

PLANNING COMMITTEE MEETING

Date: Thursday 14 December 2023
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Cox, English (Vice-Chairman), Mrs Gooch, Harwood, Holmes, Jeffery, Kimmance, McKenna, Perry, Riordan, Russell, Spooner (Chairman) and D Wilkinson

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

<u>AGENDA</u>	<u>Page No.</u>
1. Apologies for Absence	
2. Notification of Substitute Members	
3. Notification of Visiting Members	
4. Items withdrawn from the Agenda	
5. Date of Adjourned Meeting - Monday 18 December 2023	
6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting	
7. Disclosures by Members and Officers	
8. Disclosures of lobbying	
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information	
10. Minutes of the meeting held on 16 November 2023 adjourned to 23 November 2023	1 - 9
11. Presentation of Petitions (if any)	
12. Deferred Items	10 - 11
13. 23/503252/FULL Salts Farm, Salts Lane, Loose, Kent	12 - 30

Issued on Wednesday 6 December 2023

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

14.	23/503253/LBC Salts Farm, Salts Lane, Loose, Kent	31 - 40
15.	23/503671/FULL Montrose, Sutton Road, Langley, Maidstone, Kent	41 - 53
16.	23/502511/FULL Field Adjacent To Dancing Green, Lenham Road, Headcorn, Kent	54 - 74
17.	Appeal Decisions	75 - 77

PLEASE NOTE

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

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

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

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

In order to speak at the meeting, please call 01622 602899 or email committee@maidstone.gov.uk by 4 p.m. on Wednesday 13 December 2023. 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

To find out more about the work of the Committee, please visit www.maidstone.gov.uk

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 16 NOVEMBER 2023 ADJOURNED TO 23 NOVEMBER 2023

Present

16 November 2023:

Committee Members:	Councillor Spooner (Chairman) and Councillors Cox, English, Garten, Mrs Gooch, Harwood, Holmes, Jeffery, Perry, Russell, Springett and D Wilkinson
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157. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors McKenna and Riordan.

158. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Garten for Councillor McKenna
Councillor Springett for Councillor Riordan

159. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

160. ITEMS WITHDRAWN FROM THE AGENDA

23/502481/FULL – BROKEN TREE, FORSTAL LANE, COXHEATH, KENT

The Principal Planning Officer sought the Committee's agreement to the withdrawal of application 23/502481/FULL from the agenda as it was not possible to determine it lawfully under Section 73 of the Town and Country Planning Act 1990 as set out in the urgent update. It was noted that although Section 73 applications could be used to amend planning conditions, they could not change the operative description of a development; for example, the number of units (in this case, caravans).

RESOLVED: That agreement be given to the withdrawal of application 23/502481/FULL from the agenda.

161. CHANGE TO THE ORDER OF BUSINESS

The Chairman advised the Committee that it was now the intention to roll over the following applications to the adjourned meeting on 23 November 2023 because, due to miscommunication, the Parish Council thought that they were going to be heard next week and wished to make representations:

- 23/504294/FULL Land Adjacent to The Hawthorns, Pye Corner, Ulcombe, Kent
- 23/503722/FULL Golden Oaks, Pye Corner, Ulcombe, Kent

162. URGENT ITEMS

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

163. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

164. DISCLOSURES OF LOBBYING

Councillors Cox, Mrs Gooch, Harwood, Holmes, Jeffery, Perry, Russell and D Wilkinson stated that they had been lobbied on item 13 (23/502119/OUT – Former Syngenta Works, Hampstead Lane, Yalding, Kent).

Councillor Jeffery also stated that he had been lobbied on item 19 (22/503566/FULL – 62 Maidstone Road, Lenham, Kent).

165. EXEMPT ITEMS

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

166. MINUTES OF THE MEETING HELD ON 19 OCTOBER 2023 ADJOURNED TO 26 OCTOBER 2023

RESOLVED: That the Minutes of the meeting held on 19 October 2023 adjourned to 26 October 2023 be approved as a correct record and signed.

167. PRESENTATION OF PETITIONS

There were no petitions.

168. DEFERRED ITEMS

23/501635/FULL - CONVERSION OF EXISTING BARN TO RESIDENTIAL DWELLING, INCLUDING NEW ENTRANCE AND ACCESS DRIVE WITH ASSOCIATED PARKING (RE-SUBMISSION OF 22/501591/FULL) - CHICKENDEN BARN, CHICKENDEN LANE, STAPLEHURST, TONBRIDGE, KENT

21/503412/FULL - ERECTION OF 8 NO. FULL MASTS AND 4 NO. LOWER MASTS FLOODLIGHTING TO SERVE THE SPORTS PITCHES - MARDEN SPORTS CLUB, MAIDSTONE ROAD, MARDEN, KENT

The Principal Planning Officer advised the Committee that work was ongoing on both deferred applications.

169. 23/502119/OUT SECTION 73 - APPLICATION FOR VARIATION OF CONDITION 21 TO ALLOW 14,000M² OF FLOORSPACE TO BE OCCUPIED PRIOR TO THE PROVISION OF THE CAPACITY IMPROVEMENTS TO THE MAIDSTONE ROAD/HAMPSTEAD LANE JUNCTION PURSUANT TO 19/504910/OUT - OUTLINE APPLICATION FOR THE REDEVELOPMENT OF THE FORMER SYNGENTA WORKS SITE TO PROVIDE A NEW BUSINESS PARK OF UP TO 46,447 M² OF B1(C), B2

AND B8 ACCOMMODATION WITH ASSOCIATED ACCESS, PARKING AND INFRASTRUCTURE WORKS - FORMER SYNGENTA WORKS, HAMPSTEAD LANE, YALDING, KENT

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

When introducing the application, the Principal Planning Officer advised the Committee that the applicant had sent lobbying material to Members about why they had submitted the application. Whilst this was informative, the application must be determined on the transport evidence and the reason for making the application was not relevant to the merits of the actual decision.

Councillor Green of Nettlestead Parish Council addressed the meeting.

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 and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 9 – For 2 – Against 1 – Abstention

170. 23/502481/FULL SECTION 73 - APPLICATION FOR VARIATION OF CONDITION 3 (TO ALLOW STATIONING OF AN ADDITIONAL STATIC CARAVAN/MOBILE HOME AT THE SITE) PURSUANT TO 19/500583/FULL FOR - PART RETROSPECTIVE AND PART PROPOSED APPLICATION FOR THE MATERIAL CHANGE OF USE OF LAND TO ALLOW THE STATIONING OF TWO RESIDENTIAL CARAVANS AND THE STORAGE OF ONE TOURING CARAVAN FOR USE BY A TRAVELLER FAMILY UNIT TOGETHER WITH ASSOCIATED ACCESS, PARKING FACILITIES, HARDSTANDINGS, CESSPIT AND LANDSCAPING (RETROSPECTIVE ELEMENTS BEING THE USE OF LAND FOR SITING TWO RESIDENTIAL CARAVANS, THE INSTALLATION OF AN ACCESS AND CESSPIT WITH PROPOSED ELEMENTS BEING REVISED SITING OF MOBILE HOMES AND PROVISION OF NEW ASSOCIATED HARD-STANDINGS AND REDUCED ACCESS AND PARKING AREAS) - BROKEN TREE, FORSTAL LANE, COXHEATH, KENT

See Minute 160 above.

171. ADJOURNMENT OF MEETING

At 8.00 p.m., following consideration of the report of the Head of Development Management relating to application 23/502119/OUT (Former Syngenta Works, Hampstead Lane, Yalding, Kent), the Committee:

RESOLVED: That the meeting be adjourned until 6.00 p.m. on Thursday 23 November 2023 when the remaining items on the agenda will be discussed.

172. DURATION OF MEETING

7.30 p.m. to 8.05 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 16 NOVEMBER 2023
ADJOURNED TO 23 NOVEMBER 2023

Attendees

23 November 2023:

Committee Members:	Councillor Denis Spooner (Chairman) and Councillors Cox, English, Garten, Harwood, Holmes, Jeffery, Kimmance, McKenna, Perry, Russell, Spooner and D Wilkinson
Visiting Members:	Councillors Hinder and S Thompson

173. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gooch and Riordan.

174. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor Garten was present as Substitute Member for Councillor Riordan.

175. NOTIFICATION OF VISITING MEMBERS

Councillor Hinder was present as Visiting Member for Item 12 – (23/501986/FULL – Land Northeast of Redwood Glade, Forge Lane, Bredhurst, Kent) and Item 14 – (23/504229/FULL La Torre, Boxley Road, Walderslade, Kent).

Councillor S Thompson was present as Visiting Member for Item 11 – (23/501345/FULL – Reeds Wood, Cox Street, Detling, Maidstone, Kent).

176. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

177. URGENT ITEMS

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

178. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

179. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

9.	23/504294/FULL – Land Adjacent to the Hawthorns, Pye Corner, Ulcombe, Kent	Councillors Cox, English, Harwood and Perry
10.	23/503722/FULL – Golden Oaks, Pye Corner, Ulcombe, Kent	Councillors Perry and Harwood
11.	23/501345/FULL – Reeds Wood, Cox Street, Detling, Maidstone, Kent	Councillors Jeffery, Harwood, Kimmance and McKenna
12.	23/501986/FULL – Land Northeast of Redwood Glade, Forge Lane, Bredhurst, Kent	Councillors Cox, Harwood, Garten, Holmes, Jeffery, Kimmance, Perry, Russell, Spooner and D Wilkinson
13.	22/503566/FULL – 62 Maidstone Road, Lenham, Kent	Councillor Jeffery
14.	23/504229/FULL – La Torre, Boxley Road, Walderslade, Kent	Councillor Jeffery

180. EXEMPT ITEMS

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

181. 23/501345/FULL - CHANGE OF USE OF LAND TO A LUXURY HOLIDAY PARK TO COMPRISING 6NO. HARD STANDING PITCHES, 2NO. SAFARI LODGES, SWIM POND, CYCLE STORE AND CONVERSION OF EXISTING AGRICULTURAL BARN TO A RECEPTION BUILDING WITH ASSOCIATED ACCESS, PARKING, FOUL WATER PACKAGE TREATMENT PLANT, 2NO. SURFACE WATER ATTENUATION PONDS WITH LANDSCAPING AND LIGHTING - REEDS WOOD, COX STREET, DETLING, MAIDSTONE, KENT

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

In introducing the application, the Principal Planning Officer advised the Committee that a further representation had been received which outlined concerns regarding light and traffic pollution.

Mr Tamsett, the applicant, addressed the meeting.

Councillor S Thompson (Visiting Member) addressed the meeting.

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

- Contrary to paragraph 180(c) of the National Planning Policy Framework, the proposal would disturb the ancient woodland which is a linear habitat by impacting on wildlife connectivity, harm from lighting,

general disturbance, public access to the woods and creation of a nitrogen deposition due to an increase in vehicle traffic. A suitable compensation strategy was not presented and the application was not exceptional with alternative sites available.

- The proposal was contrary to the Kent Downs AONB Management Plan, which requires development to enhance and provide betterment.

Informative

The decision has been made on the description provided on the application form which included a "reception building".

RESOLVED: That permission be refused and that the Head of Development Management be given delegated powers to finalise the reasons for refusal based on the issues summarised above.

Voting: 10 – For 0 – Against 0 – Abstentions

Note: Councillor Kimmance joined the meeting after consideration of this application (6.14 p.m.)

182. 23/501986/FULL - ERECTION OF 3NO. DWELLINGS WITH ASSOCIATED GARAGES, PARKING, AND AMENITIES, INCLUDING ALTERATIONS TO EXISTING ACCESS - LAND NORTH EAST OF REDWOOD GLADE, FORGE LANE, BREDHURST, KENT

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

The Democratic and Electoral Services Manager read out a statement on behalf of Mr Carter, an objector.

Mr Collins, a supporter, addressed the meeting.

Councillor Hinder (Visiting Member) addressed the meeting.

The Democratic and Electoral Services Manager read out a statement on behalf of Councillor Jones, a ward member.

RESOLVED: That permission be refused for the reasons as set out in the report, with the further addition of the reason relating to the lack of an ecological survey with the Head of Development Management be given delegated powers to finalise.

Voting: 9 – For 2 – Against 0 – Abstentions

183. 22/503566/FULL - DEMOLITION OF EXISTING OUTBUILDINGS AND PART OF EXISTING GARAGE, AND ERECTION OF 2. DETACHED CHALET HOUSES WITH ASSOCIATED ACCESS AND PARKING - 62 MAIDSTONE ROAD, LENHAM, KENT

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

When introducing the application, the Senior Planning Officer sought delegated powers to impose an additional condition relating to the incorporation of decentralised and renewable or low-carbon sources of energy into the development.

Mr McCreery addressed the meeting on behalf of Lenham Parish Council.

The Democratic and Electoral Services Manager read out a statement on behalf of the applicant, Mr Chapman.

RESOLVED: That subject to:

- A. The prior completion of a legal agreement in such terms as the Head of Legal Partnership may advise to secure the Heads of Terms set out in the report, an additional Head of Terms for tree cover enhancement and maintenance for 30 years and the prior payment of monitoring fees;

AND

- B. The conditions set out in the report; with:

The strengthening of condition 6 (Soft Landscaping) to require a double-staggered native hedgerow along the frontage of the application site;

A condition to retain the apex and soft landscape frontages of the application site;

An additional condition relating to the incorporation of decentralised and renewable or low-carbon sources of energy into the development,

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

Voting: 11 – For 0 – Against 0 – Abstentions

Note: Councillor English joined the meeting after consideration of this application (7.54 p.m.)

- 184. 23/504229/FULL - CONVERSION OF EXISTING 3NO. FLATS TO A SINGLE RESIDENTIAL DWELLING, INCLUDING ERECTION OF 2NO. REAR AND 1NO. FRONT DORMERS, AND ERECTION OF 1NO. DETACHED DWELLING WITH ASSOCIATED PARKING - LA TORRE, BOXLEY ROAD, WALDESLADE, KENT

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

Ms Anderson, an objector, addressed the meeting.

Mr Fard, the applicant, addressed the meeting.

Councillor Hinder (Visiting Member) addressed the meeting.

RESOLVED:

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

The strengthening of condition 8 (Landscaping) to require a detailed planting plan, a replacement tree on the site frontage and traditional front boundary hedgerow treatment.

The strengthening of condition 9 (Tree and Plant Management) to require a 10 year landscape management plan.

An additional condition to require the protection of the Beech and Yew Tree.

2. That delegated powers be 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 4 – Against 0 – Abstentions

185. 23/504294/FULL - CHANGE OF USE OF THE LAND FOR THE STATIONING OF 3NO. MOBILE HOMES AND 3NO. TOURING CARAVANS FOR GYPSY/TRAVELLER OCCUPATION, WITH ASSOCIATED HARD AND SOFT LANDSCAPING - LAND ADJACENT TO THE HAWTHORNS, PYE CORNER, ULCOMBE, KENT

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

Councillor Titchener of Ulcombe Parish Council addressed the meeting.

Mr McKay, for the applicant, addressed the meeting.

The Democratic and Electoral Services Manager read out a statement on behalf of Councillor Trzebinski, a ward member.

RESOLVED:

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

The amendment of condition 8 (Landscaping) to require a 10 year landscape management plan.

An additional condition to phase the growth of hedging to replace the fence at the Northeast boundary of the application site.

An informative advising the applicant that the Orchard on site should be replaced with a Hazelnut Plait.

2. That delegated powers be given to the Head of Development Management to be able to settle or amend any necessary planning

conditions and informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 11 – For 0 – Against 0 – Abstentions

186. 23/503722/FULL - DEMOLITION OF EXISTING DAYROOM AND ERECTION OF A REPLACEMENT DAYROOM TOGETHER WITH ASSOCIATED LANDSCAPING (RESUBMISSION 22/505594/FULL) - GOLDEN OAKS, PYE CORNER, ULCOMBE, KENT

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

Councillor Diamond of Ulcombe Parish Council addressed the meeting.

Mr Nicholas, for the applicant, addressed the meeting.

The Democratic and Electoral Services Manager read out a statement on behalf of Councillor Trzebinski, a ward member.

RESOLVED:

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

The strengthening of condition 7 (Landscaping) to require a 10 year landscape management plan.

2. That 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 1 – Against 1 – Abstention

187. APPEALS LIST

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

Arising from the discussion, the Head of Development Management advised the Committee he would like to discuss the Council's Landscape Character Guidelines with Members which had been written in 2012 and were out date.

RESOLVED: That the report be noted.

188. DURATION OF MEETING

6.00 p.m. to 9.43 p.m.

Note: The Committee adjourned between 8.38 p.m. to 8.50 p.m.

Agenda Item 12

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

14 DECEMBER 2023

REPORT OF THE HEAD OF DEVELOPMENT MANAGEMENT

DEFERRED ITEMS

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

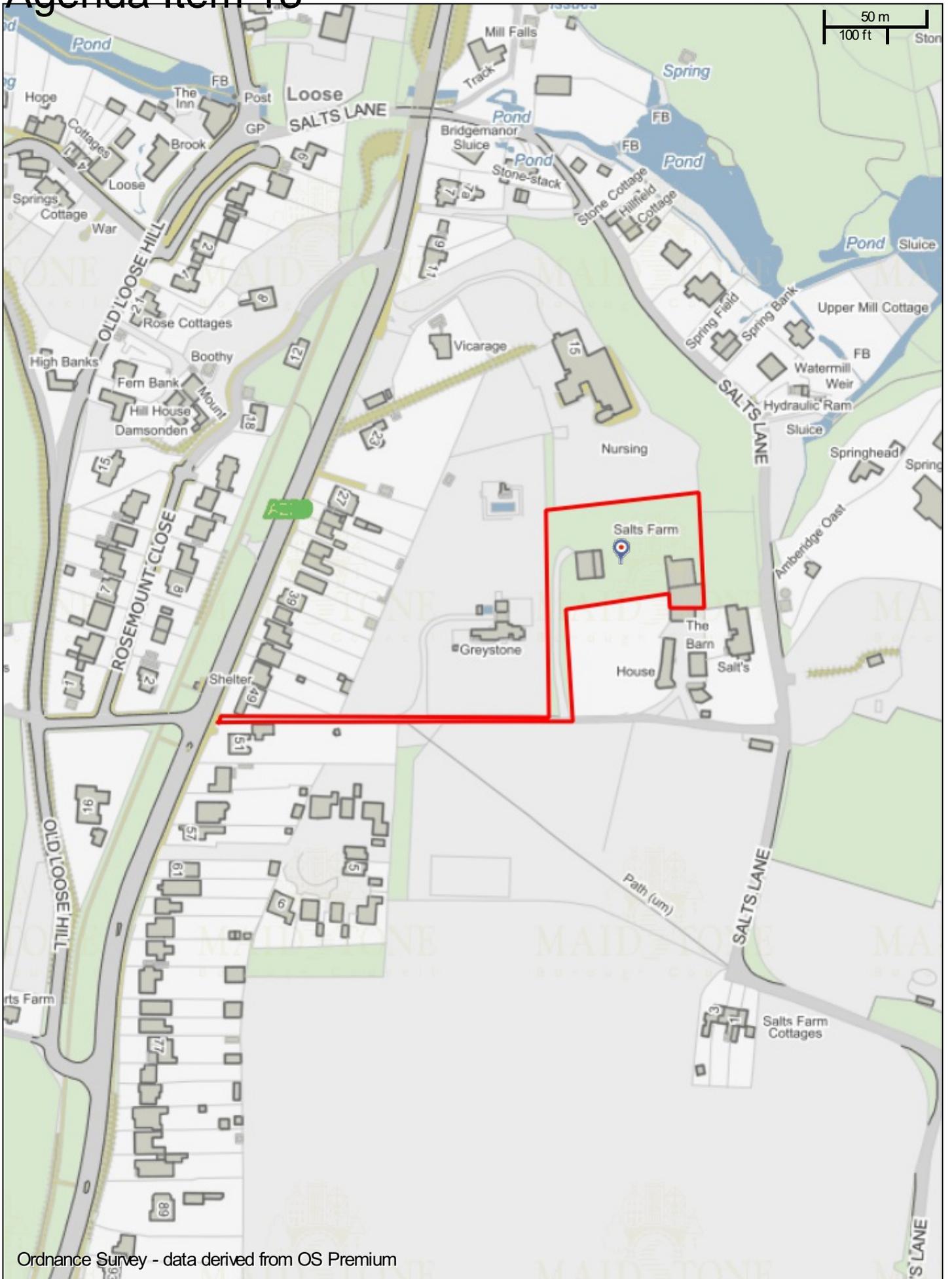
APPLICATION	DATE DEFERRED
<p><u>23/501635/FULL - CONVERSION OF EXISTING BARN TO RESIDENTIAL DWELLING, INCLUDING NEW ENTRANCE AND ACCESS DRIVE WITH ASSOCIATED PARKING (RE-SUBMISSION OF 22/501591/FULL) - CHICKENDEN BARN, CHICKENDEN LANE, STAPLEHURST, TONBRIDGE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none">• Seek further arboricultural information on tree removal and the impact of the proposed development on retained trees (if any); and• Negotiate with the applicant regarding the submission of an ecological method statement for the dredging of the ditch and pond given the potential to affect protected species.	24 August 2023
<p><u>21/503412/FULL - ERECTION OF 8 NO. FULL MASTS AND 4 NO. LOWER MASTS FLOODLIGHTING TO SERVE THE SPORTS PITCHES - MARDEN SPORTS CLUB, MAIDSTONE ROAD, MARDEN, KENT</u></p> <p>Deferred to:</p> <p>Assess the cumulative impact of the existing lighting, the lighting for the proposed padel courts and the lighting associated with this application;</p> <p>Seek night-time photographs to see what the existing lighting looks like;</p> <p>Seek details of a landscape scheme;</p>	19 October 2023 adjourned to 26 October 2023

Seek details of the boundary treatments, including the acoustic fencing (height etc.) and bund to assess the visual impact and also to understand the planning status of the bund and fencing;

Seek up to date ecological information (including a bat survey) and an assessment of biodiversity net gain; and

Seek more information about the light spectrum proposed as the red end of the spectrum is less intrusive.

Agenda Item 13



Ordnance Survey - data derived from OS Premium

23/503252/FULL & 23/503253/LBC Salts Farm, Salts Lane, Loose, Kent, ME15 0BD
Scale: 1:2500
Printed on: 4/12/2023 at 8:16 AM by JoannaW

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REPORT SUMMARY

REFERENCE NO: 23/503252/FULL		
APPLICATION PROPOSAL: Demolition of existing buildings. Erection of 2no. barn-type dwellings with ancillary development, landscape enhancement and repairs to rear elevation of listed barn.		
ADDRESS: Salts Farm, Salts Lane Loose Kent ME15 0BD		
RECOMMENDATION: GRANT PLANNING PERMISSION- subject to the planning conditions set out in Section 8 of this report.		
SUMMARY OF REASONS FOR RECOMMENDATION: <ul style="list-style-type: none"> • High quality development that would cause less than significant harm to designated heritage assets. The public benefits of the proposal outweighing the identified harm. • Earlier approval gave permission for residential use on the site and the current proposal offers improved appearance and landscaping. • Acceptable in relation to the minimal level of harm to character and appearance and brings a vacant site back into beneficial use. • Acceptable in relation to neighbour amenity and access and parking arrangements • Whilst a departure from the Local Plan with reference to The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004 material considerations indicate that planning permission should be approved. 		
REASON FOR REFERRAL TO COMMITTEE: <ul style="list-style-type: none"> • Call in from Loose Parish Council for the reasons set out in section 4 of this report. • Departure from the Local Plan 		
WARD: Loose	PARISH COUNCIL: Loose	APPLICANT: Mr K Tremain AGENT: Patrick Durr Associates
CASE OFFICER: Joanna Russell	VALIDATION DATE: 21/07/23	DECISION DUE DATE: 21/12/23
ADVERTISED AS A DEPARTURE: Yes		

Relevant planning history

Application site

- 18/503663/FULL - Demolition of steel framed building and other structures. Conversion of two agricultural buildings to create two residential dwellings. Removal of hardstanding and replacement with comprehensive landscape scheme. Retention and restoration of historic wall. Access via existing lane to A229. Approved.
- 19/500499/SUB - Submission of Details to Discharge Condition 3- Written details and samples of materials, Condition 4 and 5-Turning/Parking and Electric charging, Condition 7- Lighting design strategy for biodiversity- a) Areas/features particularly sensitive for bats, b) External lighting, Condition 8- Ecology - 1) Preliminary Risk Assessment, 2) Site investigation, 3) Remediation method statement, 4) Closure report, Condition 11- refuse bin collection and Condition 12- Landscape scheme subject to 18/503663/FULL. Approved.

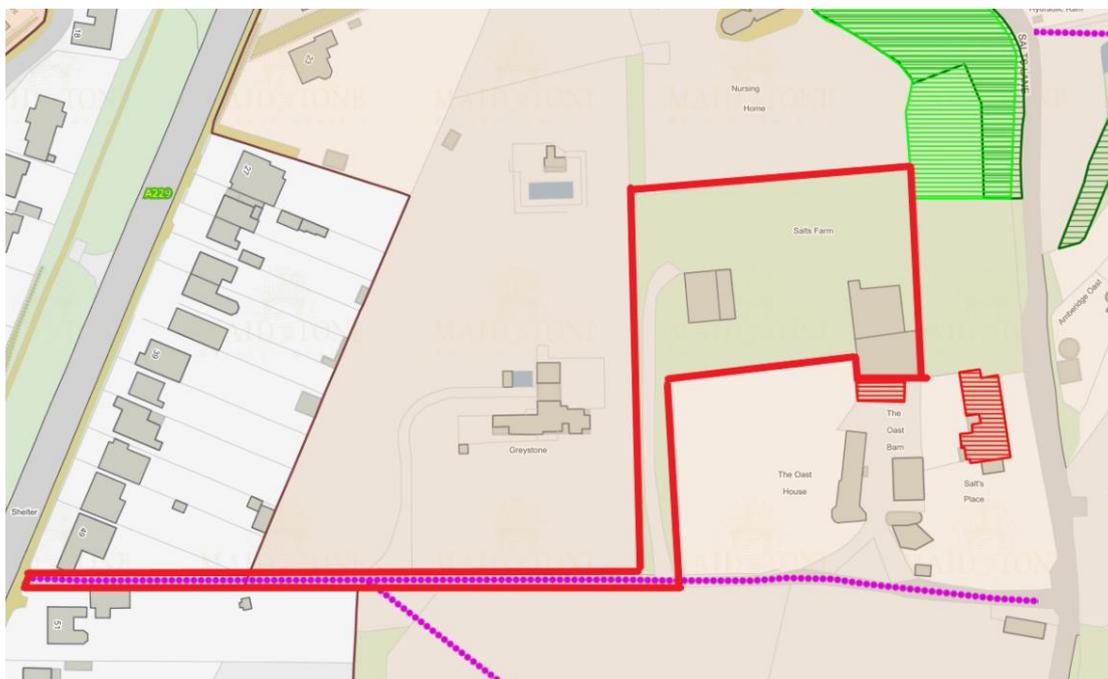
- 21/500430/FULL - Demolition of existing buildings and construction of 3(no) dwellings, together with gardens, parking and access to A229 via existing lane. Retention of ragstone wallings and strategic landscape and ecology benefit. Refused for the following reasons:
 1. *"The proposed development by virtue of its scale and layout, would cause less than substantial harm to the significance of the adjacent Grade II listed building barn, The Oast House (a non-designated heritage asset), and the Loose Valley Conservation Area; and would cause adverse harm to the character and appearance of the countryside hereabouts. The public benefits of the proposal do not outweigh the identified harm and the proposal would represent poor design, contrary to policies SS1, SP17, SP18, DM1, DM4, and DM30 of the Maidstone Local Plan (2017); the Loose Neighbourhood Plan (2018-2031); and the aims of the National Planning Policy Framework (2019)".*
 2. *"The submission has failed to demonstrate that protected species would not be adversely impacted upon as a result of the proposed development. This would be contrary to the aims of policies DM1 and DM3 of the Maidstone Local Plan (2017); the Loose Neighbourhood Plan (2018-2031); Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System; Natural England Standing Advice; and the aims of the National Planning Policy Framework (2019)".*
- 21/503702/SUB - Submission of details pursuant to Condition 9 (contamination), and 13 (demolition method statement), of application 18/503663/FULL. Approved.
- 21/504511/FULL Demolition of existing barns and erection of 2(no) detached dwellings, with rear balconies, external staircases and associated access, parking, fencing and landscaping. Refused for the following reasons:
 1. *"The proposed development by virtue of its scale, design and layout, would cause less than substantial harm to the significance of the adjacent listed buildings and the Loose Valley Conservation Area; and would consolidate sporadic and urbanising development in the landscape, causing adverse harm to the character and appearance of the countryside hereabouts. The public benefits of the proposal do not outweigh the identified harm and the proposal would represent poor design, contrary to policies SS1, SP17, SP18, DM1, DM4, and DM30 of the Maidstone Local Plan (2017); policies LP3, DQ1 and DQ2 of the Loose Neighbourhood Plan (2018-2031); and paragraphs 130, 134, 174, 189, 197, 199, 200 and 202 of the National Planning Policy Framework (2021).*
 2. *"The application, including the submitted Heritage Statement, has failed to appropriately assess the historic value of the existing buildings on the site, contrary to policies DM1, DM4 and SP18 of the Maidstone Local Plan (2017); policies LP3 and DQ2 of the Loose Neighbourhood Plan (2018-2031); and paragraphs 189, 194, 195 and 197 of the National Planning Policy Framework (2021)".*
 3. *The submission has failed to demonstrate that protected species would not be adversely impacted upon as a result of the proposed development. This would be contrary to policies DM1 and DM3 of the Maidstone Local Plan (2017); policies LP3 and LP4 of the Loose Neighbourhood Plan (2018-2031); Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System; Natural England Standing Advice; and paragraphs 174 and 180 of the National Planning Policy Framework (2021).*

- 23/503253/LBC Listed Building Consent for demolition of existing buildings. Erection of 2no. barn-type dwellings with ancillary development, landscape enhancement and repairs to rear elevation of listed barn. Decision pending.

Adjacent building to the south

- 18/504069/FULL -Restoration and conversion of existing Grade 2 listed barn (Salts Oast Barn) to form two bedroom accommodation. Permission granted.

Site boundaries (statutory listed buildings and public right of way highlighted)



MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site covering 0.53ha for the purposes of the Local Plan is located outside of a built settlement and in the countryside. The site is located between Linton Road (A229) to the west and Salts Lane to the east.
- 1.02 Adjoining the application site to the west is a residential property set within a relatively large plot called Greystone. A residential nursing home (Loose Valley Care Home) is to the north. A public right of way (KM68) and byway runs east to west to the south the application site. The public right of way follows the surfaced vehicle access route that is shared with Greystone and existing dwellings to the south (Oast House, Oast Barn, and Salts Place).
- 1.03 The application site contains two buildings, a detached Dutch barn (Building 1) to the west and a former cold store building (Building 2) in the south east corner. These semi derelict vacant buildings are brick and blockwork with a steel frame. Salts Oast Barn is immediately adjacent to the south east site corner, but outside the red line application site boundary, this building has been converted to residential accommodation (18/504069/FULL).
- 1.04 The open areas of the site are a mix of overgrown brambles, grassland, and hardstanding. The site boundaries are screened by conifer and deciduous trees and vegetation with the northern boundary with Greystone more open.

- 1.05 The site is in the Loose Valley Conservation Area. To the south of the site are a group of buildings that include two grade II listed buildings 'Salts Place' (formally Salts Farmhouse) and Salts Oast Barn (listing description 'Barn about 12 metres west of Salts Place') and The Oast House a non-designated heritage asset. Further heritage assets are located to the south east (closest circa 200 metres from the site).
- 1.06 Adjacent to the north-east site corner is woodland protected under TPO no.11 of 1996. Part of this adjacent area is designated as Ancient Semi Natural Woodland. The site is in an Area of Archaeological Potential and Flood Zone 1.

Dutch barn (Building 1)



Former cold store building (Building 2)



2. PROPOSAL

- 2.01 Permission is sought for the demolition of the existing buildings along with the erection of 2no. barn-type dwellings with ancillary development, landscape enhancement and repairs to rear elevation of the adjacent listed barn.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):

SS1 Maidstone borough spatial strategy
SP17 Countryside
SP18 Historic environment
DM1 Principles of good design
DM3 Natural environment
DM4 Development affecting designated and non-designated heritage assets
DM6 Air Quality
DM8 External lighting
DM21 Assessing the transport impacts of development
DM23 Parking standards
DM30 Design principles in the countryside

Loose Neighbourhood Plan

Emerging Draft Policy: Maidstone Draft Local Plan:

The Regulation 22 Local Plan Review (LPR) submission comprises the draft plan for submission (Regulation 19) dated October 2023, the representations and proposed main modifications. It is therefore a material consideration and attracts some weight. The LPR has been through Stage 1 and 2 Hearings and the main modifications the Inspector considers are required to make it sound are out to public consultation, so it is at an advanced stage. However, responses to the

consultation need to be considered by the Inspector along with him producing his Final Report so the LPR is considered to attract moderate weight at the current time.

The relevant policies in the Maidstone Draft Local Plan are as follows:

LPRSS1– Maidstone Borough Spatial Strategy

LPRSP9 – Development in the Countryside

LPRSP15 – Principles of Good Design

LPRQ & D4 – Design principles in the Countryside

LPRTA4 – Parking

Supplementary Planning Documents

Ministry of Housing, Communities and Local Government: National Design Guide.
Government's Technical Housing Standards: Nationally Described Space Standards (March 2015).

Maidstone Landscape Character Assessment

The National Planning Policy Framework -NPPF (2023)

National Planning Policy Guidelines (NPPG).

4. LOCAL REPRESENTATIONS

Loose Parish Council

4.01 Object on the following grounds:

- Scale, design, and layout, would cause less than substantial harm to the significance of the adjacent listed buildings and the Loose Valley Conservation Area
- Harm to the character and appearance of the countryside
- Poor design.
- Impact on protected species
- Insufficient access for 2 cars to pass
- Access would cause harm to highway safety
- Large lorries would be unable to access the site
- The access forms part of a public way. Its use would cause harm to pedestrian safety.

4.02 2 objections received from local residents raising the following (summarised) issues:

- Does not preserve historic farm buildings
- If permission is granted, the roofs should be clay not slate.

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)

Maidstone Conservation Officer

5.01 No objection for the following reasons

- Demolition of existing buildings - The cold store and modern agricultural building are modern additions, and they have no architectural interest. The demolition would result in a small degree of harm, at the lower end of less than substantial.
- Impact on setting - The proposed planting to the southeast is intended to provide a visual screen for the development and mitigate its impact on the listed buildings' surroundings. The applicant asserts. There is agreement with the applicant that there is no line of sight between Salts Place and the proposed dwellings, thus no negative effect on Salts Place's setting.

- Proposed works to the barn have already been accepted in principle and the repair works will enhance the character of the listed building.
- Adherence to traditional forms and materials is deemed appropriate. Nonetheless, the expansion of development beyond the existing, will lead to a minor level of harm to the Loose Conservation Area's setting but this harm falls within the lower range of less than substantial harm.

KCC Ecology

5.02 No objection subject to conditions.

6. APPRAISAL

The key issues are:

- Countryside location and policy SP17
- Landscape and visual impact on the countryside
- Heritage
- Sustainability of the location
- Residential amenity
- Highways
- Biodiversity

Countryside location and policy SP17

- 6.02 The application site is in the countryside and the starting point for assessing all applications in the countryside is Local Plan policy SP17. Policy SP17 states that development proposals in the countryside will only be permitted where:
- a) there is no harm to local character and appearance, and
 - b) they accord with other Local Plan policies
- 6.03 Policy SP17 does not specify an acceptable level of harm to local character and appearance and all proposals in the countryside are likely to result in some degree of harm. In this context all development outside the designated settlements does not accord with this part of SP17.
- 6.04 In certain circumstances where there is locational need for development (equestrian, rural worker dwelling agricultural buildings etc) other Local Plan policies permit development in the countryside subject to listed criteria. If development accords with one of these other Local Plan policies, this compliance generally outweighs the harm caused to character and appearance with a proposal found in accordance with policy SP17 overall. In this case, there are no other policies in the Local Plan that would permit new dwellings in this location.
- 6.05 The National Planning Policy Framework (NPPF) highlights that the planning system is plan-led. The NPPF reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which require by law that planning applications "*must be determined in accordance with the development plan, unless material considerations indicate otherwise*".
- 6.06 To this extent and in principle, the proposal would conflict with policy SP17 of the Local Plan in so far as it seeks to resist development outside defined settlement boundaries and to protect the countryside. This report will consider whether there are material considerations that justify granting of planning permission contrary to the Local Plan.

Landscape and visual impact on the countryside

- 6.07 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.'

- 6.08 Local Plan policies DM1 and DM30 promote high quality design. Development is encouraged which accords with the countryside in terms of bulk, scale, massing, visual amenity, and landscape character.
- 6.09 The Loose Neighbourhood Plan (LNP) Policy LP3(2) promotes high quality design and respect for character, setting and landscape. LNP policy DQ1 states that design, form, and detail should be principally informed by the traditional form, layout, character, and style of the parish's vernacular architecture.
- 6.10 The Maidstone Landscape Character Assessment identifies the application site as falling within the Farleigh Greensand Fruit Belt (27) and Boughton Green Farmland (27-13). The landscape guidelines for this area are to '*conserve and reinforce*' the special landscape quality provided by the rural valley location; and to conserve the existing pattern of development. The Landscape Capacity Study (Jan 2015) has the overall landscape sensitivity as *HIGH*.
- 6.11 The current buildings on the site are modern additions, added in the 20th century when the farmstead expanded its pig rearing and fruit storage activities. The current proposal involves removal of existing buildings and hard surfacing and replacement with two dwellings and car ports, along with a buffer of landscaping to its eastern side where it adjoins protected woodland.
- 6.12 While the application site is located outside of a designated built settlement, the site is not in an open landscape and is enclosed on all sides by built form. The site has residential properties to the west, south and east of Salts Lane, and a residential care home to the north. The site benefits from extensive established planting to its eastern boundary and other boundary landscaping. The ground level on the site is also slightly lower than neighbouring land.
- 6.13 Along with the appearance of existing buildings, and the surrounding built form, the site does not contribute to any wider landscape character. It is almost entirely invisible from wider views and seen from close views within the backdrop of existing built form both in and around the site.
- 6.14 The higher quality historic buildings to the south of the site which were part of the original farmstead remain and have been designated where relevant for their historic value. The poorly designed buildings on the application site are not of a high architectural value. The buildings along with the extensive hard surfacing do not provide any visual benefit to countryside character. The appearance of the site is not of high value, with large existing modern buildings and hardstanding.
- 6.15 The proposal would result in a reduction in built footprint and volume. The existing buildings have a combined footprint of circa 527 square metres and combined volume of circa 2788 cubic metres. The application proposes two detached dwellings each provided with a carport and a cycle store. The proposed buildings, carport and cycle store have a combined footprint of circa 380 square metres and combined volume of circa 2001 cubic metres.
- 6.16 In accordance with the Maidstone Landscape Character Assessment guidelines for the Farleigh Greensand Fruit Belt (27) and Boughton Green Farmland (27-13), the proposal would conserve, and reinforce the appearance of the existing pattern of development in the immediate locality.

- 6.17 In summary,
- a) Any contribution made by the existing site to landscape character is negligible as the site is only visible in shorter views and these views would be against a backdrop of existing poor quality built form.
 - b) Proposal will result in a reduction of built form, and an improvement to layout so that it relates more appropriately to surrounding land uses and development,
 - c) With increased landscaping particularly to the eastern boundary the proposal would not result in any harm to the character and appearance of the area and would provide positive benefit.
 - d) The proposal is visually acceptable.
 - e) The proposal will conserve and reinforce the appearance of the existing pattern of development in the immediate locality in accordance with the Maidstone Landscape Character Assessment guidelines.
- 6.18 Policy SP17 states that development proposals in the countryside will only be permitted where there is no harm to local character and appearance. The current application will result in harm to local character and appearance, however as set out in this section of the report the level of harm has been found to be minimal for the outlined reasons. This identified level of harm needs to be balanced against the other material planning considerations considered in this report.

Heritage

- 6.19 The local planning authority has a statutory duty to have special regard to the desirability of preserving listed buildings and their settings under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.20 Policy DM 4 of the local plan requires that the significance of designated heritage assets and their settings are conserved, and, where possible, enhanced, and policy SP 18 similarly seeks to protect and enhance the quality of heritage assets. Neighbourhood Plan policy DQ2 seeks the protection and enhancement of Loose Conservation Area.
- 6.21 The NPPF states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. When considering the impact 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); and that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 6.22 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, NPPF paragraph 202 requires that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.23 NPPF Paragraph 203 states that the effect of an application on the significance of a non-designated heritage asset should be considered in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.24 The site is in the Loose Valley Conservation Area. To the south of the site are a group of buildings that include two grade II listed buildings 'Salts Place' (formally Salts Farmhouse) and Salts Oast Barn (listing description 'Barn about 12 metres west of Salts Place') and The Oast House a non-designated heritage asset. Further

heritage assets are located to the south east (closest circa 200 metres from the site).

- 6.25 The submitted heritage statement provides an analysis of the historic development of the site, advising:

'Salts Place is recorded as a Regular courtyard multi-yard (Here) which establishes the form of farmstead appropriate for the proposal site. Much of the historic farmstead was remodelled in the 20th century when the farmstead expanded its pig rearing and fruit storage activities with the construction of steel framed buildings on the proposal site. The proposals offer an opportunity to replace these poorly designed and located buildings with dwellings in keeping with the historic farmstead group, that will also enhance the setting and appearance of the adjacent listed barn and this isolated part of the conservation area.'

- 6.26 The existing layout includes a spread of development across the site from east to west. The Dutch barn is located within the west part of the site, whilst the cold store is situated in the south-east corner. There is a large area of hardstanding in between which has largely become covered with moss and breakthrough grass.

- 6.27 The two buildings due to be demolished are low quality, modern structures constructed of brick and steel Dutch barn, and steel frame and the concrete block cold store. The proposal includes removal of existing hardstanding and remnants of other structures, such as dwarf walls and raised concrete details. The demolition would result in a small degree of harm, at the lower end of less than substantial. This harm would be mitigated through improved relationship with the surrounding heritage assets, the removal of extensive hard surfacing on site and the enhanced openness to the east of the site.

- 6.28 The existing former cold store obscures the rear wall of the listed building and the planning permission for the retention and conversion of buildings (under 18/503663/FULL) would have maintained this situation. The current application includes the removal of the unsympathetic existing former cold store that is currently immediately adjacent to the listed building.

- 6.29 The removal of the former cold store will allow full views of the rear of the Oast Barn ('Barn about 12 metres west of Salts Place'). This change will enhance the character and appearance of this grade II listed building and return to its historic setting prior to the erection of the modern barn. The proposal shows this newly exposed rear elevation reclad in weatherboarding to match the existing. A planning condition is recommended to ensure appropriate locally sensitive materials, and this approach is supported by the conservation officer.

Internal site photographs



- 6.30 The proposed site layout addresses the historic multi yard farm character by creating a courtyard with a pair of hay barns and cart sheds orientated in line with Salts Place. It concentrates the built form to the west of the site, away from the Ancient Woodland (to the north east corner) and built heritage assets (to the south-east corner).
- 6.31 The proposed planting to the southeast would provide a visual screen for the development and mitigate its impact on the listed buildings. The applicant asserts that there is no line of sight between Salts Place (grade II listed) and the proposed dwellings, thus no negative effect on Salts Place's setting. The conservation officer agrees with this and considers that as a considerable distance separates the proposed development and Salts Place, there would be no detriment to its setting.
- 6.32 Orientation and massing of proposed buildings create a loose courtyard with garaging being housed in cart sheds. The proposed dwellings seek to reflect heritage Kentish barns. The buildings are designed around a traditional three bay barn with central, double-height cart door openings. To the front, the cart door space is glazed and bordered by barn doors, whilst to the rear the cart door space is glazed. The design includes limited fenestration across the dwelling.
- 6.33 The dwellings are shown as feather edged black stained weatherboarding under a half-hipped roof with traditional doors and two single storey cart sheds. The proposed materials include black painted timber boarding with ragstone plinths, clay tile roofs and timber windows and doors.
- 6.34 The proposed outbuilding for each of the dwellings are low buildings with shallow pitched roofs and reflect the same finishes of the dwellings. The buildings include two open car parking bays and a garden store secured by timber double doors.
- 6.35 The proportions and scale of the proposal would not overwhelm the site. The siting and layout of the proposal would allow for extensive landscaping (particularly to the east) and would maintain generous gaps around its edges.
- 6.36 In assessing the setting of the conservation area, the modern outbuildings, while not architecturally significant, possesses a small degree of historical value. It is noted however that the modern farm buildings on the site were all constructed after July 1948 (the first Planning Act) and were not built before Salts Place was listed in 1952.
- 6.37 The adherence to traditional forms and materials in the design of the proposal is supported. The proposal will lead to a minor level of harm to the Loose Conservation Area's setting, although with the slightly lower land levels when compared with neighbouring land, landscaping and existing buildings, the development would not be widely visible. This minor level of harm is outweighed by the high quality and detailing of the proposal when compared with the previously approved scheme, the enhanced landscaping provision and the addition of two dwellings on a plot (reduced in number from earlier refused applications) which has previously been established as acceptable for residential development.
- 6.38 The proposal includes new landscaping to soften the boundary edges with native planting. To the rear of the dwellings (to the east), the proposed Landscape Plan shows a soft native planted buffer with meadow grass. This buffer seeks to protect the natural character to this side of the site where it adjoins protected woodland. The proposed hard landscaped areas are kept to a minimum and are mainly concentrated to the front of the site (west) where access, parking and turning areas seek to reflect a converted farmyard.

- 6.39 In summary, the proposal would have an acceptable visual and heritage impact in accordance with national, local and neighbourhood plan policies. The proposal offers high quality development that would cause less than significant harm to designated heritage assets. The public benefits of the proposal outweighing the identified harm.
- 6.40 The conversion of the existing buildings as granted under application ref 18/503663/FULL provide a fallback position and establishes the principle of residential development on this site . The current proposal provides improvements to the earlier approved development and there would be no merit in planning terms in refusing an alternative. There has been no material change to either the site or the planning policy framework in the period since the earlier approval was given and it would be unreasonable to conclude that the principle is objectionable.
- 6.41 The Parish Council have commented that they consider the design of the proposal to be poor. In contrast, an analysis of the wider context of the site shows that the proposed buildings are reflective of the historic agricultural use of the site and the character of the adjacent remaining buildings from the farmstead. The tight group of buildings is located above the historic farmhouse and separated by a ragstone retaining wall. The proposed materials and proportions of the buildings, including the detail of the fenestration, and simple layout and form are reflective of these.

Sustainability of location

- 6.42 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.
- 6.43 For the purposes of the Local Plan the proposal site is in the countryside, and therefore last in the hierarchy for new residential development. In consideration of application 21/500430/FULL, it was concluded that the site is close to the built confines of the defined urban area and within easy walking distance of bus stops that serve regular services in and out of Maidstone; and there are basic amenities/services within relatively short distances.
- 6.44 The assessment considered that the proposal site is also to a group of existing buildings, and not isolated development. It was concluded that it would be difficult to reasonably argue that future occupants of the site would be over reliant on the private car for their day to day living. Although application 21/500430/FULL, was refused on grounds of visual impact and ecology impact, there was no objection on the grounds of location and sustainability.

Residential amenity

- 6.45 Local Plan policy DM 1 states that proposals will be permitted where they respect the amenities of occupiers of neighbouring properties. Development should not result in, excessive noise, vibration, odour, air pollution, activity, or vehicular movements, overlooking or visual intrusion. Built form should not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.46 The proposed dwellings would be separated from neighbouring occupiers and this separation is sufficient to ensure that there is no detriment to neighbours amenity through overbearing impact or loss of daylight or sunlight.
- 6.47 The flank elevation of the proposed plot 2 (southern proposed dwelling) faces towards the shared boundary with the Oast House to the South. This elevation

contains one upper floor secondary window to the master bedroom. This would sit approx. 5.3m from the shared boundary and approx. 30m to the corner of the Oast House. This separation distance is acceptable in terms of protecting neighbour amenity.

- 6.48 Views towards Salts Place to the south east would be at an oblique angle and through proposed tree planting. The distance between the rear elevation of proposed plot 2 and Salts Place would be a minimum of 47m (from closest corner to closest corner). This separation distance is acceptable in terms of protecting neighbour amenities.
- 6.49 The property called 'Greystone' is to the south west of the application site. The proposed dwelling is 33 metres from the shared boundary with this site, with Greystones also located further within its plot. This separation distance is acceptable in terms of protecting neighbour amenities.
- 6.50 In summary, the proposal is acceptable in terms of potential harm to neighbouring amenity through loss of daylight, sunlight or privacy.

Highways

- 6.51 Local Plan policy DM 1 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. Local Plan policy DM21 seeks to ensure that the vehicle trips generated by a use can be adequately accommodated on the road network.
- 6.52 The access to the application site from the public highway is in two parts, firstly by a hard surfaced single track access road from Linton Road (A229) to the west with this access shared with nearby residential properties (byway and Public Right of Way reference KM68). Whilst this access road runs from Linton Road (A229) in the west, access to Salts Lane in the east is restricted by a gate. Salts Lane is a byway under Public Right of Way reference KM68.
- 6.53 The second part of the access is a grassed drive running north providing access from the hard surfaced single track access road to the rear of the Loose Valley Care Home. It is noted that the care home's main access is from Linton Road to the northwest, and this accommodates parking and service areas too. The applicant retains a legal right of way across the grassed drive to the application site.
- 6.54 Paragraph 11 of the NPPF is clear 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'. The impact of two dwellings, is not sufficient to conclude that there would be a severe highways impact or an unacceptable impact on highway safety, or to justify refusal on this ground.
- 6.55 In terms of parking provision, Local Plan policy DM23 advises that a minimum of two independently accessible parking spaces should be provided for 3 bed houses. This is provided for each dwelling along with additional car port accommodation. Each carport includes an electric vehicle charger and each plot provides bicycle storage to the rear of the dwellings.
- 6.56 Objections have been received from neighbours and the parish about the narrow width of the access, the potential for highways safety issues at the entrance on to the main public highway and previous application refusals in the vicinity of the site. In consideration of applications 18/503663/FULL and 21/500430/FUL, no objection was raised in relation to highway impact and no objection raised by the highway's

authority. The proposal is no different in this regard as it continues to serve two dwellings, and there is no material change in circumstance which would lead to a different conclusion.

Biodiversity

- 6.57 LNP policy LP4 states that proposals should seek to protect and enhance the natural environment. Local Plan policy DM3 states: *'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 ...where appropriate development proposals will be expected to appraise the value of the borough's natural environment through the provision of...an ecological evaluation of development sites...to take full account of the biodiversity present including the potential for the retention and provision of native plant species'*.
- 6.58 A Preliminary Ecological Assessment has been submitted with the application which concludes limited potential for protected species to occur within the habitats and structures on site. The KCC Ecology team have assessed this information and advised that they are satisfied with the conclusions.
- 6.59 Conditions are recommended relating to nesting birds, impact on a badger sett, precautionary working measures, approval of lighting details and biodiversity enhancement measures.
- 6.60 An area of Priority Habitat Deciduous Woodland which is protected by a woodland TPO lies immediately beyond the eastern site boundary. The woodland lies in private ownership outside of the site and there will be no loss of the woodland under the proposals. Part of the woodland is also designated as ancient, replanted woodland (PAWS).
- 6.61 The eastern side of the site is shown as a planted area outside of the curtilage of the two dwellings and the development boundary lies 20 metres from the edge of the ancient woodland area. The belt of planting is an appropriate and sensitive treatment of the land adjacent to the protected woodland and a condition is suggested to ensure the protection of trees during development.

PUBLIC SECTOR EQUALITY DUTY

- 6.62 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

- 6.63 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 National Planning Policy Framework (NPPF) reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which requires by law that planning applications "must be determined in accordance with the development plan, unless material considerations indicate otherwise".

- 7.02 The proposal is a high quality scheme that would respond appropriately in terms of layout, scale and detailing to the heritage and setting of the site. The loss of the existing modern buildings would cause less than substantial harm to the setting of the conservation area. This harm is mitigated and justified by the provision of an alternative redevelopment of the site to that approved, being a higher design quality, with improved landscaping and sensitive relationship to the protected woodland.
- 7.03 There would be no difference in terms of highways impact to the scheme already consented. Sufficient distances are maintained with neighbouring occupiers that there would not be such a detrimental impact on neighboring amenity to warrant refusal on this basis.
- 7.04 The proposal would protect the adjacent area of protected woodland and provide a sensitive response to this in terms of the additional woodland planting to the east of the site. Any impact on the ecological value of the site can be mitigated against through the imposition of conditions, including to require biodiversity enhancements.
- 7.05 The principle of the development of the site has already been established. The current proposal is for an improved scheme in terms of its visual and heritage impact, reduced volume of built development and its relationship to the adjacent protected woodland.
- 7.06 It is concluded that whilst the application is not in accordance with the development plan (a departure) the material considerations that have been outlined and subject to the imposition of conditions, on balance the proposal is acceptable, and it is recommended that planning permission is granted.

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.

- (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:
2022-780 (P)-001 Site location plan
2022-780 (P)-005 Proposed site plan
2022-780 (P)-200 Plot 1 proposed plans and elevations
2022-780 (P)-201 Plot 2 proposed plans and elevations
2022-780 (P)-202 Proposed garage and garden store plan
2022-780 (P)-500 proposed bike and refuse store
2022-780 (P)800 Rev P01 Proposed elevations of the Oast Barn
2361-DUR003A-L101 Landscape plan
Preliminary Ecological Appraisal Report
Heritage Statement
Reason: To clarify which plans have been approved.
- (3) The development hereby approved shall not commence (including site clearance), until tree and hedgerow protection in accordance with the current edition of BS 5837 have been installed on 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. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development

- (4) The development hereby approved shall not commence (including site clearance), until the following precautionary measures have been implemented to avoid capture of reptiles and S41/priority species hedgehog and construction work shall only proceed in accordance with these measures:
- Continued regular vegetation management to avoid areas becoming more suitable for reptiles.
 - Backfilling of trenches and other excavations before nightfall, or a ramp left to allow any animals to easily exit.
 - Checking of all excavations and trenches each morning throughout the construction period and prior to infilling.
 - All temporarily stored building materials (that might act as temporary resting places) will be kept isolated from boundary vegetation and raised off the ground, e.g. on pallets. Reason: To protect the ecological value of the site.
- (5) Any works (including site clearance) taking place within 30 metres of the location of the badger sett will be undertaken in accordance with the badger mitigation strategy included within paragraph 4.4.15 and Figure 3 of the Preliminary Ecological Appraisal, Corylus Ecology, July 2023. These works will be overseen by a suitably qualified ecologist and will include a pre commencement works Toolbox Talk to all site staff. If the pre commencement surveys identify additional badge setts with potential to be impacted by the proposals (i.e. located within 20 metres of excavation and construction areas for the new properties) or evidence is found on site during construction, works will stop while the site ecologist and/or Natural England are consulted to ensure that all works are undertaken in accordance with the Protection of Badgers Act, 1992. Reason: To protect the ecological value of the site.
- (6) Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season, mitigation measures need to be implemented. This includes examination by a suitably qualified and experienced ecologist immediately prior to starting work. If any nesting birds are found, works must cease until after the birds have finished nesting. Reason: To protect the ecological value of the site and as habitats are present on and around the site that provide opportunities for breeding birds.
- (7) The development hereby approved shall not commence until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. Reason: To ensure that features of archaeological interest are properly examined and recorded.

- (8) Notwithstanding what is shown on the submitted plans, the development hereby approved shall not commence above ground level until a landscape scheme has been submitted to and approved in writing by the local planning authority. The scheme shall
- (a) be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012).
 - (b) follow the detailed guidance on planting and maintenance as set out in the 'Maidstone Landscape Character Assessment Supplement 2012' - <https://localplan.maidstone.gov.uk/home/documents/attachments-master-evidence/landscape-character-assessment-2012/Maidstone-Landscape-Character-Assessment-2012-Supplement-September-2013.pdf>
 - (c) 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,
 - (d) provide details of new on-site planting in a planting specification (location, spacing, species, quantity, maturity).
 - (e) include a *double staggered hedgerow along the frontage of the main part of the application site with approximately 45cm spacing with 30cm between rows and consisting of 70% Hawthorn or Blackthorn, 5% Dogwood, 10% Field Maple, 10% Hazel, 2.5% Holly and 2.5% Wayfaring Tree.*
 - (f) provide landscape implementation details and timetable.
 - (g) provide a [10] 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. *The reason for the longer 10 year period is to mitigate the intensification of use of the site by strengthening the landscaping*
- (9) All planting, seeding and turfing specified in the approved landscape details associated with individual dwellings (including private gardens) shall be completed by the end of the first planting season (October to February) following first occupation of the individual dwelling hereby approved. All planting, seeding, and turfing specified in the approved landscape details associated with communal or shared areas or areas outside individual plots shall be completed by the end of the first planting season (October to February) following occupation of the final dwelling. Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, are removed, 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.
- (10) No development above floor slab level shall take place until written details and samples of the materials to be used in the construction of the external surfaces of all buildings have been submitted to and approved in writing by the local planning authority. The materials shall consist of the following:
- a) Kentish ragstone plinths in place of the brick plinths for all buildings.
 - b) Natural slate tiles for all buildings.
 - c) Hardwood timber weatherboarding for all buildings.
 - d) Hardwood timber fenestration for all buildings.
 - e) Metal rainwater goods for all buildings.
 - f) Oak posts for the garages.
- The development shall be constructed using the approved materials, implemented prior to first occupation of the approved dwellings, and shall be maintained as such thereafter. Reason: To ensure a high-quality development.

- (11) No development above floor slab level shall take place until written details and samples of hard surfaces have been submitted to and approved in writing by the local planning authority. The hard surface details shall consist of the following:
- a) Loose stone and granite setts for the driveways and stone for the patios as shown on drawing no. P005 RevP01 (Proposed Site Plan).
 - b) Details of sensitive kerb edges.
- The development shall be constructed using the approved materials, implemented prior to first occupation of the approved dwellings, and shall be maintained as such thereafter. Reason: To ensure a high-quality development.
- (12) No development above floor slab level shall take place until photographs of a sample panel of the Kentish ragstone for the buildings (which has been constructed on site) have been submitted to and approved in writing by the Local Planning Authority including written details of the mortar mix. The development shall be constructed using the approved materials, implemented prior to first occupation of the approved dwellings, and shall be maintained as such thereafter. Reason: To ensure a high-quality design and finish.
- (13) No development above floor slab level shall take place until details of any external utility pipes and paraphernalia on the elevations of buildings have been submitted to and approved in writing by the local planning authority for that phase. Any external features shall be positioned and coloured to minimise their impact. The development shall be constructed using the approved materials and details, implemented prior to first occupation of the approved dwellings, and shall be maintained as such thereafter. Reason: To ensure a high-quality design and finish.
- (14) No development above floor slab level shall take place 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 approved dwelling and maintained thereafter. Reason: To ensure an energy efficient form of development.
- (15) 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. The submitted details shall:
- a) be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021 (and any subsequent revisions) with reference to environmental zone E1.
 - b) be in accordance with the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting'.
 - c) include a layout plan with beam orientation.
 - d) include measures to ensure existing woodland and tree lines, and proposed areas of tree-planting, are maintained as dark corridors.
 - e) provide a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).
 - f) provide an ISO lux plan showing light spill.
- The scheme of lighting shall be installed, maintained, and operated thereafter in accordance with the approved scheme. Reason: To safeguard residential amenity, wildlife and to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.
- (16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, AA, B, C, D, E and F to that Order shall be carried out to the new dwelling hereby approved without first obtaining the permission of the Local

Planning Authority. Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by prospective occupiers.

- (17) Prior to first occupation of the relevant dwellings hereby approved, the approved details of the parking/turning areas shall be completed and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them. Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.
- (18) Prior to first occupation of either of the dwellings hereby approved, a Biodiversity Enhancement and Management Plan (BEMP) will be submitted to and approved in writing by the local planning authority. Landscaping and enhancements will be as detailed on the Landscape Plan, JP Design, July 2023. The BEMP will include the following:
- a) Description and evaluation of features to be managed.
 - b) Aims and objectives of management.
 - c) Appropriate management prescriptions for achieving aims and objectives.
 - d) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period.
 - e) Details of the persons responsible for implementation of the plan, and
 - f) Ongoing monitoring and remedial measures.
- The Plan will be worded in a way that facilitates interpretation by non-ecology specialists and will include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the persons / management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details. Reason: To ensure the maintenance and enhancement of biodiversity.
- (19) Prior to first occupation of the relevant dwellings hereby permitted foul and surface water drainage for the site and measures for the future servicing and maintenance of this drainage shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the approved measures maintained thereafter. Reason: To ensure that adequate drainage is provided for the development and reduce the potential for flooding, protect the water environment and prevent contamination of the land.
- (20) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the LPA. The remediation strategy shall be implemented as approved. Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with the National Planning Policy Framework (NPPF).

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

Urgent Update: Planning Committee 14 December 2023

Item 13 Pages 13 – 30

Salts Farm, Salts Lane, Loose ME15 0BD

APPLICATION: 23/503252/FULL

Update to conditions as they are set out in the published agenda.

Page 28 - Condition 10 (amend as follows with deletions crossed through and additions underlined)

No development above floor slab level shall take place until written details and samples of the materials to be used in the construction of the external surfaces of all buildings and external hard surfaces have been submitted to and approved in writing by the local planning authority. The materials shall consist of the following:

- a) ~~Kentish~~ Natural ragstone plinths in place of the brick plinths for all buildings.
- b) Natural ~~slate~~ tiles for all buildings.
- c) British hardwood timber weatherboarding for all buildings.
- d) British Hardwood timber fenestration for all buildings.
- e) Metal rainwater goods for all buildings.
- f) Oak posts for the garages.

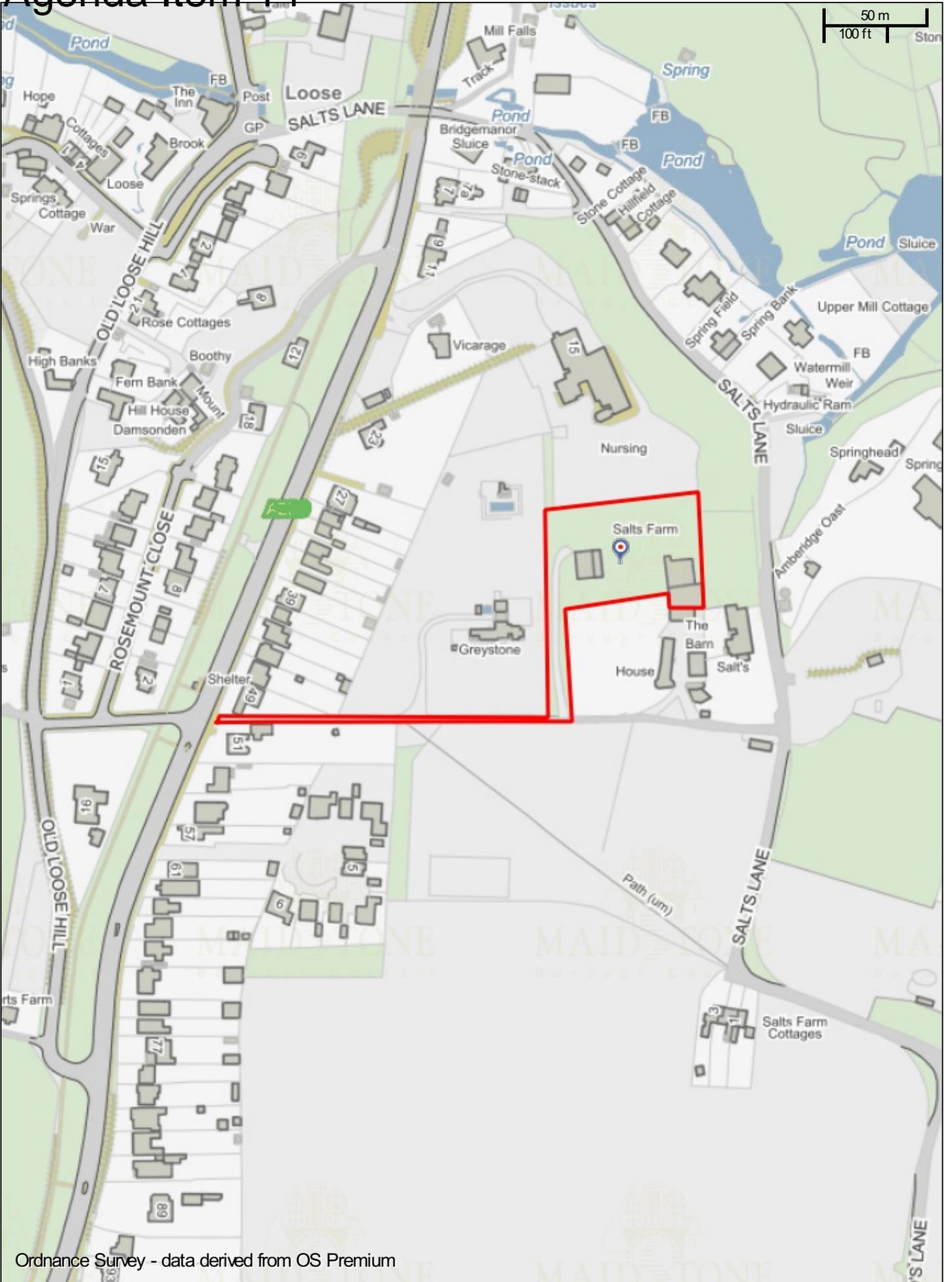
The development shall be constructed using the approved materials, implemented prior to first occupation of the approved dwellings, and shall be maintained as such thereafter. Reason: To ensure a high-quality development.

Page 29 - Condition 12 (amend as follows)

No development above floor slab level shall take place until photographs of a sample panel of the ~~Kentish~~ natural ragstone for the buildings (which has been constructed on site) have been submitted to and approved in writing by the Local Planning Authority including written details of the mortar mix. The development shall be constructed using the approved materials, implemented prior to first occupation of the approved dwellings, and shall be maintained as such thereafter. Reason: To ensure a high-quality design and finish.

Recommendation is unchanged.

Agenda Item 14



50 m
100 ft

Ordnance Survey - data derived from OS Premium

23/503252/FULL & 23/503253/LBC Salts Farm, Salts Lane, Loose, Kent, ME15 0BD
Scale: 1:2500
Printed on: 4/12/2023 at 8:16 AM by JoannaW



REPORT SUMMARY

REFERENCE NO: 23/503253/LBC		
APPLICATION PROPOSAL: Listed Building Consent for demolition of existing buildings. Erection of 2no. barn-type dwellings with ancillary development, landscape enhancement and repairs to rear elevation of the listed barn.		
ADDRESS: Salts Farm Salts Lane Loose Kent ME15 0BD		
RECOMMENDATION: GRANT LISTED BUILDING CONSENT – subject to the planning conditions set out in Section 8 of this report.		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposal would result in a high quality development that would cause less than significant harm to the designated heritage assets that would be justified by the improved appearance and landscaping of the site compared to the consented scheme.		
REASON FOR REFERRAL TO COMMITTEE: Loose Parish Council has called the application to committee if consent is recommended.		
WARD: Loose	PARISH COUNCIL: Loose	APPLICANT: Mr K Tremain AGENT: Patrick Durr Associates
CASE OFFICER: Joanna Russell	VALIDATION DATE: 21/07/23	DECISION DUE DATE: 21/12/23
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

Application site

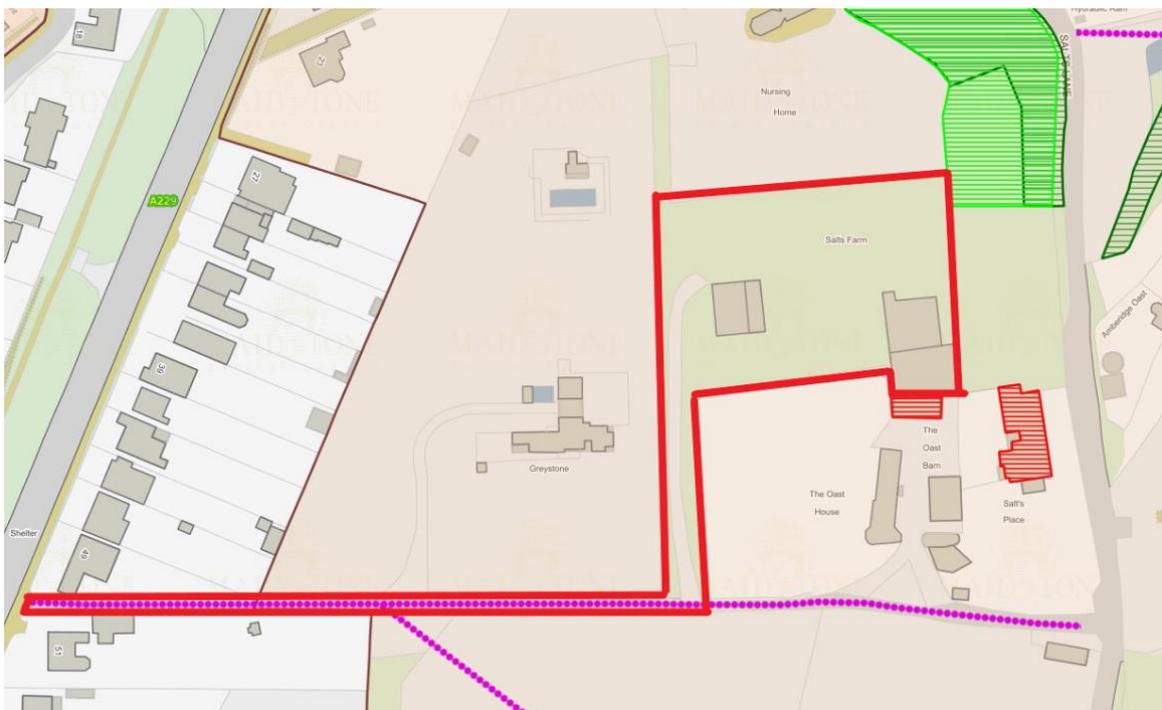
- 18/503663/FULL - Demolition of steel framed building and other structures. Conversion of two agricultural buildings to create two residential dwellings. Removal of hardstanding and replacement with comprehensive landscape scheme. Retention and restoration of historic wall. Access via existing lane to A229. Approved.
- 19/500499/SUB - Submission of Details to Discharge Condition 3- Written details and samples of materials, Condition 4 and 5-Turning/Parking and Electric charging, Condition 7- Lighting design strategy for biodiversity- a) Areas/features particularly sensitive for bats, b) External lighting, Condition 8- Ecology - 1) Preliminary Risk Assessment, 2) Site investigation, 3) Remediation method statement, 4) Closure report, Condition 11- refuse bin collection and Condition 12- Landscape scheme subject to 18/503663/FULL. Approved.
- 21/500430/FULL - Demolition of existing buildings and construction of 3(no) dwellings, together with gardens, parking and access to A229 via existing lane. Retention of ragstone wallings and strategic landscape and ecology benefit. Refused
- 21/503702/SUB - Submission of details pursuant to Condition 9 (contamination), and 13 (demolition method statement), of application 18/503663/FULL. Approved.

- 21/504511/FULL Demolition of existing barns and erection of 2(no) detached dwellings, with rear balconies, external staircases and associated access, parking, fencing and landscaping. Refused
- 23/503252/FULL Demolition of existing buildings. Erection of 2no. barn-type dwellings with ancillary development, landscape enhancement and repairs to rear elevation of listed barn. Decision pending.

Adjacent land to the south

- 18/504069/FULL -Restoration and conversion of existing Grade 2 listed barn (Salts Oast Barn) to form two bedroom accommodation. Permission granted.

Site boundaries



MAIN REPORT

- 1.01 The site covering 0.53ha for the purposes of the Local Plan is located outside of a built settlement and in the countryside. The site is located between Linton Road (A229) to the west and Salts Lane to the east.
- 1.02 Adjoining the application site to the west is a residential property set within a relatively large plot called Greystone. A residential nursing home (Loose Valley Care Home) is to the north. A public right of way (KM68) and byway runs east to west to the south the application site. The public right of way follows the surfaced vehicle access route that is shared with Greystone and existing dwellings to the south (Oast House, Oast Barn, and Salts Place).
- 1.03 The application site contains two buildings, a detached Dutch barn (Building 1) to the west and a former cold store building (Building 2) in the south east corner. These semi derelict vacant buildings are brick and blockwork with a steel frame. Salts Oast Barn is immediately adjacent to the south east site corner, but outside the red line application site boundary, this building has been converted to residential accommodation (18/504069/FULL).

- 1.04 The open areas of the site are a mix of overgrown brambles, grassland, and hardstanding. The site boundaries are screened by conifer and deciduous trees and vegetation with the northern boundary with Greystone more open.
- 1.05 The site is in the Loose Valley Conservation Area. To the south of the site are a group of buildings that include two grade II listed buildings 'Salts Place' (formally Salts Farmhouse) and Salts Oast Barn (listing description 'Barn about 12 metres west of Salts Place') and The Oast House a non-designated heritage asset. Further heritage assets are located to the south east (closest circa 200 metres from the site).
- 1.06 Adjacent to the north-east site corner is woodland protected under TPO no.11 of 1996. Part of this adjacent area is designated as Ancient Semi Natural Woodland. The site is in an Area of Archaeological Potential and Flood Zone 1.

Dutch barn (Building 1)



Former cold store building (Building 2)



2. PROPOSAL

- 2.01 Permission is sought for the demolition of the existing buildings along with the erection of 2no. barn-type dwellings with ancillary development, landscape enhancement and repairs to rear elevation of the adjacent listed barn.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):

SS1 Maidstone borough spatial strategy
SP17 Countryside
SP18 Historic environment
DM1 Principles of good design
DM3 Natural environment
DM4 Development affecting designated and non-designated heritage assets
DM6 Air Quality
DM8 External lighting
DM21 Assessing the transport impacts of development
DM23 Parking standards
DM30 Design principles in the countryside

Loose Neighbourhood Plan

Emerging Draft Policy: Maidstone Draft Local Plan:

The Regulation 22 Local Plan Review (LPR) submission comprises the draft plan for submission (Regulation 19) dated October 2023, the representations and proposed

main modifications. It is therefore a material consideration and attracts some weight. The LPR has been through Stage 1 and 2 Hearings and the main modifications the Inspector considers are required to make it sound are out to public consultation, so it is at an advanced stage. However, responses to the consultation need to be considered by the Inspector along with him producing his Final Report so the LPR is considered to attract moderate weight at the current time.

The relevant policies in the Maidstone Draft Local Plan are as follows:

LPRSS1– Maidstone Borough Spatial Strategy

LPRSP9 – Development in the Countryside

LPRSP15 – Principles of Good Design

LPRQ & D4 – Design principles in the Countryside

LPRTRA4 – Parking

Supplementary Planning Documents

Ministry of Housing, Communities and Local Government: National Design Guide.
Government’s Technical Housing Standards: Nationally Described Space Standards (March 2015).

Maidstone Landscape Character Assessment

The National Planning Policy Framework -NPPF (2023)

National Planning Policy Guidelines (NPPG).

4. LOCAL REPRESENTATIONS

Loose Parish Council

4.01 Object on the following grounds:

- Scale, design, and layout, would cause less than substantial harm to the significance of the adjacent listed buildings and the Loose Valley Conservation Area
- Harm to the character and appearance of the countryside
- Poor design.
- Impact on protected species
- Insufficient access for 2 cars to pass
- Access would cause harm to highway safety
- Large lorries would be unable to access the site
- The access forms part of a public way. Its use would cause harm to pedestrian safety.

4.02 2 objections received from local residents raising the following (summarised) issues:

- Does not preserve historic farm buildings
- If permission is granted, the roofs should be clay not slate.

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)

Maidstone Conservation Officer

5.01 No objection for the following reasons

- Demolition of existing buildings - The cold store and modern agricultural building are modern additions, and they have no architectural interest. The demolition would result in a small degree of harm, at the lower end of less than substantial.

- Impact on setting - The proposed planting to the southeast is intended to provide a visual screen for the development and mitigate its impact on the listed buildings' surroundings. The applicant asserts. There is agreement with the applicant that there is no line of sight between Salts Place and the proposed dwellings, thus no negative effect on Salts Place's setting.
- Proposed works to the barn have already been accepted in principle and the repair works will enhance the character of the listed building.
- Adherence to traditional forms and materials is deemed appropriate. Nonetheless, the expansion of development beyond the existing, will lead to a minor level of harm to the Loose Conservation Area's setting but this harm falls within the lower range of less than substantial harm.

6. APPRAISAL

- 6.01 The local planning authority has a statutory duty to have special regard to the desirability of preserving listed buildings and their settings under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.02 Policy DM 4 of the local plan requires that the significance of designated heritage assets and their settings are conserved, and, where possible, enhanced, and policy SP 18 similarly seeks to protect and enhance the quality of heritage assets. Neighbourhood Plan policy DQ2 seeks the protection and enhancement of Loose Conservation Area.
- 6.03 The NPPF states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. When considering the impact 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); and that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 6.04 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, NPPF paragraph 202 requires that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.05 NPPF Paragraph 203 states that the effect of an application on the significance of a non-designated heritage asset should be considered in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.06 The site is in the Loose Valley Conservation Area. To the south of the site are a group of buildings that include two grade II listed buildings 'Salts Place' (formally Salts Farmhouse) and Salts Oast Barn (listing description 'Barn about 12 metres west of Salts Place') and The Oast House a non-designated heritage asset. Further heritage assets are located to the south east (closest circa 200 metres from the site).
- 6.07 The submitted heritage statement provides an analysis of the historic development of the site, advising:

'Salts Place is recorded as a Regular courtyard multi-yard (Here) which establishes the form of farmstead appropriate for the proposal site. Much of the historic farmstead was remodelled in the 20th century when the farmstead expanded its pig rearing and fruit storage activities with the construction of steel framed

buildings on the proposal site. The proposals offer an opportunity to replace these poorly designed and located buildings with dwellings in keeping with the historic farmstead group, that will also enhance the setting and appearance of the adjacent listed barn and this isolated part of the conservation area.'

- 6.08 The existing layout includes a spread of development across the site from east to west. The Dutch barn is located within the west part of the site, whilst the cold store is situated in the south-east corner. There is a large area of hardstanding in between which has largely become covered with moss and breakthrough grass.
- 6.09 The two buildings due to be demolished are low quality, modern structures constructed of brick and steel Dutch barn, and steel frame and the concrete block cold store. The proposal includes removal of existing hardstanding and remnants of other structures, such as dwarf walls and raised concrete details. The demolition would result in a small degree of harm, at the lower end of less than substantial. This harm would be mitigated through improved relationship with the surrounding heritage assets, the removal of extensive hard surfacing on site and the enhanced openness to the east of the site.
- 6.10 The existing former cold store obscures the rear wall of the listed building and the planning permission for the retention and conversion of buildings (under 18/503663/FULL) would have maintained this situation. The current application includes the removal of the unsympathetic existing former cold store that is currently immediately adjacent to the listed building.
- 6.11 The removal of the former cold store will allow full views of the rear of the Oast Barn ('Barn about 12 metres west of Salts Place'). This change will enhance the character and appearance of this grade II listed building and return to its historic setting prior to the erection of the modern barn. The proposal shows this newly exposed rear elevation reclad in weatherboarding to match the existing. A planning condition is recommended to ensure appropriate locally sensitive materials, and this approach is supported by the conservation officer.

Internal site photographs



- 6.12 The proposed site layout addresses the historic multi yard farm character by creating a courtyard with a pair of hay barns and cart sheds orientated in line with Salts Place. It concentrates the built form to the west of the site, away from the Ancient Woodland (to the north east corner) and built heritage assets (to the south-east corner).
- 6.13 The proposed planting to the southeast would provide a visual screen for the development and mitigate its impact on the listed buildings. The applicant asserts that there is no line of sight between Salts Place (grade II listed) and the proposed dwellings, thus no negative effect on Salts Place's setting. The conservation officer

agrees with this and considers that as a considerable distance separates the proposed development and Salts Place, there would be no detriment to its setting.

- 6.14 Orientation and massing of proposed buildings create a loose courtyard with garaging being housed in cart sheds. The proposed dwellings seek to reflect heritage Kentish barns. The buildings are designed around a traditional three bay barn with central, double-height cart door openings. To the front, the cart door space is glazed and bordered by barn doors, whilst to the rear the cart door space is glazed. The design includes limited fenestration across the dwelling.
- 6.15 The dwellings are shown as feather edged black stained weatherboarding under a half-hipped roof with traditional doors and two single storey cart sheds. The proposed materials include black painted timber boarding with ragstone plinths, clay tile roofs and timber windows and doors.
- 6.16 The proposed outbuilding for each of the dwellings are low buildings with shallow pitched roofs and reflect the same finishes of the dwellings. The buildings include two open car parking bays and a garden store secured by timber double doors.
- 6.17 The proportions and scale of the proposal would not overwhelm the site. The siting and layout of the proposal would allow for extensive landscaping (particularly to the east) and would maintain generous gaps around its edges.
- 6.18 In assessing the setting of the conservation area, the modern outbuildings, while not architecturally significant, possesses a small degree of historical value. It is noted however that the modern farm buildings on the site were all constructed after July 1948 (the first Planning Act) and were not built before Salts Place was listed in 1952.
- 6.19 The adherence to traditional forms and materials in the design of the proposal is supported. The proposal will lead to a minor level of harm to the Loose Conservation Area's setting, although with the slightly lower land levels when compared with neighbouring land, landscaping and existing buildings, the development would not be widely visible. This minor level of harm is outweighed by the high quality and detailing of the proposal when compared with the previously approved scheme, the enhanced landscaping provision and the addition of two dwellings on a plot (reduced in number from earlier refused applications) which has previously been established as acceptable for residential development.
- 6.20 The proposal includes new landscaping to soften the boundary edges with native planting. To the rear of the dwellings (to the east), the proposed Landscape Plan shows a soft native planted buffer with meadow grass. This buffer seeks to protect the natural character to this side of the site where it adjoins protected woodland. The proposed hard landscaped areas are kept to a minimum and are mainly concentrated to the front of the site (west) where access, parking and turning areas seek to reflect a converted farmyard.
- 6.21 In summary, the proposal would have an acceptable visual and heritage impact in accordance with national, local and neighbourhood plan policies. The proposal offers high quality development that would cause less than significant harm to designated heritage assets. The public benefits of the proposal outweighing the identified harm.
- 6.22 The conversion of the existing buildings as granted under application ref 18/503663/FULL provide a fallback position and establishes the principle of residential development on this site . The current proposal provides improvements to the earlier approved development and there would be no merit in planning terms in refusing an alternative. There has been no material change to either the site or

the planning policy framework in the period since the earlier approval was given and it would be unreasonable to conclude that the principle is objectionable.

- 6.23 The Parish Council have commented that they consider the design of the proposal to be poor. In contrast, an analysis of the wider context of the site shows that the proposed buildings are reflective of the historic agricultural use of the site and the character of the adjacent remaining buildings from the farmstead. The tight group of buildings is located above the historic farmhouse and separated by a ragstone retaining wall. The proposed materials and proportions of the buildings, including the detail of the fenestration, and simple layout and form are reflective of these.

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.

7.0 CONCLUSION

- 7.1 The proposal is for a high quality scheme that would respond appropriately in terms of layout, scale and detailing to the heritage and setting of the site. The loss of the existing modern buildings would cause less than substantial harm (at the low end of the scale) to the setting of the conservation area. This harm is mitigated and justified by the provision of an alternative redevelopment of the site to that approved, being of a higher design quality, with improved landscaping and sensitive relationship to the protected woodland.
- 7.2 Taking this into account, and subject to the imposition of conditions, on balance the proposal is acceptable and it is recommended that listed building consent is granted

8. RECOMMENDATION

GRANT LISTED BUILDING CONSENT 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 works to which this consent relates must be begun before the expiration of three years from the date of this consent. Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) No development above floor slab level shall take place until written details and samples of the materials to be used in the construction of the external surfaces of all buildings have been submitted to and approved in writing by the local planning authority. The materials shall consist of the following:
- a) Kentish ragstone plinths in place of the brick plinths for all buildings.
 - b) Natural slate tiles for all buildings.
 - c) Hardwood timber weatherboarding for all buildings.
 - d) Hardwood timber fenestration for all buildings.
 - e) Metal rainwater goods for all buildings.
 - f) Oak posts for the garages.

The development shall be constructed using the approved materials, implemented prior to first occupation of the approved dwellings, and shall be maintained as such thereafter. Reason: To ensure a high-quality development.

- (3) No development above floor slab level shall take place until written details and samples of hard surfaces have been submitted to and approved in writing by the local planning authority. The hard surface details shall consist of the following:
- a) Loose stone and granite setts for the driveways and stone for the patios as shown on drawing no. P005 RevP01 (Proposed Site Plan).
 - b) Details of sensitive kerb edges.
- The development shall be constructed using the approved materials, implemented prior to first occupation of the approved dwellings, and shall be maintained as such thereafter. Reason: To ensure a high-quality development.
- (4) No development above floor slab level shall take place until photographs of a sample panel of the Kentish ragstone for the buildings (which has been constructed on site) have been submitted to and approved in writing by the Local Planning Authority including written details of the mortar mix. The development shall be constructed using the approved materials, implemented prior to first occupation of the approved dwellings, and shall be maintained as such thereafter. Reason: To ensure a high-quality design and finish.
- (5) No development above floor slab level shall take place until details of any external utility pipes and paraphernalia on the elevations of buildings have been submitted to and approved in writing by the local planning authority for that phase. Any external features shall be positioned and coloured to minimise their impact. The development shall be constructed using the approved materials and details, implemented prior to first occupation of the approved dwellings, and shall be maintained as such thereafter. Reason: To ensure a high-quality design and finish.
- (6) If unexpected works not hereby covered by this Listed Building Consent are required to the Grade II listed barn (The Oast Barn) at any time when carrying out the approved works, details must be immediately reported in writing to the Local Planning Authority. A heritage assessment must be undertaken and where remediation is necessary, a new Listed Building Consent application must be prepared and submitted to the Local Planning Authority. Reason: In order to protect the designated heritage asset
- (7) Upon demolition of Building 2, no further works will take place on site until the Grade II listed barn (The Oast Barn) rear elevation works have been completed in accordance with the approved plans. Once complete the rear elevation works will be maintained in accordance with the approved details. Reason: In order to protect the designated heritage asset
- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

Urgent Update: Planning Committee 14 December 2023

Item 14 Pages 31 – 40

Salts Farm, Salts Lane, Loose ME15 0BD

APPLICATION: 23/503253/LBC

Update to conditions as they are set out in the published agenda.

Page 39 - Condition 2 (amend as follows with deletions crossed through and additions underlined)

No development above floor slab level shall take place until written details and samples of the materials to be used in the construction of the external surfaces of all buildings have been submitted to and approved in writing by the local planning authority. The materials shall consist of the following:

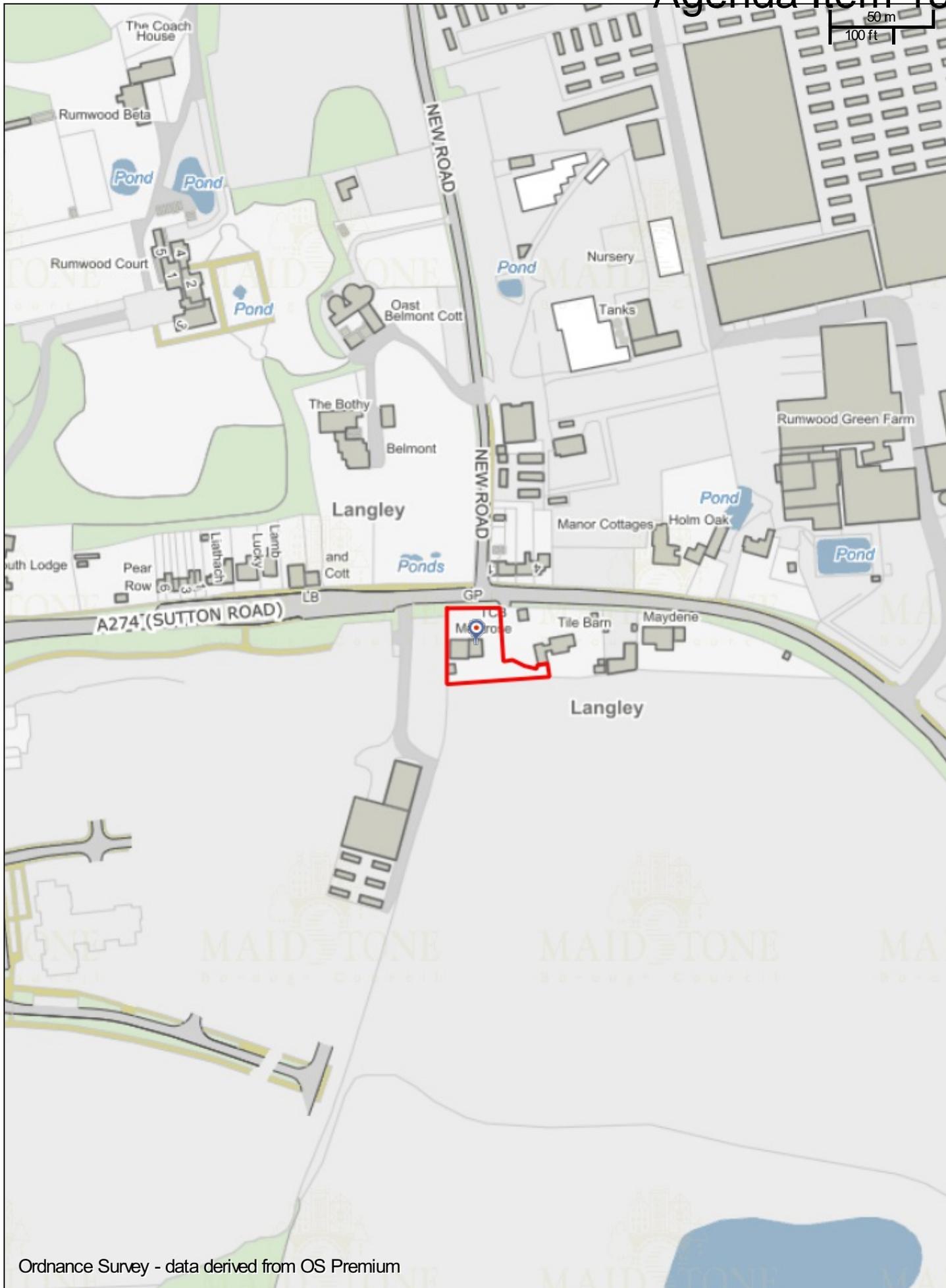
- a) ~~Kentish~~ Natural ragstone plinths in place of the brick plinths for all buildings.
- b) Natural slate roof tiles for all buildings.
- c) British hardwood timber weatherboarding for all buildings.
- d) British Hardwood timber fenestration for all buildings.
- e) Metal rainwater goods for all buildings.
- f) Oak posts for the garages.

The development shall be constructed using the approved materials, implemented prior to first occupation of the approved dwellings, and shall be maintained as such thereafter. Reason: To ensure a high-quality development.

Page 40 - Condition 4 (amend as follows)

No development above floor slab level shall take place until photographs of a sample panel of the ~~Kentish~~ natural ragstone for the buildings (which has been constructed on site) have been submitted to and approved in writing by the Local Planning Authority including written details of the mortar mix. The development shall be constructed using the approved materials, implemented prior to first occupation of the approved dwellings, and shall be maintained as such thereafter. Reason: To ensure a high-quality design and finish.

Recommendation is unchanged.



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

REFERENCE NO: 23/503671/FULL		
APPLICATION PROPOSAL: Demolition of the existing house and outbuilding. Erection of 2no. dwellings including extension of existing crossover and associated parking.		
ADDRESS: Montrose Sutton Road Langley Maidstone Kent ME17 3ND		
RECOMMENDATION: GRANT PLANNING PERMISSION – subject to the planning conditions set out in Section 8 of this report.		
SUMMARY OF REASONS FOR RECOMMENDATION: <ul style="list-style-type: none"> • Although outside a settlement, the site is immediately adjacent to the boundary and next to a housing allocation site. • The site is in a sustainable location. • Whilst a departure from the Local Plan with reference to The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004 material considerations indicate that planning permission should be approved. 		
REASON FOR REFERRAL TO COMMITTEE: The site lies adjacent to but outside a settlement and is therefore a departure from the plan.		
WARD: Sutton Valence And Langley	PARISH COUNCIL: Langley	APPLICANT: Michael Laurence Ltd AGENT: SF Planning Limited
CASE OFFICER: Joanna Russell	VALIDATION DATE: 14/08/23	DECISION DUE DATE: 21/12/23
ADVERTISED AS A DEPARTURE: Yes		

Relevant planning history

Adjacent site (Land south of Sutton Road)

Local Plan allocated housing site policy H1 (10) allocated for development of approximately 800 dwellings at an average density of 24 dwellings per hectare.

Site layout plan for 15/509015/OUT



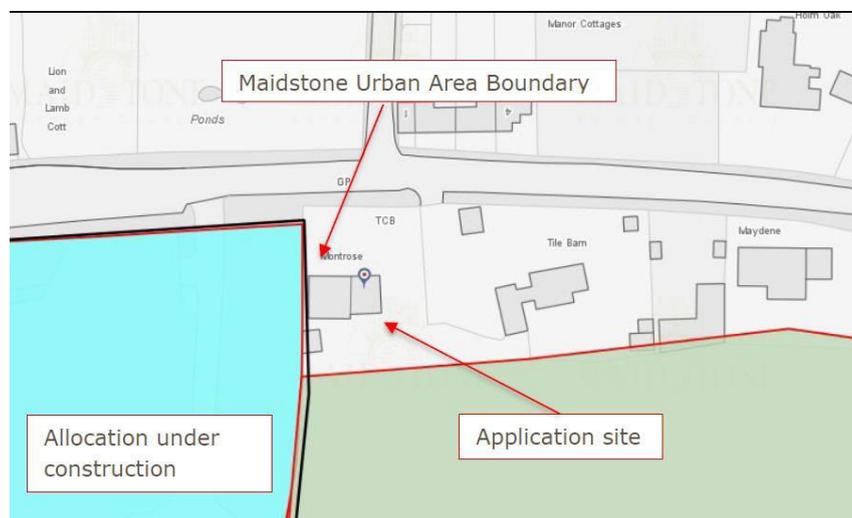
15/509015/OUT - Outline application for residential development(indicative quantity of 800 dwellings), together with non-residential uses (including potentially A1 (retail), A3 (sale of food and drink on the premises e.g. restaurant), A4 (public house), D1(a) (medical use), D1(b) (creche/day centre/day nursery), or B1 (office), up to 0.4 ha of land reserved for C2 (residential care), the reservation of 2.1 ha of land for primary education (use class D1), public open space in the form of natural green space, allotments, play facilities and informal open space together with landscaping, parking, footpath and cycle links and the necessary servicing, drainage and the provision of necessary utilities infrastructure, with all matters reserved for future consideration with the exception of access (Amended proposal). Approved 18.04.2018.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 For the purposes of the local plan, the site sits within the open countryside but immediately adjacent to the defined urban boundary of Maidstone and allocated housing site H1 (10).
- 1.02 The adjacent property, Tile Barn is grade II listed. The site is in Farleigh Greensand Fruit Belt (Langley Park Farm) Landscape Character Area (Area 27-15). A public right of way (KH369) runs adjacent to western boundary of site. The site is in Flood Zone 1.

Site relationship to urban boundary and adjacent housing site allocation



2. PROPOSAL

- 2.01 Permission is sought for demolition of the existing building and the construction of two new dwellings, utilising the existing vehicular access to the site.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):

- SS1 Maidstone borough spatial strategy
- SP17 Countryside
- SP18 Historic environment
- DM1 Principles of good design
- DM3 Natural environment
- DM4 Development affecting designated and non-designated heritage assets

DM6 Air Quality
DM8 External lighting
DM11 Residential garden land
DM21 Assessing the transport impacts of development.
DM23 Parking standards
DM30 Design principles in the countryside

Emerging Draft Policy: Maidstone Draft Local Plan:

The Regulation 22 Local Plan Review (LPR) submission comprises the draft plan for submission (Regulation 19) dated October 2023, the representations and proposed main modifications. It is therefore a material consideration and attracts some weight. The LPR has been through Stage 1 and 2 Hearings and the main modifications the Inspector considers are required to make it sound are out to public consultation, so it is at an advanced stage. However, responses to the consultation need to be considered by the Inspector along with him producing his Final Report so the LPR is considered to attract moderate weight at the current time.

The relevant policies in the Maidstone Draft Local Plan are as follows:

LPRSS1– Maidstone Borough Spatial Strategy
LPRSP9 – Development in the Countryside
LPRSP15 – Principles of Good Design
LPRQ & D4 – Design principles in the Countryside
LPRTRA4 – Parking

Supplementary Planning Documents

Ministry of Housing, Communities and Local Government: National Design Guide.
Government’s Technical Housing Standards: Nationally Described Space Standards (March 2015).
Maidstone Landscape Character Assessment

The National Planning Policy Framework -NPPF (2023)

National Planning Policy Guidelines (NPPG).

4. LOCAL REPRESENTATIONS

Langley Parish Council

4.01 No objection

Neighbours

4.02 No response

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 Archaeology

5.01 No objection subject to a condition.

KCC Public Rights of Way Officer

5.02 No objection

Maidstone Landscape Officer

5.03 No objection.

KCC Highways

- 5.04 In response to the provision of additional information, no objection subject to a condition.

KCC Ecology

- 5.05 No objection.

6. APPRAISAL

- 6.01 The key issues are:
- Countryside location and policy SP17
 - Landscape and visual impact on the countryside
 - Visual and heritage impact
 - Amenity impact
 - Highways and parking
 - Biodiversity

Countryside location and policy SP17

- 6.02 The application site is in the countryside and the starting point for assessing all applications in the countryside is Local Plan policy SP17. Policy SP17 states that development proposals in the countryside will only be permitted where:
- a) there is no harm to local character and appearance, and
 - b) they accord with other Local Plan policies
- 6.03 Policy SP17 does not specify an acceptable level of harm to local character and appearance and all proposals in the countryside are likely to result in some degree of harm. In this context all development outside the designated settlements does not accord with this part of SP17.
- 6.04 In certain circumstances where there is locational need for development (equestrian, rural worker dwelling agricultural buildings etc) other Local Plan policies permit development in the countryside subject to listed criteria. If development accords with one of these other Local Plan policies, this compliance generally outweighs the harm caused to character and appearance with a proposal found in accordance with policy SP17 overall. In this case, there are no other policies in the Local Plan that would permit new dwellings in this location.
- 6.05 The National Planning Policy Framework (NPPF) highlights that the planning system is plan-led. The NPPF reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which require by law that planning applications "*must be determined in accordance with the development plan, unless material considerations indicate otherwise*".
- 6.06 To this extent and in principle, the proposal would conflict with policy SP17 of the Local Plan in so far as it seeks to resist development outside defined settlement boundaries and to protect the countryside. This report will consider whether there are material considerations that justify granting of planning permission contrary to the Local Plan.

Landscape and visual impact on the countryside

- 6.07 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.'

- 6.08 Local Plan policies DM1 and DM30 promote high quality design. Development is encouraged which accords with the countryside in terms of bulk, scale, massing, visual amenity, and landscape character.
- 6.09 The Maidstone Landscape Character Assessment (2012 amended 2013) identifies the application site as falling within the Farleigh Greensand Fruit Belt (Langley Park Farm) Landscape Character Area. The landscape guidelines for this area are to 'improve and reinforce'.
- 6.10 The application site is a relatively large residential plot currently occupied by a chalet-style bungalow with an unattractive extension and some low-key outbuildings. The site has vehicle access on to Sutton Road. The site is relatively well screened by well-established landscaping. The surrounding area is a mix of properties of differing scale, age, and plot size.
- 6.11 While the application site is outside a designated settlement, the site does not sit within an open landscape enclosed to the front by a busy road, and to either side by residential development. The site itself is of a domestic and developed appearance. The site does not contribute to a wider landscape character. Once the adjacent housing allocation site has been completed, the application site will have a largely suburban appearance, albeit in a transitional manner from the higher density housing allocation towards the east.
- 6.12 The proposed development will result in the addition of one extra house, with the two dwellings located on a similar footprint to the existing dwelling. The proposed dwellings are set back from the front boundary with hard surfacing kept to a minimum to allow for parking and manoeuvring. Landscaping is shown to all sides of the site to provide a green buffer. Although the proposal results in a greater level of built form on the site, given its context and backdrop, this is found to be acceptable in this location.
- 6.13 The site does not fall within any of the recognised characterises of value as identified in the Landscape Character Assessment, with minimal rural character. The site currently appears as part of linear development along the road, and the proposal would maintain this appearance and character.
- 6.14 It is recommended that a planning condition is used to secure provision of side and front boundary planting. This planting would help to soften the appearance of the site from the busy road and minimise the visual change from the current situation.
- 6.15 In summary, the proposal is for the replacement of the existing dwelling with two new dwellings set back from the frontage. The two dwellings sit on a similar footprint to the existing building which allows sufficient space at the front of this domesticated site for parking and landscaping. It is a material consideration that the land to the west has outline permission for houses as illustrated above and that the site is adjacent to the settlement boundary.
- 6.16 Policy SP17 states that development proposals in the countryside will only be permitted where there is no harm to local character and appearance. The current application will result in harm to local character and appearance, however as set out in this section of the report the level of harm has been found to be minimal for the reasons outlined. This identified level of harm needs to be balanced against the other material planning considerations considered in this report.

Heritage

- 6.17 The site is adjacent to a Grade II listed property known as Tile Barn. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon decision makers to have special regard to the desirability of preserving the setting of a listed building.
- 6.18 The NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal including their setting and take this assessment into account when considering the impact of a proposal. The NPPF also requires that when considering the impact of a proposal on a heritage asset, the Council should first consider whether the development has sought to minimise any impacts through its design, before considering what the residual level of harm may be. These requirements are echoed by Policies SP18 and DM4 of the Local Plan.
- 6.19 The two proposed dwellings are two storeys, and their design responds to the adjacent grade II listed building. The ground floor of the buildings is shown as facing brick on a plinth, with the upper floor finished in tiles.
- 6.20 The proposed roof form responds to the neighbouring building and the two-front hipped roofs above the bay windows replicate the roof to the rear of Tile Barn. The proposed facing materials also sympathetic to the neighbouring listed building. A detailed landscaping scheme has been provided which demonstrates that the overall appearance of the site will be enhanced when compared to its existing condition.
- 6.21 In response to initial concerns about landscaping, alterations have been made to show less hardstanding and more soft landscaping and the Maidstone Landscape Officer is now supportive of the application.
- 6.22 The proposal would result in a high quality development that would accord with the evolving character of the locality and would retain the spatial quality of the plot. The proposal would cause no harm to the adjacent designated heritage asset. The proposal would therefore accord with local plan policies DM1, DM30, SP18 and DM4 and the NPPF in this regard.

Sustainability of location

- 6.23 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.
- 6.24 For the purposes of the Local Plan the proposal site is in the countryside, and therefore last in the hierarchy for new residential development. However, in this instance, the site is immediately adjacent to the defined urban boundary, with new housing being built adjacent to the proposal site, clearly changing the character of the area as illustrated above.
- 6.25 The proposal site is in a sustainable location adjacent to the urban area and the services provided by it and the adjacent housing allocation. The site is within walking distance of bus stops that serve frequent public transport services in and out of Maidstone. The site is also in relatively close proximity of a supermarket and public house, some 800m to the west, that are accessible by way of footpaths.

- 6.26 On this basis, given the sustainability of the location and that the proposal will not result in harm to the character and appearance of the area, the proposal is acceptable in terms of the location.

Residential amenity

- 6.27 Local Plan policy DM 1 states that proposals will be permitted where they respect the amenities of occupiers of neighbouring properties. Development should not result in, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion. Built form should not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.28 The new dwellings are located a sufficient distance from adjoining occupiers that there would be no loss of privacy or daylight. This separation distance also ensures that there would be no overbearing impact.
- 6.29 The proposed floorplans submitted accord with the nationally described space standards. The plans demonstrate that there is sufficient land around the buildings to provide a good level of outdoor space for occupants. A noise impact assessment has been submitted which demonstrates that future occupants will benefit from an acceptable living environment.
- 6.30 It is concluded that the proposal will not have a detrimental impact on neighbouring occupiers and will provide acceptable living accommodation for future occupiers of the dwellings.

Highways and parking

- 6.31 Local Plan policy DM 1 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. Local Plan policy DM21 seeks to ensure that the vehicle trips generated by a use can be adequately accommodated on the road network.
- 6.32 A transport technical note has been submitted with the application which concludes that the proposal is not expected to result in any negative impact upon the local highway network. No change is proposed to the site's vehicular access. The proposal would only result in a small increase in traffic in the context of the adjacent development on the allocated site.
- 6.33 In terms of parking provision, Local Plan policy DM23 advises that a minimum of two independently accessible parking spaces should be provided for 4+ bedroom houses. The submitted plans show 3 spaces for each dwelling and there is sufficient space for maneuvering within the site with one electric charging point per dwelling.
- 6.34 Paragraph 11 of the NPPF is clear 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'. The impact of two dwellings, is not sufficient to conclude that there would be a severe highways impact or an unacceptable impact on highway safety, or to justify refusal on this ground. On this basis, the highways and impact and parking provision are acceptable.

Biodiversity

- 6.35 Local Plan policy DM3 states: '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...where appropriate development proposals will be expected to appraise the value of the borough's natural environment through the provision of...an ecological evaluation of development sites...to take full account of the biodiversity present, including the potential for the retention and provision of native plant species'.

- 6.36 In support of the planning application the applicant has provided an ecological appraisal. In response to initial comments from KCC ecology, further information regarding biodiversity impact has been submitted by the applicant. The KCC Ecology team have assessed this information and advised that they are satisfied with the conclusions subject to conditions set out at the end of this report.

Public Sector Equality Duty

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

CIL

- 6.38 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 proposal is acceptable in relation to the minimal level of harm that will be caused to the character and appearance of this area.
- 7.02 Proposal is acceptable in relation to neighbour amenity and the access and parking arrangements are all acceptable.
- 7.03 Whilst a departure from the Local Plan with reference to The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004 material considerations indicate that planning permission should be approved.

8.0 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions

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

- (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:
00-200 Rev P05 Proposed site plan
SF1374-11 Rev E Hard and soft landscaping proposals
00-210 Rev P02 Proposed front elevation
00-201 Rev P02 Proposed ground floor plan
00-202 Rev P02 Proposed first floor plan
00-203 Rev P02 Proposed second floor plan
00-204 Rev P02 Proposed roof plan

00-211 Rev P01 Proposed side elevation
00-212 Rev P01 Proposed rear elevation
00-213 Rev P01 Proposed side elevation
Noise Impact Assessment
Preliminary Ecological Appraisal
Reptile survey
Bat emergence survey
Transport technical Note
Heritage Assessment
Reason: To clarify which plans have been approved.

- (3) The development hereby approved shall not commence (including site clearance), until tree and hedgerow protection in accordance with the current edition of BS 5837 have been installed on 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. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.
- (4) The development hereby approved shall not commence until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. Reason: To ensure that features of archaeological interest are properly examined and recorded.
- (5) The development hereby approved shall not commence until an Ecological Design and Management Plan (EDMP) has been submitted to and approved in writing by the local planning authority. The EDMP will include the following:
- a) Details of native species planting/management to be undertaken to achieve a minimum 1% biodiversity net gain. Proposals for net gain will be evidenced through use of the latest version of the Defra/Natural England Biodiversity Metric and an updated Soft Landscaping Plan. Where 1% net gain cannot be achieved within the site, evidence of an agreement with an offsite provider will be included.
 - b) Details (location, type and number) of habitat enhancement measures for protected and priority species as detailed within Table 7 of the Preliminary Ecological Appraisal report (Arbtech, September 2023), to include integral and tree-mounted bird and bat boxes, refugia for invertebrates, amphibians and reptiles, and shelter/connectivity features for hedgehog. Boxes for breeding birds will be targeted at S41 priority species / red/amber listed species. Boxes included for wildlife will be Woodstone/woodcrete to ensure durability.
 - c) An outline management schedule and details of persons responsible, including covenant information where required.

All measures will be implemented in accordance with the approved details prior to first occupation of either of the approved dwellings and all habitats/features shall be retained in that manner thereafter. Reason: In the interests of ensuring

measurable net gains to biodiversity and in accordance with paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) 2023.

- (6) The development hereby approved shall not only proceed (including site clearance), in accordance with the advice in the Preliminary Ecological Appraisal (Arbtech, May 2023). Where no bats are found, all suitable features shall be removed by hand (soft-stripping). If bats or evidence of bats is found, works will stop while the site ecologist or Natural England are contacted for advice. Works will not proceed until any required licensing has been put in place and mitigation has been approved. Reason: To protect the ecological value of the site.
- (7) The development hereby approved shall not commence (including site clearance), until the following precautionary measures have been implemented to avoid capture of reptiles, amphibians, badger and hedgehog and construction work shall only proceed in accordance with these measures that will be in accordance with Table 7 of the Preliminary Ecological Appraisal and Table 3 of the Reptile Survey report (Arbtech, May and September 2023), the measures include
 - a) Continued regular vegetation management to avoid areas becoming more suitable for reptiles.
 - b) Backfilling of trenches and other excavations before nightfall, or a ramp left to allow any animals to easily exit.
 - c) Checking of all excavations and trenches each morning throughout the construction period and prior to infilling.
 - d) All temporarily stored building materials (that might act as temporary resting places) will be kept isolated from boundary vegetation and raised off the ground, e.g. on pallets.Reason: To protect the ecological value of the site.
- (8) A precautionary approach will be followed for the removal of two trees with Low suitability for roosting bats, in accordance with Section 5 of the UK Bat Mitigation Guidelines (Reason and Wray, 2023) and Table 7 of the Preliminary Ecological Appraisal (Arbtech, May 2023). Removal of ivy will be undertaken in accordance with the Breeding Bird Informative. Should evidence of bats be identified, further surveys and/or any mitigation required (including appropriate licensing) will need to be completed prior to removal of the relevant tree/s Reason: To protect the ecological value of the site.
- (9) No tree felling/vegetation clearance works, or other works that may affect nesting birds, shall take place between 1 March and 31 August inclusive. In the event that works are required to be carried out during the nesting period, a prior survey to establish the absence/presence of nesting birds should be undertaken by an appropriately qualified ecologist. A report of the assessment, together with proposals for any required mitigation/ compensation shall be submitted to and approved in writing by the local planning authority prior to any works being undertaken. Thereafter, the works shall be carried out in accordance with any necessary mitigation/ compensation measures. Reason: In the interest of biodiversity and habitat management.
- (10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, AA, B, C, D, E and F to that Order shall be carried out to the new dwelling hereby approved without first obtaining the permission of the Local Planning Authority. Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by prospective occupiers.

- (11) The construction and external facing and surfacing materials to be used in the development hereby approved shall be as indicated on the approved plans. Reason: To ensure a satisfactory appearance to the development.
- (12) Prior to first occupation of the relevant dwellings hereby approved, the approved details of the parking/turning areas shall be completed and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them. Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.
- (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. The submitted details shall:
- a) be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021 (and any subsequent revisions) with reference to environmental zone E1.
 - b) be in accordance with the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting'.
 - c) include a layout plan with beam orientation.
 - d) include measures to ensure existing woodland and tree lines, and proposed areas of tree-planting, are maintained as dark corridors.
 - e) provide a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).
 - f) provide an ISO lux plan showing light spill.
- The scheme of lighting shall be installed, maintained, and operated thereafter in accordance with the approved scheme. Reason: To safeguard residential amenity, wildlife and to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.
- (14) No development above floor slab level shall take place 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 approved dwelling and maintained thereafter. Reason: To ensure an energy efficient form of development.
- (15) Notwithstanding what is shown on the submitted plans, the development hereby approved shall not commence above ground level until a landscape scheme has been submitted to and approved in writing by the local planning authority. The scheme shall
- (a) be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012).
 - (b) follow the detailed guidance on planting and maintenance as set out in the 'Maidstone Landscape Character Assessment Supplement 2012' - <https://localplan.maidstone.gov.uk/home/documents/attachments-master-evidence/landscape-character-assessment-2012/Maidstone-Landscape-Character-Assessment-2012-Supplement-September-2013.pdf>
 - (c) 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,
 - (d) provide details of new on-site planting in a planting specification (location, spacing, species, quantity, maturity).
 - (e) include a double staggered hedgerow along the frontage of the application

site with approximately 45cm spacing with 30cm between rows and consisting of 70% Hawthorn or Blackthorn, 5% Dogwood, 10% Field Maple, 10% Hazel, 2.5% Holly and 2.5% Wayfaring Tree.

(f) provide landscape implementation details and timetable.

(g) provide a [10] 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. The reason for the longer 10 year period is to mitigate the intensification of use of the site by strengthening the landscaping

- (16) All planting, seeding and turfing specified in the approved landscape details associated with individual dwellings (including private gardens) shall be completed by the end of the first planting season (October to February) following first occupation of the individual dwelling hereby approved. All planting, seeding, and turfing specified in the approved landscape details associated with communal or shared areas or areas outside individual plots shall be completed by the end of the first planting season (October to February) following occupation of the final dwelling. Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, are removed, 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.
- (17) Prior to first occupation of the relevant dwellings hereby permitted foul and surface water drainage for the site and measures for the future servicing and maintenance of this drainage shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the approved measures maintained thereafter. Reason: To ensure that adequate drainage is provided for the development and reduce the potential for flooding, protect the water environment and prevent contamination of the land.
- (18) Prior to the first occupation of the dwelling hereby approved, the facilities for (a) the storage and screening of refuse bins, and (b) the collection of refuse bins, and (c) secure bicycle storage shown on the submitted plans shall be in place. These details will be maintained as such thereafter. Reason: In the interests of amenity, to promote sustainable travel choices and the reduction of CO2 emissions.
- (19) Prior to first occupation of the relevant dwellings hereby permitted the following shall be in place with these details retained for the lifetime of the development:
- a) Use of a bound surface for the first 5 metres of the access from the edge of the highway.
 - b) The visibility splays shown on the submitted plans with no obstructions over 1.05metres above carriageway level within the splays.
- Reason: In the interest of highway safety.

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

Urgent Update: Planning Committee 14 December 2023

Item 15 Pages 41 – 53

Montrose, Sutton Road, Langley, ME17 3ND

APPLICATION: 23/503671/FULL

Update to conditions as they are set out in the published agenda.

Page 52 - Condition 11 (amend as follows with deletions crossed through and additions underlined)

~~The construction and external facing and surfacing materials to be used in the development hereby approved shall be as indicated on the approved plans. Reason: To ensure a satisfactory appearance to the development.~~

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

- a) Natural timber fenestration for all buildings with timber double hung sash windows.
- b) Natural clay tiles for all buildings.

The development shall be constructed using the approved materials, implemented prior to first occupation of the approved dwellings, and shall be maintained as such thereafter. Reason: To ensure a high-quality development.

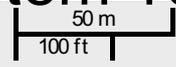
Additional conclusion

Add following as paragraph 7.02a Page 49 of the agenda.

"The application site is part of a self-contained and defined area of development on the south side of Sutton Road. This group of buildings includes three dwellings ('Maydene', 'Tile Barn' and application site), domestic outbuildings and a commercial tile retail building set back from the road behind a car parking area. Whilst in the countryside, this group of buildings due to their character, layout and front boundary treatment has a suburban appearance and this is exacerbated by the hard edge of the terrace of dwellings on the opposite side of Sutton Road.

It is acknowledged that the proposal results in harm and as a result the proposal is contrary to policy SP17, however the degree of harm is a material consideration. When comparing the footprint of existing buildings to the proposed buildings and the building frontages (existing circa 16 metres, proposed 20 metres (2x10 metres) and the character of the area the resulting harm is not sufficient to justify the refusal of planning permission. In addition, planning conditions are recommended to ensure that the quality of the development is maintained, this includes conditions on building materials and introduction of a double staggered front boundary hedge".

Recommendation is unchanged.



Ordnance Survey - data derived from OS Premium



23/502511/FULL Field adjacent to Dancing Green, Lenham Road, Headcorn, TN27 9LG

Scale: 1:2500

Printed on: 31/8/2023 at 11:50 AM by JoannaW



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REPORT SUMMARY

REFERENCE NUMBER: 23/502511/FULL		
APPLICATION PROPOSAL: Erection of vehicle workshop, training hub and drop in centre for military veterans, and creation of new vehicle access (resubmission of 21/502548/FULL - dismissed at appeal under APP/U2235/W/21/3287610).		
ADDRESS: Field Adjacent to Dancing Green Lenham Road Headcorn Kent TN27 9LG		
RECOMMENDATION: AMEND PREVIOUS COMMITTEE RESOLUTION to change from s106 to a planning condition with regards to the applicant’s Business Plan.		
SUMMARY OF REASONS FOR RECOMMENDATION: Committee approval for the use of a planning condition to secure the business plan (as an alternative to a s106 unilateral undertaking) is requested by officers following refusal of applicant’s mortgagees to endorse the draft s.106 unilateral undertaking with regard to the applicant’s business plan.		
REASON FOR REFERRAL TO COMMITTEE: Requirement for authority from the committee to change the earlier committee resolution.		
WARD: Headcorn	PARISH COUNCIL: Headcorn	APPLICANT: HX Motors
CASE OFFICER: Francis Amekor	VALIDATION DATE: 06/07/23	DECISION DUE DATE: 19/12/23
ADVERTISED AS A DEPARTURE: N/A		

Relevant planning history

See Appendix 1 – Copy of Committee report from 23 September 2023 meeting.

MAIN REPORT

1. BACKGROUND

- 1.01 This report should be read in conjunction with the copy of the Committee Report attached at Appendix 1. Members resolved at the 23.09.23 meeting to grant planning permission overturning the officer recommendation for refusal.
- 1.02 The Committee agreed that subject to the prior completion of a unilateral undertaking focused on the business plan put forward by the applicant, the Head of Development Management be given delegated powers to grant permission.
- 1.03 The draft s.106 unilateral undertaking drafted by the Council on behalf of the applicant was completed and sent to the applicant on 15 November 2023 to arrange execution of it by the owner and Mortgagees. The applicant notified the Council on the 30 November 2023 that the Mortgagees had declined to endorse the unilateral undertaking due to the current economic climate.
- 1.04 With the decision of the Mortgagees and the need to deliver the benefits for veterans in a timely fashion, the matter is returned to members for determination. Members are asked to confirm agreement to use a planning condition to secure the benefits of the proposal as an alternative to the s106 Unilateral Undertaking.

2. CONCLUSION

- 2.01 In line with the committee resolution to grant planning permission at the committee meeting on 23 September 2023 (contrary to officer recommendation) the recommendation of this report is now to grant planning permission without the requirement for a s106 unilateral undertaking. The requirements of the s106 unilateral undertaking would be secured through a planning condition.

3. 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 and/or informatives 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) No development shall take place other than in accordance with the following approved plans and documents:
Drawing Number: AGI-A-361 03 Rev A (Proposed First Floor Plan)
Drawing Number: AGI-A-361 02 Rev A (Proposed Ground Floor Plan)
Drawing Number: AGI-A-361 04 Rev A (Proposed Roof Plan)
Drawing Number: AGI-A-361 01 Rev A (Proposed Elevations)
Drawing Number: AGI-A-361 05 Rev B (Proposed Site Plan)
Drawing Number: AGI-A-361 06 A (Site Location Plan)
Unnumbered Revised First Floor Plan
Appendix C1 - Local Farms/Agricultural
Phase 1 Contamination Report
Appendix C2 - Business Support
Appendix R - Building Design
Internal 3D CGI View 1
Internal 3D CGI View 2
Appendix G - Study on PTSD
Appendix H1 - Veterans' Lifeline Support
Appendix H3 - Bridge Charity Letter
Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.
- 3) The materials to be used in the construction of the development hereby permitted shall be as described on the submitted plans. Reason: To ensure a satisfactory appearance to the development.
- 4) The development hereby approved shall not commence until details of
 - a) existing site levels and
 - b) proposed slab levels of the building have been submitted to and approved in writing by the local planning authority and the development shall be completed strictly in accordance with the approved levels.Reason: In order to secure a satisfactory form of development having regard to the topography of the site.
- 5) The development hereby approved shall not commence above slab level until details of a scheme for the enhancement of biodiversity on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through methods integrated into the building structure by means such as swift bricks, bat tube or bricks to provide wildlife niches and additionally through provision within the site curtilage of

measures such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors. The development shall be implemented in accordance with the approved details prior to first occupation of the approved building and all features shall be maintained thereafter.

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

- 6) Prior to first occupation of the approved building the parking (including two disabled space, turning areas and highway access shown on the approved plans shall be completed and shall thereafter be kept available for such use. No development, whether permitted by 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) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.
Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenience to other road users and in the interests of road safety.
- 7) The development hereby approved 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 shall be submitted to and approved in writing by the Local Planning Authority. The approved details will be in place before first occupation of the approved building and maintained as such at all times thereafter.
Reason: To secure an energy efficient and sustainable form of development to accord with the provision of the NPPF.
- 8) The development hereby approved shall not commence above slab level until a full hard and soft landscape scheme has been submitted to and approved in writing by the local planning authority (notwithstanding what is shown on the submitted site plan). The scheme shall
 - (a) be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012) (link to MBC website page <https://tinyurl.com/4a7uhhz5>)
 - (b) 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,
 - (c) provide details of new on-site planting in a planting specification (location, spacing, species, quantity, maturity).
 - (d) provide landscape implementation details and timetable
 - (e) provide details of planting that is designed to provide screening of the building from the road
 - (f) provide 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.
- 9) All planting, seeding, turfing or other landscaping specified in the approved landscape details shall be completed by the end of the first planting season (October to February) following first occupation of the building hereby approved. Any seeding, turfing or other landscaping which fails to establish or any trees or plants which, within five years from the first occupation of the building, are removed, 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.
- 10) Prior to first occupation of the approved building a minimum of two electric vehicle charging points shall have been installed on the site for the benefit of staff and customers with the charging point thereafter retained for that purpose.

- Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with the NPPF.
- 12) The development hereby approved shall not commence until details of a sustainable drainage scheme for the disposal of surface water and waste water has been submitted to and approved by the local planning authority. The approved scheme shall be implemented prior to first occupation of the approved building and thereafter managed and maintained in accordance with the approved details.
Reason: To ensure that the principles of sustainable drainage are incorporated into this development and to ensure ongoing efficacy of the drainage provisions.
- 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. The submitted details shall:
a) be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021 (and any subsequent revisions) with reference to environmental zone E1.
b) be in accordance with the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting'.
c) include a layout plan with beam orientation.
d) provide a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).
e) provide an ISO lux plan showing light spill.
The scheme of lighting shall be installed, maintained, and operated thereafter in accordance with the approved scheme.
Reason: To safeguard residential amenity, wildlife and to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.
- 14) Prior to first occupation of the approved building the approved refuse storage facilities shall be in place with the approved refuse storage retained for the lifetime of the development.
Reason: In the interests of amenity and to provide a sustainable travel choice for future.
- 15) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
a) the parking of vehicles of site operatives and visitors,
b) loading and unloading of plant and materials
c) storage of plant and materials used in constructing the development,
d) the erection and maintenance of security hoarding
e) wheel washing facilities.
f) a scheme for recycling/disposing of waste resulting from demolition and construction works.
Reason: In the interests of the amenities of the area and highway safety and convenience.
- 16) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of
a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

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

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

Reason: In order to deal properly with potential contamination.

17) Prior to the installation of any plant and equipment that is required in connection with the approved building and use, an Acoustic Report shall be submitted to and approved in writing by the Local Planning Authority. The Acoustic Report shall seek to show that the rating level of noise emitted from the proposed plant and equipment (determined using the guidance of BS 4142: 2014 Rating for industrial noise affecting mixed residential and Industrial areas) is 5dB below the existing measured background noise level LA90, T. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5 the applicant's consultant should contact the Council's Environmental Protection Team (ehadmin@midkent.gov.uk) to agree a site specific target level. Any mitigation measures approved through this condition shall be implemented prior to first use of the plant and equipment and retained at all times thereafter. Reason: In the interests of aural amenity.

18) The building hereby approved shall only be used as a vehicle workshop, training hub and drop-in centre for military veterans, and shall be fully laid out prior to first occupation of the relevant floor and retained as shown AGI Architecture ground floor drawing AGI-A-361 02A (received May 2023 – dated Feb 2021) and TJW design first floor drawing (received 30.10.2023 – dated 02.11.2022).

Reason: Planning permission was granted for this development based only on the specified use and as a departure from both the adopted Local Plan and the normal constraints on development in the countryside.

19) The approved vehicle workshop, training hub and drop-in centre for military veterans shall deliver the range of benefits for veterans including the re-training of veteran in Mechanical Engineering in collaboration with Charities and Organisations to set out in the Business Plan received on 30.10.2023. Reason: Planning permission was granted for this development based only on the specified use and as a departure from both the adopted Local Plan and the normal constraints on development in the countryside.

20) The use hereby approved shall not operate outside the hours of 0800hrs to 1830hrs Monday to Friday and 0800hrs to 1400hrs on a Saturday.

Reason: In the interests of amenity.

INFORMATIVES

1) Notwithstanding the approval of planning permission, the need for a separate environmental permit is highlighted to the applicant with regards to the proposed vehicle spraying booth. Further information is available at the following link: <https://maidstone.gov.uk/home/primary-services/business-and-investment/primary-areas/licences-and-permits/tier-3-primary-areas/environmental-permits>

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: - 23/502511/FULL		
APPLICATION PROPOSAL: Erection of vehicle workshop, training hub and drop-in centre for military veterans, and creation of new vehicle access (resubmission of 21/502548/FULL - dismissed at appeal under APP/U2235/W/21/3287610).		
ADDRESS: Field adjacent to Dancing Green Lenham Road Headcorn TN27 9LG		
RECOMMENDATION: REFUSE PLANNING PERMISSION		
SUMMARY OF REASONS FOR RECOMMENDATION: The application fails to demonstrate the proposed development of a new building with associated parking and access for light industrial use (restoration garage) is justified and compatible in this countryside location contrary to policy SS1, SP17, DM30 and DM37 of the Maidstone Borough Local Plan (2017) The proposed development, by virtue of its scale, design, and siting, would result in an isolated development and overly dominant building in the rural landscape, causing unacceptable harm to the character and appearance of the countryside and the Low Weald Landscapes of Local Value hereabouts. The proposal would therefore be contrary to policies SP17, DM1, DM3, DM30 and DM37 of the Maidstone Borough Local Plan (2017) and the National Planning Policy Framework (2021). The proposed new access by virtue of its prominent location, and requirement to puncture a substantial gap in the existing hedgerow along the frontage of Lenham Road (to make way for the vehicle access) and opening up the view with the introduction of further hardstanding area in the new public views into the site, represents development overly urban in appearance that would cause unacceptable visual harm to the rural character and appearance of the countryside and the Low Weald Landscapes of Local Value. As such, the development is contrary to policies SP17, DM1, DM3, DM30 and DM37 of the Maidstone Borough Local Plan (2017) and the National Planning Policy Framework (NPPF 2021). The submission in the absence of an Acoustic Report fails to demonstrate the acoustic environment around nearby houses would be within acceptable tolerances and the development would not have an adverse effect on the residential amenity of occupiers of these houses. It would fail to comply with policy DM1 of the Maidstone Borough Local Plan and the core principles set out in paragraph 130 of the NPPF (2021) requiring development to secure high quality design and a good standard of amenity for all existing and future occupants of buildings. As stated throughout the process, it is highlighted that there is strong common ground between officers and the applicant on the principles behind the project. Officers continue to be strongly supportive of the project aims but consider that for the reasons identified in this report that this is the wrong site for this building and this use.		
REASON FOR REFERRAL TO COMMITTEE: Cllr. Martin Round has requested the application is determined by the Planning Committee.		
WARD: Headcorn	PARISH COUNCIL: Headcorn	APPLICANT: HX Motors
CASE OFFICER: Francis Amekor	VALIDATION DATE: 06/07/23	DECISION DUE DATE: 25/09/23
ADVERTISED AS A DEPARTURE: Yes		

Relevant planning history

21/502548/FULL Erection of a restoration garage and creation of new vehicle access Refused 22.07.2021 for the following reasons:

The application fails to demonstrate the proposed development of a new building with associated parking and access for light industrial use (restoration garage) is justified and compatible in this countryside location contrary to policy SS1, SP17, DM30 and DM37 of the Maidstone Borough Local Plan (2017)

The proposed development, by virtue of its scale, design, and siting, would result in an isolated development and overly dominant building in the rural landscape, causing unacceptable harm to the character and appearance of the countryside and the Low Weald Landscapes of Local Value hereabouts. The proposal would therefore be contrary to policies SP17, DM1, DM3, DM30 and DM37 of the Maidstone Borough Local Plan (2017) and the National Planning Policy Framework (2021).

The proposed new access by virtue of its prominent location, and requirement to puncture a substantial gap in the existing hedgerow along the frontage of Lenham Road (to make way for the vehicle access) and opening up the view with the introduction of further hardstanding area in the new public views into the site, represents development overly urban in appearance that would cause unacceptable visual harm to the rural character and appearance of the countryside and the Low Weald Landscapes of Local Value. As such, the development is contrary to policies SP17, DM1, DM3, DM30 and DM37 of the Maidstone Borough Local Plan (2017) and the National Planning Policy Framework (NPPF 2021).

The submission, in the absence of any surveys has failed to demonstrate that protected species would not be adversely impacted as a result of the proposed development and following on from the conclusions of surveys the proposal is unable to demonstrate a net biodiversity gain. This would be contrary to the aims of policies DM1 and DM3 of the Maidstone Local Plan (2017); Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System; Natural England Standing Advice; and the aims of the National Planning Policy Framework (2021).

Appeal history

Appeal dismissed 21.09.2022. The main conclusions of the Inspector are as follows.

- application building is visually separated from Dancing Green and Newcombe Farm accentuating its visual impact.
- Such a large structure would intrude into the largely undeveloped surroundings in a significant way and would detract markedly from the intrinsic character of the countryside.
- Entrance through the existing hedge would open up views from along Lenham Road.
- Design, mass and scale would not maintain local distinctiveness or respond positively to the local character of the area contrary to policies DM1 and DM30.
- Would result in harm to character and appearance of the area contrary to Policy SP17.
- Would not protect the rural character of the Borough contrary to spatial strategy, Policy SS1.

NB: Following the dismissed appeal, the applicant was provided with detailed planning advice at a meeting with planning officers and Cllr Lottie Parfitt-Reid (Cabinet Member for Housing and Health:.) in January 2023. The appeal decision and advice letter following this meeting is provided as an appendix to this report.

MAIN REPORT**1. DESCRIPTION OF SITE**

- 1.01 The application site is 1.9 miles to the northeast of Headcorn Railway Station, the site is in the countryside and within the designated Low Weald Landscape of Local Value.
- 1.02 The Maidstone Landscape Character Assessment identifies the area as falling within Southern Mixed Pasturelands landscape character area (area 10) with a guidance to conserve and strengthen. The site is also identified as falling within Headcorn Pasturelands (area 13) on the Borough Wide Character Area, which is of high sensitivity and in good condition, with guidance to conserve.
- 1.03 The application site is a roughly rectangular shaped, open field located on the northwest side of Lenham Road. The site measures approximately 38 metres in width and 60 metres in depth, with sections of its boundaries defined by trees and well-established hedgerows. Ground levels within the site are relatively flat and the wider landscape has a relatively flat to slightly undulating topography. Views into the site from Lenham Road are currently screened to a large extent by matured boundary vegetation.
- 1.04 The surrounding area is characterised by a patchwork of predominantly open fields. There are sporadic developments along this part of Lenham Road, including some farmsteads and Gypsy Traveller sites.
- 1.05 Within the immediate vicinity of the application site is the equestrian facilities at Fiddlers Green Stud approved in July 2020 under reference number:19/504099/FULL. This approval includes a large indoor school building measuring 22 metres wide, 73 metres long with a ridge height of 8 metres. This development includes a stable block comprising of 13 stables a detention basin and a canter track. Beyond this development is the Gypsy Traveller site known as 'Land to the rear of The Meadows'.

2. PROPOSAL

- 2.01 The application is a resubmission of the previous application under reference number 21/502548/FULL for the erection of a restoration garage and creation of new vehicle access. This application was refused on 22.07.2021 and a subsequent appeal dismissed. The reasons for refusal are provided in the planning history section of this report.
- 2.02 The current application is the same as the previously refused scheme, in terms of its layout, scale, height and design and the proposed uses. The application description has been updated to list all the proposed uses (vehicle workshop, training hub and drop-in centre for military veterans). The appeal decision letter uses the same description as the current application.
- 2.03 The proposed building would be approximately 20 metres in width and 40 metres in depth, rising approximately 6 metres above ground level to the highest part of the pitched roof, with eaves at 3.5 metres. The dimensions of the building are the same as that in the previously refused scheme. The applicant has set out that the building has to be this size due to the need to accommodate wheelchair users and amputees with prosthetic limbs safely and efficiently in a workshop environment.
- 2.04 The Design and Access Statement indicates that the proposed building would accommodate an existing relocated vehicle restoration business that maintains tractors, farming equipment and Land Rovers. The business is having to vacate existing premises following a request from the landlord.

- 2.05 The objective of the business is to provide training in mechanical skills to veterans to provide future employment opportunities as well as boosting self-esteem. It is also indicated that Veterans and military leavers would be trained to NVQ standard under the auspices of Mid Kent College.
- 2.06 As in the previously refused application, and as highlighted by the appeals inspector the submitted layout plans show most of the internal space would be given over to the workshop use and related business activity. Only one unmarked room on the ground floor is potentially available to provide related services to veterans.
- 2.07 The internal space shown on the informal Computer Generated Images (CGI) submitted by the applicant to show services for veterans, do not correspond with any of the formal submitted floor plans that the Council would approve. There is no information available on where these services will be provided in the building.
- 2.08 Activities designated on the submitted ground floor plan includes a workshop, paint bay, preparation bay, staff rest area, office, wc facilities and a reception area. The first floor would have a storage and waiting area.
- 2.09 Externally, the building would have three large openings and a pedestrian access point on the south west facing elevation on the ground floor. An additional entrance is provided on the ground floor of the south east facing elevation, including a first floor entrance doorway accessed via a metal staircase. A total of 12 roof light openings are incorporated in the north east and south west facing roof slope.
- 2.10 The submitted site layout plan indicates retention of majority of the mature boundary hedge along the southern boundary. The south western boundary would be enclosed by a 1.2 metre post and fence with firs and willows hedging. The northern and the north eastern site boundaries would be enclosed by a 1.2 metre post and rail fence. The proposed scheme includes provision of a bin store, oil waste tan and septic tank on the premises.



Proposed Site Plan for current application Ref:23/502511/FULL (no change from the application that was refused under reference 21/502548/FULL and dismissed at appeal)

- 2.11 A total of 13 car parking spaces and 2 mobility impaired spaces are provided on the paved area in front of the building for staff and customers. A new vehicle access point comprising of reinforced concrete crossover would be formed from Lenham

Road. This would require removal of the section of the matured boundary hedge along Lenham Road.

3. POLICY AND OTHER CONSIDERATIONS

Development Plan: Maidstone Local Plan 2017:

- Policy SS1 – Maidstone Borough Spatial Strategy
- Policy SP17 – Countryside
- Policy SP21 – Economic Development
- Policy DM1 – Principles of good design
- Policy DM3 – Natural environment
- Policy DM2 – Sustainable design
- Policy DM8 – External lighting
- Policy DM23 – Parking standards
- Policy DM30 – Design principles in the countryside



Proposed elevations for current application under ref: 23/502511/FULL (no change from application refused under reference 21/502548/FULL and dismissed at appeal)

Emerging Draft Policy: Maidstone Draft Local Plan:

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 (Stage 2 hearings concluded on the 9 June 2023).

- Policy LPRSS1– Maidstone Borough Spatial Strategy
- Policy LPRSP9 – Development in the Countryside
- Policy LPRSP15 – Principles of Good Design
- Policy LPRQ & D4 – Design principles in the Countryside
- Policy LPRTRA4 – Parking

The National Planning Policy Framework -NPPF (2021)

Section 2 – Achieving Sustainable Development
 Section 4 – Decision Making
 Section 6 – Building a strong, competitive economy
 Section 12 – Achieving well Designed Places

Supplementary Planning Document

Maidstone Landscape Character Assessment

4. LOCAL REPRESENTATIONS**Local Residents:**

28 representations were received in support of the application stating the following summarised reasons.

- The scheme is in keeping with other structures recently built in the area.
- The proposals would support veterans who suffer from PTSD.
- The scheme would provide a safe and happy place for ex service personnel
- The scheme would provide a central hub, run by Vets and Charities for vets.
- The development would not have an adverse effect on countryside amenities.
- The building will be in a traditional style, with wood-cladding, to give the appearance of an old barn.

1 representation was received objecting to the proposal on the following grounds:

- Increased vehicle movements associated with the development would cause highways safety issues.
- The proposals would increase noise levels and pollution in the local area.
- The proposals would have an adverse effect on property values.

Issues relating property values are not material planning considerations that can be assessed in determining this application.

Headcorn Parish Council

First response after a committee vote the majority wish to see this refused, as it is on a green field site (albeit one that isn't used), is rather large and will possibly add to traffic on this road. Referral to committee is required.

Second response 'We received a very mixed deciding vote with several abstentions and as a council we do not feel this result is fair to the Applicants and that ultimately the decision should be made by MBC Council in this case. We do however acknowledge that the ultimate good this will do for its target demographic (Veterans) would be inestimable.

Cllr Martin Round

Requested that the application is determined by the Planning Committee. (No planning reasons provided)

Cllr. Lottie Parfitt-Reid, Cabinet Member for Housing and Health

Commented stating that 'Looking at the scale of the vast riding school next door, it's hard to see how a commercial building of that scale could be granted and not the veteran's hub which will provide much needed veterans support not just in our borough but across the county.

(Officer comment: The Council's adopted Local Plan has a planning policy (DM41) specifically drafted for the assessment of equestrian development on land in Maidstone borough. Policy DM41 recognises the locational need for equestrian uses to be in countryside locations. In terms of the current proposed uses, relevant

adopted Local Plan policies direct these uses to existing settlements (policy SS1) or the Economic Development Areas (SP21) designated by the Local Plan where accessibility for future users of the facility will be maximised).

5. CONSULTATIONS

KCC Highways

No objection subject to a Construction Management Plan condition for the following reasons Visibility splays meet the Manual for Streets 2 standards, achieving in excess of 200 metres. Provision of 13 car parking spaces, including 2 mobility impaired spaces, meet the Kent Design Guide standards stated in IGN3'.

6. APPRAISAL

6.01 The key issues for consideration are:

- Countryside location and policy SP17
- Character and appearance
- Spatial strategy
- Proposed vehicle workshop, training hub and drop-in centre policy DM37.
- Residential amenity
- Highways
- Ecology

Countryside location and policy SP17

6.02 The application site is in the countryside and the starting point for the assessment of all applications in the countryside is Local Plan policy SP17.

6.03 Policy SP17 states that development proposals in the countryside will only be permitted where:

- a) there is no harm to local character and appearance, and
- b) they accord with other Local Plan policies

6.04 Policy SP17 does not specify an acceptable level of harm to local character and appearance and all proposals in the countryside are likely to result in some degree of harm. In this context all development outside the designated settlements does not accord with this part of SP17.

6.05 In certain circumstances where there is locational need for development (rural worker dwelling, agricultural buildings etc) other Local Plan policies permit development in the countryside subject to listed criteria (the applicant highlights agricultural and equestrian buildings that also fall in this category). If development accords with one of these other Local Plan policies, this compliance is weighed against the harm caused to character and appearance with the potential for a proposal to then be found in accordance with policy SP17 overall.

6.06 The National Planning Policy Framework (NPPF) highlights that the planning system is plan-led. The NPPF reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which require by law that planning applications "*must be determined in accordance with the development plan, unless material considerations indicate otherwise*".

6.07 The following report considers:

- the degree of harm that the proposal will cause to the character and appearance of the countryside,
- whether there are other policies in the Local Plan that permit the development in this location and
- if found contrary to the plan whether there are material considerations present that would justify approval as a departure from the Local Plan.

Character and appearance

- 6.08 The application site is within the Low Weald Landscape of Local Value. Policy SS1 states that Landscapes of Local Value will be conserved and enhanced, and that protection will be given to the rural character of the borough. Policy SP17 states that the distinctive landscape character of Landscapes of Local Value will be conserved and enhanced and proposals in the countryside will not result in harm to the character and appearance of the area. At the same time, policy DM30 states that new development should maintain, or where possible, enhance the local distinctiveness of an area.
- 6.09 The Maidstone Landscape Character Assessment identifies the area as falling within Southern Mixed Pasturelands landscape character area (area 10) with guidance to conserve and strengthen. The site is also identified as falling within Headcorn Pasturelands (area 13) on the Borough Wide Character Area which is in good condition with high sensitivity and guidance to conserve.
- 6.10 The application site is currently an open field adjacent to the road and the proposed development would introduce a large building, providing approximately 800m² of floor space. The building is approximately 6 metres above ground level to the highest part of the pitched roof. The building would be surrounded by open countryside, designated as Low Weald Landscape of Local Value.
- 6.11 Within the wider area pockets of built form, including agricultural, residential and some traveller sites, are interspersed from each other by open fields, hedges, and trees. The appeals inspector noted in the previous appeal that the building.
- '...would intrude into the largely undeveloped surroundings in a significant way and would detract markedly from the intrinsic character of the countryside'.*
- 6.12 The visibility of the proposed building would be made more apparent by virtue of the loss of hedgerow currently along the front boundary of the site. This impact would be particularly noticeable when travelling in either direction along Lenham Road. The appeals inspector pointed out in the previous appeal decision for the site
- 'the formation of the entrance through the existing hedge would open up the proposal to views from along Lenham Road, stating that 'landscaping should not be used to 'hide' a building that would otherwise be out of place in this location'.*
- 6.13 The proposed building would be a prominent feature in the landscape and would not assimilate with the countryside setting within which it would sit. The harmful visual impact would be accentuated by the increased site visibility from the loss of the hedgerow through forming the new site access.
- 6.14 Cllr Lottie Parfitt-Reid, Cabinet Member for Housing and Health and local residents contend that the proposed building is significantly smaller, compared with the indoor school building at Fiddlers Green Stud.
- 6.15 The Council's adopted Local Plan has a planning policy (DM41) specifically drafted for the assessment of equestrian development on land in Maidstone borough. Policy DM41 recognises the locational need for equestrian uses to be in countryside.
- 6.16 In terms of the current proposed uses, there is no locational need for the uses to be in this location. Adopted Local Plan policies direct these uses to existing settlements (policy SS1) or the Economic Development Areas (SP21) designated by the Local Plan where accessibility for future users of the facility will be maximised.

- 6.17 The Fiddlers Green Stud building is positioned at the rear of properties fronting Lenham Road, and whilst it may be larger in scale and height, it has a locational need to be in the countryside (DM41). The Meadows development also has a locational need to be in the countryside and the Inspector considering 'The Meadows' appeal case identified that.

'Fiddlers Green Stud is to be a centre of excellence for the training and production of high-level competition horses¹⁷. The indoor school provides the necessary buildings and infrastructure to realise this intent'.

- 6.18 The appeal Inspector for The Meadows concluded that all of the caravans at The Meadows result in harm however the appeal inspector found that some of this harm was justified given the presence of the Fiddlers Green Stud building. Whilst not present with the current application, the justification for the Fiddlers Stud and The Meadows was the presence of adopted Local Plan policy and the acceptance that these uses should be in the countryside.
- 6.19 It is acknowledged other large buildings exist in the wider area; however, most are of agricultural origin and appear to be largely screened and set back much further from the road (in contrast to the current application building, equestrian and agricultural buildings have a locational need to be in the countryside). The proposal as a result would diminish the contribution the site makes to the largely open and rural character of the area, designated as Landscape of Local Value.
- 6.20 The proposed development would result in the encroachment of built development into what is an open area of land in a rural location and would constitute an erosion of the open, rural landscape of the area. It would neither conserve or strengthen the rural landscape as advocated in The Maidstone Landscape Character Assessment and thus would have an adverse impact on the open and rural character of the countryside.
- 6.21 The proposals would conflict with policies SS1, SP17 and DM30 and the advice in the Maidstone Landscape Character Assessment, jointly targeted towards conserving the rural landscape character of the area. The proposal would result in a high degree of harm to the character and appearance of the countryside.
- 6.22 In terms of the design, mass, and scale of the development the proposal would not maintain local distinctiveness or respond positively to the local character of the area contrary to policies DM1 and DM30 of the Adopted Local Plan.

Spatial strategy

- 6.23 Policy SS1 of the Maidstone Borough Local Plan sets out the spatial strategy and the settlement hierarchy for the borough. This approach directs development to areas of the borough that have been found to be the most sustainable locations for new development. This assessment included considering access by non-motorised transport such as presence of pavements, prospect of linked trips etc.
- 6.24 The hierarchy directs development firstly to the urban area, then the designated rural service centres followed lastly to the larger villages. The supporting text to Policy SS1 explains that development should be delivered where employment, key services, and facilities together with a range of transport choices are available.
- 6.25 The application site is in the countryside and 1.9 miles to the northeast of Headcorn Railway Station. Roads linking the site to Headcorn are unlit and without pavements making access on foot or by bicycle largely impractical.
- 6.26 The applicant has said that the facility will be the only one of its kind in Kent and so the facility will have a large catchment area. The appeal Inspector noted.

"Existing centres within Kent are only open for 84 days a year in total to serve 77,000 veterans in the county. The proposed centre would be open 6 days a week all year round thereby filling a gap and significantly increasing provision for this group".

- 6.27 The rural nature of the site means most users of the building are likely to rely on private motor vehicles for travel to the site. This situation will generate more, and longer vehicle trips and the countryside site location will provide a constraint on the buildings future use by veterans.
- 6.28 The application site in the open countryside, it is not in a sustainable location and not a location where the Local Plan directs new development. In addition, uses that will generate the proposed vehicle trips are directed to sustainable locations. Accordingly, the proposal would conflict with the locational strategy of the development plan.
- 6.29 The appeal Inspector noted:

'...one of the purposes of the planning system is to ensure that development is located in the right place. A site outside of any town or village for a combined industrial, educational and health use would not achieve that objective. The siting of the development is driven by the fact that the appellant owns the land. Whilst understandable this [land ownership] should not be the only consideration'.

Proposed vehicle workshop, training hub and drop-in centre policy DM37.

- 6.30 Policy SP21 sets out the Council's strategy for supporting and improving the economy of the borough and providing for the needs of local businesses. Where scale and impact is appropriate for the countryside location policy SP21 supports expansion of 'existing' economic development premises in the countryside.
- 6.31 The application site is an open green field and is not occupied by any commercial buildings and as a result the proposal does not involve the expansion of an existing business (it is accepted that the applicant has a similar existing use on a different site).
- 6.32 As outlined earlier in this report, the scale and impact of the large, proposed building is not appropriate for the countryside location. With reference to NPPF advice (paragraph 84) the proposed building is not 'well designed'.
- 6.33 As the proposal does not involve the expansion of an existing business on the application site, local plan policy DM37 is not relevant. In any event the proposal would be contrary to DM37 (1, ii)) which requires new buildings to be "...small in scale... and satisfactorily integrated into the local landscape.
- 6.34 The supporting text to DM37 highlights the importance of carefully weighing the advantages to the rural economy against the adverse impact on the rural environment. The text advises that where significant adverse impacts would result, rural business should look to relocate to one of the Council's designated Economic Development Areas.
- 6.35 Given these factors, the application site does not provide a suitable location for new vehicle restoration business. The application is contrary to policies SS1, SP17 and SP21 (policy DM37 is not relevant) of the Adopted Maidstone Borough Local Plan, which seek to direct new development to accessible locations and restrict inappropriate development outside the built confines of settlements.

Residential amenity

- 6.36 Policy DM1 of the Maidstone Borough Local Plan and the core principles set out in paragraph 130 of the NPPF (2021) advise that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of buildings'.
- 6.37 The proposed building would be positioned approximately 45 to 50 metres from nearby dwellings called 'Dancing Green' and 'Newcombe Farm'. As a result, occupiers of these dwellings are likely to be subjected to noise and disturbance from the proposed use. It is accepted that the applicant is currently one of these occupiers but highlighted that the planning system seeks to protect the amenities of the dwelling. As occupancy cannot be guaranteed long term, the protection of the dwelling carries significantly more weight than the situation with the current occupier.
- 6.38 Noise associated with the proposed use could include the starting and revving of engines, customer and staff activity within the site and noise from the workshop. In contrast to other motor vehicle repair garages in built up areas, the application site is in an exposed rural location that does not benefit from screening by adjacent buildings. As a result of this location noise and disturbance is likely to be carried a further distance.
- 6.39 In the absence of a Noise Assessment Report the submitted application has failed to demonstrate that the proposed use and resulting potential noise and disturbance will not result in a loss of residential amenity. Thus, the proposal would fail to comply with policy DM1 of the Maidstone Borough Local Plan and the core principles set out in paragraph 130 of the NPPF (2021) requiring development to secure high quality design and a good standard of amenity for all existing and future occupants of buildings.

Highways

- 6.40 On parking provision and demand, Policy DM23 sets criteria for vehicle parking standards within the borough. The aim is to ensure that new development provides adequate off-street parking to accommodate the need generated by the development and to protect the surrounding area from inappropriate vehicle parking that could create inconvenience and danger to drivers and pedestrians.
- 6.41 The site layout plan indicates provision of 13 car parking spaces and 2 mobility impaired spaces. KCC Highways has responded stating that the level of parking provision is consistent with requirement in the Kent Design Guide, IGN3'.
- 6.42 A new access point from Lanham Road would be provided as part of the development, and this would comprise of reinforced concrete crossover. KCC Highways has responded stating that the new access to the site would have good visibility splays that are consistent with the standards recommended within Manual for Streets 2.
- 6.43 The proposal is contrary to the Council's spatial strategy in that it involves a use that will generate significant vehicle trips (including large catchment area for service users, the vulnerable nature of service users and nature of the vehicle repair use) in an unsustainable countryside location outside any settlement.
- 6.44 The likely effects on the local road network are a different consideration to the sustainability of the location. Government guidance in the NPPF (2021) advises that development proposals should only be refused on transport grounds where the residual cumulative impact is severe and cannot be mitigated by offsite

improvement to the transport network. The proposal is not of a scale that would result in a severe impact on the local road network.

- 6.45 The proposals would comply with policy DM23 and the NPPF (2021) which demand that the adverse effects of development on the wider road network is mitigated. On this basis, KCC Highways have confirmed they raise no objection to the proposals provided a condition is used requiring submission of a Construction Management Plan before the commencement of any development.

Ecology

- 6.46 The application site is a field used as paddocks and as indicated above, one of the earlier reasons for refusal related to the absence of surveys to demonstrate that protected species would not be adversely affected by the development.
- 6.47 An extended Phase I habitat survey was submitted as part of the appeal against the earlier decision to refuse permission. The survey found the site to be of limited ecological value with no evidence of the presence of protected species.
- 6.48 Recommendations are made for habitat enhancement and the need to check for the presence of nesting birds if the hedgerow is removed during the season. Whilst this survey was not resubmitted with the current application the site circumstances have not changed significantly over the intervening period to justify requesting a further survey. No objections are raised on grounds of ecology.

Other matters

- 6.49 The National Planning Policy Framework (NPPF) highlights that the planning system is plan-led. The NPPF reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which require by law that planning applications "*must be determined in accordance with the development plan, unless material considerations indicate otherwise*".
- 6.50 The proposal would provide a new building for the relocated business to continue to operate, whilst benefiting the social wellbeing of veterans and making a limited contribution to the local economy. However, in determining the previous appeal, the inspector found these benefits would not outweigh the concerns over the location of the proposal, and there are no material factors in this current proposal to disagree with these findings.
- 6.51 The submission indicates the proposed building would enable an existing vehicle restoration business to relocate to the site. It is intended to train veterans and military leavers to NVQ standard under the auspices of Mid Kent College. The objective is to provide training in mechanical skills so as to provide future employment opportunities as well as boosting self-esteem. A number of comments have been received from local residents emphasising support for military veterans, especially those suffering from post-traumatic stress disorder
- 6.52 As in the previously refused application, and as the appeals inspector pointed out the submitted layout plans show most of the internal space would be given over to the workshop use with only one unmarked room on the ground floor potentially available to provide services to veterans.
- 6.53 The internal space shown on the informal Computer Generated Images submitted by the applicant to show these services for veterans, do not correspond with any of the formal submitted floor plans that the Council would approve and there is no information available on where these services will be provided in the building

- 6.54 The first-floor areas are shown to be storage and a waiting area, and it has not been indicated where the offices of the charities including mental health consultations, CV training and computer skills could take place alongside the workshop. Additionally, as in the previous submission, this current application fails to explain why these services could not be provided in existing venues in the locality and why a new facility is required.
- 6.55 It is the Council's view that the proposal would have an unacceptable adverse effect on the character and appearance of the area. Accordingly, the proposal would be contrary to Policies SP 17 and DM 30 of the Maidstone Local Plan 2017. These policies amongst other things state that development proposals in the countryside will only be permitted if they do not cause harm to the character and appearance of the area and accord with other local plan policies (such as DM36 that relates to new agricultural buildings).
- 6.56 The Council's adopted Local Plan policies reflect the locational needs of certain buildings and uses such as agricultural and equestrian that require rural locations. There are no such locational factors associated with the current proposal and use.
- 6.57 The site is in a location poorly served by public transport with future users reported to be travelling from all over Kent. There is an acknowledged need for the use from the appellant and officers, but importantly it is highlighted there is no need for a countryside location or even a specific 'local' Headcorn need with the appellant implying that the use will generate vehicle trips from across Kent.
- 6.58 Commercial buildings and uses of this size are generally directed to the borough's industrial areas due to the potential harm to amenity both from the use itself and associated vehicle trips in this case from staff, customers and potentially recovery vehicles.
- 6.59 With these negative aspects and the conflict with the development plan, if the outcome of a planning balance exercise weighs in favour of approving the current application, then it is assumed that the decision maker has placed substantial weight (and in the officer's view undue weight) on the nature of the use for veterans. In this situation, the options would appear to be whether there are planning conditions that meet the statutory tests that would secure the use of the building for veterans in perpetuity (as the reason why planning permission was given) or alternatively permission should be refused.
- 6.60 With the practical nature of the use, the lack of any business plan, the lack of any precise detail on how the use would operate it is not considered that a planning condition relating to the use would meet the statutory test of being enforceable. In these circumstances with the impact of the building on the rural character and appearance weighing against the proposal the officer recommendation is to refuse planning permission.
- 6.61 The National Planning Policy Framework (NPPF) highlights that the planning system is plan-led. The NPPF reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which require by law that planning applications "*must be determined in accordance with the development plan, unless material considerations indicate otherwise*". The proposal is found to be contrary to the development plan and no material considerations are found that would justify a departure from the Local Plan.
- 6.62 As stated throughout the process, it is again highlighted that there is strong common ground with the appellant on the principles behind the project and officers continue to be strongly supportive of the project aims but consider that this is the wrong site for this building and this use.

PUBLIC SECTOR EQUALITY DUTY

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

7. CONCLUSION

- 7.01 In summary, the application fails to demonstrate the proposed development of a new building with associated parking and access for light industrial use (restoration garage) is justified and compatible in this countryside location contrary to policy SS1, SP17, DM30 and DM37 of the Maidstone Borough Local Plan (2017)
- 7.02 The proposed development, by virtue of its scale, design, and siting, would result in an isolated development and overly dominant building in the rural landscape, causing unacceptable harm to the character and appearance of the countryside and the Low Weald Landscapes of Local Value hereabouts. The proposal would therefore be contrary to policies SP17, DM1, DM3, DM30 and DM37 of the Maidstone Borough Local Plan (2017) and the National Planning Policy Framework (2021).
- 7.03 The proposed new access by virtue of its prominent location, and requirement to puncture a substantial gap in the existing hedgerow along the frontage of Lenham Road (to make way for the vehicle access) and opening up the view with the introduction of further hardstanding area in the new public views into the site, represents development overly urban in appearance that would cause unacceptable visual harm to the rural character and appearance of the countryside and the Low Weald Landscapes of Local Value. As such, the development is contrary to policies SP17, DM1, DM3, DM30 and DM37 of the Maidstone Borough Local Plan (2017) and the National Planning Policy Framework (NPPF 2021)
- 7.04 The submission in the absence of an Acoustic Report fails to demonstrate the acoustic environment around nearby houses would be within acceptable tolerances and the development would not have an adverse effect on the residential amenity of occupiers of these houses. It would fail to comply with policy DM1 of the Maidstone Borough Local Plan and the core principles set out in paragraph 130 of the NPPF (2021) requiring development to secure high quality design and a good standard of amenity for all existing and future occupants of buildings.
- 7.05 The applicant has failed to demonstrate that there are any other material considerations that would justify going against the local plan.

8. RECOMMENDATION

REFUSE planning permission for the following reasons:

- 1) The application fails to demonstrate the proposed development of a new building with associated parking and access for light industrial use (restoration garage) is justified and compatible in this countryside location contrary to policy SS1, SP17, DM30 and DM37 of the Maidstone Borough Local Plan (2017)
- 2) The proposed development, by virtue of its scale, design, and siting, would result in an isolated development and overly dominant building in the rural landscape, causing unacceptable harm to the character and appearance of the countryside and the Low Weald Landscapes of Local Value hereabouts. The proposal would therefore be contrary to policies SP17, DM1, DM3, DM30 and DM37 of the Maidstone Borough Local Plan (2017) and the National Planning Policy Framework (2021).
- 3) The proposed new access by virtue of its prominent location, and requirement to puncture a substantial gap in the existing hedgerow along the frontage of Lenham Road (to make way for the vehicle access) and opening up the view with the

introduction of further hardstanding area in the new public views into the site, represents development overly urban in appearance that would cause unacceptable visual harm to the rural character and appearance of the countryside and the Low Weald Landscapes of Local Value. As such, the development is contrary to policies SP17, DM1, DM3, DM30 and DM37 of the Maidstone Borough Local Plan (2017) and the National Planning Policy Framework (NPPF 2021).

- 4) The submission in the absence of an Acoustic Report fails to demonstrate the acoustic environment around nearby houses would be within acceptable tolerances and the development would not have an adverse effect on the residential amenity of occupiers of these houses. It would fail to comply with policy DM1 of the Maidstone Borough Local Plan and the core principles set out in paragraph 130 of the NPPF (2021) requiring development to secure high quality design and a good standard of amenity for all existing and future occupants of buildings.
- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

Urgent Update: Planning Committee 14 December 2023

Item 16 Pages 54 - 74

Field Adjacent to Dancing Green Lenham Road Headcorn Kent TN27 9LG

APPLICATION: 23/502511/FULL

Update to conditions as they are set out in the published agenda.

Page 58 - Condition 11 (add following as missing condition 11) The approved motor vehicle repair use and the veterans drop-in centre shall only operate within the confines of the approved building and no activities shall take place in the open areas of the site. Reason: In the interests of amenity.

Page 59 - Condition 17 (noise from plant and machinery) – amended to remove requirement for an acoustic report whilst retaining requirement for plant or machinery to adhere to specified noise levels. (deletions crossed through - additions underlined).

~~Prior to the installation of any plant and equipment that is required in connection with the approved building and use, an Acoustic Report shall be submitted to and approved in writing by the Local Planning Authority. The Acoustic Report shall seek to show that The rating level of noise emitted from the proposed plant and equipment that are required in connection with the approved building and use (determined using the guidance of BS 4142: 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be ~~is~~ 5dB below the existing measured background noise level LA90, T. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5 the applicant's consultants should contact the Council's Environmental Protection Team (ehadmin@midkent.gov.uk) to agree a site specific target level. Any mitigation measures approved through this condition shall be implemented prior to first use of the plant and equipment and retained at all times thereafter. Reason: In the interests of aural amenity.~~

Page 59 - Condition 20 (operating hours) amended to provide separate operating times for the ground floor motor vehicle use and the first-floor veterans drop-in centre.

~~The motor vehicle repair use on the ground floor of the building use hereby approved shall not operate outside the hours of 0800hrs to 1830hrs Monday to ~~Saturday~~ Saturday and 0800hrs to 1400hrs on a Sunday. The veterans drop-in centre on the first floor of the building shall not operate outside the hours of 0800hrs to 2200hrs Monday to Saturday and 1000hrs to 2000hrs on Sundays and bank holidays.~~

Reason: In the interests of amenity.

Additional background information

Change from s106 Unilateral Undertaking to planning conditions 18 and 19.

At the planning committee on the 21 September 2023, it was resolved to grant planning permission subject to a section 106 unilateral undertaking. This was in line with the comments from the Planning Inspector in his decision to dismiss the earlier appeal in September 2022.

A section 106 unilateral undertaking can take some time to be drafted and a period of up to 6 months is normally allowed for the completion of the document. As a s106 rests with

the land all those with an interest in the land need to be signatories to the document including mortgagees.

The key difference between s.106 and a planning condition is that a local planning authority does not have to exhaust the remedies that are available to it under Part VII of the Town and Country Planning Act 1990 (enforcement notices, etc.). The Council can seek to enforce a s106 obligation by way of injunction as indicated in the Court of Appeal decision in *Avon CC v Millard* (1985) 50 P&CR 275.

In cases where there is non-compliance with conditions imposed by a planning permission, the local planning authority have the discretion to take enforcement action, where considered expedient to do so having regard to the development plan and any other material considerations. In such instances, officers would aim to resolve matters by negotiation as a first option rather than take legal action that can be costly and protracted.

Planning permission was granted for the development based only on the specified use and as a departure from both the adopted Local Plan and the normal constraints on development in the countryside.

In these circumstances a s.106 Unilateral Undertaking was the most appropriate option to secure the benefits of the proposal long term. However, with the advice from the applicant that their mortgagees have refused to sign the Unilateral Undertaking (prepared by the Council on the applicant's behalf) an insistence on a Unilateral Undertaking would be a reason for the project not being progressed. As set out above, it is also highlighted that should the requirements of conditions 18 and 19 not be met the Council retains powers to take enforcement action.

With the refusal of applicant's mortgagees to endorse the draft s.106 unilateral undertaking with regard to the applicant's business plan, the requirements of the s106 unilateral undertaking can now be secured through planning conditions (conditions 18 and 19).

Agenda Item 17

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 14th DECEMBER 2023**

APPEAL DECISIONS:

- 1. 23/501033/FULL** Proposed loft conversion with dormer windows to both side elevations.

APPEAL: DISMISSED

Stone Lodge
Queens Road
Maidstone
Kent
ME16 0JD

(Delegated)

- 2. 23/500114/ADV** Advertisement Consent for the upgrade of 1no. existing 48 sheet advert to support digital poster.

APPEAL: ALLOWED

Car Park Adjacent To 122 Upper Stone Street
Maidstone
Kent
ME15 6HD

(Delegated)

- 3. 22/503831/FULL** Change of use of land for stationing of 6(no) static caravans and 6(no) touring caravans for Gypsy/Traveller use, with associated parking and hard and soft landscaping.

APPEAL: ALLOWED

Land South East Of Emmet Hill Lane
Yalding
Maidstone
Kent
ME18 6BG

(Delegated)

4. 22/504368/FULL

Demolition of existing buildings and erection of 4no. social rent affordable homes and 16no. open market homes, with associated car port, passing points, alterations to access, the retention and enhancement of PROW KH438, and the implementation of a 0.51 hectare public access natural landscape buffer and local nature reserve.

APPEAL: DISMISSED

Little Gaynes
Faversham Road
Lenham
Kent
ME17 2PU

(Delegated)

5. 23/501863/FULL

Removal of single storey side extension and erection of a first floor extension raising roof height and changes to fenestration.

APPEAL: ALLOWED

41 Boughton Lane
Maidstone
Kent
ME15 9QW

(Delegated)

6. 22/503316/FULL

Change of use of residential curtilage to hardstanding for business and personal vehicles and detached double garage (retrospective).

APPEAL: DISMISSED

Foxwood
Chalky Road
Stockbury
Kent
ME9 7QR

(Delegated)

- 7. 23/501633/FULL** Erection of first floor front extension.

APPEAL: DISMISSED

5 Nursery Avenue
Bearsted
Kent
ME14 4JS

(Delegated)

- 8. 22/505361/FULL** Demolition of existing garage and erection of dwellinghouse with associated landscaping

APPEAL: ALLOWED

Anerley
Forge Lane
Bredhurst
Kent
ME7 3JW

(Delegated)
