case Officer: William Fletcher

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



REPORT SUMMARY

REFERENCE NO: - 22/503584/FULL		
APPLICATION PROPOSAL: Change of use of an existing poultry shed into 2no. four bedroom and 2no. three bedroom holiday cottages, including associated landscaping and associated parking.		
ADDRESS: Cherry Tree Farm Pett Road Stockbury Kent ME9 7RL		
RECOMMENDATION: GRANT PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: The application has been called in to committee by Stockbury Parish Council for the reasons set out in section 4 below.		
WARD: North Downs	PARISH/TOWN COUNCIL: Stockbury	APPLICANT: Mr Sean Cole AGENT: Woodstock Associates
CASE OFFICER: William Fletcher	VALIDATION DATE: 25/07/22	DECISION DUE DATE: 06/01/23
ADVERTISED AS A DEPARTURE: No		

Relevant Planning History

21/502534/PNR

Prior notification for the change of use of agricultural building to a flexible use (Hotel use) For its prior approval to: -Transport and Highways impacts of the development. - Noise impacts of the development. - Contamination risks on the site. - Flooding risks on the site. Prior Approval Granted 07.07.2021

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 For the purpose of the Maidstone Borough Local Plan 2017, the application site is located in the countryside.
- 1.02 Cherry Tree Farm is an isolated complex sited in the Kent Downs AONB. The site lies to the south of the A249 with access via a farm access track running north from Pett Road. The farm track passes a farm house and originally terminated at two, long rectangular poultry sheds located on land to the west of the dwelling. One of these poultry sheds has since been removed.

Image 1: Application site poultry shed to be converted (red), farm house (yellow), remaining poultry shed (blue).

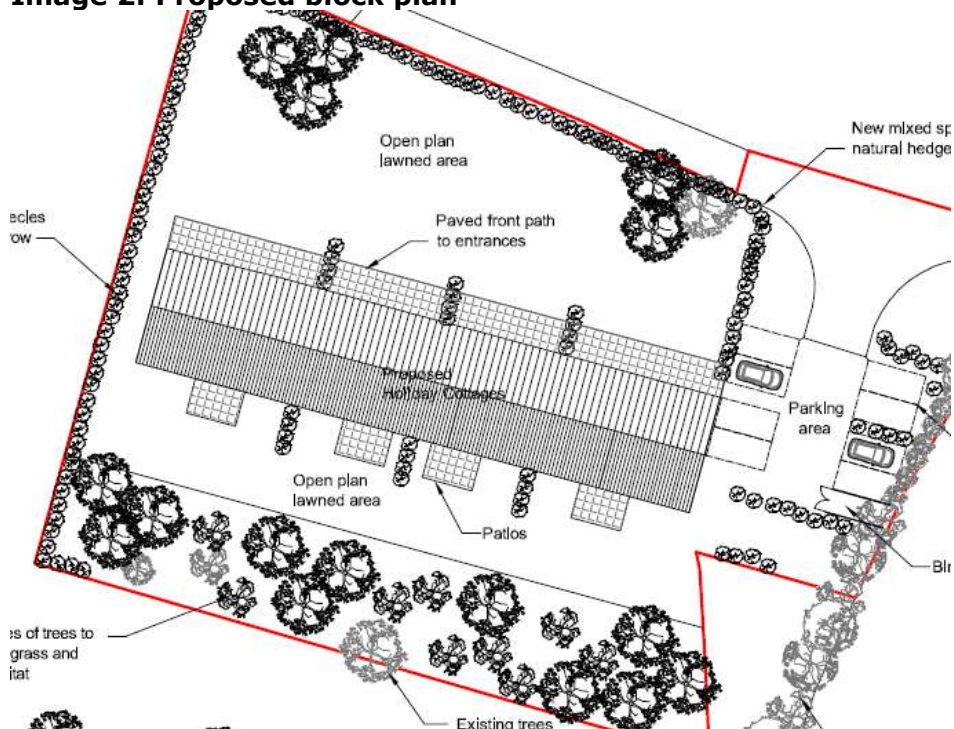


- 1.03 The rural building the current application seeks to convert is the second remaining poultry shed. It is a long, breezeblock, rectangular building, it has a depth of 48m, a width of 9.6m and a maximum height of 3.6m with a gabled roof form.

2. PROPOSAL

- 2.01 The application seeks to change the use of an existing poultry shed into 2 four bedroom and 2 three bedroom holiday cottages. This would also include establishing landscaping around the building as well as a parking area for 8 cars to the east.

Image 2: Proposed block plan



- 2.02 As part of the conversion vertical cladding would be installed on the building and the roof replaced as well as new doors and other openings installed.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):

SS1 – Maidstone borough spatial strategy

SP17 – Countryside

SP21 – Economic development

DM1 – Principles of good design

DM3 – Natural Environment

DM8 – External Lighting

DM23 – Parking Standards

DM30 – Design principles in the countryside

DM38 – Holiday caravan and camp sites

The National Planning Policy Framework (NPPF):

Section 6 - Building a strong, competitive economy

Section 12 – Achieving well-designed places

Section 15 – Conserving and enhancing the natural environment

Maidstone Landscape Character Assessment:

Hucking Dry Valleys landscape character in 'Very good' condition and of 'High' sensitivity with guidelines to conserve.

Kent Downs ANOB Management Plan

4. LOCAL REPRESENTATIONS

Stockbury Parish Council (summarised)

Objection for the following reasons:

- The application does not illustrate that a reasonable attempt has been made to secure alternate business re-use as required by DM31 (*Officer Comment: The proposed holiday let use is considered a business use in planning terms*).
- Development is contrary to Local Plan Policies, NPPF Policies and the Kent Downs ANOB Management Plan (*Officer comment: The officer report details the policy assessment, but it is noted that the Kent Downs ANOB Management Plan does support economic uses such as holiday lets in the ANOB*).
- The development is also contrary to National Planning Policy Framework (NPPF) paragraph 170 (*Officer Comment: See above*).
- The plans show additional porch type projections beyond the existing footprint (*Officer comment: The additional projections have been removed from the submission*).
- If after review by the Planning Committee this application is approved, then Stockbury Parish Council requests that conditions preventing usage as a sole or main residence is added. (*Officer comment: Should permission be forthcoming conditions will be imposed regulating the use of the building*).

CLlr Garten –

Objection for the following reasons:

- MBC supports leisure and tourism in the ANOB and developments for holiday homes are therefore usually regarded favourably by the planning process. However, the sheer size and amount of dwellings in this application present over-development of the site.

- The proposal equates to four full size family homes. The applicant fails to prove a business case that such development of a quasi-holiday park of this magnitude is necessary or even feasible.

(Officer Comment: As above the proposed use would retain an economic use for the building. The additional extensions originally sought have now been removed from the development and the current application does not include any extension of the existing building footprint. There is no policy requirement for this type of use or other uses for an applicant to provide a business case).

Residents: One representation received from a local resident objecting to the application and raising the following (summarised) issues

- Overdevelopment
- Aural disturbance
- Highways Impact

The representation raises the possibility of the other chicken shed on site being converted into holiday lets. Each application must be determined on its own merits, the applicants future plans for the site are not relevant to the determination of this application. The second poultry shed has also now been demolished.

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)

Environmental Protection

5.01 No objection subject to conditions relating to:

- Foul drainage
- Contaminated land

6. APPRAISAL

The key issues are:

- Site Location
- Provision of tourist lodges in the countryside.
- Visual Impact
- Residential Amenity
- Highways
- Landscaping
- Biodiversity
- Prior approval in place under Part R of the GDPO

Site Location

6.01 For the purpose of the Maidstone Borough Local Plan 2017, the application site is located in the open countryside. The starting point for assessment of applications in the countryside is Local Plan Policy SP17. Policy SP17 states that development proposals in the countryside will not be permitted unless:

- a) they will not result in harm to the character and appearance of the area and
- b) they accord with other Local Plan policies

- 6.02 As detailed above the application site is located within the Hucking Dry Valleys which is a series of dip slope valleys located to the north east of Maidstone on the upper plateau of the North Downs, which is situated within the Kent Downs Area of Outstanding Natural Beauty (AONB). In terms of the character of the application site it is rural, views to the south of the site are restricted due to the form of the land, but there are expansive views to the north towards the A249 which is situated approximately 570m to the north.
- 6.03 Paragraph 4.95 of the Maidstone Borough Local Plan (the supporting text to policy SP17 states "The countryside has an intrinsic character and beauty that should be conserved and protected for its own sake. However there is also a need to ensure a level of flexibility for certain forms of development in the countryside in order to support farming and other aspects of the countryside economy and to maintain mixed communities."
- 6.04 Paragraph 4.106 of the Local Plan relates to the AONB and states "The council has a statutory duty to have regard to the purposes of the designation, including the great weight afforded in national policy to its conservation and enhancement".
- 6.05 Paragraph SD2 of the Kent Downs AONB Management Plan states "The local character, qualities, distinctiveness and natural resources of the Kent Downs AONB will be conserved and enhanced in the design, scale, siting, landscaping and materials of new development, redevelopment and infrastructure and will be pursued through the application of appropriate design guidance and position statements"
- 6.06 When considering the building the application seeks to convert is agricultural with few 'domestic' visitors, the proposal which seeks to establish holiday lets here would 'domesticate' this site causing harm. However the level of this harm needs to be considered together with the extent to which the proposal complies with other policies under SP17 b) (accordance with other Local Plan policies)
- 6.07 Policies DM1 and DM30 seek to ensure that development maintains or enhance local distinctiveness. Policy DM30 also seeks to encourage the re-use of rural buildings rather than erect new buildings. Policy SP21 also prioritises the commercial re-use of existing rural buildings in the countryside.
- 6.08 As such the assessment will now provide an overview of policy support for the provision of tourist lodges in the countryside in order to comply for SP17 b).

Provision of tourist lodges in the countryside

- 6.09 Paragraph 84 (Supporting a prosperous rural economy) of The National Planning Policy Framework (2021) 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;
 - b) the development and diversification of agricultural and other land-based rural businesses;
 - c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
 - d) the retention and development of accessible local services and community.
- 6.10 Paragraph 11.4 of the AONB Management Plan (Vibrant communities) seeks to achieve "A strong and sustainable rural economy supports the special characteristics and qualities of the AONB and is supported by residents and visitors, who value and use sustainable local produce and services." and notes that "The area is recognised by both local communities and visitors as a premier sustainable tourism destination".

- 6.11 The management plan also states "There is an opportunity and demonstrable need to sustainably manage the numbers, impact and income from visitors to benefit local people, local services and support the conservation and enhancement of the AONB landscape."
- 6.12 "Some areas within the AONB suffer either from over capacity or overuse, leading to a detrimental impact on both the landscape character and qualities, visitor experience and host communities..." The proposal does provide an opportunity to 'manage' visitors to AONB, in terms of providing formal accommodation which is a goal of the management plan as per point m of paragraph 11.3.
- 6.13 The AONB management plan document also notes that there is a "Decline in farming and forestry employment" the proposal also provides the opportunity to diversify the 'economy' of the AONB which is an aim of the management plan within point i. of paragraph 11.3 of the management plan document.
- 6.14 There is no adopted policy that directly relates to the type of tourist accommodation proposed as part of this current application, however the requirements set out in policy DM38 ('holiday caravans and/or holiday tents) are considered relevant.
- 6.15 Local Plan policy DM38 states that proposals for the stationing of holiday caravans and/or holiday tents outside of the defined settlement boundaries will be permitted in certain circumstances. These include where the proposal would not result in an unacceptable loss of local amenity, particularly with regards to the impact on nearby properties and the appearance of the development from public roads.
- 6.16 Policy DM38 requires a site to be unobtrusively located and well screened by existing or proposed vegetation and landscaped with indigenous species. The policy states that a holiday occupancy condition will be attached to any permission, preventing use as permanent accommodation.
- 6.17 The submitted plans indicate a significant amount of screening would be planted around the existing converted building. The site is accessed by way of a single track access which is also well screened by existing vegetation. The site is outside a defined settlement boundary, but is relatively easy to access when considering its location 500m from the A249.
- 6.18 In summary, holiday/tourism related development in the rural areas of the borough is generally supported by both national and local planning policies.
- 6.19 The proposal is considered to constitute sustainable development, because it would convert this redundant building for economic purposes in this for this rural location, which would be an ideal location for visitors to base themselves before travelling to destinations further into the countryside. One local event is a music festival called 'Chicken Stock' which is hosted nearby at Pett Wood Cottage on the southern side of Pett Road. ([Chickenstock Music Festival | Stockbury, Kent \(chickenstockfestival.co.uk\)](http://chickenstockfestival.co.uk)).

Visual Impact

- 6.20 The rural building the application seeks to convert is a poultry shed. It is a long, breezeblock, rectangular building, it has a depth of 48m, a width of 9.6m and a maximum height of 3.6m with its gabled roof form.
- 6.21 Policies DM1 and DM30 seek to ensure that development maintains or enhance local distinctiveness. Policy DM30 also seeks to encourage the re-use of rural buildings rather than erect new buildings.

- 6.22 Policy DM38 states "Proposals for sites for the stationing of holiday caravans and/or holiday tents outside of the settlement boundaries as defined on the policies map will be permitted where:
- i. The proposal would not result in an unacceptable loss in the amenity of the area. In particular the impact on nearby properties and the appearance of the development from public roads will be of importance; and
 - ii. The site would be unobtrusively located and well screened by existing or proposed vegetation and would be landscaped with indigenous species."
- 6.23 Paragraph 4.6 (Landform and landscape character) of the AONB Management Plan states "The protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued.
- 6.24 Whilst this is not a building of worth in the same way that an oast building is, when considering the scale of it, it does have an impact upon the landscape and 'is' an agricultural building still in use. The application is located within the Hucking Dry Valleys landscape area which is noted as being in in 'Very good' condition and of 'High' sensitivity with guidelines to conserve.
- 6.25 In terms of the visibility of the site, the buildings are not visible from any public roads in the vicinity such as the A249 or Pett Lane due to the extensive vegetative screening along the western side of the road. Nor are the buildings visible from Pett Road, even at the entrance to the site. There are no public footpaths in the immediate vicinity of the application site that allow for views onto the property.
- 6.26 Impact to the AONB has been raised by the Parish. Following the revised plans which remove the extensions from the development, it is not assessed that the proposal causes any more visual harm to the AONB than the site does now.
- 6.27 The application is seeking to retain a commercial use for the building, rather than convert into a dwelling. This building does have a degree of permanence, there are many such buildings within countryside, and they do stand the test of time.
- 6.28 The applicant has submitted a statement in support of the application which does note some repair works would be required, however the building is still in use and these works could be carried outside the scope of the application. Timber cladding could be installed onto the external brick work, the most significant alteration is likely to be a replacement roof, again, the building is in use, it is not assessed that the works are a complete reconstruction.
- 6.29 The application does not seek to increase the scale of the building. Plans indicate that cladding would be added to the building and fenestration more 'domestic' in nature would be installed but overall, the form of the building as it exists now is retained. It is not assessed that the building following the changes would cause any more impact than it does currently. Policy DM30 also seeks to ensure that works carried out to existing buildings are visually appropriate. It is assessed that the works to the building are in keeping with the rural character of the area. By utilising the existing building, it is assessed that the proposal does 'conserve' the landscape as directed by the Landscape Character Assessment.
- 6.30 A parking area would be established to the east of the building, there is an existing track to the building and some hardstanding around the building, following landscaping it is not assessed that the parking area would cause any visual harm. The development will be able to successfully accommodate visitors' vehicles. Parked vehicles would not necessarily be a permanent presence on site, were the building to be used as a hotel this could potentially involve staff vehicles which would be parked on site much more frequently.

- 6.31 The application does not seek to establish any 'hard' boundary treatments. The area around the application building does not feature any landscaping or other built development. The application would establish new 'hedgerow' boundaries around the building including the planting of 'clusters' of new trees to the north of the building and a substantial amount of new tree planting to the south of the building. Subject to appropriate conditions there would be an opportunity to achieve a significant gain for biodiversity on site.
- 6.32 Species details for the hedgerow have been submitted and these are species found within the Maidstone Landscape Character Guidelines. Should permission be forthcoming landscape conditions will be imposed requiring the applicant to submit a landscape scheme detailing full species details for proposed landscaping as well as implementation details.
- 6.33 As detailed above it is not assessed that the development is overly visible from any public viewpoints. Once proposed landscaping has been established the application building would be further obscured, this is in accordance with point ii. of DM38.

Residential Amenity

- 6.34 DM1 states proposals must "Respect the amenities of occupiers of neighbouring properties and ensure that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties"
- 6.35 The only dwelling within the vicinity of the application building is Cherry Tree Farm, itself which is approximately 100m to the east of the application building. When considering the distance involved it is not assessed that there would be any harmful amenity impact.

Highways

- 6.36 Policy DM1 states "Safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access.
- 6.37 Paragraph 111 of the NPPF (2021) states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.38 A vehicle 'movements' assessment has not been submitted with the application. The applicant resides at Cherry Tree Farm, it is assumed the applicant manages the chickens raised on the farm. It is a significant number of chickens but it seems reasonable to conclude that vehicle movements would be small in number relating to deliveries to the farm.
- 6.39 In comparison to the proposed use, again a vehicle movements assessment is not included with the application but it does not seem unreasonable to suggest this the holiday lets would generate around a total of 4-6 vehicle movements a day.
- 6.40 When considering that conditions will be imposed restricting the number of days the let's can be occupied and that the building is served by an existing access it is not assessed that four holiday lets would generate traffic levels that could be assessed as 'severe'.

Biodiversity

- 6.41 The applicant has submitted a preliminary biodiversity assessment. It notes that "The habitats around the chicken sheds are used by free-roaming chickens and are thus heavily trampled and defecated by chickens (thus covered in nettles)." Any small reptiles on the site would likely be predated upon by the chickens.
- 6.42 The report concludes that the building itself is not a suitable habitat for any protected species although the vegetation around the site could be, which plans indicate would be enhanced should permission be forthcoming. A planning condition is recommended seeking biodiversity enhancement.
- 6.43 The report does recommend that conditions be imposed restricting the level of outdoor lighting. The application site is within the AONB and as such should permission be forthcoming these will be imposed.

Prior approval in place under Part R of the GDPO

- 6.44 The application building benefits from an extant prior notification application 21/502534/PNR which allows the use of this agricultural building to change to a 'flexible' use within either Class B8 (storage or distribution), Class C1 (hotels) of Schedule 1; or Class E (commercial, business or service). The current application is likely to result in less vehicle movements than these uses of the building.
- 6.45 The Class R application has limited conditions imposed on it with no requirement for any additional landscaping, or any conditions regulating the number of days the building can be occupied. Should permission be forthcoming it will be possible to address these points.

PUBLIC SECTOR EQUALITY DUTY

- 6.46 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

- 6.47 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. CONCLUSION

- 7.01 Whilst the application site is in the countryside, planning policies support the commercial reuse of agricultural buildings, and accept that holiday lets are located in the countryside.
- 7.02 Following revised drawings, the proposal does not cause additional visual harm to the character and appearance of the area or the wider AONB. Whilst planning policies try to encourage the reuse of 'buildings of worth', although of limited weight the application building does benefit from an extant permission and works could be carried out to the building outside of the planning process. Having regard to the above, the principle of the proposal does have strong policy support in the adopted Maidstone Borough Local Plan, government guidance in the NPPF and does have an extant permission which allows the building to be 'used' as a hotel (as well as many other uses under E).
- 7.03 The impact on the character and appearance of the area will be minimised by the enclosed nature of the site and landscape screening proposed by the applicant. The

proposal for tourism accommodation in the countryside is supported by NPPF and policy DM38 and the proposal is in line with this advice

- 7.04 As such the assessment will move onto the visual impact of the proposal and its amenity impacts.
- 7.05 There are no residential properties that are in such proximity to the development that any harmful amenity impacts would occur.
- 7.06 Conditions can be imposed to ensure that landscaping detailed on plans is secured as well as additional biodiversity enhancements and EV charge points.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development shall be carried out in accordance with the following approved plans and documents:
Application for planning permission
CO/21/128.01 Site Location Plan
CO/21/128.02 Existing Block and Roof Plan
CO/21/128.03 Rev B Proposed Block and Roof Plan
CO/21/128.04 Rev B Existing and Proposed Plans and Elevations
Preliminary Ecological Appraisal
Reason: To clarify the approved plans and to ensure the development is carried out to an acceptable standard.
- 3) The development hereby approved shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials;
Reason: To ensure a satisfactory appearance to the development.
- 4) The development hereby permitted shall be occupied for bona fide holiday purposes only and no such accommodation shall be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up-to-date register of the names, main home addresses and the duration of stay of all future occupants, and this information shall be made available at all reasonable times upon request to the local planning authority. Relevant contact details (name, position, telephone number, email address and postal address) of the operators of the site, who will keep the register and make it available for inspection, shall also be submitted to the local planning authority (planningenforcement@maidstone.gov.uk) prior to the first occupation of the building with the relevant contact details subsequently kept up to date at all times;
Reason: In order to ensure proper control of the use of the holiday let and to prevent the establishment of permanent residency.
- 5) The holiday accommodation hereby permitted shall only be occupied continuously by any persons for a period not in excess of 28 days and not for more than 112 days in any calendar year.
Reason: To prevent the establishment of a permanent residential use in the countryside.

- 6) Prior to the first occupation of the accommodation hereby approved, details of a scheme of soft landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and longterm management, shall be submitted to and approved in writing by the local planning authority. The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment (2012) and shall include:
- a) Details of a planting schedule (including location, planting species and size);
 - b) New native tree planting on the site boundaries);
 - c) Retention of boundary trees/hedges as shown on submitted plans.

Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted. The implementation and longterm management plan shall include long term design objectives, management responsibilities and a maintenance schedule for the landscaped areas. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the countryside that falls within the Kent Downs Area of Outstanding Natural Beauty; and to enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.

- 7) Prior to first occupation of the approved accommodation all planting, seeding and turfing specified in the approved landscape details shall have been completed. All such landscaping shall be carried out during the planting season (October to February). 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.

- 8) The use of the holiday lets hereby approved shall not commence until a minimum of two electric vehicle charging point per unit has been installed and 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.

- 9) Details of the proposed method of foul sewage treatment, along with details regarding the provision of potable water and waste disposal shall be submitted to and approved by the LPA prior to first occupation of the approved accommodation. These details should include the size of individual cess pits and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation).

If a method other than a cesspit is to be used the applicant should also contact the Environment Agency to establish whether a discharge consent is required and

submit evidence of obtaining the relevant discharge consent to the local planning authority for approval.

Reason: To safeguard the amenity of future occupants and to ensure adequate waste disposal measures are in place.

- 10) The development shall not commence until a scheme to deal with the potential contamination of the site shall have been submitted to and approved in writing, by the local planning authority. The scheme shall include the following:
- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: To safeguard the health and amenity of future occupants.

- 11) A Closure Report shall be 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: To safeguard the health and amenity of future occupants.

- 12) The development shall not be occupied until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the building by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details prior to first occupation and all features shall be maintained thereafter.

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

- 13) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter; Any lighting plan submitted shall follow the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals.

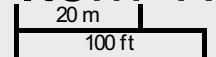
Reason: In the interest of amenity, the rural landscape and wildlife and the Kent Downs AONB

INFORMATIVES

- 1) Noise between dwellings: Attention is drawn to Approved Document E Building Regulations 2010 Resistance to the Passage of Sound as amended in 2004 and 2010. It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.
- 2) Asbestos: Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- 3) Secure by Design: The applicant is advised to discuss the site's security measures with Kent Police.

Case Officer: William Fletcher

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



Ordnance Survey - data derived from OS Premium



22/502738/FULL Upper Little Boy Court, Boy Court Lane, Headcorn, Kent, TN27 9LA

Scale: 1:1250

Printed on: 7/12/2022 at 8:49 AM by JoannaW

REPORT SUMMARY

REFERENCE NO: - 22/502738/FULL		
APPLICATION PROPOSAL: Erection of a two storey side and rear extension with detached garage (Resubmission-21/504328/FULL).		
ADDRESS: Upper Little Boy Court Boy Court Lane Headcorn Ashford Kent TN27 9LA		
RECOMMENDATION: GRANT subject to the planning conditions set out in Section 8.0 of the report		
SUMMARY OF REASONS FOR RECOMMENDATION: For the reasons set out below it is considered that the proposed development would be acceptable and would not cause significant visual harm or harm to neighbouring amenity, nor be unacceptable in terms of any other material planning considerations such that the proposed development is considered to be in accordance with current Development Plan Policy and planning guidance.		
REASON FOR REFERRAL TO COMMITTEE: The application has been called in by Ulcombe Parish Council by reason of the recommendation being contrary to their comments (see report below for reasons).		
WARD: Headcorn	PARISH/TOWN COUNCIL: Ulcombe	APPLICANT: Ms Felicity Nichols AGENT: Kent Design Studio Ltd
CASE OFFICER: Angela Welsford	VALIDATION DATE: 09/06/22	DECISION DUE DATE: 23/12/22
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

21/500772/FULL

Erection of a detached garage with holiday let accommodation above.
Withdrawn 27.04.2021

21/500773/FULL

Erection of a replacement five bedroom detached dwelling.
Withdrawn 05.05.2021

21/504328/FULL

Erection of a two-storey side and rear extension and a new double garage with garden equipment area.
Withdrawn 24.09.2021

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is located in the open countryside, designated as part of The Low Weald Landscape of Local Value. Public footpath KH328 runs through fields to the north/north-east of the property and KH333 opposite the site.
- 1.02 Upper Little Boy Court is an unlisted, vernacular, two-storey dwelling with elevations of brick on the ground floor and white weatherboard to the first, beneath a fully-hipped, slate roof. To the rear is a brick, single-storey element which, in

planning terms, forms part of the "original" building. This was once two-storey also, but as the upper floor has been completely removed prior to submission of this application, that can no longer be taken into account as part of the original building.

- 1.03 The plot is large with a number of trees along the south-western boundary and a natural pond in the southern corner, close to Boy Court Lane. Residential premises adjoin the south-west and north-east boundaries and there is open countryside to the rear (north-west).

2. PROPOSAL

- 2.01 Planning permission is sought for the erection of a two-storey side and rear extension to the dwelling and erection of a detached garage.
- 2.02 The extension would have an L-shaped footprint, wrapping around the north-east side and the rear elevations of the two-storey host dwelling, but would be stepped back approximately 1m from the ends of each of those elevations. It would protrude approximately 3.4m from the existing side wall and 4.9m from the existing two-storey rear wall. The existing single-storey element at the rear of the house (which protrudes further - approximately 6.4m from the two-storey rear wall) would be demolished to make way for the extension.
- 2.03 The extension would be constructed from matching materials – brick to the ground floor, white weatherboarding to the first floor, a slate roof and timber joinery. Its roof would be formed of three fully-hipped sections with valleys between, each with a ridge height of approximately 6.2m, which is approximately 0.8m lower than the ridge height of the host dwelling.
- 2.04 The garage would provide two open-fronted parking bays and a log store beneath the cat-slide on the north-east side. It would be positioned in the northern corner of the site and would have oak boarded elevations beneath a fully-hipped, slate roof. The eaves height would be approximately 2.3m and the ridge height 4.2m.
- 2.05 The scheme has been amended since the original submission to reduce the mass/bulk of the proposed extensions and the garage.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031): Policies SP17, DM1, DM3, DM23, DM30, DM32

Emerging Policies: 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 the 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.

Relevant Policies:

Policy LPRSP9 – Development in the countryside

Policy LPRSP15 – Principles of Good Design

Policy LPRQ&D4 – Design principle in the countryside

LPRHou11 – Rebuilding, Extending and Subdivision of Dwellings in the countryside

Policy LPRTRA4 - Parking Matters

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Supplementary Planning Documents: Residential Extensions SPD (adopted May 2009)

4. LOCAL REPRESENTATIONS

Local Residents: 13 representations received in total across the various consultations/re-consultations, these are from 4 properties of local residents. 11 are objections to the application and 2 are in support of it. The following (summarised) issues are raised:

Objections

- Excessive scale/not subservient;
- Loss of privacy;
- Overbearing impact;
- Overshadowing;
- Out of character;
- Flooding from water run-off;
- Impact on ecology/wildlife;
- Trees have been felled (prior to the application).

Support

- Visual improvement;
- In keeping;
- Lane has not flooded since the site was tidied.

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)

Ulcombe Parish Council

5.01 *Response to original proposal:*

Recommends refusal and wishes application to be referred to Planning Committee if approval is recommended. Objects on the following (summarised) grounds:

- Fundamental issues are the mass of both the house extension and the garage, their scale and the loss of amenity and privacy for the immediate neighbours and for the rural countryside, in a Landscape of Local Value;
- Conflict with Local Plan Policies DM1 (scale and mass, amenity of neighbours, topography), DM30 (character of the landscape), DM32 (visually unacceptable in the countryside, garage not subservient and of a scale capable of being a separate dwelling) and SP17 (Landscape of Local Value should be protected);
- Garage conflicts with advice in the SPD that it should not need to be more than single-storey;
- Most of the significant mature trees on site have already been felled.

5.02 *Response to amendment to garage design/scale:*

Recommends refusal and wishes application to be referred to Planning Committee if approval is recommended. Objects on the following (summarised) grounds:

- Objections to house extension (as above) still stand;
- In addition, overlooking/loss of privacy to Upper Boy Court Oast, contrary to DM30 and DM32.

5.03 *Response to amendment to house extension design/scale:*

The Parish Council objects to the amended application and requests referral to Planning Committee if approval is recommended. Objects on the following (summarised) grounds:

- Main issues are still loss of amenity/privacy and impact on the countryside/lack of respect for the LLV topography (as above);
- Do not appear to be any significant design changes apart from the roof line on the N.E. elevation, and the position of the garage which seems to have moved closer to the boundary with Upper Boy Court Oast;
- Parish Council supports objections of neighbours.

6. APPRAISAL

The key issues are:

- Visual impact to the host building and the countryside;
- Impact on residential amenities of neighbours;
- Impact on ecology/protected species.

Policy Context/Principle of Development

- 6.01 Policy DM1 (Principles of good design) outlines the importance of high-quality design for any proposal. Amongst other things, well-designed proposals respond positively to their context in visual terms by respecting landscape character and the character and form of the host building, as well as preserving the amenities of neighbouring occupiers.
- 6.02 The countryside is a valuable and finite resource which should be protected for its own sake and for the benefit of future generations. Consequently, development there should be limited and Local Plan Policy SP17 requires that *"Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area."*
- 6.03 Extensions to existing rural dwellings are one of the exception types of development which, in principle, are permissible in the countryside. Consequently, Policy DM30 requires, *inter-alia*, that such extensions are of a scale which relates sympathetically to the existing building and the rural area and that they have no significant adverse impact upon the form, appearance or setting of the host building, whilst Policy DM32 echoes similar sentiments, requiring that extensions to rural dwellings are well-designed and sympathetically related to the existing dwelling without overwhelming or destroying the original form of the dwelling; and that householder development is individually and cumulatively visually acceptable in the countryside.
- 6.04 Further design guidance is provided in the Council's adopted Residential Extensions SPD. This states on page 47 that *"an extension should be modest in size,*

subservient to the original dwelling and should not overwhelm or destroy its original form" and that "an extension should cause no adverse impact on the character or openness of the countryside". Since the term "modest" is open to interpretation, the SPD explains that judgement in that respect will be made on the basis of the impact of the extension on the character of the countryside, its impact on the form and appearance of the original building, and the scale of the extension. In relation to scale, paragraph 5.18 states, "in considering an extension to a residential dwelling in the countryside, the Local Planning Authority would normally judge an application as modest or limited in size if, in itself and cumulatively with previous extensions, it would result in an increase of no more than 50% in the volume of the dwelling". Examples of well-designed extensions to rural dwellings given in the SPD show them to be subservient to the host property in terms of scale and positioning, stepped back from its building lines, and including design elements from the original building.

- 6.05 In relation to garages and outbuilding at rural properties, Policy DM30 states that any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively sited, whilst DM32 requires new outbuildings to be subservient in scale, location and design to the host dwelling and cumulatively with the existing dwelling to remain visually acceptable in the countryside. Relevant design guidance in the adopted SPD includes:

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

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

There should be no adverse impact on the character or openness of the countryside. (Paragraph 5.30)

The impact of a garage or other outbuilding would be greater if located in a prominent location where it would be highly visible (Paragraph 5.30)

Garages and outbuildings should not compete with the main house and consequently should be sympathetically positioned away from the front of the house and should be simpler buildings. (Paragraph 5.32)

- 6.06 Turning to residential amenity, criterion iv of Local Plan Policy DM1 requires new development to respect the amenities of occupiers of neighbouring properties and states that it should not result in, *inter alia*, unacceptable overlooking or visual intrusion, or an unacceptable loss of privacy or light for the occupiers of nearby properties. The adopted SPD describes a method for carrying out a loss of light test and offers the following relevant design guidance in relation to privacy:

In order to safeguard the privacy of neighbours, the introduction of windows in extensions which would overlook windows of habitable rooms in any adjoining property at a close distance and would result in an unreasonable loss of privacy will not be permitted. For similar reasons, a window overlooking the private area immediately adjacent to the rear of an adjoining dwelling may also be inappropriate. If a window which overlooks a habitable room or amenity space is included, it should protect against overlooking and maintain privacy by, for example, containing obscure glazing or being non-opening. The Borough Council will normally calculate the private amenity area as a depth of 5 metres from the back of the property which, if it has been extended, will be measured from the back edge of the extension. (Paragraph 5.52)

- 6.07 Consequently, there is general Development Plan policy support for extensions to existing rural dwellings and the construction of outbuildings within their curtilages, subject to proposals being of appropriate scale and design and having an acceptable impact on the surroundings and neighbours etc. It is therefore concluded that the proposed development is acceptable in principle. The finer detail of the proposals will now be considered.

Visual Impact

Extension

- 6.08 The existing house is a modest, vernacular building of attractive period character, typical of its time. A traditional way of extending dwellings of this period was to create a "double-pile" house – to essentially replicate the original building behind, but including a separate roof – and, in line with pre-application advice, that technique has been employed in the design of the rear part of the proposed extension, in conjunction with design guidance in the Council's adopted Residential Extensions SPD. Consequently, the south-west side wall of the extension would be stepped in from the side building line of the host dwelling by 1m. This would subordinate the extension in views from the south, creating a visual break between it and the older part of the house. The depth of the extension has been reduced to just over half the depth of the host building, to ensure that its proportions are visually modest. This would also result in a significantly lower roof ridge height than the host building, increasing its subservience. The "double-pile" design ethos would also result in the minimum increase in bulk at roof level whilst still allowing provision of a sympathetic pitched roof of matching materials, since the overall roof would be formed of two separate pitched sections with a central valley.
- 6.09 The side element of the proposed extension has also been designed in accordance with the guidance in the adopted SPD. Its width (3.4m) would be significantly less than half the width of the 8.5m wide host building, resulting in a visually modest addition of appropriate proportions. The 1m set-back from the front building line of the host dwelling and the significantly lowered ridge line would again create a visual break and ensure that the extension would appear clearly subordinate, respecting and preserving the attractive form and character of the original building.
- 6.10 Concern has been raised regarding the scale and mass of the extension. However, for the reasons explained in paragraphs 6.08 and 6.09, it is considered that the extension would appear visually modest in relation to the host building such that it would not overwhelm or destroy the original form of the house and would respect its character and proportions. In terms of additional volume created, after making allowance for the single-storey element to be removed (which constitutes part of the original building, in line with the definition given in paragraph 5.8 of the Residential Extensions SPD), the extension would result in an increase of approximately 65%. This does exceed the 50% guideline referred to in the SPD, but that same document makes it clear that judgement as to the acceptability of a rural extension will be made on the basis of the impact of the extension on the form and appearance of the original building and its impact on the character of the countryside, as well as its scale purely in terms of volume/dimensions.
- 6.11 Turning, therefore, to the impact on the countryside, as explained in paragraphs 6.08 and 6.09, when seen in public views from Boy Court Lane and the footpath opposite, the extension would appear as a modestly proportioned, subservient addition constructed from sympathetic matching materials, which would respect and preserve the character and form of the host building. It would not project excessively from either the existing side or rear building lines, so would not have any significantly detrimental impact on the openness of the rural surroundings. It would be visible in medium-long range views from the public footpath to the

north/north-east, but again, due to its design and materials, would not appear over-scaled, obtrusive or visually harmful.

- 6.12 Overall it is considered that this would be a well-designed and visually modestly proportioned, subservient addition that would respect and preserve the character and form of the host building and would not result in any harm to the character, appearance or openness of the countryside in the Low Weald Landscape of Local Value.

Garage

- 6.13 The scale and design of the proposed garage have been amended from the original submission to be more modestly-scaled and rural in character. The open-fronted design, fully-hipped roof with a cat-slide at one end, and the proposed materials would all be in keeping with the rural surroundings. Moreover, its significantly set-back position (approximately 46m from Boy Court Lane) in the rear north corner of the site would minimise its visual impact and accentuate its subordination to the dwelling. In public views from the footpaths, it would likewise appear as a subservient ancillary outbuilding of appropriate rural character.
- 6.14 It is considered that the proposed garage accords with the design guidance set out in the adopted SPD and that it would not cause harm to the character, appearance or openness of the countryside in the Low Weald Landscape of Local Value.

Residential Amenity

- 6.15 Concern has been raised in representations and by the Parish Council regarding overlooking of / loss of privacy to Upper Boy Court Oast from the proposed windows in the first floor side elevation facing that property. It is acknowledged that those windows would face onto and overlook land forming part of the large plot of the Upper Boy Court Oast property, however, it is not considered that the impact would be so significantly detrimental as to justify a refusal of planning permission that could be sustained at appeal. Material considerations in reaching that conclusion are:
- There would be no direct inter-looking, window to window – the flank windows at Upper Boy Court Oast face at an angle of almost 90° to the direction the proposed windows would face.
 - The angled distance between the proposed window closest to Upper Boy Court Oast and the nearest corner of that building itself (not its windows) would be approximately 24m, which exceeds the 21m separation distance normally applied in a planning assessment of impact on privacy. (The distance from the other proposed windows would be greater; more than 30m from the rearmost.)
 - Although Upper Boy Court Oast stands on a large plot and reference is made to overlooking of a designated seating area, the guidance on assessment of impact on privacy set out in the adopted Residential Extensions SPD clearly states that *“The Borough Council will normally calculate the private amenity area as a depth of 5 metres from the back of the property”* (paragraph 5.52) and that area, as indicated on the latest revision of the proposed block plan, lies more than 21m from the proposed windows. Furthermore, notwithstanding the degree of separation, the angle of view from the windows would be oblique and much of that protected area would consequently be shielded by its own dwelling in relation to them.
 - An objector has stated that the considerations set out in the preceding bullet point are more applicable to assessment of privacy impacts in urban locations, however Development Plan policy makes no distinction in terms

of how the impact should be assessed and the guidance quoted above is taken from Chapter 5 of the adopted SPD, which is titled "Extensions within the Countryside". It is therefore considered to be equally relevant.

- 6.16 In view of the degree of separation from neighbouring dwellings of both the proposed extension and the proposed garage, it is not considered that the proposal would result in a significantly detrimental impact on the levels of daylight and sunlight enjoyed by neighbours, nor would it be significantly overbearing in terms of outlook.

Impact on Ecology/Protected Species

- 6.17 Policy DM1 of the Local Plan sets out, at point viii, that proposals should '*protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide mitigation.*'
- 6.18 The application is accompanied by a Preliminary Ecological Appraisal (PEA). This states that no bats nor signs of bats were found during the internal inspection of the house and that the building is judged as offering low suitability for roosting bats. The single-storey rear element "*offered negligible suitability for roosting bats*" and "*None of the trees present on site offered suitability for roosting bats*", although it was noted that "*the surrounding area is likely to be used by foraging and commuting bats*". In the recommendations section of the report, however, it is then stated that should bats be roosting on the site, animals could be injured and habitat lost during development, so a night time bat survey is recommended. Clearly it would be unacceptable for these protected species to be injured or their habitat lost. However, in this particular instance, given the findings in the same report that the building and its site offer little to no suitability for roosting bats, together with the facts that (i) the building is already in residential use as a family dwelling, (ii) renovation works not requiring planning permission were underway at the time of the survey and have since been completed, including installation of vaulted ceilings leaving, as acknowledged in the survey, very shallow roof spaces, and (iii) there would only be a small degree of interconnection between the extension roof and the existing roof because of its design, it is considered that it would be unduly onerous to require a further bat survey, and that the matter can be adequately dealt with by way of a condition requiring all work to cease and ecological advice to be sought in the unlikely event that any bats or evidence of bats are discovered during the development. This is considered to be a proportionate response given the nature and scale of the development, the scope of the works and the findings of the PEA.
- 6.19 No other protected species are likely to be adversely impacted. The amount of new-build footprint is below the recommended threshold for potential impact on great crested newts, and the recommended mitigation measures to be implemented during the development phase can be secured by condition.
- 6.20 The report also recommends inclusion of some biodiversity enhancement measures, which is in line with Policy DM1 and advice in both The NPPF and the adopted Residential Extensions SPD. It is understood that some of the measures indicated on the submitted proposed block plan have already been implemented (the wildflower and other planting and the froglio). Additional enhancements now proposed are 5 timber bat boxes on the extended dwelling, 1 bat box, 2 bird boxes and 1 owl box on trees, and a log pile behind the proposed garage. These measures are to be welcomed and can be secured by planning condition.

Other Matters

- 6.21 Parking/Highway Safety: The development would not significantly impact parking provision or highway safety. Although additional bedrooms would be created, there is ample space for the parking of vehicles within the site. The proposed garage

would provide an appropriate degree of covered parking. Access to the property would remain unchanged.

- 6.22 Renewables: The NPPF, Local Plan and Residential Extensions SPD all seek to promote the use of renewables and energy efficient buildings. The proposal includes installation of an air source heat pump, which would be discretely sited beside the proposed extension, as well as a number of water butts for rainwater harvesting from the roofs of both the garage and the extended dwelling. These measures are welcomed and considered to be proportionate to the scale of the development. They can be secured by condition.
- 6.23 Flooding/Water Run-off: The site does not lie within an identified flood risk area. Concern has been raised regarding increased run-off from the development roofs and hard-standing, however, water butts are to be provided to harvest rainwater from the building roofs and the driveway (which already exists) has a permeable surface. Provision of the water butts can be secured by condition.
- 6.24 Removal of Trees: This is stated to have occurred before submission of the application and, whilst regrettable, is not a material consideration that can be taken into account in its determination.

PUBLIC SECTOR EQUALITY DUTY

- 6.25 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 For the reasons set out above it is considered that the proposed development would be acceptable and would not cause significant visual harm or harm to neighbouring amenity, nor be unacceptable in terms of any other material planning considerations such that the proposed development is considered to be in accordance with current Development Plan Policy and planning guidance. Subject to appropriate conditions, therefore, approval is recommended.

8. 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.

CONDITIONS:

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

The Preliminary Ecological Appraisal dated 03/05/2022, referenced 2022/01/22 and received on 09/06/2022, drawing numbers 3906 01 Rev C, 3906 10 Rev D,

3906 11 Rev F, 3906 12 Rev I and 3906 13 Rev C and the email from Jack Coleman of Kent Design Studio timed at 13:54 on 14/09/2022, all received on 14/09/2022;

Reason: To clarify which plans and documents have been approved

- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as described on the application form;

Reason: To ensure a satisfactory appearance to the development.

- 4) Should any bats or evidence of bats be discovered during development, all work must cease with immediate effect until a suitably qualified ecologist has attended the site and been consulted, and all of their resultant recommendations have been carried out;

Reason: To prevent harm or injury to bats, which are a European Protected Species.

- 5) The development shall be carried out in strict accordance with the great crested newt mitigation during development measures set out on pages 20-21 of the Preliminary Ecological Appraisal dated 03/05/2022 and referenced 2022/01/22;

Reason: To prevent harm or injury to great crested newts, which are a European Protected Species.

- 6) The proposed ecological enhancements detailed on drawing number 3906 12 Rev I received on 14/09/2022, namely 5 timber bat boxes on the extended dwelling and 1 bat box, 2 bird boxes and 1 owl box on trees, shall be provided in accordance with the details on that drawing before the extension hereby permitted is first occupied. The proposed log pile behind the garage hereby permitted shall be provided before the first use of that garage. All ecological enhancements shall be maintained thereafter in perpetuity;

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

- 7) The proposed air source heat pump and one water butt attached to the dwelling shall be provided in accordance with the details on drawing number 3906 12 Rev I received on 14/09/2022 before the extension hereby permitted is first occupied, and the two water butts attached to the garage hereby permitted shall be provided before the first use of that garage. These measures shall be maintained thereafter in perpetuity;

Reason: To ensure an energy efficient form of development and minimise surface water run-off.

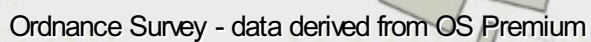
INFORMATIVES

- 1) All bat species and their roosts are legally protected. It is the applicant's responsibility to ensure that appropriate precautions are taken to ensure that an offence is not committed. Further advice can be sought from Natural England.
- 2) It is the responsibility of the developer to ensure, before the development hereby approved is commenced, that approval under the Building Regulations (where required) and any other necessary approvals have been obtained, and that the details shown on the plans hereby approved agree in every aspect with those approved under such legislation.
- 3) Your attention is drawn to the following working practices which should be met in carrying out the development:

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

Case Officer: Angela Welsford

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



REPORT SUMMARY

REFERENCE NO: - 22/503721/FULL		
APPLICATION PROPOSAL: Demolition of existing porch and erection of a part single storey, part two storey side extension.		
ADDRESS: 2 Wierton Corner Cottages, Wierton Hill, Boughton Monchelsea, Kent, ME17 4JT		
RECOMMENDATION: GRANT subject to the planning conditions set out in Section 8.0 of the report		
SUMMARY OF REASONS FOR RECOMMENDATION: For the reasons set out below it is considered that the proposed development would be acceptable and would not cause significant visual harm, or harm to neighbouring amenity, the setting of listed buildings or highway safety nor be unacceptable in terms of any other material planning considerations such that the proposed development is considered to be in accordance with current Development Plan Policy and planning guidance.		
REASON FOR REFERRAL TO COMMITTEE: The application has been called in by Boughton Monchelsea Parish Council by reason of the recommendation being contrary to their comments (see report below for reasons).		
WARD: Boughton Monchelsea And Chart Sutton	PARISH/TOWN COUNCIL: Boughton Monchelsea	APPLICANT: Mr Reuben Wilkinson AGENT: Mr Peter Smithdale
CASE OFFICER: Angela Welsford	VALIDATION DATE: 02/08/22	DECISION DUE DATE: 23/12/22
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

MA/75/1046

Extensions and improvements to two cottages (1 & 2 Wierton Corner Cottages)
Approved 04.03.1976

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is located near the junction of Wierton Hill with Wierton Road and East Hall Hill in the rural hamlet of Wierton. This is classed as countryside for the purposes of planning and falls within the Greensand Ridge Landscape of Local Value designation.
- 1.02 It is a fairly large but irregularly shaped plot containing the right-hand one of a pair of semi-detached rag stone cottages with brick quoins and a slate roof. The cottages front onto Wierton Hill. Parking for the application property is in the eastern section of the site, beyond the rear garden belonging to the attached cottage, and is accessed via East Hall Hill.
- 1.03 There are listed buildings in the vicinity –Wierton Hall Farm Cottage on the north side of East Hall Hill, on the corner, and further north-east (approximately 50m from the site), Wierton Hall. The area is also identified as having the potential for discovery of archaeological remains.

2. PROPOSAL

- 2.01 Planning permission is sought for the erection of a part single-storey, part two-storey side extension. This would require the removal of the existing modern porch.
- 2.02 In line with officer advice and in an attempt to address concerns raised by the Parish Council, the proposal has been amended from the original submission to reduce the scale of the extension by narrowing its width and increasing the set-back from the front building line of the host dwelling.
- 2.03 The extension would be set back 0.8m from the front building line of the host dwelling and would protrude 3.65m from the original flank wall. Its roof would be double-pitched with a central valley, the ridges set 1.8m lower than the ridge of the host dwelling and the eaves dropped by 0.2m.
- 2.04 Proposed materials are high quality, being rag stone with red brick quoins matching the host cottage to both the front and side elevations, and cream render with red brick quoins to the rear elevation, all beneath a natural slate roof.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):
Policies SP17, SP18, DM1, DM3, DM4, DM23, DM30, DM32

Emerging Policies: 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 the 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.

Relevant Policies:

Policy LPRSP9 – Development in the countryside

Policy LPRSP15 – Principles of Good Design

Policy LPRQ&D4 – Design principle in the countryside

LPRHou11 – Rebuilding, Extending and Subdivision of Dwellings in the countryside

Policy LPRSP14 (B) – The Historic Environment

Policy LPRENV 1 – Historic Environment

Policy LPRTRA4 - Parking Matters

Neighbourhood Plan:

Boughton Monchelsea Neighbourhood Development Plan - Policies PWP7, PWP8, PWP12

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Supplementary Planning Documents: Residential Extensions SPD (adopted May 2009)

4. LOCAL REPRESENTATIONS

Local Residents: 1 representation received from a local resident raising the following (summarised) issues:

- the extension would unbalance the appearance of the cottages;

- too many extra new builds have been passed in the area, harming its character;
- the Parish Council advises no new builds on the south side of the B2163.

5. CONSULTATIONS

Boughton Monchelsea Parish Council

5.01 Response to original proposal:

"The Parish Council wish to see the application refused for the following planning reasons. If MBC are minded to approve it the application should be reported to planning committee for decision. The proposal constitutes overdevelopment, almost doubling the size of the house, changing its nature and character and compromising the composition of both semi-detached properties The Boughton Monchelsea Neighbourhood Plan discourages development to the south of Heath Road The proposal is in the vicinity of two listed buildings".

Response to consultation on amended proposal:

Despite revised details, objection and call-in to Planning Committee maintained, proposal still constitutes overdevelopment. Reasons given reiterate those above.

KCC Archaeological Officer

5.02 No response to consultation.

MBC Conservation Officer

5.03 No objection.

The proposed extension will be sited to the side elevation and would not be visible from the listed buildings. The development would consist of sympathetic materials and would not dominate the area. Due to the location of the extension and the separation distance between the listed buildings and the application site, no harm would be caused to the setting of the Grade II listed Wierton Hall and Wierton Hall Farm Cottage.

6. APPRAISAL

The key issue is:

- Visual impact.

Policy Context/Principle of Development

- 6.01 Policy DM1 (Principles of good design) outlines the importance of high-quality design for any proposal. Amongst other things, well-designed proposals respond positively to their context in visual terms, respecting landscape character and the settings of heritage assets, as well as preserving the amenities of neighbouring occupiers.
- 6.02 The countryside is a valuable and finite resource which should be protected for its own sake and for the benefit of future generations. Consequently, development there should be limited and Local Plan Policy SP17 requires that "*Development*

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

- 6.03 Nevertheless, extensions to existing rural dwellings are one of the exception types of development which, in principle, are permissible in the countryside. Consequently, Policy DM30 requires, *inter-alia*, that such extensions are of a scale which relates sympathetically to the existing building and the rural area and that they have no significant adverse impact upon the form, appearance or setting of the host building, whilst Policy DM32 echoes similar sentiments, requiring that extensions to rural dwellings are well-designed and sympathetically related to the existing dwelling without overwhelming or destroying the original form of the dwelling; and that householder development is individually and cumulatively visually acceptable in the countryside.
- 6.04 Further design guidance is provided in the Council's adopted Residential Extensions SPD. This states on page 47 that "*an extension should be modest in size, subservient to the original dwelling and should not overwhelm or destroy its original form*" and that "*an extension should cause no adverse impact on the character or openness of the countryside*". Since the term "modest" is open to interpretation, the SPD explains that judgement in that respect will be made on the basis of the impact of the extension on the character of the countryside, its impact on the form and appearance of the original building, and the scale of the extension. In relation to scale, paragraph 5.18 states, "*in considering an extension to a residential dwelling in the countryside, the Local Planning Authority would normally judge an application as modest or limited in size if, in itself and cumulatively with previous extensions, it would result in an increase of no more than 50% in the volume of the dwelling*". Examples of well-designed extensions to rural dwellings given in the SPD show them to be subservient to the host property in terms of scale and positioning, stepped back from its building lines, and including design elements from the original building.
- 6.05 In relation to the nearby listed buildings, Section 66(1) of the Town & Country Planning Act 1990 requires the LPA to have special regard to the desirability of preserving their settings, and that is also a requirement of Local Plan policy and the NPPF.
- 6.06 In its objection to the application, Boughton Monchelsea Parish Council has cited as part of its reason that the "*Boughton Monchelsea Neighbourhood Plan discourages development to the south of Heath Road*" and a local resident has likewise stated that the Parish Council advises there should be "*no new builds on the south side of the B2163*". However, the Boughton Monchelsea Neighbourhood Development Plan does not contain a policy which specifically deals with extensions to existing dwellings, and Policy RH1 is referring to the location of new housing development when it states "*Proposals for new residential development to the south of Heath Road (B2163) will not be supported unless they conform with national and local rural exception policies*." Moreover, it is an accepted and well-established tenet of planning that each case must be decided on its own merits, so it would not be reasonable to apply a blanket prohibition on all new development in this way without having regard to the type of proposal and whether that type of development is deemed acceptable in principle in this location by the policies of the Maidstone Borough Local Plan and the NPPF. In this case, as set out above, there is general Development Plan policy support for extensions to existing rural dwellings, subject to appropriate scale, design and impact on the surroundings and neighbours etc. It is therefore concluded that the development is acceptable in principle. The finer detail will now be considered.

Visual Impact

- 6.07 The extension has been designed in accordance with design guidance in the Council's adopted Residential Extensions SPD, incorporating a definite and noticeable 0.8m setback of the entire front elevation from the front building line of the existing cottage, as well as a lowered eaves line (0.2m) and significantly lowered ridge line (1.8m). The first floor of its rear elevation would also be stepped in from the original rear building line, by approximately 350mm. These measures would clearly subordinate the extension to the host building, making it appear visually subservient and allowing it to be read as a sympathetic, later addition which respects the character and form of the existing building and the semi-detached pair of which that is a part.
- 6.08 The original cottage was extremely modest in the accommodation provided: just two rooms on each of the ground and first floors, plus one in the attic. It has been previously extended, jointly with No 1 during the 1970s, but only to provide a small kitchen at ground level and internal sanitary facilities on the first floor. The majority of that previous, joint extension, related to the attached cottage (which has subsequently been further extended – MA/07/1810). In purely volumetric terms, the extension now proposed would exceed 50% of the volume of the original cottage, both individually and when taken cumulatively with the previous extension. That said, it is considered that the scale of the proposal would nevertheless appear visually modest and would not overwhelm the original building. Furthermore, the proposal has been amended to reduce the scale from that originally proposed and it is considered that the proportions would now be acceptable and well-related to those of the host building.
- 6.09 Moreover, the advice in the adopted SPD is clear that assessment of acceptability should be made on the basis of a combination of three elements, the scale in purely volumetric/dimensional terms being one of those, with the others being the impact on the character and form of the original building and the impact on the countryside. As explained in paragraph 6.07 above, the addition would be clearly subservient to the original building and would not overwhelm its character or form, it is considered. For these same reasons, it is not considered that the proposal would cause harm to the character, appearance or openness of the countryside in the Greensand Ridge Landscape of Local Value. It would not result in the dwelling becoming obtrusive; would not erode the openness of any rural views due to its position and its relatively modest dimensions. The longest range public view would be on approach from the south, up Wierton Hill, and in that the extension would be seen against the backdrop of the larger and taller existing building. In views from East Hall Hill and coming down Wierton Road, it would be behind the existing cottages; and there would be a limited range of view from directly in front because of the bending configuration of the road, the lack of pavement and the degree of setback of the extension.
- 6.10 Concern has been raised by the Parish Council and a local resident regarding the impact on the setting of nearby listed buildings. However, the Conservation Officer does not object to the application on heritage grounds and has advised that, in his opinion, the development would consist of sympathetic materials and would not dominate the area, and that due to its location and the separation distance between the listed buildings and the application site, no harm would be caused to the setting of the Grade II listed Wierton Hall and Wierton Hall Farm Cottage.
- 6.11 To conclude on the issue of visual impact, therefore, it is considered that the proposed extension would appear as a well-designed and appropriately scaled, subservient addition that respects the character and form of the original cottage and that would not harm the character of the rural surroundings or the setting of nearby listed buildings. High-quality materials are proposed which would match those used in the existing building, namely rag stone with red brick quoins to the front and side elevations, with a natural slate roof. The use of cream render on the rear elevation is considered acceptable, given the very limited public visibility of

that area, and would relate sympathetically to the buff bricks used in the existing rear extension. It is noted that the existing cottage has exposed rafter feet and shaped lower tips to the barge boards and, in line with the design advice in the SPD that detailing should match, it is considered that these details should be replicated on the extension. Subject to conditions securing these high-quality materials and matching detailing, it is considered that the visual impact of the proposal would be acceptable.

Other Matters

- 6.12 Residential Amenity: The development would not affect the levels of daylight, sunlight or outlook enjoyed by neighbouring occupiers since it would be set behind the existing building in relation to the attached cottage, and all other nearby dwellings are a significant distance away. There would not be any new openings in a position to cause a loss of privacy to the attached cottage or its garden and again, all other nearby dwellings are too far away to be significantly adversely impacted in this respect.
- 6.13 Parking/Highway Safety: The development would not impact parking provision or highway safety. Although an additional bedroom would be created, the parking provision requirement under Local Plan Policy DM23 would remain the same.
- 6.14 Archaeology: In the absence of specialist advice to the contrary, and in view of the relatively small area of groundworks proposed, in a location where, given the presence of the modern porch (to be removed), a degree of development must have already taken place, it is not considered that any archaeological mitigation measures are justified.
- 6.15 Biodiversity/Ecological Enhancement: Due to the nature and relative scale of the development and the existing residential use of the site, it is not considered that any ecological surveys are required.
- Policy DM1 of the Local Plan sets out, at point viii, that proposals should '*protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide mitigation.*' This is in line with the NPPF and advice in the Residential Extensions SPD and it is considered that some biodiversity enhancement measures should be provided, both integrated into the new building work and within the curtilage. This matter can be dealt with by way of a planning condition.
- 6.16 Renewables: The NPPF, Local Plan and Residential Extensions SPD all seek to promote the use of renewables and energy efficient buildings. It is noted that there is already an electric vehicle charging point at the property, plus the applicant has advised that the coal boiler has been replaced with a pellet boiler and the coal fire in the lounge with a log stove. However, the applicant has also expressed a positive interest in providing solar panels at the property and has confirmed his willingness to accept a condition securing these as part of the development (either photo voltaic on the extension roof or potentially solar thermal on the existing south-facing roof slope of the cottage). It is considered that a condition securing a small-scale renewable energy installation would not be unreasonable to offset the environmental impact of the building works and the resultant larger building.

PUBLIC SECTOR EQUALITY DUTY

- 6.17 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 For the reasons set out above it is considered that the proposed development would be acceptable and would not cause significant visual harm, harm to neighbouring amenity or the setting of listed buildings, nor be unacceptable in terms of any other material planning considerations such that the proposed development is considered to be in accordance with current Development Plan Policy and planning guidance. Subject to appropriate conditions, therefore, approval is recommended

8. 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.

CONDITIONS:

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Site location plan and Proposed Section AA Rev B received on 29/07/2022, and Block Plan Rev E, Proposed West Elevation Rev D, Proposed South Elevation Rev E, Proposed East Elevation Rev D, Proposed Basement Floor Plan Rev C, Proposed Ground Floor Plan Rev E, Proposed First Floor Plan Rev C, Proposed Second Floor Plan Rev C, Proposed Section BB Rev C and Proposed Section CC Rev C received on 13/11/2022;

Reason: To clarify which plans have been approved.
- 3) The materials to be used in the development hereby permitted shall be as indicated on the approved plans unless otherwise approved in writing by the Local Planning Authority. The rag stone, bricks used in the quoins and window surrounds, and the slate used on the roof shall match those used in the existing building.

Reason: To ensure a satisfactory appearance to the development.
- 4) The development shall not proceed above slab level until full details at a suggested scale of 1:5 of the eaves and roof verge/barge boards of the extension have been submitted to and approved in writing by the Local Planning Authority. These details shall show exposed rafter feet and shaped tips to the barge boards, both to match those on the original cottage. The development shall be carried out in accordance with the approved details.

Reason: To ensure a sympathetic relationship between the extension and the original cottage and in the interest of preserving the character and appearance of the surrounding rural area.

- 5) The extension hereby approved shall not commence above slab level until details of a scheme for the enhancement of biodiversity on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through at least one integrated method into the design and appearance of the extension by means such as swift bricks, bat tubes or bee bricks, and through the provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to first use of the extension and all features shall be maintained thereafter.

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

- 6) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation of the extension and maintained thereafter;

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

INFORMATIVES

- 1) You are advised that there is a separate application process to discharge planning conditions which require written approval of details. You can apply online at, or download forms from, www.planningportal.co.uk (search for 'discharge of conditions')
- 2) Details pursuant to Condition 5 should show, on a scaled drawing, the type and number of the proposed ecological enhancements as well as their intended positions, including, where appropriate, the height above ground level to demonstrate that this would be appropriate for the species for which it is intended. Any bird boxes should face north or east and bat boxes should face south. Where planting is proposed, please also supply details of the number of plants of each species as well as the intended size on planting (eg: pot size in litres). Some helpful advice may be found at:
- <https://www.rhs.org.uk/science/conservation-biodiversity/wildlife/plants-for-pollinators>
- <https://www.rspb.org.uk/birds-and-wildlife/advice/how-you-can-help-birds/>
- <https://www.bats.org.uk/our-work/buildings-planning-and-development/bat-boxes>
- <https://www.wildlifetrusts.org/actions/how-build-hedgehog-home>
- <https://www.woodlandtrust.org.uk/blog/2019/09/how-to-build-a-bug-hotel/>
- 3) 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.
- 4) 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.

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

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

If relevant, the applicant must consult the Environmental Health Manager regarding an Environmental Permit under the Environmental Protection Act 1990.

Case Officer: Angela Welsford

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