

PLANNING COMMITTEE MEETING

Date: Thursday 24 August 2023
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Cox, English, Harwood, Holmes, Jeffery, Kimmance, McKenna, Munford (Vice-Chairman), 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 Items withdrawn from the Agenda	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 - 31 August 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 20 July 2023	1 - 10
11. Presentation of Petitions (if any)	
12. Deferred Items	11
13. 22/505560/FULL - Land At Newnham Court Way, Weaving, Kent	12 - 37

Issued on Wednesday 16 August 2023

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

14.	23/502100/FULL - Kings Oak Farm, Crumps Lane, Ulcombe, Kent	38 - 51
15.	23/501635/FULL - Chickenden Barn, Chickenden Lane, Staplehurst, Tonbridge, Kent	52 - 66
16.	22/505188/FULL - Cam Hill, South Lees Lane, South Green, Sittingbourne, Kent	67 - 78
17.	23/501361/FULL - Ledian Farm, Upper Street, Leeds, Kent	79 - 97
18.	23/502128/FULL - Elmscroft Cottage, Charlton Lane, West Farleigh, Kent	98 - 108
19.	21/504779/REM - Land North of Old Ashford Road, Lenham, Kent	109 - 120
20.	Appeal Decisions	121 - 122

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 23 August 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

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/>

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 20 JULY 2023

Present:

Committee Members:	Councillor Spooner (Chairman) and Councillors Cox, English, Harwood, Holmes, Jeffery, Kimmance, McKenna, Munford, Perry, Riordan, Russell and D Wilkinson
Visiting Members:	Councillors Garten and Mrs Gooch

48. APOLOGIES FOR ABSENCE

There were no apologies for absence.

49. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

50. NOTIFICATION OF VISITING MEMBERS

Councillor Garten was present as a Visiting Member for item 15 (23/501579/FULL – Former Telephone Exchange, Ashford Road, Hollingbourne, Kent).

Councillor Mrs Gooch was present as a Visiting Member for items 25 and 26 (23/501009/FULL and 23/501008/LBC – Chord Electronics Ltd, The Old Pump House, Farleigh Bridge, East Farleigh, Maidstone, Kent).

51. ITEMS WITHDRAWN FROM THE AGENDA

The Officers sought the agreement of the Committee to the withdrawal of the following applications from the agenda for the reasons specified:

22/505066/FULL – Sunny Hill View Equestrian Stables, Sandway Road, Sandway, Kent – To enable the Officers to seek further information on the need for the permanent mobile home.

23/501498/FULL – High Lees Farmhouse, Wagon Lane, Paddock Wood, Kent – To enable the Officers to seek more information on the flood risk particularly the sequential test.

18/506662/FULL and 19/506031/LBC – Courtyard Studios, Hollingbourne House, Hollingbourne Hill, Hollingbourne, Maidstone, Kent – Given the long history, the circumstances surrounding the applications and the inability of one of the objectors to attend the meeting.

RESOLVED: That agreement be given to the withdrawal of applications 22/505066/FULL, 23/501498/FULL, 18/506662/FULL and 19/506031/LBC from the agenda.

52. 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.

53. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Riordan stated that since he was a Member of Staplehurst Parish Council when it considered application 23/500505/FULL (Brattle Farm, Five Oak Lane, Staplehurst, Kent), he would not participate in the discussion or the voting on the development.

Councillor Perry stated that he was a Member of Staplehurst Parish Council. However, he had not participated in the Parish Council's discussions on application 23/500505/FULL (Brattle Farm, Five Oak Lane, Staplehurst, Kent) and intended to speak and vote when it was considered.

54. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

4.	Items Withdrawn from the Agenda	Councillor English
14.	23/500505/FULL - Brattle Farm, Five Oak Lane, Staplehurst, Kent	Councillor Perry
15.	23/501579/FULL - Former Telephone Exchange, Ashford Road, Hollingbourne, Kent	Councillors Cox, Harwood, Holmes, Kimmance, McKenna, Munford, Riordan, Russell and Spooner
16.	22/505670/FULL - Land At Paddock, Maidstone Road, Paddock Wood, Kent	Councillor Russell
17.	23/500617/FULL - Pinelodge Cottage, Somerfield Road, Maidstone, Kent	Councillor Jeffery
19.	23/501688/FULL - Brenchley Gardens, Station Road, Maidstone, Kent	Councillors English, Harwood and Kimmance
20.	23/502179/FULL - 588 Tonbridge Road, Maidstone, Kent	Councillors English, Harwood, Holmes, Kimmance and McKenna,
23.	23/501361/FULL - Ledian Farm, Upper Street, Leeds, Kent	Councillors Harwood, Holmes, Kimmance, Munford, Riordan, Russell and D Wilkinson
25.	23/501009/FULL - Chord Electronics Ltd, The Old Pump House, Farleigh Bridge, East Farleigh, Maidstone, Kent	

26.	23/501008/LBC - Chord Electronics Ltd, The Old Pump House, Farleigh Bridge, East Farleigh, Maidstone, Kent	
27.	23/500383/FULL – Land West of The Hawthorns, Pye Corner, Ulcombe, Maidstone, Kent	Councillors English, Kimmance and Munford

55. EXEMPT ITEMS

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

56. MINUTES OF THE MEETING HELD ON 22 JUNE 2023

RESOLVED: That the Minutes of the meeting held on 22 June 2023 be approved as a correct record and signed.

57. PRESENTATION OF PETITIONS

There were no petitions.

58. DEFERRED ITEMS

22/504433/FULL - RETROSPECTIVE APPLICATION FOR THE REPLACEMENT AND RECONFIGURATION OF PATIO TO THE REAR OF THE HOUSE WITH PROPOSED PRIVACY SCREEN; THE ERECTION OF A GAZEBO WITH SURROUNDING DECKING; THE ERECTION OF AN ORANGERY; AND THE PART CONVERSION OF THE INTEGRAL GARAGE TO A UTILITY ROOM AND WC (RE-SUBMISSION OF 22/500345/FULL) - 8 NETHERMOUNT, BEARSTED, MAIDSTONE, KENT

The Development Management Team Leader advised the Committee that a meeting had taken place between the Ward Member, the applicant and the agent and it was hoped to report the application back to the August meeting of the Committee.

59. 23/501009/FULL - ERECTION OF A THIRD FLOOR TO CREATE ADDITIONAL BUSINESS SPACE - CHORD ELECTRONICS LTD, THE OLD PUMP HOUSE, FARLEIGH BRIDGE, EAST FARLEIGH, MAIDSTONE, KENT

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

Councillor Mrs Gooch, Visiting Member, addressed the Committee on this application and related application 23/501008/LBC.

RESOLVED: That permission be granted subject to the conditions set out in the report with delegated powers given to the Head of Development Management to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 13 – For 0 – Against 0 – Abstentions

60. 23/501008/LBC - LISTED BUILDING CONSENT FOR ERECTION OF A THIRD FLOOR TO CREATE ADDITIONAL BUSINESS SPACE - CHORD ELECTRONICS LTD, THE OLD PUMP HOUSE, FARLEIGH BRIDGE, EAST FARLEIGH, MAIDSTONE, KENT

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

Councillor Mrs Gooch had already addressed the meeting on this application and related application 23/501009/FULL.

RESOLVED: That permission be granted subject to the conditions set out in the report with delegated powers given to the Head of Development Management to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 13 – For 0 – Against 0 – Abstentions

61. 23/502179/FULL - ERECTION OF ANNEXE ANCILLARY TO MAIN DWELLING - 588 TONBRIDGE ROAD, MAIDSTONE, KENT

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

Mr Altieri, an objector, and Councillor Mrs Gooch, Visiting Member, addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions and informatives set out in the report with an additional condition removing permitted development rights under Class E with an explanatory narrative which focuses on intensification of use rather than the built coverage.
2. That the Head of Development Management be given delegated powers 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: 13 – For 0 – Against 0 – Abstentions

62. 23/500383/FULL - CHANGE OF USE OF THE LAND FOR THE STATIONING OF FOUR STATIC MOBILES, FOUR TOURING CARAVANS FOR GYPSY / TRAVELLER OCCUPATION. ASSOCIATED HARD AND SOFT LANDSCAPING. (AMENDED VERSION TO THAT APPROVED UNDER REFERENCE MA/17/502714/FULL) (PART RETROSPECTIVE) - LAND WEST OF THE HAWTHORNS, PYE CORNER, ULCOMBE, MAIDSTONE, KENT

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

Ms Diamond of Ulcombe Parish Council addressed the meeting.

The Democratic Services Officer read out a statement on behalf of Councillor Trzebinski, a Ward Member, who was unable to be present at the meeting.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with the strengthening of conditions 7 (Site Development Scheme) and 8 (Landscaping) to:
 - (a) Require a delivery plan and timescale for the removal of the close board fencing and hardcore and the implementation of the proposed landscaping and fencing; and
 - (b) Provide explanatory narrative referencing the sensitive landscape, the medium to long distance viewpoints, the proximity to a public footpath, the Committee's view that the extent of hardstanding is not appropriate in the countryside and its expectation that the landscaping scheme will be implemented in full within a reasonable period with advice and support.
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: 13 – For 0 – Against 0 – Abstentions

63. 23/500505/FULL - RETROSPECTIVE APPLICATION FOR CHANGE OF USE FROM AN AGRICULTURAL BARN TO A FLORIST, INCLUDING ALTERATIONS TO FENESTRATION - BRATTLE FARM, FIVE OAK LANE, STAPLEHURST, KENT

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

In introducing the application, the Principal Planning Officer advised the Committee that he wished to:

- Add an hours of use condition being 9-5pm Mon-Sat and 9-1pm Sundays.
- Include reference to 'Class E' in condition 7.
- Change condition 9 to be an informative.
- Amend condition 10 to refer to the correct Regulations.

Mrs Davidson-Houston, an objector, and Mr Thompson, the applicant, addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report, as amended by the Principal Planning Officer during his introduction of the application, with the amendment of condition 3 (Landscaping) to require a double-staggered native hedgerow across the front of the site with a management plan to ensure it grows and is maintained at a height that screens/softens views of the sales and parking areas.

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: 10 – For 0 – Against 2 – Abstentions

Note: Having stated that he was a Member of the Staplehurst Parish Council Planning Committee when it considered this application, Councillor Riordan did not participate in the discussion or the voting.

64. 23/501579/FULL - CHANGE OF USE OF FORMER TELEPHONE EXCHANGE (SUI GENERIS) TO AN OFFICE (CLASS E(G)), INCLUDING ERECTION OF A SINGLE STOREY SIDE EXTENSION (RE-SUBMISSION OF 22/505768/FULL) - FORMER TELEPHONE EXCHANGE, ASHFORD ROAD, HOLLINGBOURNE, KENT

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

Councillor O'Meara of Hollingbourne Parish Council and Councillor Garten, Visiting Member, addressed the meeting.

RESOLVED: That consideration of this application be deferred for further information, including to check whether or not and to what extent vegetation would have to be removed to achieve the required visibility splays.

Voting: 13 – For 0 – Against 0 - Abstentions

65. 22/505670/FULL - CHANGE OF USE OF STABLE YARD AND PADDOCK TO (COMMERCIAL) OPERATE A DOG DAY CARE FACILITY INCLUDING THE ERECTION OF FENCING/GATE, SITING OF ADDITIONAL SHED AND ASSOCIATED PARKING - LAND AT PADDOCK, MAIDSTONE ROAD, PADDOCK WOOD, KENT

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

In introducing the application, the Development Management Team Leader advised the Committee that she wished to:

- Add a condition requesting further details of the fencing to be installed, including where it will be sited and its appearance;
- Include reference to Class E in condition 5;
- Amend condition 11 to refer to the correct Regulations;
- Add a condition requesting further information on the materials to be used for the fencing, sheds, gates and surfacing.

Councillor Brown of Yalding Parish Council and Ms McKenzie, the applicant, addressed the meeting.

RESOLVED:

1. That subject to no new material considerations being raised as a result of the departure press notice which expires on 27 July 2023, the Head of

Development Management be given delegated powers to grant permission subject to the conditions set out in the report, as amended by the Development Management Team Leader during her introduction of the application, with the amendment of condition 9 (Enhancement of Biodiversity) to require wildlife corridors.

2. That the Head of Development Management be given delegated powers 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: 12 – For 1 – Against 0 – Abstentions

66. 23/501361/FULL - SECTION 73 - APPLICATION FOR MINOR MATERIAL AMENDMENT TO APPROVED PLANS CONDITION 2 (TO ALLOW INSTALLATION OF PHOTOVOLTAIC PANELS ON THE BUILDINGS WITHIN PHASE 2) PURSUANT TO 19/506387/FULL FOR - ERECTION OF 44NO. ASSISTED LIVING UNITS (CLASS C2) WITH ASSOCIATED PARKING AND LANDSCAPING (AMENDMENT TO OUTLINE PERMISSION MA/12/2046 AND RESERVED MATTERS CONSENT MA/17/501933/REM) - LEDIAN FARM, UPPER STREET, LEEDS, KENT

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

In introducing the application, the Principal Planning Officer advised the Committee that following a conversation with the agent for the applicant earlier that day, delegated powers were sought to check and correct the plans list if Members were minded to grant permission.

Councillor Fort of Leeds Parish Council and Mr Blythin, agent for the applicant, addressed the meeting.

RESOLVED: That consideration of this application be deferred for one cycle to enable Members to compare the revised submission with the originally submitted scheme for 354 PV panels including the kilowatt hours and SAP ratings.

Voting: 13 – For 0 – Against 0 – Abstentions

67. 23/500617/FULL - CONVERSION OF DWELLING HOUSE TO 2NO. TWO BEDROOM FLATS AND CONVERSION OF GYMNASIUM TO ONE BEDROOM FLAT INCLUDING CHANGES TO FENESTRATION (RETROSPECTIVE) - PINELODGE COTTAGE, SOMERFIELD ROAD, MAIDSTONE, KENT

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

In introducing the application, the Development Management Team Leader advised the Committee that she wished to remove recommended condition 1 (Time Limit) as the application was retrospective.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report, as amended by the Development Management Team Leader during her introduction of the application, with another condition requiring details to be

submitted prior to any additional external lighting being installed on the site to ensure that it is appropriate for the area.

2. That the Head of Development Management be given delegated powers 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: 13 – For 0 – Against 0 – Abstentions

68. 23/501688/FULL - CONVERSION OF REDUNDANT PUBLIC CONVENIENCES INTO A POLICE OFFICE WITH SHARED MESS ROOM AND TOILETS WITH STORAGE ROOM - BRENCHLEY GARDENS, STATION ROAD, MAIDSTONE, KENT

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

RESOLVED:

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

The removal of the words in brackets from the first sentence of condition 5 (Landscape Scheme) as follows:

The works to the building hereby approved shall not commence until a landscape scheme, ~~(for the area where the existing hard surfacing is to be removed as shown on drawing no. 1628/9)~~, designed in accordance with the principles of the Council's landscape character guidance, has been submitted to and approved in writing by the local planning authority.

An additional condition requiring the installation of solar panels on the roof of the building.

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

Voting: 11 – For 2 – Against 0 – Abstentions

69. PLANNING COMMITTEE TRAINING

The Head of Development Management introduced his report outlining a proposed training programme for Planning Committee Members and those likely to be Substitute Members to ensure compliance with the Council's Constitution through knowledge and understanding of relevant local and national planning policies and legislation. The report also recommended that all Members, particularly those on Planning Committee and those likely to be Substitute Members, should attend discretionary training to enhance their knowledge of key areas of the decision-making process.

RESOLVED:

1. That the Training Programme set out in Appendix 1 to the report of the Head of Development Management be approved.
2. That all Members of Planning Committee, including those likely to be Substitute Members, complete the Mandatory Training as outlined in Appendix 1 to the report by the end of September 2023, failing which such Members shall be disqualified from participation at Planning Committee until this training has been completed.
3. That all Members (particularly those on Planning Committee and those likely to be Substitute Members) are recommended to attend discretionary training to enhance their knowledge of key areas of the decision-making process.
4. That Parish Councils continue to be invited to all training events.
5. That training sessions be delivered virtually.

Voting: 12 – For 0 - Against 1 – Abstention

70. APPEALS LIST

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

The Head of Development Management suggested that it would be helpful for the Committee to informally discuss in more detail the outcome of appeal decisions.

RESOLVED: That the report be noted.

71. 23/501498/FULL - CHANGE OF USE FROM AGRICULTURAL BARN TO AN EQUESTRIAN MENTAL HEALTH AND WELLBEING THERAPEUTIC PROGRAMME CENTRE WITH CONSTRUCTION OF FIRST FLOOR AND CREATION OF ASSOCIATED ANCILLIARY BEDROOM ACCOMMODATION AND SERVICES. CONSTRUCTION OF A NEW ROAD WITH ACCESS TO WAGON LANE AND CAR PARKING FOR 13 NO. CARS (RE-SUBMISSION OF 22/504082/FULL) - HIGH LEES FARMHOUSE, WAGON LANE, PADDOCK WOOD, KENT

See Minute 51 above.

72. 18/506662/FULL - DEMOLITION OF THE REAR SECTION OF THE BUILDING AND ERECTION OF REPLACEMENT STRUCTURE, AND CONVERSION OF FRONT SECTION OF BUILDING INCLUDING EXTERNAL ALTERATIONS, TO FACILITATE THE CREATION OF 2 DWELLINGS WITH ASSOCIATED PARKING AND GARDEN AREAS. DEMOLITION OF EXISTING DERELICT AND UNSTABLE (NORTH-EAST FACING) GARDEN WALL, RECONSTRUCTION ON EXISTING LINE AT REDUCED HEIGHT WITH 2 ADDITIONAL OPENINGS, REPAIRS, RESTORATION OF OTHER GARDEN WALLS AND RESTORATION OF 1 SUNKEN GLASSHOUSE - COURTYARD STUDIOS, HOLLINGBOURNE HOUSE, HOLLINGBOURNE HILL, HOLLINGBOURNE, MAIDSTONE, KENT

See Minute 51 above.

73. 19/506031/LBC - DEMOLITION OF EXISTING DERELICT AND UNSTABLE (NORTH-EAST FACING) GARDEN WALL, RECONSTRUCTION ON EXISTING LINE AT REDUCED HEIGHT WITH 2 ADDITIONAL OPENINGS, REPAIRS, RESTORATION OF OTHER GARDEN WALLS AND RESTORATION OF 1 SUNKEN GLASSHOUSE - COURTYARD STUDIOS, HOLLINGBOURNE HOUSE, HOLLINGBOURNE HILL, HOLLINGBOURNE, MAIDSTONE, KENT

See Minute 51 above.

74. 22/505066/FULL - CHANGE OF USE OF LAND FOR PERMANENT SITING OF THE MOBILE HOME TO PROVIDE RURAL WORKER'S ACCOMMODATION ANCILLARY TO THE EXISTING BUSINESS - SUNNY HILL VIEW EQUESTRIAN STABLES, SANDWAY ROAD, SANDWAY

See Minute 51 above.

75. DURATION OF MEETING

6.00 p.m. to 10.05 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

24 AUGUST 2023

REPORT OF THE HEAD OF DEVELOPMENT MANAGEMENT

DEFERRED ITEMS

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

APPLICATION	DATE DEFERRED
<p><u>22/504433/FULL - RETROSPECTIVE APPLICATION FOR THE REPLACEMENT AND RECONFIGURATION OF PATIO TO THE REAR OF THE HOUSE WITH PROPOSED PRIVACY SCREEN; THE ERECTION OF A GAZEBO WITH SURROUNDING DECKING; THE ERECTION OF AN ORANGERY; AND THE PART CONVERSION OF THE INTEGRAL GARAGE TO A UTILITY ROOM AND WC (RE-SUBMISSION OF 22/500345/FULL) - 8 NETHERMOUNT, BEARSTED, MAIDSTONE, KENT</u></p> <p>Deferred for one meeting cycle to enable the Officers, in consultation with Councillor Springett (a Ward Member), to seek to negotiate a compromise solution to concerns raised about the new raised decking constructed adjacent to the conservatory, the side conservatory window and the proposed privacy screen.</p>	22 June 2023
<p><u>23/501579/FULL - CHANGE OF USE OF FORMER TELEPHONE EXCHANGE (SUI GENERIS) TO AN OFFICE (CLASS E(G)), INCLUDING ERECTION OF A SINGLE STOREY SIDE EXTENSION (RE-SUBMISSION OF 22/505768/FULL) - FORMER TELEPHONE EXCHANGE, ASHFORD ROAD, HOLLINGBOURNE, KENT</u></p> <p>Deferred for further information, including to check whether or not and to what extent vegetation would have to be removed to achieve the required visibility splays.</p>	20 July 2023

Agenda Item 13



Ordnance Survey - data derived from OS Premium

REFERENCE NO - 22/505560/FULL		
APPLICATION PROPOSAL		
Erection of a new food store (Use Class E(a)), with access, car and cycle parking, landscaping and associated works.		
ADDRESS Land at Newnham Court Way, Weaving, Kent, ME14 5LH		
RECOMMENDATION – REFUSE PERMISSION		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> The application site is upon land allocated in the Maidstone Local Plan 2017 for a 'medical campus' with specialist medical facilities and associated uses in order to attract high value, knowledge intensive employment, and create a specialist knowledge cluster to support the council's vision for economic prosperity. The proposal for a food store is therefore contrary to the Local Plan and specifically policies SS1, RMX1 and RMX1(1). <p>Section 38(6) of the Planning and Compulsory Purchase Order 2006 states that,</p> <p><i>"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."</i></p> <p>For the reasons outlined in the report there are not considered to be any material considerations that outweigh the clear conflict with the Development Plan and so the application is therefore recommended for refusal.</p> <ul style="list-style-type: none"> The proposed layout has the access road and elevated car parking areas dominating the front of the site which would be highly visible from nearby public vantage points. This creates a poor frontage and gateway into the wider site allocation and represents poor design which fails to respond positively to character of the local area contrary to policy DM1 of the Maidstone Local Plan and paragraph 130(b) of the NPPF. The application fails to quantify the level of biodiversity net gain in accordance with the latest Natural England biodiversity metric and therefore net gains for biodiversity have not been sufficiently demonstrated contrary to paragraph 174(d) of the NPPF. 		
REASON FOR REFERRAL TO COMMITTEE		
<ul style="list-style-type: none"> The Head of Development Management has reported the application to Committee due to it being a controversial major application. 		
WARD Boxley	PARISH COUNCIL Boxley	APPLICANT Aldi Stores Limited AGENT Avison Young

CASE OFFICER: Richard Timms	VALIDATION DATE: 02/12/22	DECISION DUE DATE: 31/08/23	
ADVERTISED AS A DEPARTURE: NO (as being recommended for refusal)			
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
23/500762	Screening Opinion relating to application 22/505560/FULL (Erection of a new food store (Use Class E(a)), with access, car and cycle parking, landscaping and associated works).	EIA NOT REQUIRED	06/03/23
13/1931	Demolition of existing buildings and redevelopment of site to provide new retail development comprising food store (A1), general A1 retail units, A3 cafes/restaurants and A3 conversion of existing oasthouse with associated highway works, closing up of existing site access, formation of new access via New Cut Roundabout and Newnham Park spine road, associated earthworks, parking and landscaping	REFUSED	12/06/14
Adjacent to the site there is an extant outline permission for uses associated with the 'Kent Medical Campus'. Together with a previously constructed building (Cygnet Hospital) this can allow for a total of up to 98,000m ² of floorspace.			

1.0 DESCRIPTION OF SITE

- 1.01 The application relates to a parcel of land on the west side of Newnham Court Way the road that provides access to the KIMs Hospital, Innovation Centre, Cygnet Hospital, and Bearsted Primary and Snowfield Academy Schools. The land is grassed and is not defined by any physical boundaries. It gently rises from the road westwards to edge of the Newnham Court Shopping Village (NCSV) by around 7m. The south edge of the site is curved and will abut the approved new access road to NCSV (KCC planning permission) and the west will adjoin the approved new service road once they are constructed.
- 1.02 The local topography is undulating and surrounding land generally rises west of Newnham Court Way and drops eastwards to a stream before rising once again further east. The site is visible from Newnham Court Way close to the site and Gidds Pond Way further east. It is also visible from the south end of New Cut Road and Bearsted Road and Weaving Heath which is on higher land to the southeast.
- 1.03 The site falls within a 'medical campus' allocation (policy RMX1(1)) in the Local Plan where the policy refers to 'specialist medical facilities set within an enhanced landscape structure'. An outline permission for such uses exists but the application site falls outside that permission. The Kent Downs AONB is approximately 415m to the north and the site is considered to be within

its setting. Newnham Court Farm a Grade II listed pub/restaurant is around 30m west of the site.

Planning History - Outline Planning Permission(s)

- 1.04 Permission was originally granted in April 2013 adjacent to the application site which facilitates the 'medical' part of policy allocation RMX1(1). The 'Cygnet Hospital' was the only building/use built under that permission which expired in April 2016.
- 1.05 This was in effect renewed with a new outline permission in 2017 and there is currently an extant outline planning permission (18/506609/OUT) which again facilitates the policy allocation allowing permission for the following:
- Hospital facilities, clinics, consultation rooms and a rehabilitation centre
 - Education and training facilities with residential accommodation
 - Keyworker accommodation for nurses and doctors
 - Pathology laboratories
 - Business uses
 - Ancillary retail services
 - Up to 116 bed class C2 neuro-rehabilitation accommodation
- 1.06 Built under the 2017 and later permissions are a care facility (comprising a mixture of step-down residential, nursing, dementia, rehabilitation and respite care) and the Maidstone Innovation Centre described on its website as providing a hub and serviced offices suitable for businesses in the Med-Tech, Life Science and Healthcare sector.
- 1.07 The latest permission requires any reserved matters details for further development to be submitted by June 2027.

2.0 PROPOSAL

- 2.01 Permission is sought for a food store (Use Class E(a)) with a retail food area of 1,315m² and an ancillary warehouse, freezer store, and loading bay together totalling 340m². The store is predominantly for the sale of convenience goods (e.g. food and grocery) with around 20% of the floorspace for comparison goods. The proposed operator is 'Aldi' who are regarded as a 'deep discount retailer'.
- 2.02 The building is proposed at the higher northwest part of the site with parking to the south/southeast of the building. Access is proposed off Newnham Court Way in the northeast corner. The land slopes upwards from the road and it is proposed to cut the development downwards by around 2.95m in the west part and raise the land by around 3.8m on the east side.
- 2.03 There would be a total of 128 parking spaces inclusive of 14 EV charging and 9 accessible spaces, and 14 cycle parking spaces. Pedestrian access points are shown on the west and south boundaries which would link with the new

KCC approved road, and another to the east linking with Newnham Court Way.

2.04 The design of the building has evolved through the pre-application process and will be discussed in more detail in the report.

2.05 The application was submitted in December 2022 and 6 month decision timeframe was agreed under a Planning Performance Agreement to allow the applicant to respond to statutory consultees and has been extended to allow for committee consideration.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP4, SP18, SP21, SP23, RMX1, ID1, RMX1(1), DM1, DM2, DM3, DM4, DM6, DM8, DM16, DM17, DM21
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- MBC Air Quality Guidance
- Maidstone Local Plan Review (Regulation 22): LPRSS1, LPRSP1, LPRSP11, LPRRMX1(1), LPRSP11(B), LPRSP11(C), LPRSP12, LPRSP13, LPRSP14(A), LPRSP14(B), LPRSP14(C), LPRSP15, LPRCD1, LPRTRA1, LPRTRA2, LPRTRA4, LPRENV1, LPRQ&D1, LPRQ&D2

The Regulation 22 Local Plan Review submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is therefore a material consideration and attracts some weight. However, this weight is limited as although Stage 1 and 2 Hearings have recently concluded, the Plan is still in Examination.

4.0 LOCAL REPRESENTATIONS

4.01 **Boxley Parish Council:** Object to the application for the following reasons:

- The current road infrastructure is already at/over capacity causing problems for residents.
- The promised road improvements meant to be in place before the new schools opened are still not even started.
- BPC are not convinced the local road upgrades will solve the congestion issues particularly as all the traffic from Newnham Court and The Medical Campus will enter and leave via the main roundabout on the junction of New Cut Road and Bearsted Road.
- New Cut Road is at full capacity currently in peak times and this causes considerable issues for residents. This has been made worse by the new schools and new businesses in the area. BPC would like to see New Cut Road which is used as a Maidstone Eastern bye-pass upgraded to a dual carriageway before further development takes place.
- The road infrastructure issues need to be fixed before any further development in this area takes place.
- On the edge of the AONB and no appropriate lighting scheme has been submitted.

- The Parish Council would like to see some evidence of proposals for bio-diversity net gain.
- BPC are happy with the extensive consultation on this application and feel that the design of the building, car parking provision and general appearance are excellent. The provision of new employment opportunities and another shopping choice is welcomed.

4.02 **(Neighbouring) Detling Parish Council:** Strongly object as they have grave concerns regarding the traffic volumes on local roads and the impact on the A249, Ware Street, and Hockers Lane.

4.03 **Local Residents:** 239 representations received (of which 174 are in support) raising the following (summarised) points:

- Will increase traffic/congestion in an area which is well over capacity.
 - Will cause highway/pedestrian safety issues.
 - Roads cannot cope.
 - Unsightly addition to the area.
 - No need for another food store or more customer choice.
 - Harmful impact upon protected species.
 - Run off from car park/vehicles will cause pollution to River Len.
 - Pollution, noise, and littering.
 - Land is approved for specialist medical purposes only.
 - Contrary to Local Plan.
 - Will harm the town centre.
 - Large scale warehousing style buildings are not acceptable under policy.
 - Inadequate landscaping and inappropriate species.
 - Aldi have not looked after landscaping at their existing store.
 - Might cause closure of the other Aldi store.
 - Lack of SUDs water features.
 - Glass and lighting will harm wildlife.
 - Lack of net gain for biodiversity.
 - Unsustainable location and car dependant.
 - Lack of buses to site.
 - Harmful to the landscape.
 - Prominent site near to Kent Downs AONB.
 - Claimed benefits do not materialise from approved developments.
 - Request the application is heard at Planning Committee.
-
- Support application.
 - No objections.
 - Support if transport infrastructure is in place.
 - Will provide lower cost option in this area and better customer choice.
 - Visitors are spread across the day rather than all at peak times.
 - Will provide employment.
 - Within walking distance of local neighbourhoods and good access for disabled/elderly people.
 - Good location.
 - Will boost economy.
 - Modestly sized store.
 - Positive for the area.

4.04 Borough Councillor Harwood: Raises the following (summarised) points:

- Requests the application is considered by Planning Committee if minded to approve due to the significant public interest and impact re. traffic and on retail in North Ward.
- Policy RMX1(1) zones the site for 'specialist medical facilities' and states 'large scale retail warehousing style buildings will not be acceptable in this sensitive location'.
- Sustainable urban drainage features such as swales or balancing ponds are not used.
- Water run-off to the River Len will inevitably become contaminated by pollutants from the development.
- Vital that the Environment Agency address the relevant risk to the tributary and River Len from surface water.
- Potential conflict with pedestrian movements from traffic.
- Limited landscaping scheme, non-native trees and shrubs, and invasive species.
- Landscape management relies on herbicide applications; very high level of cuts for grassland areas; regular pruning of shrubs and trees; no woodpiles or other cover for wooded areas; heavy reliance on mulch which will prevent ground flora; and a more sympathetic approach should be taken.
- Road salt should not be used on site.
- Traffic generation, hours of operation and lighting is a significant consideration.
- Potential littering is a key consideration.
- Any biodiversity net gain assessment must take into account likely on and off site negative impacts.
- I maintain an open mind on the application but felt it important to raise these observations.

4.05 Vinters Valley Nature Reserve Trust: Raise objections and the following (summarised) points:

- Believe that surface water will run onto a culvert which directly feeds into the north end of the nature reserve and into the lake.
- Over the last 30 years more frequent flash flooding has occurred including increase water borne pollution from the surrounding road network, business and housing developments harming ecology.
- Welcome additional clarification of how the underground attenuation tanks will work and be maintained. Previous experience is inadequate design and maintenance.
- Problems would not be visible as they are underground.
- Lagoons or ponds would be better.
- How will a fuel spill, salt etc. be prevented from entering the water system.

4.06 Martin Robeson Planning Practice (on behalf of Tesco Stores Ltd): Raise the following (summarised) points:

- Fundamental conflict with policy RMX1(1) for medical employment uses which is being carried forward unchanged in the Local Plan Review.

- Any decision that departs from the allocation could have far-reaching consequences and reject the significance of the plan-led system.
- Applicant’s justification is erroneous and in many cases contradictory.
- Questions the amount of floorspace permitted under the outline permission for the medical campus.
- The landowners deliberate refusal to promote the site for its allocated use does not make the principle of other uses acceptable or mean that medical uses would never come forward.
- The fact that the outline permission includes some commercial uses does not support the application but would actually prejudice it.
- May prejudice replacement retail facilities within/draw demand away from the NCSV also part of policy RMX1(1).
- NCSV would be a sequentially preferable site.
- Concerns re. prematurity of the development given the state of preparation of the Local Plan Review.
- Maidstone Town Centre should not be excluded from the sequential test search as this is inconsistent with the fundamental purpose of ‘town centre first’ policy and a 5 minute drive time catchment is not appropriate.
- The Maidstone East retail allocation has not been assessed and this results in a failure of the sequential test and the impact upon it has not been assessed.
- Consider there would be an adverse retail impact upon the Maidstone East allocation/site.
- No material considerations have been put forward to outweigh conflict with policy.

5.0 CONSULTATIONS

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

5.01 **National Highways: No objections.**

5.02 **KCC Highways: No objections** subject to conditions and a financial contribution towards bus services.

5.03 **KCC Minerals: No objections**

5.04 **Environment Agency: No objections** subject to conditions.

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

5.06 **KCC LLFA: No objections** subject to conditions.

5.07 **KCC Archaeology: No objections** subject to condition.

5.08 **MBC Conservation Officer: No objections.**

5.09 **MBC Landscape Officer:** The planting scheme should be more native and taller native tree species used to reduce impact and provide more structure recommended. No objections in terms of any impact on trees or Ancient Woodland.

- 5.10 **MBC Economic Development:** Question, *"whether this type of use is appropriate for a gateway site into the Kent Medical Campus, a high-quality campus style strategic employment site and the owner's vision of delivering a fully integrated centre of excellence for health, science and education in the south east."*
- 5.11 **Environmental Health: No objections** subject to conditions including on delivery hours.
- 5.12 **Kent Downs AONB Unit:** Provide some observations and advice to limit impact on the AONB.
- 5.13 **Kent Police:** Provide advice re. crime prevention measures.
- 5.14 **Southern Water:** Can facilitate foul sewerage.

6.0 APPRAISAL

6.01 The key issues are considered to be the following:

- Policy Context & Assessment
- Sequential Test and Retail Impact
- Impact on the character and appearance of the area/setting of Kent Downs AONB
- Building Design
- Transport Impacts
- Impact on Listed Building
- Biodiversity
- Other Matters including Drainage, Consultees and Representations

Policy Context & Assessment

6.02 The site falls within Maidstone Local Plan 2017 retail and mixed use allocation RMX1(1). This policy includes the Newnham Court Shopping Village (NCSV) and land to its north and east.

6.03 The allocation is split in two with the NCSV allocated for a replacement retail centre of up to 14,300m² and the remainder for a medical campus/specialist medical facilities up to 100,000m². The application site falls within the medical part of the allocation and Criterion 1 states:

"Phased provision of a maximum of 100,000m² of specialist medical facilities set within an enhanced landscape structure of which 25,000m² will provide for associated offices and research and development."

6.04 Strategic policy SS1 (Spatial Strategy) states in the accompanying text:

"The Kent Institute of Medicine and Surgery (KIMS) is now completed at junction 7 of the M20, and the local plan identifies this location for the expansion of medical facilities to create a cluster of associated knowledge-driven industries that need to be in close proximity to one another."

(Paragraph 4.24)

6.05 Criterion 3 of strategic policy SP1 (Maidstone Urban Area) states ***"a medical campus of up to 100,000m2 floorspace is allocated in accordance with RMX1(1)"***.

6.06 Strategic policy SP21 (Economic Development) states in the accompanying text:

"The proposed strategic site allocation at Junction 7 is a particular opportunity to create a hub for medical related businesses, capitalising on the development of the Kent Institute of Medicine and Surgery, to attract high value, knowledge intensive employment and businesses as a boost to the local economy. This site will also deliver additional general office space in a high quality environment. Outline consent has recently been granted for the medical hub."

(Paragraph 4.141)

6.07 Strategic parent policy RMX1 states in the accompanying text:

"Expanded hospital facilities and associated development to form a medical campus will create a specialist knowledge cluster that will attract a skilled workforce to support the council's vision for economic prosperity".

(Paragraph 4.201)

6.08 In terms of landscape impact and design the accompanying text to RMX1 states:

"In all cases buildings should be designed and sited to respond to the site's undulating topography and should avoid any significant site levelling in the creation of development platforms for example by the use of terracing."

6.09 It is clear the Local Plan allocates the site for a very specific type of 'medical' employment in order to *"attract high value, knowledge intensive employment"* to build upon the KIMS Hospital.

6.10 The application site falls within the medical part of the allocation and the proposals for a food store are therefore contrary to the Local Plan and specifically policies SS1, RMX1 and RMX1(1). There are no other policies within the Local Plan which refer to alternative development within this part of the allocation. Section 38(6) of the Planning and Compulsory Purchase Order 2006 states that,

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.11 It therefore needs to be considered whether there are any material considerations that outweigh the clear conflict with the Local Plan and mean a decision contrary to the Development Plan is justified. These include the applicant's case for the development and potential economic benefits.

The Applicant's Case for the Development

6.12 The applicant considers the (summarised) issues bulleted in italics are reasons why the development is acceptable with the officer's assessment below them:

- *The applicant considers the principle of 'development' at the site is established by the allocation and the site has the potential to provide alternative uses (where they meet the relevant policy considerations).*
- *The outline planning permissions can deliver 98,000m² of medical floorspace and the applicant considers there is no evidence to suggest this cannot be provided on the remaining undeveloped plots or that it won't come forward and points out the application site falls outside the outline planning permissions.*
- *In the opinion of the applicant, policy RMX1(1) sets a limit of 100,000m² of floorspace as criteria 1 states a 'maximum' and so there is only potential to provide a further 2,000m² of floorspace. Notwithstanding this the applicant considers there is space to provide around 5,000m² within the KIMs site (which falls within the allocation).*
- *The applicant considers the proposed development will not preclude delivery of the medical campus and allocated floorspace of 100,000m².*

6.13 The principle of development is acceptable but this is either retail within the retail part of the allocation or medical uses within the medical part. The application proposes a food store in the medical part which is contrary to the policy and thus Local Plan.

6.14 It is correct the application site falls within the medical allocation but outside the outline planning permission but this does not alter the fact it falls within the allocation where only medical uses are permitted and so is contrary to the Local Plan.

6.15 The applicant refers to the specified 100,000m² of floorspace being a maximum and their view that this cannot be exceeded. Criterion 1 of the site policy is a maximum but this is the only time it is stated and other references in the Local Plan refer to 'up to' and 'approximately'. However, the whole area is allocated for medical development and a limit on the amount of floorspace would normally only be based on a certain level being judged as unacceptable because it can't be accommodated without causing planning

harm. For example, a certain level may not be acceptable for design reasons, landscape impact, or transport impact reasons. There is no evidence to suggest that if medical floorspace was provided at the application site it would have an unacceptable impact differently from other parts of the allocation or the outline permission site, subject to complying with the site allocation requirements.

- 6.16 Moreover, the site is allocated because the Local Plan identifies the location for *"the expansion of medical facilities to create a cluster of associated knowledge-driven industries"* and *"to create a hub for medical related businesses, capitalising on the development of the Kent Institute of Medicine and Surgery, to attract high value, knowledge intensive employment and businesses."* Even if it was regarded as a breach of the policy (which, in some parts says "approximate" and "up to" rather than "maximum"), the planning balance would consider the benefits of further medical facilities against the 'breach'. If additional floorspace can be accommodated without causing harm, it is considered the balance could well be in favour of the medical uses which would clearly provide the opportunity to deliver the Local Plan's aims.
- 6.17 The outline permissions can deliver up to 98,000m² of floorspace, and to date the Cygnet Hospital, Invicta Court Care Home, and the Innovation Centre have been built totalling approximately 13,325m². These developments have taken up approximately 22% of the area allowed for built development under the outline permission (land use parameter plan) but only provide around 14% of the maximum floorspace permitted.
- 6.18 Two of these buildings are 3 storeys and the other is 4 storeys which are the maximum heights allowed under the permission. There is still around 31% of the outline permission site where 4 storey buildings can be allowed but the majority (47%) is limited to 3 storeys. This would suggest that the 98,000m² of floorspace is unlikely to be delivered under the outline permission. This is not surprising as the outline permission cannot be precise in the amount of floorspace that will be delivered and sets a maximum amount. On this basis the application site is entirely appropriate for medical uses to meet the aims of the allocation.
- 6.19 It is also noted that the approved new access to NCSV takes up further space within the allocation.
- 6.20 Considering the above, the application site is not considered to be surplus to requirements to provide medical development in line with the allocation as is being suggested by the applicant.
- 6.21 Other points made by the applicant are as follows:
- *The applicant states commercial uses (ancillary retail) are approved as part of the outline permission and considers the proposals could provide these and unlock additional space within the outline permission for medical floorspace.*

- *The applicant states the application site has never been promoted for medical floorspace by the landowner and so considers there is no realistic prospect of the site coming forward for 'medical' development.*
- *The applicant states the Council has previously granted permission for a Marks and Spencer's at Eclipse Park in 2017 which formed part of a wider allocation for employment (office and industrial) uses and permission for a care home which could have come forward on the KMC site as a medical use.*

6.22 The Planning Statement(s) within the outline applications refer to a maximum amount of 1,000m² for ancillary retail uses with no single unit greater than 500m². These uses are allowed to provide ancillary facilities associated with the approved uses such as a café or shop for workers, students or visitors rather than a standalone food store which wouldn't provide a café. As such, this is not considered to be a sound argument in favour of the development.

6.23 Whilst the site has not been promoted for medical uses the landowner's circumstances can change particularly if they are unsuccessful in obtaining permission for alternative development/uses. The landowner could also change with a new owner having different ambitions for the site. I consider this attracts very limited weight.

6.24 Policy SP22 designates Eclipse Park for B1 uses but the policy can allow for alternative uses if it is demonstrated there is no reasonable prospect of their take up or continued use for the designated uses in the medium term (5 years ahead). As such, this designation can potentially allow for alternative uses unlike the medical allocation under policy RMX1(1). Each application must be judged on its own merits, and this policy was assessed under the 'Marks and Spencer' application and the proposals were judged to meet its terms.

6.25 The new care home falls outside the employment designation. The LPA must decide on whether a development is acceptable on the site it is proposed and cannot refuse permission because it might be acceptable on another site.

6.26 For the above reasons none of the applicant's arguments for the development are considered to represent material considerations to warrant a decision contrary to the Development Plan.

Economic Benefits

6.27 The applicant lists the following benefits:

- Creating circa 40 -50 jobs at pay levels which exceed the Government's National Living Wage and Living Wage Foundation's recommended national rate. The applicant seeks to recruit staff from the local area, and this will contribute to creating a diversity of job opportunities in this part of Maidstone;

- The construction of the new store will create employment opportunities, and working with their chosen contractor the applicant is often able to identify individuals that are seeking work placements and may be able to accommodate these during the project;
- Multi-million pound investment in Maidstone;
- Further shopping choice and diversity at a time when there is a cost of living crisis;
- Provide complementary development to support the wider development of the Kent Medical Campus and provide the opportunity for linked trips between the uses in the wider area;

6.28 The first two are considered to be economic benefits through the provision of employment but the remainder are not and the investment in Maidstone is not quantified.

6.29 The development could help to meet two of the five priorities (1 and 4) of the Council's Economic Development Strategy (EDS) (2021), and also strategic priorities for the Council set out in the adopted Strategic Plan 2019-2045 'Embracing Growth and Enabling Infrastructure' and 'A Thriving Place' (2023). However priority 2 of the EDS seeks to diversify the economy with 'high quality employment opportunities' and reference is made to the Kent Medical Campus. The proposals result in the loss of allocated land for these potential jobs/uses.

6.30 Paragraph 81 of the NPPF states that planning decisions should help create conditions in which business can invest, expand and adapt and significant weight should be placed on the need to support economic growth and productivity.

6.31 The proposals will result in some economic benefits through employment and meet some of the priorities of the EDS which attracts some weight but they would also result in the loss of land that could meet another priority of the EDS for 'high quality employment'. Overall, they are not considered sufficiently strong material considerations to outweigh the conflict with the Development Plan. Clearly, the allocated 'medical' uses would bring about such benefits if not even greater, whereby they are specifically identified in the EDS as a priority.

6.32 In conclusion, the Maidstone Local Plan is clear the application site falls within an allocation for a 'medical campus' with specialist medical facilities and associated uses in order to attract high value, knowledge intensive employment, and create a specialist knowledge cluster to support the Council's vision for economic prosperity. The Council is carrying this allocation forward in the Local Plan Review demonstrating a continued commitment to achieving these aims. Priority 2 of the Council's Economic Development Strategy seeks to diversify the economy with 'high quality employment opportunities' and reference is made to the Kent Medical Campus. The proposal for a food store is contrary to Local Plan and specifically policies SS1, RMX1 and RMX1(1) and there are not considered to be any material considerations to outweigh this clear conflict.

Sequential Test and Retail Impact Assessments

Sequential Test

- 6.33 Local (policy DM16) and National policy/guidance requires a sequential assessment for retail proposals that are 'out of centre' as is the case here. This must assess whether there are any suitable sites for the development in an existing retail centre (Maidstone town centre or other retail centres), secondly whether there are 'edge of centre' sites, and only then can 'out of centre' locations be considered, which should be accessible by public transport from local centres under local policy.
- 6.34 National Guidance provides a checklist that sets out considerations in determining whether a proposal complies with the sequential test as follows (summarised):
- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered?
 - Is there scope for flexibility in the format and/or scale of the proposal?
 - If there are no suitable sequentially preferable locations, the sequential test is passed.
- 6.35 In terms of flexibility the applicant considers the inherent nature of the applicant's operation as a 'deep discount' food retailer must be borne in mind and there are a number of key areas where it is not possible to alter the core design of the store as to do so would undermine the operational efficiency of the business model and hence its viability in their view. They outline the fundamental requirements of their food store are a circa 1,300m² retail sales area in a rectangular shape to enable efficient transfer of products; the necessary size and location of service and storage areas; and customer car parking as most stores primary function is to cater for 'bulk' food shopping needs and therefore many customers will be visiting to undertake a 'weekly' shop and for potential larger comparison items.
- 6.36 With this in mind, they consider to be flexible in assessing alternative sites that a store of at least circa 1,600m² is required with around 100 car parking spaces. This represents an 11% reduction in floorspace and a 25% reduction in car parking from the proposed development. They adopt a minimum site area 0.7ha to accommodate the development.
- 6.37 The Council's retail consultant (Lichfields) advises the sequential analysis must take account of commercial realities and that non-deep discount operators have different store formats with them not generally opening new stores with sales areas of significantly less than 1,300m² net. Some operators are currently focusing on much smaller (less than 500m²) but these are for basket rather than bulk food shopping convenience or larger stores (over 2,000m²) suitable for trolley based bulk food shopping trips. They advise the commercial reality is that discount food operators are unlikely to occupy a store of significantly less than 1,600m² gross in Maidstone. On this basis it is

considered the applicant has demonstrated sufficient flexibility in their parameters for assessing alternative sites.

6.38 The following sites within/near to the Town Centre (TC) have been assessed by the applicant and/or officers.

1. Maidstone East and Royal Mail Sorting Office – Policy RMX1(2)
2. Newnham Park (NCSV) - Policy RMX1(1)
3. King Street Retail Allocation – Policy RMX1(3)
4. Powerhub Building and Baltic Wharf, St Peters Street – Policy RMX1(5)
5. Mote Road – Policy RMX1(6)
6. Gala Bingo/Granada House – Draft LPR allocation LPRSA147
7. Len House – Draft LPR allocation LPRSA145
8. Former Marks & Spencer store, Week Street
9. Vacant Unit in The Mall Shopping Centre (around 2,400m²)
10. Former Lidl store in the Broadway Shopping Centre
11. Forge Lane/Bearsted Green Business Centre

6.39 Maidstone East is the Council's primary retail allocation allowing for up to 10,000m² comparison and convenience retail which could obviously accommodate the development. The allocation has a split ownership between MBC (around 34%) and Network Rail (66%) but around 22% of the Network Rail part includes non-developable areas being the railway tracks/sidings and station buildings. The emerging draft policy for the site (LPRSA146) refers to 2,000m² of retail floorspace.

6.40 MBC carried out a public consultation on redevelopment in March 2023 for a mixed use scheme with predominantly residential and around 2,000m² of business or other town centre uses. However, more detailed plans the planning department is aware of through pre-application discussions show the commercial floorspace split into three separate spaces with the largest around 1,000m² which would not be large enough to accommodate the development. The site is allocated for up to 10,000m² of retail in the Local Plan but the landowners' current intentions would not facilitate the proposed development and so it is not reasonably available at this present time.

6.41 The remainder owned by Network Rail (NR) is used for commuter car parking with a large area north of the station and a narrow area immediately north of Brenchley Gardens. The latter area is not a suitable size/shape to accommodate the development. The applicant has not contacted NR but comment that NR would seek to retain the commuter car parking and this is required under the adopted and draft policies for the site. They consider this will limit the space available for development and raise viability issues; the site is a poor location with minimal road presence due to existing trees; it is some distance from the primary shopping area; the site would serve a different catchment to the proposed store so is not a suitable alternative; and the availability of the site is in question as it is not being marketed on NR's property website.

- 6.42 It is not agreed these issues mean the development could not be accommodated at the site but the availability of the site in a reasonable time period is questionable. Under the 'call for sites' exercise for the Local Plan Review (LPR) the landowner is promoting predominantly residential uses and it is noted the direction of travel under the LPR is for only 2,000m² of retail floorspace across the whole allocation. With these factors in mind it is not considered the NR part of the allocation is available for the proposed development in a reasonable time frame.
- 6.43 This Maidstone East site has been carried forward as the primary retail allocation in the draft LPR. Whilst it could accommodate the development it is apparent from both landowners that their current plans or intentions mean that neither site is available or for the development.
- 6.44 NCSV could in theory accommodate a discount food store of the size proposed. The applicant suggests it may be unsuitable because it is too large. This does not rule out the site for a discount store as part of wider development which would involve linked trips so may be more sustainable. However, this location is also 'out of centre' in retail policy terms and is not technically sequentially preferable to the application site. The availability of the site for the development is also uncertain.
- 6.45 The King Street retail allocation is not large enough (0.2ha) to accommodate the proposal. The Powerhub and 'Baltic Wharf' building is allocated for mixed use including retail in the Local Plan and was previously granted permission for a food store. However, the food store has never come forward and it is not considered suitable mainly given the need to retain the listed building and its interior. The Council is also aware of redevelopment proposals which include a commercial element but this would be too small at around 1,100m². Mote Road is irregular in shape and too small (0.4ha).
- 6.46 The Gala Bingo/Granada House site is irregular in shape and less than 0.4ha so is too small and is currently occupied. Len House is currently being converted to a mixed use scheme of residential and commercial floorspace and there is permission for development on the remainder of the site. The largest commercial space is 1,156m² so would not be large enough, notwithstanding the listed building not lending itself to use as a modern food store.
- 6.47 Officers agree with Lichfields that the former Marks and Spencer store is not suitable for a discount food store due to the configuration of the building (too narrow). According to their website there are a number of vacant units in 'The Mall' in the town centre and the largest and most suited is understood to be around 2,400m² over two levels. The applicant considers the operational restrictions/limitations due to the service access via a delivery bay at basement level and trading over multi levels would require a move away from the standardised store model and would not be a suitable or viable option. The Council recently accepted this argument for the proposed Lidl store application on St Peters Street and it would be unreasonable to reach a different conclusion in this case.

- 6.48 The former Lidl store in the Broadway Shopping Centre is vacant but as another discount store operator considered this shopping centre does not fit the non-deep discount business model it would be unreasonable to conclude that it is suitable for the applicant's development. The access to the Forge Lane/Bearsted Green Business Centre is unsuitable for a discount food store.
- 6.49 Based on the above there are not considered to be any sequentially preferable sites that could suitably accommodate the development or that are available in a reasonable timeframe.

Retail Impact on the Town Centre and District/Local Centres and Committed and Planned Public and Private Investment in the Catchment Area of the Proposal

- 6.50 The floorspace of the food store (1,655m²) is actually below the Local Plan (policy DM16) and NPPF threshold of 2,500m² where a retail impact assessment on the TC, and other retail centres is required. However, policy RMX1(1) states that proposals for retail floorspace above the existing floorspace at the NCSV require an impact assessment and so the applicant has provided one.
- 6.51 Policy RMX1(1) states the retail impact assessment must demonstrate no significant adverse impact on town, district and local centres including those in adjoining boroughs. Policy DM16 in relation to impact also states that retail development must not undermine the delivery of a site allocated for the use proposed. The NPPF (paragraph 90) adds that an assessment of impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme) is also required.
- 6.52 Policy DM17 seeks to maintain and enhance the existing retail function of defined district centres. The district/local centres most likely to be affected by the proposal are Sandling Lane, Penenden Heath; Grovewood Drive, Grove Green; Snowdon Parade, Vinters Park; and The Green/The Street, Bearsted.

Town Centre

- 6.53 The applicant predicts the development alone will result in a -1.9% impact upon convenience goods trade in the TC and a combined cumulative impact with other recent retail developments (M&S, Eclipse Park and Lidl relocation, St Peters Street) of the same. However, the Council's retail consultant (Lichfields) considers this has been underestimated and they predict a -4.2% from the proposed development alone and -9% cumulative impact on convenience trade.
- 6.54 To put this into context, the Council's evidence (EDNS Addendum) outlines a convenience goods turnover of £56.39 million in the TC in 2019. Lichfields advise that a -4.2% (-£2.61 million) impact on convenience goods trade is unlikely to be considered significant in terms of the overall reduction in retail

trade in the TC because some of this reduction is likely to be offset by future population growth. They advise impact on the TC will be focused on the Sainsbury's and Lidl stores and impact on small convenience goods shops is likely to be negligible. The Lidl store is expected to continue to trade significantly above the company average. The Sainsbury's store is expected to trade 24% below the company average but Lichfields' sensitivity figures suggest the impact on this store will be counter-balanced by the redistribution of trade from the closure of the M&S foodhall in the TC. They advise it is unlikely Sainsbury's would choose to close the store (with still a significant turnover of £27.9 million) and so no reduction in local consumer choice in the TC is expected.

- 6.55 In terms of the cumulative impact of -9% (-£5.92 million), Lichfields advise that convenience goods trade only represents a relatively small proportion (about 11.5%) of the TC's trade and so impacts upon convenience trade would not undermine the TC as much as impacts upon comparison trade might. A cumulative net reduction in convenience goods trade of £5.92 million would have a combined impact of around -1.2% on the TCs total retail trade, which they advise will be offset by population and expenditure growth between 2022 and 2025 and therefore no significant adverse impact is expected in terms of the cumulative loss of retail trade.
- 6.56 They also advise the majority of the convenience goods trade diversion (£3.31 million of the £5.92 million) relates to the closure and relocation of the M&S foodhall to Eclipse Park, a solus impact of -5.1%. The new M&S opened in August 2020 and the impact of this relocation will have already been felt in the TC. Lichfields advise that health check analysis in October 2022 does not suggest an increase in the shop vacancy rate between 2019 and 2022 or a significant reduction in the number of convenience goods outlets or a significant adverse impact on the TCs overall health. They advise the impact on small convenience goods shops in the TC is likely to be negligible.
- 6.57 The applicant has not tested the impact of the (20%) comparison goods sales floorspace, however, Lichfields advise the nature of comparison goods sold within the central aisles of an Aldi store varies significantly and in this respect trade diversion is likely to be dispersed amongst many retail outlets.
- 6.58 There is no set percentage impact that forms a threshold or tipping point to constitute a 'significant adverse impact' and based on Lichfields advice, and on balance, it is agreed that a predicted cumulative overall impact of -1.2% would not have a 'significant adverse impact' on the TC, would not harm its vitality and viability or local consumer choice, and that the Sainsburys store is unlikely to close due to the predicted impact. On this basis the impact on the TC is not considered to be contrary to policies RMX1(1) or DM16 of Local Plan or the NPPF.
- 6.59 However, there will still be a negative impact which it is considered should be mitigated. Whilst permission is not being recommended the applicant is agreeable in principle to paying a financial contribution to mitigate the impact upon the Town Centre provided this is reasonable and proportionate. The Council's Economic Development Section have provided information on some

potential town centre schemes and costs but as permission is not being recommended this has not been taken further, however, the applicant's position of being agreeable in principle is noted.

District/Local Centres

- 6.60 The applicant considers the proposals will not have a significant adverse impact upon Sandling Lane, Penenden Heath; Snowdon Parade, Vinters Park; and The Green/The Street, Bearsted as these centres are performing well (based on health check assessments) and the potential level of impact will be relatively low. Lichfields do not disagree with these conclusions.
- 6.61 The proposal will have more impact on the Grovewood Drive, Grove Green centre due to the trade diversion from the anchor Tesco food store. This is predicted as a cumulative impact of -5.5% (-£3.33 million) but Lichfields advise the turnover for the store would still be expected to trade significantly above the company average benchmark at £57.24 million. They consider the Tesco store will not experience trading difficulties and will continue to trade healthily and there will be no reduction in local consumer choice in this district centre.
- 6.62 I agree with this advice that the proposed development will not have a 'significant adverse impact' on any district or local centre, harm their vitality and viability or local consumer choice, so the proposals are not contrary to policies RMX1(1) or DM16 of Local Plan or the NPPF. In view of there not being an unacceptable impact upon nearby retail centres there would not be any unacceptable impact outside the Borough where any centres are a further distance away.
- 6.63 For the above reasons and based on Lichfields advice, the retail impact of the proposal is not considered to be of such a level that would adversely impact upon any existing, committed and planned investment in the TC or district centres including draft allocations in the Local Plan Review and the Council's five 'Town Centre Opportunity Sites'.
- 6.64 In conclusion, the adopted Local Plan makes its primary allocations in the town centre and this passed examination as it was in line with the NPPF and NPPG. Effectively, the draft LPR continues this approach as national retail policy remains the same in broad locational terms although the amount of retail floorspace is lower. However, the allocated retail sites in the town centre are considered to either be unsuitable or unavailable at this time for the development. Lichfields advise the cumulative impact of the development would not have a significant adverse impact upon the TC, any local centres, or upon any existing, committed and planned investment in these areas.

Impact on the Character and Appearance of the Area/Setting of Kent Downs AONB

- 6.65 The site is at the base of the scarp slope of the North Downs escarpment and much of the site itself is elevated and so it is prominent due to its location and topography. The prominent location of the wider allocation site including its undulating nature was fully recognised by the Inspector at Examination

and so paragraph 4.205 of the Local Plan outlines that, “buildings should be designed and sited to respond to the site’s undulating topography and should avoid any significant site levelling in the creation of development platforms for example by the use of terracing”.

- 6.66 The site is prominent from Newnham Court Way, Gidds Pond Way to the east, roads to the south and open space north of Shepherd’s Gate Drive to the southeast (Weaving Heath). The principle of development is established under the site allocation policy, including 2 storey buildings in this location, so a level of impact on the local area is accepted. However, the proposal is to position the building at the rear, highest part of the site with a maximum cut of around 2.6m in the north corner lowering to around 1.5m in the southwest from the highest point. One main platform for the building and car park is proposed through raising parts of the east half of the site to a maximum of around 3m in the south corner reducing northwards to around 1m and then cutting into the land towards the north end of the site.
- 6.67 Being proposed at the highest part of the site the impact of the building could be further reduced with a greater depth of cut and the use of gradual terracing to align with the accompanying text to the policy rather than one main platform as proposed. The result of this is also a fairly steep 1:3 bank on the south corner adjacent to Newnham Court Way. This is a negative in overall planning balance but is not considered sufficient to be a ground to refuse the development noting the building is relatively low height (8.5m) and there is some cut proposed.
- 6.68 However, the layout with the building at the rear results in the long access road and car park, much of which is elevated on a plateau, being the ‘face’ of the development on the east and south sides with a new raised bank at the front which would be steeper than the existing landforms. This is considered to represent a poor design and layout on this prominent gateway site to the wider site allocation. Safety barriers may be required for the access due to its elevated position and corners which would add to the poor frontage. The building itself is considered to be of suitable quality as explained below but the access road and parked cars will dominate the frontage. This is contrary to policy DM1 of the Local Plan which requires development to respond positively to, and where possible enhance, the local area.
- 6.69 Landscaping is proposed including tree planting which would reduce some impact but it is weak and sparse with the extent of tree planting too low and would not sufficiently mitigate or screen the access and parking areas to the front. Even if it was more robust it would not hide or overcome the harmful impact of the access and car park and cannot be relied upon in perpetuity.
- 6.70 Whilst the building is at the highest part of the site and could be cut lower to reduce its impact, in views towards the AONB, I agree with the applicant’s LVIA assessment that the building would not affect the appreciation of the rising scarp slope in the distance beyond and it would not break the horizon or cause any significant harm to its setting. In any public views from the AONB this would at some distance (over 1.5km) and if glimpsed, the building

would be seen in the context of surrounding development and would not be prominent or harmful to the AONB.

Building Design

- 6.71 The building's design has evolved through pre-application discussions where officers advised that a bespoke and high quality building was required. The building is well articulated with different heights and projecting sections and variation in materials, including a large two storey curved ragstone corner on the south side and ragstone section on the front north side. The prominent southeast corner has glazing and timber effect panelling above with a projecting canopy with timber clad supports which provides a statement feature on these elevations. The result is the standard 'box' required for such food stores is largely hidden on the main public elevations. The building is considered to be of high quality in that it provides good interest and layers to the building and uses quality vernacular materials. For these reasons the development is not considered to be a 'large scale retail warehousing style building' which is not supported by the site policy.
- 6.72 However, as stated above the layout means that the access and car parking will dominate the frontage of the site and form the 'gateway' to the wider site allocation rather than the building.
- 6.73 The hard surfacing would be mainly tarmac for the roads and parking areas with block paving around the entrance which is acceptable. Ragstone gabion walling would be used for the retaining walls along the west boundary.

Transport Impacts

- 6.74 National Highways have raised no objections in terms of the traffic impact upon Junction 7 of the M20 including construction traffic.
- 6.75 KCC Highways raise no objections to the proposed access or the traffic impact on the local road network including construction traffic. This is based on the County Council's planned local road improvements being in place prior to occupation as the traffic modelling took these into account. They recommended a 'Grampian' condition that the store cannot be occupied until these works (upgrade of A249 Bearsted Road and New Cut Road roundabouts and widening between) have been completed, which is considered to be necessary, and the applicant would be agreeable if the Council was minded to approve permission. The parking provision exceeds the parking standards by 9 spaces (128 spaces against 119) but on balance is considered acceptable.
- 6.76 In terms of public transport, this is poor for this location. The proposed store standard opening hours (8am-10pm Mon-Sat and 10am-6pm Sun) will extend beyond the operational hours of the number 9 Arriva bus service in the evenings. This will mean that staff and customers wishing travel to/from the store will not have a convenient public transport option at these times. KCC Highways consider it is essential for public transport access to be provided and have requested a financial contribution for bus access. However, they have recently stated there is currently no service that can be

adapted to serve the development and a whole new service would be needed with a financial contribution of £720k requested for 4 years. It is considered improved public transport access is necessary and appropriate for this scale and type of development in line with policies SP23 and DM16 of the Local Plan but the need for a whole new service and the costs have not been fully justified. The applicant is agreeable in principle to a financial contribution for evening services but also does not consider this has been sufficiently justified. As permission is not being recommended this has not been taken any further at this stage but the applicant's position of being agreeable in principle is noted.

Impact on Listed Building

6.77 The Grade II listed Newnham Court Farm pub/restaurant is around 30m west of the site. I agree with the Conservation Officer that the development will have a limited impact upon the setting of this building in part because its setting is largely dominated by the surrounding modern development and a car park to its east. The proposed building is positioned northwards of the listed building and landscaping is proposed along the west boundary which would limit the impact. For these reasons the proposals would not harm the setting of this listed building.

Biodiversity

6.78 The applicants ecological report outlines that the majority of the grassed site has low potential to be used by protected/notable species due to the regular on going management (mowing) however the longer grassland and trees along the western boundary of the site could be utilised by protected/notable species including great crested newts, reptiles, breeding birds and hedgehogs. Therefore a 'precautionary approach' (areas cleared by trained ecologists in a systematic manner to encourage displacement of any animals) is proposed to ensure no harm to these species. KCC Ecology raise no objections and consider this is acceptable subject to being secured by condition.

6.79 Draft LPR policy LPRSP14A requires a minimum of 20% biodiversity net gain (BNG) but only refers to new residential development. The applicant has not submitted a BNG assessment to demonstrate a specific level of net gain on the basis there is no adopted policy which requires this; the emerging policy does not have sufficient weight; and achieving 10% net gain does not become mandatory until November this year.

6.80 This is all correct but the NPPF paragraph 174(d) states that, "*Planning policies and decisions should contribute to and enhance the natural and local environment by: (d) minimising impacts on and providing net gains for biodiversity.*"

6.81 In order to demonstrate net gains BNG is assessed/calculated through the biodiversity metric produced by Natural England and is now commonplace on major applications. The applicant's ecological appraisal refers to measures which would offer biodiversity gains such as retaining/strengthening the field margin; meadow grassland; species rich lawn; a new native hedgerow; log

piles; and bat/bird boxes. However, this has not been quantified under the BNG metric and so net gains for biodiversity have not been sufficiently demonstrated in accordance with the NPPF. The absence of this is considered to be grounds for refusal.

6.82 The site is over 200m from Ancient Woodland to the northeast and at this distance would not result in any harm.

Other Matters including Drainage, Consultees and Representations

Drainage

6.83 Surface water would be stored on site using underground tanks with discharge at a controlled rate to a nearby watercourse to the southeast to ensure no flood risk occurs. KCC LLFA raise no objections to these proposals subject to conditions to secure the detailed design.

6.84 Representations have been made with a view that on site water features such as ponds should be provided (not just tanks) and concerns regarding potential pollution of the local water network. The applicant has responded stating that as it is necessary to form a relatively flat plateau with embankments at the boundaries it will not be possible to provide SUDs water features within the embankments without introducing significant retaining structures. This is because the applicant has decided to develop the site in this way, however, the surface water drainage hierarchy under national guidance is to firstly infiltrate into the ground but investigations indicate that soakaways are unlikely to be feasible due to ground conditions (granular deposits). The second is to drain to a surface water body/watercourse which is proposed so officers do not raise an issue with this.

6.85 In terms of pollution, the applicant has advised the system would have trapped gullies and drainage channels with silt trap manholes that collect coarse pollutants such as litter and silt and prevent them from entering the watercourse. In addition, fuel and oil separators which are designed to capture and physically separate any remaining silt as well as any fuel or oil that enters the system would be used. For this reason officers do not raise an issue with this.

Consultees

6.86 No objections are raised by KCC Archaeology subject to conditions. Environmental Health have no objections in terms of impact on air quality and noise subject to the deliveries not taking place outside of the hours assessed within the noise report (6am to 11pm), to which the applicant has no objections. No objections are raised by KCC Minerals or the Environment Agency.

Representations

6.87 Many representations have been received but the issues raised are generally covered in the different sections of the assessment.

Environmental Impact Assessment

- 6.88 The applicant submitted a separate screening opinion application (23/500762/ENVSCR) for the development where it was concluded by the LPA that an Environmental Statement was not required as the characteristics, scale, or location of the development is not likely to give rise to significant effects on the environment. There have been no material changes since that decision to now reach a different conclusion.
- 6.89 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7.0 CONCLUSION

- 7.01 The proposals are considered to pass the retail sequential test required under local and national policy. Based on Lichfield's advice, it is considered the proposals would not have a 'significant adverse impact' on Maidstone Town Centre or any district or local centres or harm their vitality and viability in accordance with local and national policy, although some mitigation would be required if approval was being recommended.
- 7.02 However, the Maidstone Local Plan is clear the application site is allocated for a 'medical campus' with specialist medical facilities and associated uses in order to attract high value, knowledge intensive employment, and create a specialist knowledge cluster to support the Council's vision for economic prosperity. The Council is carrying this allocation forward in the Local Plan Review demonstrating a continued commitment to achieving these aims. Priority 2 of the Council's Economic Development Strategy seeks to diversify the economy with 'high quality employment opportunities' and reference is made to the Kent Medical Campus.
- 7.03 The proposal for a food store is therefore contrary to Local Plan and specifically policies SS1, RMX1 and RMX1(1). There are no other policies within the Local Plan which refer to alternative development within this allocation. Section 38(6) of the Planning and Compulsory Purchase Order 2006 states that,
- "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."***
- 7.04 For the reasons outlined in the report there are not considered to be any material considerations that outweigh the clear conflict with the Local Plan and mean a decision contrary to the Development Plan is justified.
- 7.05 The proposal to position the building at the highest part of the site with a low depth of cut and much land raising of land to create one main platform for the building and car park does not align with the accompanying text to policy RMX(1). This weighs against the proposals but on balance is not considered grounds for refusal.

7.06 The proposed layout has the access road and elevated car parking areas dominating the front of the site which would be highly visible from nearby public roads. This creates a poor frontage and gateway into the wider allocation which represents poor design and fails to respond positively to character of the local area contrary to policy DM1 of the Maidstone Local Plan and paragraph 130 (b) of the NPPF.

7.07 The application outlines proposal to provide biodiversity gains but fails to quantify this so net gains for biodiversity have not been sufficiently demonstrated in accordance with to paragraph 174(d) of the NPPF.

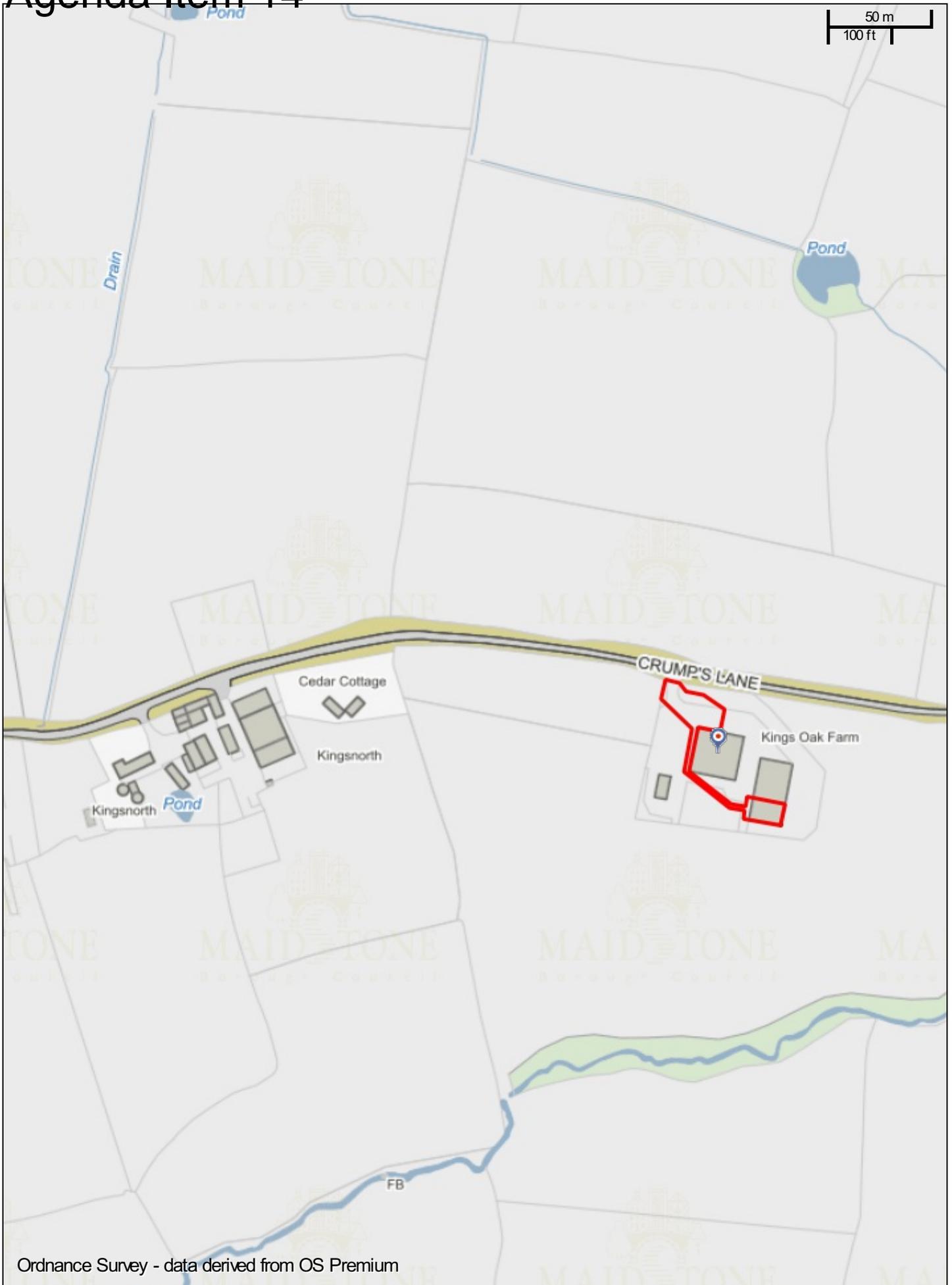
7.08 The application is therefore recommended for refusal for the following reasons.

8.0 RECOMMENDATION

REFUSE PLANNING PERMISSION for the following reasons:

1. The proposed development of a food store is contrary to polices SS1, SP1, RMX1, and RMX1(1) of the Maidstone Local Plan which allocate the site for a specific type of employment development being for specialist medical facilities and a medical campus. The development would not provide high value, knowledge intensive medical related employment as sought under the Local Plan and any economic benefits from the development are not considered sufficient to represent material considerations to outweigh this conflict with the Development Plan.
2. The proposed layout has the access road and elevated car parking areas dominating the front of the site which would be highly visible from nearby public vantage points. This creates a poor frontage and gateway into the wider site allocation and represents poor design which fails to respond positively to character of the local area contrary to policy DM1 of the Maidstone Local Plan and paragraph 130(b) of the NPPF.
3. The application fails to quantify the level of biodiversity net gain in accordance with the latest Natural England biodiversity metric and therefore net gains for biodiversity have not been sufficiently demonstrated contrary to paragraph 174(d) of the NPPF.

Agenda Item 14



Ordnance Survey - data derived from OS Premium

REFERENCE NO: 23/502100/FULL			
APPLICATION PROPOSAL: Part conversion of existing barn and erection of single storey side extension to create a visitor's centre (resubmission of 21/501538/FULL).			
ADDRESS: Kings Oak Farm, Crumps Lane, Ulcombe, Kent ME17 1EU			
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.			
REASON FOR REFERRAL TO COMMITTEE: Ulcombe Parish Council call in for the reasons set out in the report below.			
WARD: Headcorn	PARISH COUNCIL: Ulcombe	APPLICANT: Mr & Mrs Norman Coles AGENT: Architectural Designs	
CASE OFFICER: Joanna Russell	VALIDATION 10.5.23	DATE:	DECISION DUE: 25.8.23
ADVERTISED AS DEPARTURE: No			

Relevant planning history

- 21/501538/FULL - Extension of barn to create visitor's centre. Refused for the following reasons:

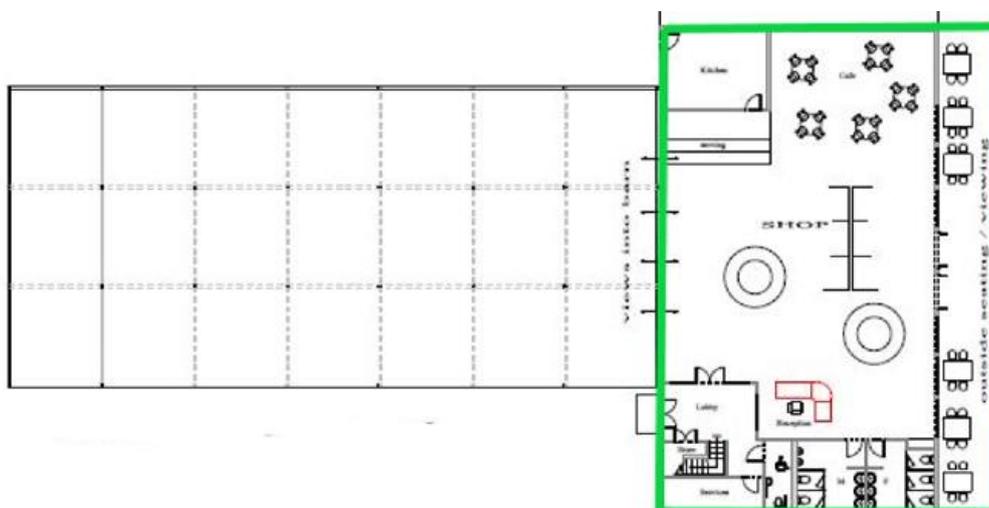
"The proposed development, by virtue of its scale and siting would consolidate sporadic development in the area, resulting in unacceptable harm to the intrinsic character and appearance of the countryside hereabouts and failing to conserve and enhance the distinctive landscape character of the Low Weald Landscape of Local Value. There is no overriding reason to allow such a harmful development in this location that is of high overall landscape sensitivity and sensitive to change, and it is therefore contrary to policies SS1, SP17, SP21, DM1, DM30 and DM37 of the Maidstone Local Plan (2017); the Maidstone Landscape Character Assessment (2012 amended 2013); the Maidstone Landscape Capacity Study: Sensitivity Assessment (2015); and the National Planning Policy Framework (2019)".
- 22/502608/FULL - Permanent retention of agricultural dwelling (previously given temporary permission under 19/505341/FULL). Approved.
- 19/505341 - Erection of a temporary agricultural dwelling - Approved.
- 18/505808 - Creation of 2 ponds - Approved.
- 18/505386 - Erection of temporary agricultural dwelling - Approved.
- 18/501616 - Stationing of 5 static mobile home holiday lets - Refused.
- 18/501611 - Prior Notification for agricultural barn - Prior approval not required (With agricultural use there is no restriction on the use of the barn to accommodate animals)

- MA/13/1421 – Prior Notification for agricultural building – Prior approval granted. (With agricultural use there is no restriction on the use of the barn to accommodate animals)

21/501538/FULL refused elevation (green – extension, no use of existing)



21/501538/FULL refused ground floor (green – extension, no use of existing)

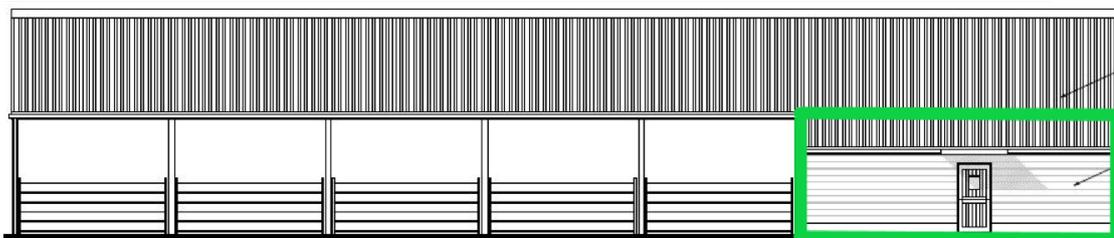


MAIN REPORT

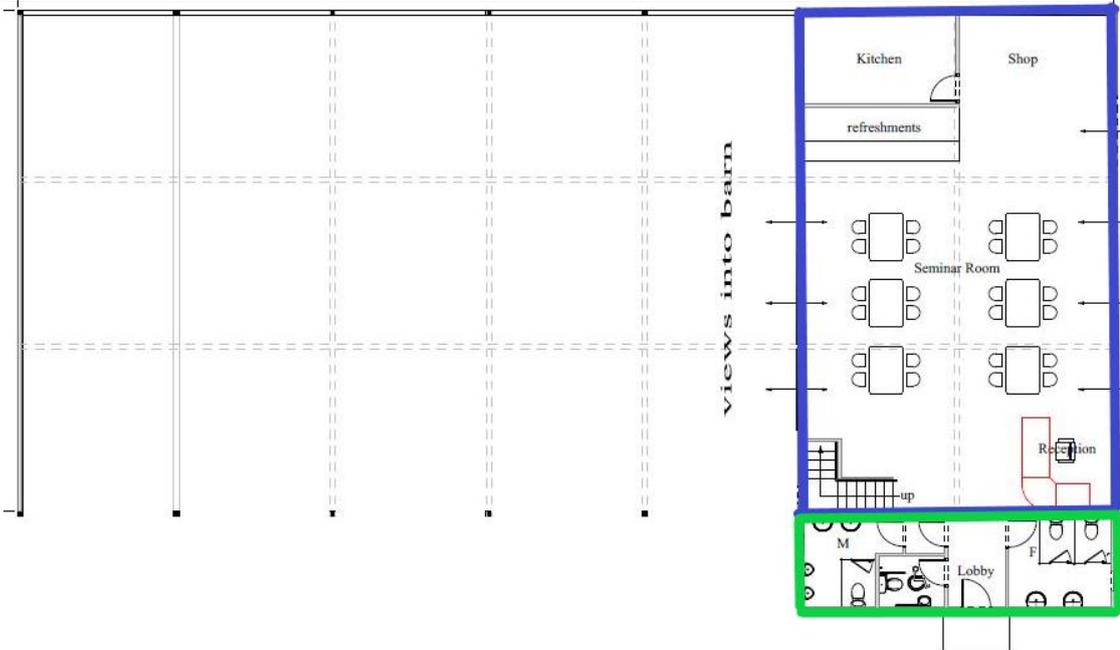
1.0 SITE DESCRIPTION

- 1.01 For the purposes of the Local Plan, the proposal site is within the countryside and in the Local Plan designated Low Weald Landscape of Local Value. There are public rights of way within the vicinity of the site, including footpath KH332A to the west of the site; and footpath KH328 to the east of the site.
- 1.02 The proposal site, known as Kings Oak Farm, is located on the southern side of Crumps Lane some 1.3km to the west of the junction with Headcorn Road. Ulcombe (primary school) is 1.2 miles (3 minutes by car) by road to the north of the application site. The farm is occupied by two agricultural buildings that were built under the prior notification process; and there is a temporary agricultural dwelling (with consent until December 2022) to the west of these buildings. A permanent dwelling was approved under application 22/502608/FULL.
- 1.03 The application sets out that the 21ha site on Crumps Lane is home to a variety of rare breed cattle and sheep, including White Parks, the very rare and endangered Vaynols, Irish Moyles and a large fold of some 100 Highland Cattle as well as the more commercial Sussex. The applicant's farming enterprise specialises in the breeding of rare breeds as well as conservation grazing throughout the south east of England with the specialist rare breeds. Kings Oak camp site is to the west.

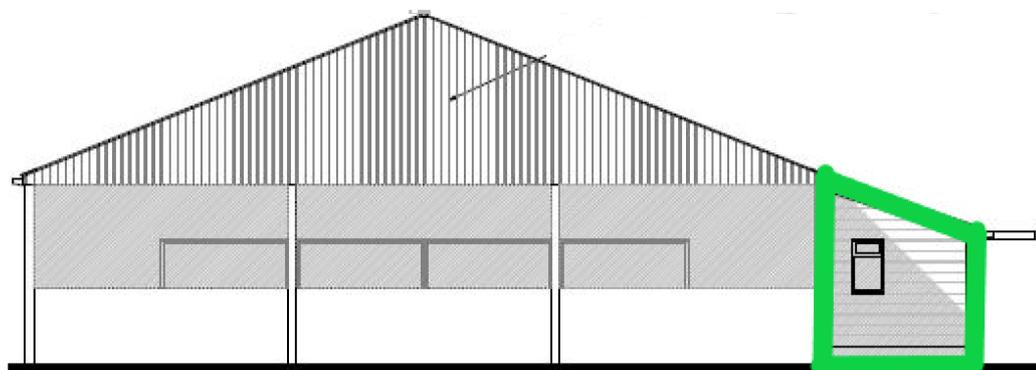
Current proposal front elevation with barn extension shown in green.



Current proposal ground floor (blue – change of use, green – extension)



Current proposal side elevation with barn extension shown in green.



Current proposal front elevation with barn extension shown in green.

2.0 PROPOSAL

- 2.01 This proposal involves change of use of part of an existing agricultural barn, to a visitor’s centre. The proposal includes a single storey extension and the formation of a first floor mezzanine within the existing roof space and above part of the converted ground floor area.
- 2.02 The majority of the proposed ground floor consists of a seminar room, with a reception area, kitchen, refreshment area and shop. The proposed extension provides an entrance lobby and toilets. The proposed mezzanine provides an ‘education centre’.

2.03 The submission states:

- Visitor's Centre focus is educational, specialising in teaching school children, agricultural college students, adults with learning difficulties and the public about rare breeds.
- Anticipated that pre-arranged visits from educational establishments will involve a 4-6 hour stay.
- Visitor's Centre will only be open to the public on special open days. Anticipated these will occur once a month between March and October. Visitors will need to pre-book with a maximum of 20 persons at any one time.
- Use will allow groups to view and learn about different types of rare breeds, sheep and cattle, how they are cared for and kept from becoming endangered and extinct within the setting of a working farm. There are no rare breed farms locally that have a specialist breeding programme.

3.0 POLICY AND OTHER CONSIDERATIONS

3.1 Local Plan (2017):

- SS1 – Maidstone Borough Spatial Strategy
- SP17 – Countryside
- SP21 – Economic Development
- DM1 - Principles of good design
- DM2 - Sustainable design
- DM3 - Natural environment
- DM8 - External lighting
- DM21 – Highway impact
- DM23 - Parking standards
- DM30 - Design principles in the countryside
- DM37 – Expansion of Existing Businesses in Rural Areas
- DM40 – Retail Units in the Countryside

3.2 National Planning Policy Framework (2021) & National Planning Practice Guidance.

3.3 Landscape Capacity Study: Sensitivity Assessment (2015) and Landscape Character Assessment & Supplement (2012 – amended 2013)

3.4 Maidstone Borough Council – Local Plan Review

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 mid-June 2023). Relevant policies are as follows:

LPRSP9, LPRSP15, LPRCD6, LPRTRA1, LPRQ&D4

4.0 LOCAL REPRESENTATIONS

4.01 6 objections received raising the following points:

- There is no justifiable reason for the development.
- The barn in question was permitted under 18/501611/AGRIC which was at the time needed mainly for machinery and hay storage with some provision for welfare care for cattle.
- The events listed in the submitted statement are carried out at Round Oak Farm. Concern about increased activity at application site if visitor centre is permitted.
- Traffic impact
- Noise and light disturbance

- Inappropriate, inaccessible, and unsustainable location
- Harm to the natural environment
- Air pollution
- Inadequate infrastructure
- Landscape impact
- Comparable provision elsewhere
- Impact on privacy
- Over development of the site
- Heritage impact
- Submission is vague about intensity of use.

4.02 A petition with 28 signatures has been submitted objecting to the proposal on grounds of traffic, noise, light, disturbance, inappropriate location, harm to the natural environment.

Ulcombe Parish Council

4.03 Object on the following grounds:

- Smaller visitor centre still has detrimental visual impact in area of high overall landscape sensitivity and sensitive to change. *(NB: officer comment. As shown in the images in this report, the revised extension is of substantially smaller scale and bulk with no increase in the height of the building. With the siting of the extension towards other existing buildings the visual impact will be minimal)*
- Unsustainable site *(NB: officer comment. As set out in this report policies SP17, SP21 and DM37 permit the expansion of existing businesses in rural locations and promote tourism in these areas)*
- No animals are allowed in the barns, so animals will be grazing several acres away in the field. *(NB: officer comment. With agricultural use there is no restriction on the use of the barn to accommodate animals)*
- Planning Statement is misleading. Nearly all the listed activity occurs in Round Oak, Sutton Valence, and not at Kings Oak, Ulcombe. Statements are incorrect. *(NB: officer comment. Sufficient information has been submitted to demonstrate that proposed use is acceptable on the application site).*
- Traffic impact. *(NB: officer comment. This small-scale use with suitable conditions does not pass the 'severe' impact test as set out in the NPPF).*
- Light pollution. *(NB: officer comment. A condition is recommended seeking submission and approval of any associated external lighting)*
- Adversely impact on the historic setting of Grade 2* Kingsnorth Manor Farmhouse, and Grade II Brunger Farmhouse). *(NB: officer comment. Kingsnorth Manor Farmhouse is located 300 metres to the west of the application building with intervening buildings on both Kings Oak Farm and Kingsnorth Manor Farm. Grade II Brunger Farmhouse is located 540 metres to the west of the application building with intervening buildings on Kings Oak Farm and Stone Hall Farm. With the large separation distances, intervening buildings and the small scale of the proposed extension there would be no harm to the setting of these listed buildings)*
- The two ponds (18/505808), which have been approved, are intended by the same applicant to become habitats for Great Crested Newts (GCNs). GCNs need a roaming radius of 500 metres from any pond they use, and the Visitor site is well within the 500-metre radius. *(NB: officer comment. Formation of GCN ponds does not and were not intended to introduce a ban on development within a 500-metre radius. The area occupied by the small building extension is*

immediately next to the barn and a working area of the farm and is therefore unlikely to have any impact on GCN.)

- Support reasons for refusal made by Maidstone Borough Council for the earlier application 21/501538 for a visitors' centre. (NB: officer comment. The current application includes a substantial reduction in the bulk, scale and height of the proposed building extension with the majority of the use contained within the existing building envelope. The small extension has been sensitively designed in relation to existing barn with the extension sited to minimise harm to the character and appearance of the area.)

5.0 CONSULTATIONS

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

Environmental Protection Team:

- 5.1 No objection subject to the imposition of conditions.

KCC Highways:

- 5.2 No objection

6.0 APPRAISAL

- 6.01 The key issues for consideration are:

- Countryside location
- Acceptability of proposed expansion of existing rural business
- Character and appearance
- Neighbour amenity
- Traffic, transport, and highway safety
- Biodiversity and ecology

Countryside location

- 6.02 The starting point for assessment of 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 harm. In this context all development outside the designated settlements does not accord with this part of SP17.
- 6.04 Other Local Plan policies permit development in the countryside in certain circumstances (equestrian, rural worker dwelling etc) and 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.
- 6.05 *Policy SP21 supports "...proposals for the expansion of existing economic development premises in the countryside, including tourism related development, provided the scale and impact of the development is appropriate for its countryside location, in accordance with policy DM37".* The NPPF is also clear that planning decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent beyond existing settlements, and in locations that are not well served by public transport.

- 6.06 The current proposal will result in harm to the character and appearance of the countryside; however this harm is minimal and Local Plan policy DM37 permits the expansion of existing businesses in rural areas subject to a list of defined criteria. This list of criteria is considered below.

Acceptability of proposed expansion of existing rural business

- 6.07 Policy DM 37 states that planning permission will be granted for the sustainable growth and expansion of businesses in rural areas subject to several criteria.

i. New buildings are small in scale and provided the resultant development as a whole is appropriate in scale for the location and can be satisfactorily integrated into the local landscape.

- 6.08 The current application does not involve any new buildings.

- 6.09 In contrast to the earlier refused application, the majority of the floorspace for the visitor's centre is now located within the envelope of the existing barn. There is no increase in building height. The application involves a modest single storey extension to the building that is sensitively set within a cat slide roof.

- 6.10 The current proposal for conversion and modest building extension is appropriate in scale for the location. The proposal can be satisfactorily integrated into the local landscape. Further assessment is set out in the character and appearance section later in this report.

ii. The increase in floorspace would not result in unacceptable traffic levels on nearby roads or a significant increase in use of an existing substandard access.

- 6.11 The proposed increase in floorspace is 27 square metres and this extension will provide an entrance lobby and toilets for the use. This modest increase in space would not result in unacceptable traffic levels on nearby roads or issues with an existing substandard access. Traffic and transport issues are discussed further later in this report.

iii. The new development, together with the existing facilities, will not result in an unacceptable loss in the amenity of the area. In particular the impact on nearby properties and the appearance of the development from public roads will be of importance.

- 6.12 The site is screened from the road and the nearest dwelling outside the site is Cedar Cottage that is 140 metres to the west of the site boundary. The development, together with the existing facilities, will not result in an unacceptable loss in the amenity. Residential amenity is discussed later in this report.

iv. No open storage of materials will be permitted unless adequately screened from public view throughout the year.

- 6.13 A planning condition is recommended to ensure that there is no open storage associated with the development considered as part of the current planning application.

- 6.14 In addition to policy DM37, the NPPF also seeks to support the rural economy. The guidance says that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas.

- 6.15 The supporting text to Policy SP21 sets out "*Within the countryside economic development will be permitted for the conversion and extension of existing suitable buildings and established sites, farm diversification and tourism where this can be*

achieved in a manner consistent with local rural and landscape character in order that a balance is struck between supporting the rural economy and the protection of the countryside for its own sake". (Paragraph 4.144)

- 6.16 The supporting text to Policy SP17 recognises that *"many rural businesses have begun to diversify away from traditional rural activities primarily through the re-use of farm and other buildings for commercial non-agricultural purposes. This has not only helped to retain economic activity within rural areas but has enabled a number of farms to remain operational. Tourism is of great importance to the local rural economy with the countryside providing ample leisure and open-air recreational opportunities... The local plan will continue to recognise the importance of supporting small-scale rural business development"*.
- 6.17 Policy DM40 relates to retail premises in the countryside. However the submission indicates that the shop shown in the visitor centre would only be available to those already visiting the site rather than as a 'stand alone' shop. On this basis, the limited size and ancillary nature of the shop could be conditioned but there would be no need to require local produce to be sold from it.
- 6.18 Given the conclusion reached previously on application 21/501538/FULL, and the additional information now submitted, the principle of the proposal, subject to it remaining entirely ancillary to the agricultural use of the wider site would accord with local plan policy detailed above. In conclusion, the proposal is in line with Local Plan policies SP17, SP21, DM37 and advice in the National Planning Policy Framework.

Character and appearance

- 6.19 One of the spatial objectives of the Local Plan (6) is *"to safeguard and maintain the character of the borough's landscapes including ...the ... distinctive landscapes of local value whilst facilitating the economic and social well-being of these areas including the diversification of the rural economy"*. Policy SS1 of the Local Plan states that Landscapes of Local Value will be conserved and enhanced, and that protection will be given to the rural character of the borough.
- 6.20 SP17 states that the distinctive landscape character of the Low Weald will be conserved and enhanced as Landscapes of Local Value and proposals in the countryside will not result in harm to the character and appearance of the area. Policy DM30 states that new development should maintain, or where possible, enhance the local distinctiveness of an area. The Low Weald Landscape of Local Value is a landscape that is highly sensitive to significant change, and it is a landscape that should be conserved and enhanced where appropriate.
- 6.21 The Maidstone Landscape Character Assessment (2012 amended 2013) identifies the application site as falling within the Ulcombe Mixed Farmlands Landscape Character Area (Area 42). The landscape guidelines for both areas are to 'CONSERVE'. Within the Council's Landscape Capacity Study: Sensitivity Assessment (Jan 2015), the overall landscape sensitivity of the Ulcombe Mixed Farmlands Landscape Character Area is *HIGH*.
- 6.22 The previously refused application (21/501538/FULL) showed a significantly larger extension which was 2m taller than the existing building. The previously refused extension would also have been noticeably wider than the existing barn (drawings provided at the start of this report). It was concluded that the scale and siting of the refused proposal would overwhelm the existing building and detract from the building's simple design. There was also concern about the extension of the building towards open countryside at odds with the rural context and sensitive nature of the site and the surrounding area.

- 6.23 In comparison, the current proposal shows a small modest extension 2.9 metres out from the existing building (27 square metres in area) and faces towards the 'centre of the site' rather than protruding towards the open countryside. The proposed extension is within a continuation of the existing roof form so that it would be covered by a catslide roof. With this sensitive design, there would only be a minimal increase in bulk and no increase in height over the existing building.
- 6.24 Concern has been raised about the impact of additional lighting associated with the use on rural character. It is acknowledged that external lighting can have a negative impact on rural character and a planning condition is recommended seeking submission and approval of any external lighting associated with the use. The opening hours of the visitor centre are limited so that there would be minimal impact from lighting during the winter.
- 6.25 There would be potential for the use of the site for wider tourism purposes to have a detrimental visual impact on the site through activity and associated paraphernalia. The proposed tourism use as detailed above is small scale for a limited number of visitors and for a limited time each month, and connected to the existing agricultural use of the site. In this context the operation would not detrimentally impact the agricultural and rural character of the locality.
- 6.26 As detailed above, in the interest of the character of the site and the wider landscape, it would be appropriate to condition the extent of the use. On the basis of conditions, and the small and appropriate scale of the use and the extension, the proposal would not cause harm to the character and appearance of the area and would accord with Local Plan policies SP17 and DM30.
- 6.27 In conclusion, the small scale of the extension would harmonise with the scale and character of the existing building and would extend within the site rather than towards the open countryside. The proposal, subject to the imposition of conditions, would not result in harm to the character and appearance of the countryside and that it would conserve the distinctive landscape character of the Low Weald Landscape of Local Value.
- 6.28 The applicant has referred to existing landscaping consisting of a hedgerow and trees to the east of the proposed visitor centre and landscaping proposed as part of a condition attached to the permission for the applicant's dwelling 22/502608/FULL and 22/505314/SUB (new native hedge to western boundary of the farm buildings with wild cherry trees). The location of the extension within the existing group of buildings is also highlighted. In this context, a condition is recommended that would require the landscaping approved under 22/505314/SUB (in connection with the nearby approved dwelling) to be in place prior to the visitor centre use commencing.

Neighbour amenity

- 6.29 Local Plan policy DM1 states that development must "*Respect the amenities of occupiers of neighbouring properties and uses by ensuring that development does not result in, or is exposed to, excessive noise, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties*".
- 6.30 The nearest residential dwelling is Cedar Cottage that is 140 metres to the west of the application site boundary. The proposed use and building extension would be screened from Cedar Cottage by the applicant's dwelling (planning history ref 22/502608/FULL) and by existing boundary landscaping. In this context there are no issues with daylight, sunlight, privacy and overlooking.

- 6.31 Another potential source of nuisance is noise. With the number of visitors to the use restricted by planning condition (maximum of 20 visitors a any one time) and the separation distance from the nearest dwelling, it is concluded that the proposal is acceptable in relation to noise disturbance.
- 6.32 In summary, given the proposal's separation distance from any neighbouring property, it would not have an adverse impact upon the amenity of any local resident, in terms of general noise and disturbance (including vehicles coming and going from site), privacy, light, and outlook. To further ensure the protection of local amenity, as described above, matters of lighting, extent of use of the building, and travel arrangements would be controlled by conditions.

Traffic, transport and highway safety

- 6.33 Local Plan policy DM1 states that proposals will be permitted, where they can safely accommodate the associated vehicular and pedestrian movement on the local highway network and through the site access.
- 6.34 The NPPF states that planning decisions "*...should recognise that sites to meet local business...needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development ... does not have an unacceptable impact on local roads...*".
- 6.35 Paragraph 109 of the NPPF states: *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*
- 6.36 The applicant has stated that general public open days will occur once a month between March and October (8 days), they will be pre booked with a maximum of 20 persons allowed on site at any one time.
- 6.37 In terms of access by the general public (and with reference to the submitted proposal) a planning condition is recommended that allows one prearranged public open day a month between March and October (8 days) accommodating a maximum of 20 visitors. At other times when the public open days are not taking place prearranged visits by school groups would also accommodate a maximum of 20 people
- 6.38 With occupancy of 2-3 visitors per vehicle, public open days would result in 6-10 cars. School groups would share transport also with a maximum of 20 visitors. Kings Oak Farm has an existing area of hardstanding at the site entrance and the submitted layout plan shows part of this area for car and minibus parking.
- 6.39 With the countryside location of the site a planning condition is recommended seeking the submission of a travel plan, with this travel plan seeking to encourage sustainable travel choices. Visitors would use the existing access which is acceptable for the intended level and nature of the use. With the scale of the proposed use and the control on visitor numbers it is concluded that the proposal will not have an unacceptable impact on local roads.
- 6.40 The KCC Highways Authority has raised no objection to the proposal.

Biodiversity and ecology

- 6.41 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*".

- 6.42 One of the principles of the NPPF is that "*opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity*". As such, a planning condition is recommended requesting details of biodiversity enhancements on the site.

Other considerations

- 6.43 The representations received by Ulcombe Parish Council and local residents have been considered in the assessment of this application. In these, reference has been made to other development/activities on the surrounding land, but this is not a material planning consideration in the determination of this application.
- 6.44 Ulcombe Parish Council have highlighted two Great Crested Newt ponds (approved under application 18/505808) stating "GCNs need a roaming radius of 500 metres from any pond they use". These ponds are circa 340 metre and 510 metres to the south of the proposed extension.
- 6.45 The formation of GCN ponds does not and were not intended to introduce a ban on development within the foraging area of 500-metre radius. The area occupied by the small building extension is immediately next to the existing barn and on a working area of the farm. The location of the extension is unlikely to be used by Great Crested Newts. With the small scale nature of the visitors centre, the location of the visitor centre within an existing collection of buildings the proposal is unlikely to result in any harm to Great Crested Newts.
- 6.46 A planning condition is recommended to ensure that the renewable energy generation is in place prior to the visitor use commencing.

PUBLIC SECTOR EQUALITY DUTY

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

7.0 CONCLUSION

- 7.01 Taking into account all material planning considerations, and subject to the imposition of conditions, the proposal accords with local and national planning policy and therefore it is recommended that planning permission is granted

8.0 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) The development hereby permitted shall be carried out in accordance with the following approved plans:21/2200, 21/2206, 21/2205A Reason: To clarify which plans have been approved.
- (3) The building shall be used as a visitor centre in connection with the agricultural use on the site only and for no other purpose. Reason: The potential harm to the character, appearance and functioning of the surrounding area and/or the enjoyment of their properties by adjoining residential occupiers has only been considered based on this use of the visitor's centre.

- (4) The 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.
- (5) Prior to the extension hereby approved commencing above slab level a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the extension by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details prior to first occupation and all features shall be maintained thereafter. Reason: To protect and enhance the ecology and biodiversity on the site in the future.
- (6) 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 be in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011 (and any subsequent revisions) and follow the recommendations within Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting', and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter. Reason: To safeguard the character and appearance of the countryside and in the interests of residential amenity.
- (7) The visitor centre shall not be used outside the hours of 8.00am and 18.00pm and not at any time on Sundays, Bank or Public Holidays. Reason: To prevent an overly intensive use of the site and protect the rural character the locality.
- (8) The visitor centre shall only be open for use by the general public for prearranged visits once per calendar month between the months of March and October (inclusive). In weeks when public open days are not taking place (including outside the months of March to October) the visitor centre shall be open for prearranged visits by school groups at a maximum level of one school group visit per week. Reason: To prevent an overly intensive use of the site and protect the rural character the locality.
- (9) No more than 20 visitors may be on site (including buildings) at any one time. Reason: To prevent an overly intensive use of the site and protect the rural character the locality.
- (10) Prior to the commencement of development, a construction management plan shall be submitted which includes details of:
 - (a) Routing of construction and delivery vehicles to/from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management/signage
 - (f) Provision of measures to prevent the discharge of surface water onto the highwayReason: To protect the local highway network
- (11) Prior to commencement of the use, a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall outline how visitors will travel to the site including details of maximum size of vehicle and maximum

numbers of vehicles to be parked on the site at any one time. The development shall only operate in accordance with the approved travel plan. Reason: To protect the local highway network and prevent excessive parking on the site in the interest of its rural character.

- (12) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of:
- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
 - b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
 - c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.
- Reason: To protect the amenity of users of the visitor centre.
- (13) The shop shall not exceed the floorspace shown on the proposed floor plan, the shop shall be ancillary to the visitor centre and shall only be used by visitors to the centre. It shall not be available to the general public, or on an ad hoc 'drop in' basis. Reason: To prevent an unrestricted and unsustainable retail use of the site.
- (14) Prior to the visitor's centre use commencing, the landscaping approved under application 22/505314/SUB (new native hedge to western boundary of the farm buildings with wild cherry trees) shall be in place. Any trees or plants which, within five years from the visitor's centre use commencing 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.
- (15) No open storage shall take place on the site in connection with the approved use. Reason: To safeguard the character and appearance of the surrounding area.
- (16) The extension shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to the commencement of the approved use and maintained thereafter. Reason: To ensure an energy efficient form of development.

Agenda Item 15



Ordnance Survey - data derived from OS Premium

REFERENCE NO - 23/501635/FULL			
APPLICATION PROPOSAL Conversion of existing barn to residential dwelling, including new entrance and access drive with associated parking (resubmission of 22/501591/FULL).			
ADDRESS Chickenden Barn, Chickenden Lane, Staplehurst, Tonbridge, Kent TN12 0DP			
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant			
REASON FOR REFERRAL TO COMMITTEE Councillor Perry has called the application to committee for the following reasons: <ul style="list-style-type: none"> • Chickenden Lane has a relatively small number of properties and many neighbours have raised concerns, such as: vehicle access, design of the development, the effect on heritage assets and flooding. • Planning Committee should have the opportunity to consider these issues before a final decision is made. 			
WARD Staplehurst	PARISH Staplehurst	COUNCIL	APPLICANT Mr Jarvis AGENT Jenner Jones
CASE OFFICER: Joanna Russell	VALIDATION DATE: 17.4.23	DECISION DUE DATE: 25.8.23	
ADVERTISED AS A DEPARTURE: No			

Relevant planning history

- 21/503567/PAPL - Pre-Application Letter - Planning Officer + Specialist Officer Advice - Convert barn into a dwelling.
- 22/501591/FULL - Conversion of existing barn to residential dwelling, including new entrance and access drive with associated parking. Withdrawn.
- 22/505823/PAPL - Pre-Application Letter - Conversion of existing historic barn into a single dwelling following withdrawal of 22/501591/FULL

1.0 SITE DESCRIPTION

- 1.01 The application site is occupied by a large five-bay oak framed barn with later single-storey outshots wrapping around its eastern and southern sides. The site is located on a private lane in a rural setting within the countryside just over a mile to the east of the centre of Staplehurst (Headcorn Road, Station Road junction).
- 1.02 The application site is adjacent and to the west side of an existing dwelling – Old Willow House. There is a pond to the south of the site and a stream running across its middle. The application building is located on the eastern side of the plot and is shielded from public view by mature planting.
- 1.02 ‘Cottons Farmhouse’ to the east of Old Willow House is Grade II listed. The historic ancillary function linking it to Cottons Farmhouse renders the application building curtilage listed. A grade II listed ‘former cart shed’ also sits to the southwest of the application building.

2.0 PROPOSAL

- 2.01 Permission is sought for the conversion of the existing barn to a residential dwelling including new entrance and access drive to the southwest of the site with associated parking.

Site location



3.0 POLICY AND OTHER CONSIDERATIONS

- 3.01 Local Plan (2017):

Policy SS1 – Maidstone borough spatial strategy
Policy SP17 – Countryside
Policy SP18 – Historic environment
Policy DM1 – Principles of good design
Policy DM3 – Natural environment
Policy DM4 – Designated and non-designated heritage assets
Policy DM2 – Sustainable design
Policy DM8 – External lighting
Policy DM23 – Parking standards
Policy DM21 – Highway impact
Policy DM30 – Design principles in the countryside
Policy DM31 – Conversion of rural buildings

- 3.02 Supplementary Planning Advice - Maidstone Landscape character assessment

- 3.03 Staplehurst Neighbourhood Plan – policies PW2 and PW4

- 3.04 National Planning Policy Framework (2021) & National Planning Practice Guidance

- 3.05 Maidstone Borough Council – Local Plan Review

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 concluded on the 9 June 2023).

LPRSP14 - Environment
LPRSP14(A) - Natural environment
LPRSS1 - Spatial strategy
LPRTRA2 - Assessing transport impacts
LPRQ&D2 - External lighting

4.0 LOCAL REPRESENTATIONS

4.01 8 objections received raising the following points:

- Proposed access is dangerous due to location on a blind bend, increasing the likelihood of an accident. *(NB: Officer comment: No issue found with visibility for drivers using the new access or highway safety generally).*
- There is a second building on Chickenden Lane with the same name as the application site. *(NB: Officer comment: In the event that planning permission is granted, the Council's street naming and numbering officer will consider the postal address for a new dwelling in discussion with the post office and emergency services)*
- Detrimental impact on Cottons Farm by increasing the footprint, size and height of the application building. *(NB: Officer comment: there is no increase in the building height or footprint)*
- Negative impact on local ecology. *(NB: Officer comment: ecology survey results have been considered together with specialist advice from KCC Ecology team as set out in the assessment later in this report)*
- Risk of flooding to the new development is ignored and development will increase risk of flooding to neighbouring occupiers. *(NB: Officer comment: A submitted flood risk assessment is considered in the assessment later in this report)*
- Raising of floor levels for flood resilience will result in a significant increase in the height of the building and negative visual impact on Cottons Farm. *(NB: Officer comment: there is no increase in the building height)*
- The sections which show raised ground levels are unclear. *(NB: Officer comment: The application does not include any increase in external ground levels [section 7 of the flood risk assessment]).*
- The addition of a new drive and curtilage to provide parking for 3 cars will create a substantial displacement of floodwater onto adjoining properties. *(NB: Officer comment: There is no proposed increase in impermeable area. Drives and parking surface will be self-binding Gravel 10mm down to dust, golden brown, porous surface)*
- There is no assessment of how the air source heat pump, solar panels or electric charging points will work in 'water swamped and flood conditions'. *(NB: Officer comment: Flood resilience is discussed later in this report)*
- There is not a mains water supply to the building. *(NB: Officer comment: Design and access statement confirms that "...there is a mains water supply in Chickenden Lane with sufficient capacity and pressure to provide an appropriate mains water supply".)*
- Query why the adjacent paddock is not included in the application red line plan. *(NB: Officer comment: No requirement to include the paddock [east of the application building]. The paddock is not required as amenity space for the new dwelling).*

Staplehurst Parish Council

4.02 No objections. Recommend that the application be approved, providing the Conservation and Environmental Officers are satisfied with the proposed mitigation measures.

5.0 CONSULTATIONS

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

Maidstone Conservation Officer

5.01 No objection subject to conditions

Kent Ecology

5.02 No objection subject to conditions

Existing building



6.0 APPRAISAL

- 6.01 The key issues for consideration are:
- Countryside location
 - Acceptability of rural building conversion
 - Visual and heritage impact
 - Amenity impact
 - Highways and parking
 - Biodiversity
 - Flooding

Countryside location

- 6.02 The starting point for assessment of 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 harm. In this context all development outside the designated settlements does not accord with this part of SP17.
- 6.04 Other Local Plan policies permit development in the countryside in certain circumstances (equestrian, rural worker dwelling etc) and 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.
- 6.05 The current proposal will result in harm to the character and appearance of the countryside, however Local Plan policy DM31 permits the conversion of countryside buildings subject to a list of defined criteria. This list of criteria are considered below (DM31 paragraphs 1 and 3 are relevant).

Acceptability of rural building conversion

- 6.06 Maidstone Conservation Officer has confirmed that the building is of a form, bulk, scale and design which takes account of and reinforces landscape character (in accordance with DM31 1(i)).
- 6.07 A structural survey has been provided which demonstrates that the building is capable of conversion without major or complete reconstruction (in accordance with DM31 1(ii)). The conversion has been proposed in an appropriate manner which would protect the historic significance of the building and reflect its landscape setting (in accordance with DM31 1(iii)).
- 6.08 There is sufficient room in the curtilage of the building to park the vehicles of those who will live there without detriment to the visual amenity of the countryside, and this has been demonstrated on the submitted plans as an unobtrusive arrangement at the front of the barn (in accordance with DM31 1(iv)).
- 6.09 No fences, walls or other structures associated with the use of the building or the definition of its curtilage or any sub-division of it are shown which would harm landscape character and visual amenity (in accordance with DM31 1(v)).
- 6.10 The conversion, by its nature has an impact on the significance of the barn, but it is accepted that the original use (as an agricultural building) is no longer viable, and an alternative use should be found to ensure that the building is kept in good condition.
- 6.11 With the siting of the building, its relationship to residential occupiers and the specific limitations of its listed status, a business use is unlikely to be appropriate in terms of impact, appearance or the degree of interventions that would be required to bring it up to acceptable commercial standards (complies with DM31 3(i)).
- 6.12 The conversion is considered to cause less than substantial harm (at the low end of the scale) to the curtilage listed building. The domestication of the site would also cause some harm to the character and appearance of the site within a rural

location. However, Maidstone Conservation officer has concluded that the harm is mitigated by a sustainable long-term use of the building. (complies with DM31 3(ii)).

- 6.13 There is sufficient land around the building to provide a reasonable level of outdoor space for the occupants, and the outdoor space provided is in harmony with the character of its setting. This has been satisfactorily demonstrated on the submitted plans. (complies with DM31 3(iii)).
- 6.14 On balance therefore, the principle of the change of use and conversion of the building to a dwelling is considered acceptable and in accordance with the requirements of local plan policy DM31.

Character, appearance and heritage impact

- 6.15 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.
- 6.16 Local Plan Policy SP17, which deals with development in the countryside, states that 'Development proposals in the countryside will not be permitted unless they accord with other policies in this plan, and they will not result in harm to the character and appearance of the area.'
- 6.17 Policy DM1 of the Local Plan states that proposals which would create high quality design and meet a set of criteria will be permitted. Policy DM30 encourages development proposals which accord with the surrounding countryside in terms of bulk, scale, massing, visual amenity and landscape character.
- 6.18 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.
- 6.19 The NPPF sets out government planning policy. Chapter 16 sets out policies for conserving and enhancing the historic environment. Paragraph 194 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.
- 6.20 Paragraph 197 states that in determining applications, 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. Paragraph 199 requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
- 6.21 Paragraph 200 continues 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 Staplehurst Neighbourhood Plan policy PW2 states that proposals for new development in the countryside beyond the extended village envelope will be assessed in terms of the potential impact of the development upon the visual setting and landscape features of the site and its surroundings, the potential impact upon the biodiversity of the area and other relevant planning considerations, such as the impact of traffic and noise. proposals which fail to demonstrate these impacts can be satisfactorily addressed will not be supported. Staplehurst

Neighbourhood Plan policy PW4 states that new developments within Staplehurst must have regard to the historic environment and the heritage.

- 6.23 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 202 requires that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.24 The application building is curtilage listed. The barn forms part of the wider farmstead of the adjoining Grade II Listed Cottons Farmhouse and the C18 Cart Shed, both of which lie to the east of the main barn.
- 6.25 The farmhouse dates from the C15, with later alterations, including the C16 or early C17 rear wing. Formed of timber framing, with rendered infilling and a plain tile roof. As the submitted Heritage Statement identifies, the building is considered as curtilage listed due to the forming part of the same use/ ownership (at the time of listing) as the farmhouse and cart shed.
- 6.26 The site is a large, 5-bay timber frame barn which has lost much of its external envelope, but the photographs submitted show sections of lath & plaster and some older brick work, as well as much more modern interventions. The proposed scheme creates a new access with a 5-bar gate.
- 6.27 The Heritage Statement provides sufficient details of the existing barn and its setting. The conservation officer has assessed the proposal in detail and advised that they have no objection.
- 6.28 The conservation officer is satisfied that the proposed development is acceptable and would cause no harm to the group setting or the setting of the listed buildings. In addition to this, the information submitted with the application, as accepted by the conservation officer concludes that residential re-use is the only realistic means of providing a suitable re-use for the listed building. In principle, the conversion is considered to cause less than substantial harm to the curtilage listed building, and this harm is mitigated by a sustainable long-term use of the building.
- 6.29 While no objection is raised to the principle of the conversion or the appearance of the converted building, further details of how the conversion will be undertaken would need to be confirmed via a separate future Listed Building Consent application. This application would include (or be conditioned to include) all details of methods of construction and materials and as such, these need not be replicated under this planning application submission. Works cannot be implemented without a listed building consent.
- 6.30 The harm to the character and appearance of the site would be limited owing to the siting of the barn, and the minor alterations proposed. This limited harm to the character of the locality would be balanced by the fact that the building itself is of a form, bulk, scale and design which takes account of and reinforces landscape character and because the alterations proposed as part of the conversion are in keeping with the landscape and building character in terms of materials used, design and form.
- 6.31 The new access will introduce a hard surface in close proximity to the trees to the west of the pond, although all works will be outside of their root protection areas. A tree survey has been submitted which makes recommendations to avoid impact on the trees including the use of appropriate porous surfacing material. Construction methods, protection and surfacing can be controlled through condition to minimise impact on the existing trees. It is noted that there are no protected trees on site.

- 6.32 The scheme will provide additional planting with indigenous trees. In addition, it is proposed that new indigenous hedging be provided around the site, separating existing soft boundaries between the adjacent properties. The existing roadside hedging will be retained and where necessary, a new native mature mixed hedgerow will be planted along the boundary between the residential curtilage and field. On the boundaries to the road and field, post and rail fencing will be provided to provide views of the restored barn from the roadside. The car parking area will be screened with a 1.5m high trellis with evergreen planting.
- 6.33 The application advises that different surfacing materials will be utilised to emphasise a change in use and status and porous surfaces will be used where appropriate, and native species will be used in landscaping. Surface materials and landscaping details can be secured by conditions.
- 6.34 Although the proposal does bring the risk of domestication of the plot within a rural location, it is recognised that the private road is characterised by loose residential development in large plots. While this would not in any way justify the addition of new dwelling, it does provide a backdrop for a policy DM31 compliant scheme that would provide a sympathetic conversation and long term reuse of the curtilage listed building.
- 6.35 In addition to this, the context of the site is a significant consideration. The barn is well set back from the road with extensive screening. With control through conditions on landscaping and boundaries, there would be only a limited impact on wider views of the site within the landscape. Aside from the proposed driveway, no development could be built forward of the front building line without further consent.
- 6.36 Subject to conditions requiring further detail about the hard and soft landscaping, and tree protection, the visual, heritage and landscape impact of the proposal would accord with local plan policy and the NPPF.

Amenity impact

- 6.37 Local Plan policy DM 1 states that proposals will be permitted where they respect the amenities of occupiers of neighbouring properties. Local Plan policy DM1 and paragraph 130 of the NPPF emphasise that proposals should provide adequate residential amenities for future occupiers of new development. 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.
- 6.38 The proposed floorplans submitted accord with the nationally described space standards and as per criteria 3iii of DM31, the plans demonstrate that there is sufficient land around the buildings to provide a reasonable level of outdoor space for occupants. The outdoor space provided is in harmony with the character of its setting.
- 6.39 The building is located a sufficient distance from adjoining occupiers that there would be no loss of privacy, or impact on overlooking, daylight or sunlight.

Highway and parking

- 6.40 Local Plan policy DM1 states that proposals which create high quality design will be permitted, where they safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access.

- 6.41 Chickenden Lane is a private lane. Given the small scale of the proposal, traffic will be accommodated on the local highway network without significant adverse impact. The access point is appropriate to both the character of the site, and to provide sufficient access to the dwelling.
- 6.42 In terms of parking provision, Local Plan policy DM23 advises that a minimum of two independently accessible parking spaces should be provided for 3 or 4-bedroom houses. This has been sensitively incorporated with parking shown within the curtilage of the barn, on hard surfacing. The site has sufficient space to accommodate policy compliant parking.
- 6.43 Electric vehicle charging points have been shown as located adjacent to the parking area but not attached to the barn. This is appropriate and supported.

Biodiversity

- 6.44 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"*.
- 6.45 Given the condition of buildings and land, the number of trees in and around the site and its connectivity with the surrounding countryside, the proposal has the potential to affect protected species. Ecological survey information has been submitted and the Ecology consultee have advised that they are satisfied that this is sufficient to assess the impact of the proposal.
- 6.46 The submitted ecology report has detailed the following:
- Day roost for common pipistrelle and soprano pipistrelle.
 - Day and feeding roost for brown long-eared bat and Natterers bat.
 - 3 species of reptiles.
 - Suitable habitat for breeding birds, dormouse, badgers and hedgehogs.
 - GCN expect to be present in the ponds on site/surrounding the site.
- 6.47 In addition to the survey information, a detailed mitigation strategy and proposed enhancements have been submitted. The ecology consultee is satisfied that these measures are acceptable and that subject to the imposition of conditions, the ecological impact of the proposal can be sufficiently mitigated against. In this regard therefore, the proposal would accord with local plan policy DM3.

Flooding

- 6.48 Policy DM1 of the local plan states that proposals should avoid inappropriate new development within areas at risk from flooding or mitigate any potential impacts of new development within such areas whereby mitigation measures are integral to the design of buildings.
- 6.49 Paragraph 168 of the NPPF states *"Applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 55"*. NPPF Footnote 55 advises *"A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3"*.
- 6.50 The application involves a change of use of a barn within Flood Zone 2 and a site-specific floor risk assessment has been submitted. Paragraph 167 of the NPPF sets out that development *"...should only be allowed in areas at risk of flooding where..."*

a flood risk assessment demonstrates that several criteria have been met. These criteria are assessed below.

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location.

6.51 Living accommodation is raised 300mm above the design flood level of 18.64m AODN (i.e. above 18.94 AODN) on the upper floors of the building. Sleeping accommodation 600mm above the flood level (i.e. above 19.24m AODN).

b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment.

6.52 Flood resistance and resilience measures will be retrofitted to the existing ground floor following the advice of DEFRA's document Improving the Flood Performance of New Buildings Flood Resilient Construction. These flood resilience measures will include measures to ensure that the infrastructure highlighted by neighbours (air source heat pump, solar panels and electric charging points) have sufficient resistance to floodwater in terms of their design and siting.

6.53 The services to the building will be a mains electric cable and insulated mains water pipe which will rise externally and into the building above the resilient construction. No gas is proposed.

c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate.

6.54 All drainage systems will be designed with non-return valves before they enter the onsite foul drain storage vessel. The storage vessel will be emptied from the roadside with a connection pipe running from the tank.

d) any residual risk can be safely managed.

6.55 The residents of the dwelling would sign up to the EA's Flood Warning Service and monitor Met Office Weather Warnings.

e) safe access and escape routes are included where appropriate as part of an agreed emergency plan

6.56 A new drive of permeable gravel. The finished level of the drive will be the same or lower than the existing ground level with surplus material removed from site and therefore will have no impact on the flood levels which will protect the cart lodge. Furthermore, the pond will be dredged to give the locality more capacity to accept rainwater.

6.57 These measures can be integrated into the design of the conversion and as such would mitigate against the risk of flooding. These can be managed through the imposition of conditions on any permission. With regard to flooding impact, the proposal would therefore accord with local plan and NPPF guidance.

Other considerations

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

PUBLIC SECTOR EQUALITY DUTY

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

7.0 CONCLUSION

7.01 Whilst the proposal would result in harm to the character and appearance of the countryside, the proposal is found to be in accordance with policy DM31 which permits the conversion of countryside buildings to other uses and as a result in accordance with policy SP17.

7.02 The proposal would result in less than substantial harm to the curtilage listed building, and this harm is mitigated by allowing a sustainable long-term use of the building. The residential re-use is the only realistic means of providing a suitable re-use for the listed building.

7.03 The proposal is found to be acceptable in relation to transport impacts, residential amenity, and ecology.

7.04 Taking this into account, along with all other material planning considerations, and subject to the imposition of conditions, it is recommended that planning permission is granted.

8.0 RECOMMENDATION: GRANT PLANNING PERMISSION subject to the following conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development shall be carried out in accordance with the following approved plans and documents: 10D, 11B, 110G, 111B, 12B, 14C, 15E, 18A, Financial Viability Assessment, Structural and Building Survey, Tree Survey Schedule, Tree Condition Report, Ecological Assessment, Heritage Statement, Flood Risk Assessment. Reason: To clarify the approved plans and to ensure the development is carried out to an acceptable visual standard.
- 3) The development hereby approved shall not commence until a photographic and descriptive record in accordance with level 2 of Historic England's document entitled "Understanding Historic Buildings A Guide to Good Recording Practice" has been submitted to and approved in writing by, the local planning authority. The approved descriptive record shall also be submitted to the relevant Historic Environment Record. Reason: To ensure that any evidence of historic significance is appropriately recorded.
- 4) Notwithstanding details on submitted drawings the development hereby approved shall not commence until large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority 1. Reused and new internal joinery 2. Reused and new external joinery. The development shall be carried out in accordance with the approved details Reason: To ensure the appearance and the character of the building are maintained.
- 5) Prior to the commencement of development, tree protection in accordance with the current edition of BS 5837 shall 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.

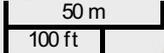
- 6) No development including site clearance shall take place until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 7) Prior to the commencement of development, the ecological mitigation for reptiles, dormouse, hedgehogs, breeding birds and badgers shall have been implemented as detailed within the Ecological Assessment (Bakerwell; April 2023). On completion of the mitigation works a letter must be submitted to the LPA demonstrating it has been completed. The mitigation shall be retained permanently thereafter. Reason: To protect the ecological value of the site.
- 8) Prior to the commencement of development, the ecological mitigation for bats shall have been implemented as detailed within Ecological Assessment (Bakerwell; April 2023) with a letter submitted to the LPA demonstrating it has been completed or evidence submitted to demonstrate that mitigation has been subsequently amended by a Natural England EPS licence. The mitigation shall be retained permanently thereafter. Reason: To protect the ecological value of the site.
- 9) Prior to the commencement of development, the applicant, or their agents or successors in title, shall have 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. Works shall only proceed in accordance with the approved details. Reason: To ensure that features of archaeological interest are properly examined and recorded.
- 10) Prior to first occupation of the approved dwelling living accommodation must be raised a minimum of 300mm above the design flood level of 18.64m AODN (i.e. above 18.94 AODN). Sleeping accommodation must be raised 600mm above the flood level (i.e. above 19.24m AODN). Reason: To mitigate against flooding impact.
- 11) Prior to first occupation of the approved dwelling flood resistance and resilience measures to the existing ground floor shall be in place that are in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The measures shall follow the advice of DEFRA's document Improving the Flood Performance of New Buildings Flood Resilient Construction. These measures shall be retained permanently thereafter. Reason: To mitigate against flooding impacts.

- 12) Within the first 3 months following first occupation of the approved dwelling evidence shall be submitted to show that residents of the dwelling have signed up to the EA's Flood Warning Service. Reason: To mitigate against flood impact
- 13) Prior to first occupation of the approved dwelling measures taken for the on site enhancement of biodiversity shall be in place that are in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the enhancement of biodiversity including measures integrated into the building structure and on the wider site such as bird boxes, swift bricks bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors. All features shall be maintained permanently thereafter. Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development
- 14) Prior to first occupation of the approved dwelling 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.
- 15) Prior to first occupation of the approved dwelling hard landscape works shall be in place that are in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. Plans shall show the finished level of the drive as the same or lower than the existing ground level and show that all hard surfaces are porous or drain onto a porous surface within the site boundaries. All features shall be maintained permanently thereafter Reason: To ensure a satisfactory appearance to the development and ensure the protection of existing trees and mitigate against flood impact.
- 16) At the end of the first planting season (October to February) following first occupation of the approved dwelling landscaping shall be in place that is in accordance with a hard and soft landscape scheme that shall have previously been submitted to and approved in writing by the Local Planning Authority. The hard and soft landscape scheme shall be designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012). The scheme shall 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, provide details of new on-site planting and include a planting specification (species, spacing, siting, quantities and maturity) implementation details and a [5] year management plan. Reason: In the interests of landscape, visual amenity and to ensure a satisfactory appearance to the development.
- 17) If any of the existing trees or hedges retained on site or trees, hedges or other landscaping in the approved landscape plan within a period of five years from the first occupation of the dwelling are removed, die or become, in the opinion of the local planning authority, so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the same location during the next planting season (October to February), with plants of an appropriate species and size to mitigate the impact of the loss as agreed in writing by the local planning authority. Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.

- 18) 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.
- 19) 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 be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light, GN01, dated 2011 (and any subsequent revisions) (Environmental Zone E1), and follow the recommendations within the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting', and shall include a layout plan (demonstrating they will not impact the bat roost) with beam orientation (All lights downward facing and on motion sensors or timers) and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter. Reason: To safeguard the character and appearance of the countryside, wildlife and in the interests of residential amenity.
- 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).
- 21) Prior to the first occupation of the approved dwelling decentralised and renewable or low-carbon sources of energy shall be incorporated into the development to provide at least 10% of total annual energy requirements of the development. The decentralised and renewable or low-carbon sources of energy shall be in accordance with details that have previously been submitted to and approved in writing by the local planning authority and once installed the decentralised and renewable or low-carbon sources of energy shall be retained thereafter. Reason: To ensure an energy efficient form of development.
- 22) The 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.

INFORMATIVES

- (1) The proposed development is CIL liable.
- (2) Code of practice for construction sites
- (3) Need for Listed Building Consent



Ordnance Survey - data derived from OS Premium

22/505188/FULL Cam Hill, South Lees Lane, South Green, Sittingbourne, Kent, ME9 7RY

Scale: 1:2500

Printed on: 2/8/2023 at 10:50 AM by JoannaW



REFERENCE NO – 22/505188/FULL		
APPLICATION PROPOSAL Change of use of land from agricultural land to residential to facilitate the installation of a proposed swimming pool and erection of an outbuilding pool house.		
ADDRESS Cam Hill, South Lees Lane, South Green, Sittingbourne, Kent, ME9 7RY		
RECOMMENDATION GRANT PLANNING PERMISSION subject to conditions subject to the planning conditions in Section 8 of this report		
SUMMARY OF REASONS FOR RECOMMENDATION The level of harm to the character and appearance of the countryside is acceptable for the following reasons: <ul style="list-style-type: none"> • The use of the land around the main house for domestic purposes has been present for a considerable period and the current application seeks to formalise this use (in practice no loss of agricultural land). • The proposed building is single storey, small in scale and without excessive volume. • The proposed building is of a design and constructed in materials that will be in keeping with the main house. • The site is screened from most public viewpoints by established boundary vegetation. • The building and swimming pool will be seen in the context of the larger existing building. <p>The proposal is found to be in overall accordance with the Local Plan, as the harm to character and appearance is minimised for the reasons outlined above and the proposal is in accordance with policies DM32 and DM33. A recommendation of approval of the application is therefore made on this basis.</p>		
REASON FOR REFERRAL TO COMMITTEE Call in from Stockbury Parish Council for reasons given in section 4 of this report.		
WARD North Downs	PARISH COUNCIL Stockbury	APPLICANT Mrs Saloni Barnardo AGENT LJM Drafting & Design
CASE OFFICER: Tony Ryan	VALIDATION DATE: 17/11/22	DECISION DUE DATE: 01/09/23 (EOT)
ADVERTISED AS A DEPARTURE: No		

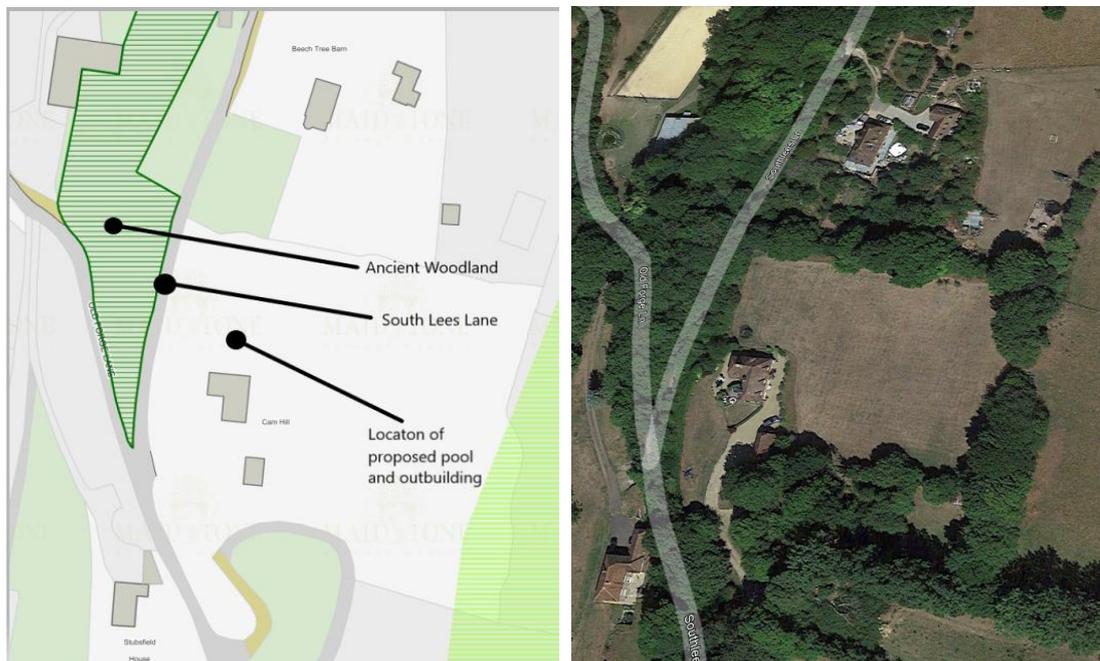
View looking south across the location of the swimming pool.



Relevant planning history

- 03/0362- The demolition of the existing single storey dwelling and erection of replacement dwelling and garage and change of use of part woodland to provide access via existing farm access – Approved 24th April 2003.
- 03/1707 - The demolition of the existing single storey dwelling and erection of replacement. Approved 23rd October 2003
- 21/503127/FULL - Erection of single storey side extension to dwelling, conversion of first floor of garage, into habitable space – Approved.
- 22/504128/PAPL Pre-Application Letter - Proposed pool with an outbuilding used for storage and maintenance of the pool, along with under cover storage of the pump and filters etc. The land has been used as garden for more than ten years and my client can provide proof – Closed.

Site context and aerial photograph

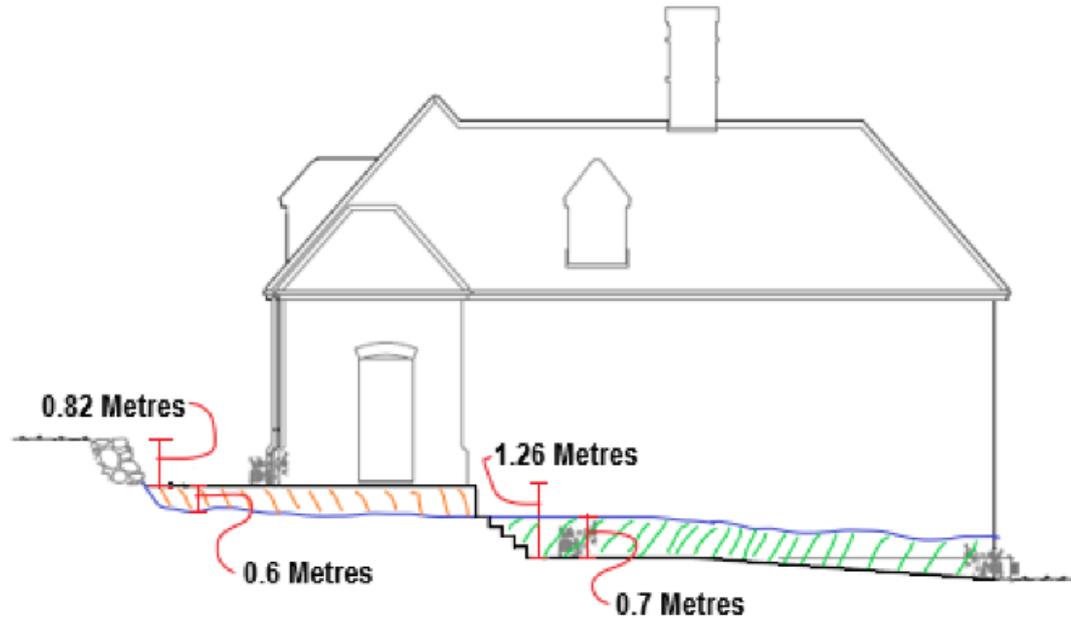


MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site (0.86 hectares) is in the countryside, outside of any Local Plan designated settlement and in the Kent Downs Area of Outstanding Natural Beauty. The surrounding area has established agricultural uses and sporadic residential development with Beech Tree Farm to the north and Stubfield House to the south.
- 1.02 The application site is on the east of South Lees Lane just to the north of the junction with Old Forge Lane. An area of Ancient Woodland is on the west side of the South Lees Lane
- 1.03 The application site is occupied by a detached dwelling and surrounding land which is currently maintained as domestic garden land. Site ground levels slope down, east to west towards South Lees Lane. The land surrounding the dwelling is defined by mature (mostly dense) landscaping on all the site boundaries including with South Lees Lane.

Proposed 'cut (orange hatching) and fill (green hatching)' works with new ground level in blue.



2. PROPOSAL

- 2.01 The proposal seeks planning permission for:
- a) The use of the land surrounding the application site as domestic garden land (retrospective).
 - b) Proposed construction of a swimming pool (12 metres by 4 metres by 1.6 metres deep) to the north of the existing dwelling.
 - c) Proposed construction of an outbuilding pool house (7 metres by 5.2 metres by 2.8 metres high to roof ridge) to the north of the swimming pool providing a garden room, plant room and store.
- 2.02 A sales brochure submitted with the submitted application and historic photographs indicate that the land that the current application seeks to formalise as domestic garden land has been used as domestic garden land for some time. Notwithstanding the current application, in this context the domestic use of the land that is the subject of the current application is likely to be lawful.
- 2.03 The proposal would involve 'cut and fill' works to level the ground level in the location of swimming pool and outbuilding and excavation of the swimming pool. Whilst the top of the existing retaining wall (0.82 metres high) will remain at the same height, with the reduced ground level in this location the bottom of the retaining wall will extend downwards by 0.6 metres. The applicant has submitted a topographic survey in support of the application.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017:

- SS1 Spatial Strategy
- SP17 Countryside
- DM1 Principles of good design
- DM3 Natural environment
- DM8 External lighting
- DM30 Design Principles in the countryside
- DM32 Rebuilding and extending dwellings in the countryside.
- DM33 Change of use of agricultural land to domestic garden land.

Supplementary Planning Documents:
Maidstone Landscape Character Assessment
Kent Downs Management Plan

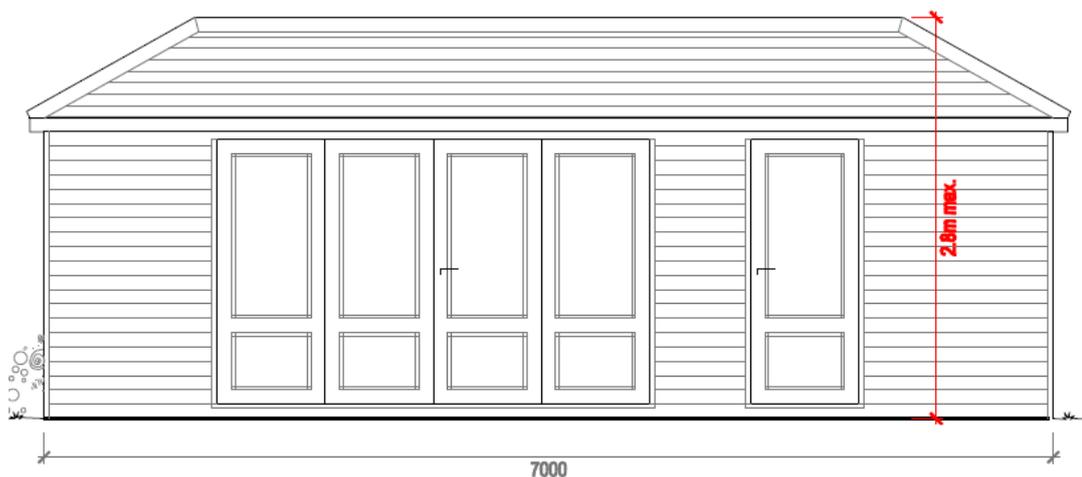
Maidstone Borough Council – Local Plan Review

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 concluded on the 9 June 2023).

LPRSS1 Spatial Strategy
LPRSP9 Development in the Countryside
LPRSP14(A) - Natural environment
LPRQ&D2 - External lighting
LPRSP15 Design
LPRQ&D 4 Design principles in the countryside
LPRHOU11 Rebuilding, extending and subdivision of dwellings in the countryside.
LPRENV 2 Change of use of agricultural land to domestic garden land.

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

Proposed outbuilding.



4. LOCAL REPRESENTATIONS

Local residents

4.01 No comments received.

Stockbury Parish Council

4.02 Object for the following reasons:

- Detrimental urbanising impact on the intrinsic character of the countryside consisting of an open rural landscape.
- Unsustainable location where future occupiers would be heavily reliant on the private motor vehicle to travel for their day-to-day needs.

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)

Natural England

5.01 Do not object.

Forestry Commission

5.02 Do not object.

KCC Ecology

- 5.03 No objection subject to a planning condition to ensure that external lighting does not have an adverse impact on bats.

6. APPRAISAL

Main issues

- 6.01 The key issues are:
- Countryside location (SP17).
 - Extending dwellings in the countryside (DM32)
 - Change of use of agricultural land to domestic garden land (DM33)
 - Residential amenity
 - Biodiversity
 - Natural Environment

Countryside location

- 6.02 The starting point for assessment of 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 harm. In this context all development outside the designated settlements does not accord with this part of SP17.
- 6.04 Other Local Plan policies permit development in the countryside in certain circumstances (equestrian, rural worker dwelling etc) and 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.
- 6.05 The current proposal will result in harm to the character and appearance of the countryside, however Local Plan policy DM32 permits the extension of dwellings in the countryside buildings subject to a list of defined criteria and policy DM33 permits the change of use of agricultural land to domestic garden land again subject to a list of defined criteria. This list of criteria are considered below.

Extending dwellings in the countryside (DM32)

- 6.06 Local Plan policy DM32 is relevant to this application and states that the "Proposals to extend dwellings in the countryside..." which meet listed criteria will be permitted. These criteria are considered below:
- i. The proposal is well designed and is sympathetically related to the existing dwelling without overwhelming or destroying the original form of the existing dwelling.
- 6.07 As set out above the outbuilding is well designed and is of a scale that is subservient to the main dwelling. The outbuilding will not overwhelm or destroy the form of the existing dwelling.
- ii. The proposal would result in a development which individually or cumulatively is visually acceptable in the countryside.
- 6.08 The proposed outbuilding would be visually acceptable in the countryside. In addition, the existing boundary landscaping (with a planning condition to infill any

gaps) and the main application building will provide screening of the proposed outbuilding and the swimming pool.

iii. The proposal would not create a separate dwelling or one of a scale or type of accommodation that is capable of being used as a separate dwelling.

6.09 The proposal does not create an additional dwelling. Access to the swimming pool and outbuilding is shared with the existing access for the existing main house.

iv. Proposals for the construction of new or replacement outbuildings ...should be subservient in scale, location and design to the host dwelling and cumulatively with the existing dwelling remain visually acceptable in the countryside.

6.10 As set out above the outbuilding is subservient to the main dwelling (including in terms of scale, location, and design). The outbuilding will not overwhelm or destroy the form of the existing dwelling and will be visually acceptable in the countryside.

Change of use of agricultural land to domestic garden land (DM33)

6.11 DM33 advises "Planning permission will be granted for the change of use of agricultural land to domestic garden if there would be no harm to the character and appearance of the countryside and/or the loss of the best and most versatile agricultural land".

6.12 As has been outlined above, the application site is surrounded by existing mature landscaping which provides screening of the site. The application will not cause harm to the character and appearance of the countryside.

6.13 The land which is the subject of the current application to change to domestic garden land surrounds the existing dwelling, with the larger part of the land located to the east. The land is surrounded by mature landscaping on all boundaries with no demarcation between the dwelling and this adjacent land. Historic aerial photos show that the current situation has existed going back to at least the 1960's.

6.14 Evidence of domestic land maintenance would form part of the evidence base to establish whether a change of use (that required full planning permission) was immune from enforcement action/ was now lawful (i.e present for a ten-year period). As part of the current application a letter from a gardener has been submitted. This letter confirms that the gardener was employed between 2012 and 2018 with the gardener confirming that the land was not used or agricultural use at this time. Other evidence would be physical information of the use of the land and a historic aerial photo and the photograph at the start of this report both show children's play equipment on the land.

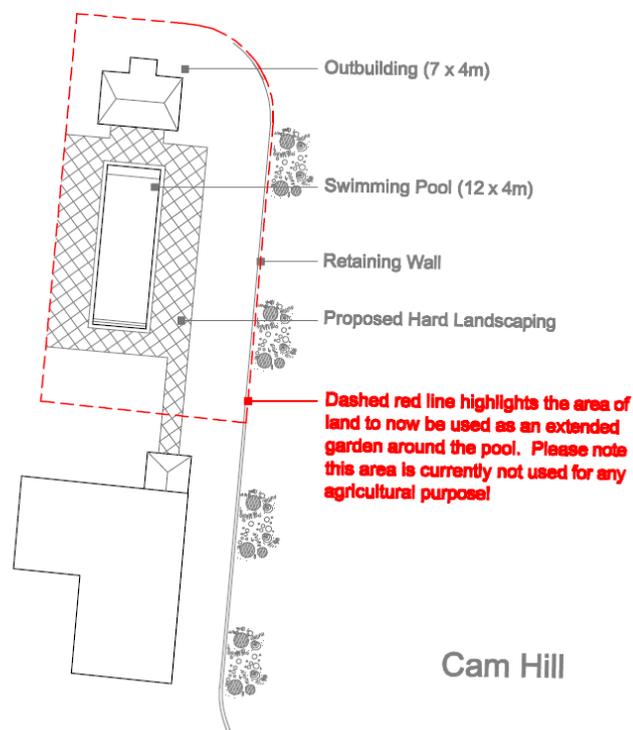
6.15 In the context of the above information, the granting of planning permission would not cause harm to the character and appearance of the countryside and would not result in the loss of the best and most versatile agricultural land. Whilst the current planning application seeks to formalise the domestic use of the land surrounding the existing dwelling, it appears from submitted information and from aerial photographs that the use has been domestic going back to at least the 1960's.

Character and appearance (SP17 a)

6.16 The supporting text to Policy SP17 advises "*The countryside has an intrinsic character and beauty that should be conserved and protected for its own sake*". In this context, even if completely screened from public viewpoints, any development would still result in harm to the intrinsic character of the countryside.

- 6.17 The application site is in the Hucking Dry Valleys character area, within the Maidstone Landscape Character Assessment. The key characteristics of Hucking Dry Valleys include:
- Gently undulating landform of the dry valley landscape
 - Large woodland tracts and blocks, much of which is ancient
 - Chalk grassland pasture
 - Narrow, winding and often deeply set lanes that are often lined with hedgerows or enclosed by taller vegetation.
- 6.18 The summary of actions in the Maidstone Landscape Character Assessment, for the Hucking Dry Valleys character area include:
- Conserve the woodlands and enhance structural diversity, particularly where ancient woodland is present
 - Gap up the hedgerows in the few locations where this is needed
 - Conserve the parkland trees and plant new specimens to succeed ageing examples
 - Conserve the narrow and winding lanes

Proposed site layout.



- 6.19 Policies DM1 and DM30 consider the principles of good design and design principles in the countryside. The swimming pool and outbuilding are located to the rear of the existing dwelling and between the existing dwelling and the residential property called Beech Tree Barn located to the north.
- 6.20 The swimming pool and outbuilding would be generally screened by the existing larger dwelling and behind existing mature boundary vegetation along the South Lees Lane boundary. The applicant has confirmed that the vegetation along the South Lees Lane boundary is deciduous and 6.5 metres in width. A planning condition is recommended to seek the infilling of any gaps in the existing landscaping along the South Lees Lane boundary.
- 6.21 Policy DM1 states that development should provide quality design. Policy DM30 seeks to achieve high quality design in all development in the countryside particularly in AONBs. DM30 emphasises the need within the Kent Downs AONB for sitting, materials and design including mass and scale, to maintain or enhance local

distinctiveness including landscape features. Policy DM30 also requires that the impact of development on the appearance and character of the landscape is appropriately mitigated.

- 6.22 Policy SD2 of the Kent Downs AONB Management Plan states the local character, qualities, distinctiveness and natural resources of the Kent Downs AONB will be conserved and enhanced in the design, scale, siting, landscaping and materials of new development.
- 6.23 The pool outbuilding is single storey and located in a discrete location. The outbuilding does not have 'excessive volume' and is of a scale which is subservient to the main dwelling.
- 6.24 The external walls of the outbuilding will be clad in timber with timber folding doors, the roof of the building will use clay roofing tiles to match the main house. The path and hardstanding access around the pool will be in sandstone to match materials used around the main house. The design and appearance of the outbuilding is in line with the advice in the Council's adopted Supplementary Planning advice on 'Residential Extensions' and adopted policies DM1 and DM30.
- 6.25 Policy SP17 states that development proposals in the countryside will not be permitted unless they accord with other Local Plan policies (SP17 b). Policy SP17 thereby accepts a degree of countryside harm in the specific circumstances set out in other Local Plan policies. Other relevant Local Plan policies are DM32 (Extending dwellings in the countryside) and DM33 (Change of use of agricultural land to domestic garden land) and these policies are assessed below.

Residential amenity

- 6.26 Policy DM1 encourages new development to respect the amenities of neighbouring properties by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity, or vehicular movements, overlooking or visual intrusion.
- 6.27 In terms of orientation and separation distances the proposed building and swimming pool will not have a harmful impact on residential amenity of neighbours.

Trees, landscaping and biodiversity

- 6.28 Policy DM1 sets out that development should respond to the location of the site and sensitively incorporate natural features such as trees, hedges worthy of retention within the site. Policy DM3 encourages development that responds to the natural environment by ensuring that it protects and enhances it where appropriate.
- 6.29 NPPF paragraph 174 states that planning decisions should contribute to and enhance the natural and local environment providing net gains for biodiversity, and (para 180) opportunities to improve biodiversity in and around developments should be integrated as part of their design.
- 6.30 As can be seen in the photograph on the first page of this report, the location of the proposed swimming pool and outbuilding is currently a managed area of grass. With separation from any trees, the swimming pool and outbuilding will not have an impact on existing trees and landscaping. It is recommended that planning conditions are attached to this permission that require retention of existing trees, new landscape screening and biodiversity enhancement to be undertaken.
- 6.31 Policy SD7 of the Kent Downs AONB Management Plan states that new projects, proposals, and programmes shall conserve and enhance tranquillity and where

possible protect dark night skies. A planning condition is recommended that seeks details of any external lighting that is associated with the swimming pool and outbuilding.

Stockbury Parish Council comments

- 6.32 The Parish Council have objected to the application for two reasons and these reasons are considered below:

Detrimental urbanising impact on the intrinsic character of the countryside consisting of an open rural landscape.

- 6.33 The proposed single storey outbuilding will be on land that is currently managed domestic garden land, with the land enclosed by established landscaping. The site does not consist of an 'open rural landscape'. The application site is on South Lees Lane which has a character typical of that described in the Landscape Character Assessment (paragraph 6.05 of this report) consisting of a "*Narrow, winding and often deeply set lanes that are often lined with hedgerows or enclosed by taller vegetation*".

- 6.34 Whilst it is accepted that all development in the countryside can harm the intrinsic character and appearance of rural locations, in this instance the minimal level of harm is outweighed by the compliance of the proposal with other Local Plan policies that permit development in the countryside. The proposal is in accordance with the recommendations of the Landscape Character Assessment in terms of conserving the narrow and winding lanes and gapping up the hedgerows in the few locations where this is needed.

Unsustainable location where future occupiers would be heavily reliant on the private motor vehicle to travel for their day-to-day needs.

- 6.35 The swimming pool and outbuilding will be incidental ("parasitic") to the current domestic use of the existing dwelling on the application site. The application does not involve provision of any additional separate living accommodation that would generate additional vehicle movements.

PUBLIC SECTOR EQUALITY DUTY

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

7. CONCLUSION

- 7.01 The level of harm to the character and appearance of the countryside is acceptable for the following reasons:

- The use of the land around the main house for domestic purposes has been present for a considerable period of time and the current application seeks to formalise this use (in practice no loss of agricultural land).
- The proposed building is single storey, small in scale and without excessive volume.
- The proposed building is of a design and constructed in materials that will be in keeping with the main house.
- The site is screened from most public viewpoints by established boundary vegetation.
- The building and swimming pool will be seen in the context of the larger existing building.

7.02 The proposal is found to be in overall accordance with the Local Plan, as the harm to character and appearance is minimised for the reasons outlined above and the proposal is in accordance with policies DM32 and DM33. A recommendation of approval of the application is therefore made on this basis.

8. RECOMMENDATION GRANT PLANNING PERMISSION subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of the permission. Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - 001.Site Location Plan
 - 01A. Proposed Floor Plan and Elevations
 - 02. Existing Block Plan
 - 03A. Proposed Block Plan
 - 04. Existing and Proposed Retaining Wall
 - Landscape and Visual Impact Assessment
 - Supporting Documents- Sections of Swimming Pool
 - Supporting Documents - Cover Letter (Gardener)Reason: To ensure that the development is undertaken in accordance with the approved drawings and documents.
- 3) The materials to be used in the construction of the external surfaces of the outbuilding and swimming pool hereby permitted shall be as specified on the submitted planning application form. Reason: To ensure a satisfactory appearance to the development.
- 4) 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 E shall be carried out without the permission of the Local Planning Authority. Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers.
- 5) Notwithstanding the provisions of Class A, Part 2, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order, no fences, gates walls or other means of enclosure shall be erected within the application site. Reason: In the interests of residential amenity.
- 6) The development (swimming pool and outdoor building) hereby permitted shall only be used for purposes incidental to the domestic use of the related dwelling house and for no other purposes or use and the outbuilding shall not be used as a separate residential dwelling. Reason: To prevent the introduction of uses which would cause demonstrable harm to the enjoyment of their properties by adjoining residential occupiers.
- 7) The outbuilding hereby approved shall not commence above slab level until a hard and soft landscape scheme designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall
 - (a) 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,
 - (b) provide details of on-site planting in a planting specification (species,

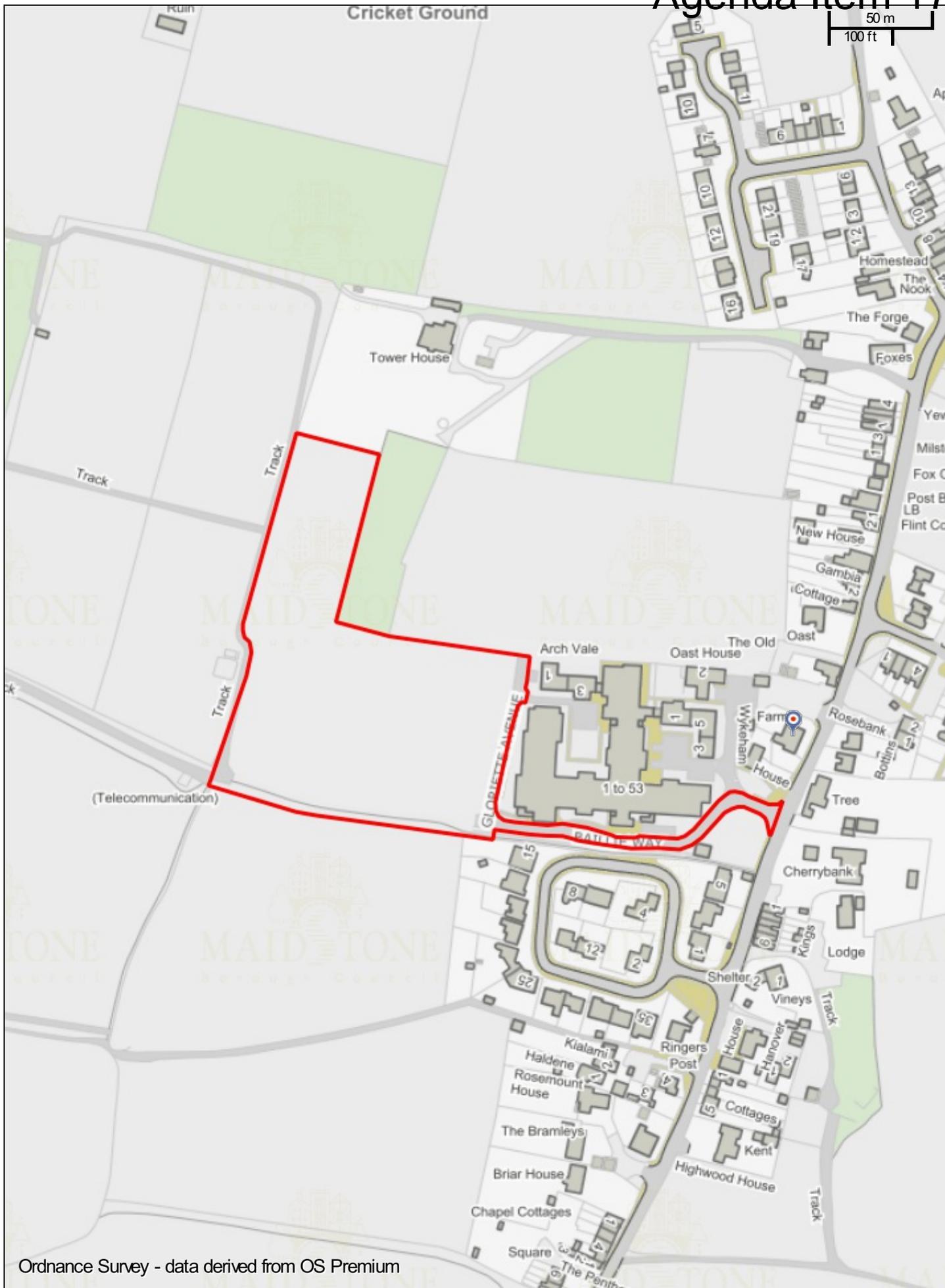
quantities, location, spacing and maturity - non-plastic guards shall be used, and no Sycamore trees shall be planted). The landscaping shall include infilling of gaps in the existing landscaping, especially along the South Lees Lane boundary.

(c) provide landscape implementation details and timetable.

(d) 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.

- 8) In the period of five years starting from the first use of the outbuilding, if any of the existing trees or hedges shown as being retained on site and any trees, hedges or planting in the approved landscaping are removed, die or become, in the opinion of the Local Planning Authority, so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the same location during the next planting season (October to February), with plants of an appropriate species and size to mitigate the impact of the loss as agreed in writing by the Local Planning Authority. Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development
- 9) 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 be in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011 (and any subsequent revisions) and follow the recommendations within Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting', and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter. Reason: To safeguard the character and appearance of the countryside and in the interests of residential amenity.
- 10) The outbuilding hereby approved shall not commence above slab level until details for 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 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.



Ordnance Survey - data derived from OS Premium

23/501361/FULL Ledian Farm, Upper Street, Leeds, Kent, ME17 1RZ
Scale: 1:2500
Printed on: 10/7/2023 at 13:45 PM by JoannaW

REPORT SUMMARY

REFERENCE NO: - 23/501361/FULL		
APPLICATION PROPOSAL: Section 73 - Application for minor material amendment to approved plans condition 2 (to allow installation of photovoltaic panels on the buildings within Phase 2) pursuant to 19/506387/FULL for - Erection of 44no. Assisted Living Units (Class C2) with associated parking and landscaping (Amendment to outline permission MA/12/2046 and Reserved Matters consent MA/17/501933/REM).		
ADDRESS: Ledian Farm Upper Street Leeds Kent ME17 1RZ		
RECOMMENDATION: Application Permitted		
SUMMARY OF REASONS FOR RECOMMENDATION: The applicants have provided estimated Energy Performance Certificates (EPCs) from energy rating methodology based on Standard Assessment Procedure (SAP) calculations and also kilowatt-hour (kWh) information sought by the Planning Committee and further detailed their overall strategy for Net Zero Carbon (NZC) for Phase 2. The installation of more Photovoltaic panels (PVs) will not improve or impact on the energy performance of the building nor would the unspecified amount and type of ground or air source heat pumps. However, on a micro level PVs are a 'green' source of electricity. SAP ratings for the EPCs relate to how energy efficient the buildings will be as constructed. The concept of NZC takes into account the whole cycle so the carbon footprint of the sourcing of the PVs and maintenance etc and how the buildings and appliances are used in occupation. However, there is no clear measurable standard at this point in time. A PV scheme during construction that is fully of inset PV panels will be of less visual harm (in terms of policies DM1 and DM24) than a mixture of inset and laid on panels once the buildings are completed (by using permitted development rights). Adding panels at the construction stage ensures that low carbon benefits can be obtained as early as possible. The revised scheme will give renewable energy benefits and aligns with the spirit of policy DM24 of the MBLP and draft policy LPRINF3 of the Local Plan Review.		
REASON FOR REFERRAL TO COMMITTEE: Report following deferral from Planning Committee of 20 July 2023.		
WARD: Leeds	PARISH/TOWN COUNCIL: Leeds	APPLICANT: Senior Living (Ledian Farm) Ltd AGENT: DHA Planning
CASE OFFICER: Marion Geary	VALIDATION DATE: 28/03/23	DECISION DUE DATE: 31/08/23
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

18/503361/FULL

Section 73 application (MMA) to amend approved plans condition of Hybrid planning application MA/12/2046 (as amended by MA/17/500896/NMAMD) for the redevelopment of Ledian Farm to provide a Continuing Care Retirement Community scheme (C2 Use Class)

amending the unit types and adding a wellness suite/swimming pool extension to north elevation and minor elevational changes including ridge height changes
Approved 22.11.2018

19/506387/FULL

Erection of 44no. Assisted Living Units (Class C2) with associated parking and landscaping (Amendment to outline permission MA/12/2046 and Reserved Matters consent MA/17/501933/REM)
Approved 28.04.2020

21/506208/FULL

Erection of 39 no. units for assisted living (Class C2) as Phase 3 of Ledian Gardens continuing care retirement community development with associated substation and ancillary buildings, open space, landscaping, parking and vehicular access via Phase 1 with additional 8 off-street parking spaces for Upper Street residents
Approved 03.08.2022

23/500205/FULL

Erection of 1no. assisted living unit (in place of previously approved energy centre no longer required due to amended, more sustainable energy strategy) with associated landscaping.
Approved 22.06.2023

MAIN REPORT

1. BACKGROUND

1.01 The application for 274 inset Photovoltaic panels (PVs) was reported to Planning Committee of 20 July 2023 with a recommendation for approval. The application was deferred as follows:

That consideration of this application be deferred for one cycle to enable Members to compare the revised submission with the originally submitted scheme for 354 PV panels including the kilowatt hours and SAP ratings.

1.02 The original report and urgent update are appended.

2. PROPOSAL

2.01 The application has now been formally amended in line with the Committee resolution such that roofs of the buildings will include 354 inset PVs.

2.02 The applicant advises that:

- the fabric and services specification for each element of the building better in all cases the Part L 2021 Building Regulations and match or better the Future Homes Standard
- Phase 2 buildings have been constructed using Ground Source Heat Pumps, whole house ventilation with heat recovery, improved air tightness and better the U-values (thermal transmittance), surpassing current Building Regulations.
- the official Energy Performance Certificate rating will be finalised when the development is completed.

- a predicted Energy Assessment for one typical unit of 64.94 m² is a **B rating** (score of 86). (NB The best A rating would require a score of 92 or over).
- The predicted Energy Assessment Environmental Impact (CO₂) is also **B rating** (score 87). (NB The best A rating would require a score of 92 or over).
- The energy performance has been assessed using the Government approved SAP2012 methodology (Standard Assessment Procedure) in terms of the energy use per square metre of floor area; the energy efficiency is based on fuel costs and the environmental impact is based on carbon dioxide (CO₂) emissions.
- The building specification for the Phase 2 buildings at Ledian is efficient for this form of construction.
- kWh information

	kWh per annum
Average kWh per Care unit	3449
Total for 44 Care units	151,759
274 PV panels	125,776
354 PV panels	154,330

3. POLICY AND OTHER CONSIDERATIONS

3.01 As per appended July 2023 report.

4. LOCAL REPRESENTATIONS

4.01 As per appended July 2023 report.

5. CONSULTATIONS

6. As per appended July 2023 report.

7. APPRAISAL

The key issues are:

- Visual Impact
- Renewable Energy benefits

Visual Impact

- 7.01 Policy DM1 of the MBLP requires high quality design, responding positively to, and where possible enhancing, the local or historic character of the area with particular regard to vernacular materials.
- 7.02 NPPF paragraph 135 states that LPAs should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.
- 7.03 Phase 1 of the Care Village abutted Upper Street Leeds Conservation Area and the Grade II Listed building of Ledian Farmhouse. Hence its design and materials were expressly vernacular to reflect the sensitive setting. Whilst phase 2 is located further from the heritage assets by over 100m, nonetheless it was intended that this sensitivity in appearance continued into the approved design and materials of

phase 2. The location of phase 2 next to open countryside also meant that its roof form in particular was important to be of high quality and comprised traditional steep pitches with brick chimneys, a majority of plain clay roof tiles (by Marley). The facias and soffits were timber.

- 7.04 Clearly, the addition of PV panels to a plain clay tiled roof is a modern idiom rather than traditional vernacular. The panels will measure 1.13m x 1.72m. It is the case that by permitting this alteration at the construction stage, it will allow any PV panels approved in a planning application to be integrated ('in slope') panels meaning that they will be flush against the roof structure, with limited upward projection. This does therefore reduce the impact of the panels on the character of the local area, the rural landscape and heritage settings. Hence a PV scheme during construction that is fully of inset PV panels will be of less visual harm than the prospect of adding laid on panels via a retrofit once the buildings are completed (e.g. by using permitted development rights).
- 7.05 The scheme as revised reverts to a scheme for 354 panels. Due to the rather complex roof forms in this development, to have this many panels located in a position and orientation that allows adequate solar gain means that double rows are proposed on a large number of roof planes and also some panels are sited in the near the verges, ridges or eaves of the roof planes. Double rows would be approx. 3.5m high on relatively small roof planes in this development.
- 7.06 The scheme as revised will include double row panels on roofs which lie on the southern edge where the PROW passes and on roof planes which are the most visible part of phase 2 from the public domain and the part most likely to be viewed in the context of the Conservation Area of Upper Street to the east or the open countryside to the west. However, 38 panels are on flat roof elements and most of the rest are on roofs which are inward facing and therefore would be mostly visible from within the site rather than from the wider public domain.
- 7.07 The use of PV panels provides design challenges with traditional vernacular roof design and this revised submission inevitably has a more the harmful visual impact than the lesser scheme reported to the July Committee. However, it is acknowledged that the 354 PV scheme does not involve a prospect of a mix of inset and laid on panels to Phase 2 which would have a poor aesthetic.
- 7.08 The harm in terms of policy DM1 needs to be balanced against the aim of moving towards net zero carbon (NZC). In this case, the applicant has estimated the annual energy use of the buildings (44 Care units in Phase 2) in kWh and that amount of energy can be generated on site by the number of PVs they now propose.

Renewable Energy benefits

- 7.09 The applicant has provided evidence that that fabric and services exceed Part L 2021 Building Regulations and match or better the Future Homes Standard and their wider NZC strategy includes Ground Source Heat Pumps, whole house ventilation with heat recovery, improved air tightness and better U-values.
- 7.10 In terms of the SAP ratings for the Energy Performance Certificates, this relates to how energy efficient the buildings will be. The estimated rating is B.
- 7.11 Low or zero carbon technologies are not themselves factored into the EPC calculation, However, the applicants state that the 354 PV scheme provide enough kWh per annum to fully offset the energy demand estimated for the development which was not the case with the 274 PV panel scheme reported to the July Planning Committee.

- 7.12 The installation of more PVs will not alter the energy performance of the building nor would the unspecified amount and type of ground or air source heat pumps. However, on a micro level they are a 'green' source of electricity.
- 7.13 The concept of Net Zero Carbon takes into account the whole cycle so the carbon footprint of the sourcing of the PVs and maintenance etc and energy efficiency within the Care Units when in use such as the number and types of household appliances installed and the behaviour of people who will occupy a property. However, there is no clear measurable standard for NZC at this point in time.
- 7.14 Policy DM24 of the MBLP is generally aimed at solar farms, wind farms and biomass and so is not particularly relevant to this scale of planning application. Draft policy LPRINF3 of the Local Plan Review is based on policy DM24 and does not change the policy context for this application.
- 7.15 Notwithstanding, the policy is supportive in general and does require a balance of the benefits of renewable energy against landscape and visual impact of development and any impact on heritage assets and their setting. It should be remembered that in addition to low or zero carbon, a fundamental of 'sustainable planning' is getting growth in sustainable locations i.e. where there is good public transport and the ability to walk to social infrastructure (e.g. health facilities) and amenities (e.g. shops)..
- 7.16 The strategy of the applicant to add a very significant number of PVs to the construction of this phase is part of the company's ambition to be the UK's most sustainable operator of retirement villages. It aims to remove the need for the buildings to be heated through a gas fired boiler plant as originally proposed. These aims are supported with weight to be given to the renewable energy benefits balanced against any harmful visual impact.

PUBLIC SECTOR EQUALITY DUTY

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

8. CONCLUSION

- 8.01 The applicants have provided EPC ratings from SAP calculations and kWh information sought by the Planning Committee and further detailed their overall strategy for NZC for Phase 2. They have responded to the queries of the Planning Committee and amended their application to accord with its resolution.
- 8.02 A 354 PV panel scheme will give more renewable energy benefits than the scheme of 274 panels and aligns with the spirit of policy DM24 of the MBLP.
- 8.03 In terms of the SAP ratings for the EPCs, this relates to how energy efficient the buildings will be as constructed.
- 8.04 The installation of more PVs will not alter the energy performance of the building nor would the unspecified amount and type of ground or air source heat pumps. However, on a micro level PVs are a 'green' source of electricity.
- 8.05 The concept of Net Zero Carbon takes into account the whole cycle so the carbon footprint of the sourcing of the PVs and maintenance etc and energy efficiency within the Care Units when in use such as the number and types of household appliances installed and the behaviour of people who will occupy a property. However, there is no clear measurable standard for NZC at this point in time.

- 8.06 A PV scheme during construction that is fully of inset panels will be of less visual harm (in terms of policies DM1 and DM24) than a mixture of inset and laid on panels via a partial retrofit once the buildings are completed (e.g. by using permitted development rights).
- 8.07 The changes sought by adding PVs are necessary at the construction stage to ensure that low carbon benefits can be obtained as early as possible.
- 8.08 The s73 application is therefore recommended for approval. The parent planning permission was subject to a s106 legal agreement, the terms of which continue to apply to any s73 variation thereof. Conditions need to be re-imposed, updated where applicable.

9. 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 20/04/2023.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development shall be carried out in accordance with the following drawings:
5059-02-PAL-B10-ZZ-DR-A-3000 Rev C5 Block 10 - Elevations;
5059-02-PAL-B10-RF-DR-A-2003 Rev C4 Block 10 – Roof Plans;
5059-02-PAL-B4-DR-A-3000 Rev C5 Block 4 - Elevations, 1 of 2;
5059-02-PAL-B4-XX-DR-A-3001 Rev C4 Block 4 - Elevations, 2 of 2;
5059-02-PAL-B4-RF-DR-A2003 Rev C4 Block 4 - Roof Plans;
5059-02-PALB5-XX-DR-A-3000 Rev C4 Block 5 - ;
5059-02-PAL-B5-RF-DR-A-2003 Rev C4 Block 5 - Roof Plans;
5059-02-PAL-B6-XX-DR-A-3000 Rev C4 Block 6 - Elevations;
5059-02-PAL-B6-RF-DR-A-2003 Rev C5 Block 6 - Roof Plans;
5059-02-PAL-B7-RF-DR-A-3000-C5 Block 7 Elevations;
5059-02-PAL-B7-RF-DR-A-2003-C4 Block 7 Roof Plan;
5059-02-PAL-B8-XX-DR-A3000 Rev C5 Block 8 - Elevations;
5059-02-PALB8-RF-DR-A-2003 Rev C4 Block 8 - Roof;
5059-02-PAL-B9-XX-DR-A-3000 Rev C5 Block 9 - Elevations;
5059-02-PAL-B9-RF-DR-A-2003 Rev C4 Block 9 - Roof Plans;
5059-02-PAL-ZZ-ZZ-DR-A-1810 Rev S Phase 2 Site Plan – Roof Sheet 1;
5059-02-PAL-ZZ-ZZ-DR-A-3510 Rev K Street Elevations Sheet 1;
5059-02-PAL-ZZ-ZZDR-A-3511 Rev J Street Elevations Sheet 2;
5059_02-PAL-BS-ZZ-DR-A-2000 Rev A Bin Collection Point Option B ;
D. 200 Phase 2 Tree Pit Detail in Hard Surfacing ;
2714_PH2_B9_290 Phase 2 Block 9 Floor Plans ;
2714_PH2_B8_280 Phase 2 Block 8 Floor Plans ;
2714_PH2_B7_270 Phase 2 Block 7 Floor Plans ;
2714_PH2_B6_260 Phase 2 Block 6 Floor Plans ;
2714_PH2_B10_2100 Phase 2 Block 10 Floor Plans ;
5059- 02_1801 Rev L Phase 2 Site Plan Ground Floor;
5059-02_B4_2000 Rev C Block 4 Proposed Ground Floor Plans;
5059-02_B4_2001 Rev C Block 4 Proposed First Floor Plans;
5059-02_B4_2002 Rev C Block 4 Proposed Second Floor Plans;

5059-02_B5_2000 Rev C Block 5 Proposed Ground Floor Plans;
5059-02_B5_2001 Rev C Block 5 Proposed Floor Plans;
5059-02_8100 Rev E - Operations & gardeners - Elevations and plans;
EJ1066 - Ledian Ph 2 - Energy Strategy Design Note v2

Reason: For the avoidance of doubt.

- 3) Materials to be used in the construction of the external surfaces of the buildings hereby permitted shall accord with those approved under ref 22/503982/SUB.

Reason: To ensure a satisfactory appearance to the development.

- 4) The following shall accord with the details approved under ref 22/503982/SUB.

a) new external joinery

b) details of eaves and roof overhangs

c) details of balconies, projecting bays and porch canopies

d) details of window headers and cills and door headers.

Reason: To ensure an appropriate design and appearance for the development.

- 5) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or any other statutory provision, 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.

- 6) The development shall be landscaped in accordance with the scheme, planting specification, programme of implementation and management plan approved under ref 22/504099/SUB.

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

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

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

- 8) All fencing, walling and other boundary treatments shall be carried out in accordance with the details approved under ref 22/503982/SUB before the first occupation of any of the buildings in Phase 2 and retained thereafter.

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

- 9) The development shall be carried out in full accordance with the Arboricultural Implications Assessment in relation to tree and hedgerow protection measures and specifically Appendix 3 (Tree Protection Drawing J38.82/06 Rev A) and Appendix 4 (Fencing Specification and Signage) approved under 19/506387/FULL.

Reason: to ensure the protection of existing trees as part of the development.

- 10) No later than the first planting season after the first use of the buildings hereby permitted, the Open Space shall be laid out and the Shelter shall be installed in accordance with details that shall be submitted to and approved by the Local Planning Authority and which shall generally accord with the approved Landscape Masterplan.

Reason: To ensure an adequate amenity area for the residents.

- 11) The sustainable surface water drainage scheme for the site shall accord with details approved under ref 22/504797/SUB.

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

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

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

- 13) Infiltration used to manage the surface water from the development hereby permitted should accord with details approved under 22/504797/SUB.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework

- 14) With the exception of the approved access and demolition works, the development hereby approved shall be carried so as not to exceed the proposed finished floor levels as shown on drawing no. 1564_L_201_B unless otherwise approved in writing and the proposed ground levels of the gardens, roadways and car parking areas shall be in accordance with details that have been submitted to and approved in writing by the Local Planning Authority, such submitted details clearly showing existing site levels.

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

- 15) A programme of archaeological work for phase 2 shall be implemented in accordance with details approved under MA/17/506036/SUB before the development is completed.

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

- 16) The development shall be undertaken in accordance with the Ecological Enhancement and Management Plan approved under 19/506387/FULL.

Reason: To ensure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

- 17) The internal areas of the development shall conform to Lifetime Homes standards.

Reason: To ensure the development is compatible with its intended C2 Care use.

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

REFERENCE NO - 23/501361/FULL		
APPLICATION PROPOSAL Section 73 - Application for minor material amendment to approved plans condition 2 (to allow installation of photovoltaic panels on the buildings within Phase 2) pursuant to 19/506387/FULL for - Erection of 44no. Assisted Living Units (Class C2) with associated parking and landscaping (Amendment to outline permission MA/12/2046 and Reserved Matters consent MA/17/501933/REM).		
ADDRESS Ledian Farm Upper Street Leeds Kent ME17 1RZ		
RECOMMENDATION Application Permitted		
SUMMARY OF REASONS FOR RECOMMENDATION The addition of 274 PV panels to the traditional vernacular roofs of phase 2 of the Care Village will cause some visual harm to a site that is in the countryside, is adjacent to open countryside and is close to a Conservation Area and the setting of a Listed Building, in conflict with policy DM1 of the MBLP. The objective of the applicant to make the development carbon net zero is supported subject to the changes that have been negotiated to remove panels that were considered to be most visually harmful to the public domain. This balancing of renewable energy benefits against visual harm aligns with the spirit of policy DM24 of the MBLP. PV panels added during the construction phase as opposed to a permitted development installation post completion can be more flush with the roof slope and their renewable energy can be made use of much earlier in the timeline of the Care Village's occupation.		
REASON FOR REFERRAL TO COMMITTEE Contrary to the views of Leeds Parish Council		
WARD Leeds	PARISH/TOWN COUNCIL Leeds	APPLICANT Senior Living (Ledian Farm) Ltd AGENT DHA Planning
TARGET DECISION DATE 31/07/23		PUBLICITY EXPIRY DATE 16/05/23

Relevant Planning History

18/503361/FULL

Section 73 application (MMA) to amend approved plans condition of Hybrid planning application MA/12/2046 (as amended by MA/17/500896/NMAMD) for the redevelopment of Ledian Farm to provide a Continuing Care Retirement Community scheme (C2 Use Class) amending the unit types and adding a wellness suite/swimming pool extension to north elevation and minor elevational changes including ridge height changes
Approved 22.11.2018

19/506387/FULL

Erection of 44no. Assisted Living Units (Class C2) with associated parking and landscaping (Amendment to outline permission MA/12/2046 and Reserved Matters consent MA/17/501933/REM)
Approved 28.04.2020

21/506208/FULL

Erection of 39 no. units for assisted living (Class C2) as Phase 3 of Ledian Gardens continuing care retirement community development with associated substation and ancillary buildings, open space, landscaping, parking and vehicular access via Phase 1 with additional 8 off-street parking spaces for Upper Street residents

Approved 03.08.2022

23/500205/FULL

Erection of 1no. assisted living unit (in place of previously approved energy centre no longer required due to amended, more sustainable energy strategy) with associated landscaping.

Approved 22.06.2023

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 This site is in the countryside and is located at the south western edge of the village of Leeds and the roadside element of the access road falls within the Upper Street Leeds Conservation Area and is just south of the Grade II Listed Building of Ledian Farmhouse. The buildings within phase 2 are approx. 130m from these heritage assets.
- 1.02 The application site comprises 3.06 hectares of land, being a former agricultural field further to the west of the original (and now demolished) industrial workshop development which has recently been redeveloped for phase 1 of a Continuing Care Village in Class C2 (Extra Care).
- 1.03 The phase 2 site borders open countryside on its western boundary and is contained by the site access road and hedgerow along its southern edge. It includes an Open Space in the NW corner to serve all future residents of the Care complex. To the NE is a field on which phase 3 of the Care Village was granted planning permission last year under ref 21/506208/FULL.
- 1.04 Existing residential development lies to the south. A public footpath KH245 runs along the site's southern boundary, linking Upper Street with the open farmland to the west of the site.

2. PROPOSAL

- 2.01 Phase 2 derives from 2 planning permissions- 19/506387/FULL for 44 Care units and 23/500205/FULL for 1 additional Care unit. It will therefore comprise of 45 units, a number of blocks mostly 2 storeys high but with some blocks up to 3 storeys high and one single storey cottage and some single storey incidental and ancillary buildings such as stores and car ports.
- 2.02 This application only relates to the main 44 unit scheme and is to amend the roofs of the buildings to include inset PV panels. These are intended to contribute towards reducing the carbon footprint of this phase of the development.
- 2.03 Originally, the submission was for a total of 354 PV panels and this has been reduced by 80 to 274 on negotiation. Most of these will be on the pitched roofs of the buildings, with approx. 38 on flat roof elements.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017 DM1, DM24

Kent Minerals and Waste Local Plan 2013-30 as amended by Early Partial Review (2020)

Supplementary Planning Documents; Domestic and Medium Scale Solar PV Arrays (up to 50KW) and Solar Thermal (2014)

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

The Regulation 22 Local Plan Review submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is therefore a material consideration and attracts some weight. However, this weight is limited as although Stage 1 and 2 Hearings have recently concluded, the Plan is still in Examination.

In terms of this application, the relevance of the LPR is draft policy LPRINF3: "Renewable and low carbon energy schemes".

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 2 representations received from local residents raising the following (summarised) issues
- black panels will have negative visual impact to a Conservation Area.
 - The quality palette of materials of the scheme should not be watered down because this is phase 2.
 - Sets an unwelcome precedent

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)

Parish Council

- 5.01 Object to the visual impact within the local community and the negative impact on the landscape character.

6. APPRAISAL

Main Issues

- 6.01 The key issue for consideration relate to:
- Visual Impact
 - Renewable Energy benefits

Visual Impact

- 6.02 Policy DM1 of the MBLP requires high quality design, responding positively to, and where possible enhancing, the local or historic character of the area. Particular regard to, inter alia, vernacular materials where appropriate.
- 6.03 The NPPF paragraph 135 states that Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.
- 6.04 Phase 1 of the Care Village abutted Upper Street Leeds Conservation Area and the Grade II Listed building of Ledian Farmhouse. Hence its design and materials were

expressly vernacular to reflect the sensitive setting. Whilst phase 2 is located further from the heritage assets by over 100m, nonetheless it was intended that this sensitivity in appearance continued into the approved design and materials of phase 2. The location of phase 2 next to open countryside also meant that its roof form in particular was important to be of high quality and comprised traditional steep pitches with brick chimneys, a majority of plain clay roof tiles (by Marley). The fascias and soffits were timber.

- 6.05 Clearly the addition of PV panels to a plain clay tiled roof is a modern idiom rather than traditional vernacular. The panels will measure 1.13m x 1.72m. It is the case that by permitting this alteration at the construction stage, it will allow any PV panels approved in a planning application to be integrated ('in slope') panels meaning that they will be flush against the roof structure, with limited upward projection. This does therefore reduce the impact of the panels on the character of the local area, the rural landscape and heritage settings.
- 6.06 The scheme originally submitted included 354 panels. Due to the rather complex roof forms in this development, to have this many panels located in a position and orientation that allowed adequate solar gain meant that double rows were proposed on a large number of roof planes and also some panels were poorly sited in the roof slope, being near the verges, ridges or eaves. Double rows would be approx. 3.5m high and could over dominate the relatively small roof planes in this development by being disproportion relative to the amount of tiling.
- 6.07 Overall, the revision negotiated reduces the number of panels by 80. In terms of visual impact, it removes the vast majority of double rows and reduces the number of panels set at the edges of the roof plane. It also reduces the number of panels on roofs which lie on the southern edge where the PROW passes and which is the most visible part of phase 2 from the public domain and the part most likely to be viewed in the context of the Conservation Area of Upper Street to the east or the open countryside to the west. Hence whilst a high number of panels is still being proposed, 38 are on flat roof elements and most of the rest are on roofs which are inward facing and therefore would be mostly visible from within the site rather than from the wider public domain.
- 6.08 This revised submission is considered to strike an acceptable balance in minimising the harmful visual impact with an acceptance that the aim of moving towards carbon net zero via use of PV panels provides design challenges with traditional vernacular roof design.

Renewable Energy benefits

- 6.09 Policy DM24 of the MBLP relates to "Renewable and low carbon energy schemes" but is generally aimed at solar farms, wind farms and biomass and so, whilst being supportive in general, is not particularly relevant to this scale of planning application. Notwithstanding, the policy does require a balance of the benefits of renewable energy against landscape and visual impact of development and any impact on heritage assets and their setting. It should be remembered that in addition to low or zero carbon, a fundamental of 'sustainable planning' is getting growth in sustainable locations i.e. where there is good public transport and the ability to walk to social infrastructure (e.g. health facilities) and amenities (e.g. shops).
- 6.10 Draft policy LPRINF3 of the Local Plan Review is based on policy DM24 and does not change the policy context for this application.
- 6.11 The strategy of the applicant to add a very significant number of PV panels to the construction of this phase is part of the company's ambition to be the UK's most sustainable operator of retirement villages. It aims to remove the need for the buildings to be heated through a gas fired boiler plant as originally proposed. These

aims are supported with the caveat that in sensitive village/countryside locations, the renewable energy benefits need to be balanced against any harmful visual impact.

- 6.12 The changes sought by adding PV panels are necessary at the construction stage to ensure that low carbon benefits can be obtained as early as possible rather than via a retrofit once the buildings are completed (e.g. by using permitted development rights).

Other Matters

- 6.13 The concerns of the local resident and the PC on the originally submitted scheme for 354 PV panels were shared by officers in that the scope of amendment would have materially diminished the quality of approved development, contrary to the NPPF and DM1. However, the applicant has agreed to remove 80 of the panels that were considered to be most visually harmful to the public domain and the revised scheme is now considered to be acceptable when balanced against the considerable renewable energy benefits that will arise.
- 6.14 The parent planning permission was subject to a s106 legal agreement, the terms of which continue to apply to any s73 variation thereof. Conditions need to be re-imposed, updated where applicable. The final plans list condition will be reported in an Urgent Update.
- 6.15 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

PUBLIC SECTOR EQUALITY DUTY

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

7. CONCLUSION

- 7.01 The addition of 274 PV panels to the traditional vernacular roofs approved for phase 2 of the Care Village (albeit 38 of the panels will be on flat roof elements) will cause some visual harm to a site that is in the countryside, is adjacent to open countryside and is close to a Conservation Area and the setting of a Listed Building, all in conflict with policy DM1 of the MBLP.
- 7.02 The objective of the applicant to make the development carbon net zero is supported subject to the changes that have been negotiated to remove 80 panels that were considered to be most visually harmful to the public domain. This balancing of renewable energy benefits against visual harm aligns with the spirit of policy DM24 of the MBLP.
- 7.03 PV panels added during the construction phase as opposed to a permitted development installation post completion can be more flush with the roof slope and their renewable energy can be made use of much earlier in the timeline of the Care Village's occupation.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before 20/04/2023
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) Plans list condition TBC
- 3) Materials to be used in the construction of the external surfaces of the buildings hereby permitted shall accord with those approved under ref 22/503982/SUB.
Reason: To ensure a satisfactory appearance to the development.
- 4) The following shall accord with those approved under ref 22/503982/SUB.
 - a) new external joinery
 - b) details of eaves and roof overhangs
 - c) details of balconies, projecting bays and porch canopies
 - d) details of window headers and cills and door headers.Reason: To ensure an appropriate design and appearance for the development.
- 5) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or any other statutory provision, 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.
- 6) The development shall be landscaped in accordance with the scheme, planting specification, programme of implementation and management plan approved under ref 22/504099
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 7) The approved landscape details shall be carried out during the first planting season (October to February) following first occupation of the development. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 8) All fencing, walling and other boundary treatments shall be carried out in accordance with the details approved under ref 22/503982 before the first occupation of any of the buildings in Phase 2 and maintained thereafter.
- Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.
- 9) The development shall be carried out in full accordance with the hereby approved Arboricultural Implications Assessment in relation to tree and hedgerow protection measures and specifically Appendix 3 (Tree Protection Drawing J38.82/06 Rev A) and Appendix 4 (Fencing Specification and Signage).
- Reason: to ensure the protection of existing trees as part of the development.
- 10) No later than the first planting season after the first use of the buildings hereby permitted, the Open Space shall be laid out and the Shelter shall be installed in accordance with elevational details that have been submitted to and approved by the Local Planning Authority.
- Reason: To ensure an adequate amenity area for the residents.
- 11) The sustainable surface water drainage scheme for the site shall accord with details approved under ref 22/504797/SUB.
- Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding.
- 12) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.
- Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of National Planning Policy Framework.
- 13) Infiltration used to manage the surface water from the development hereby permitted should accord with details approved under 22/504797/SUB.
- Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework
- 14) With the exception of the approved access and demolition works, the development hereby approved shall be carried so as not to exceed the proposed finished floor levels as shown on drawing no. 1564_L_201_B unless otherwise approved in writing and the proposed ground levels of the gardens, roadways and car parking

areas shall be in accordance with details that have been submitted to and approved in writing by the Local Planning Authority, such submitted details clearly showing existing site levels.

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

- 15) A programme of archaeological work for phase 2 shall be implemented in accordance with details approved under MA/17/506036/SUB before the development is completed.

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

- 16) The development shall be undertaken in accordance with the Ecological Enhancement and Management Plan. Approved under 19/506387/FULL

Reason: To ensure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

- 17) The internal areas of the development shall conform to Lifetime Homes standards.

Reason: To ensure the development is compatible with its intended care use.

Case Officer: Marion Geary

Urgent Update: Planning Committee 20 July 2023

Item 23 Pages 219-227

Ledian Farm, Upper Street, Leeds, ME17 1RZ

APPLICATION: 23/501361/FULL

The Agent has confirmed that the number of panels proposed is 274.

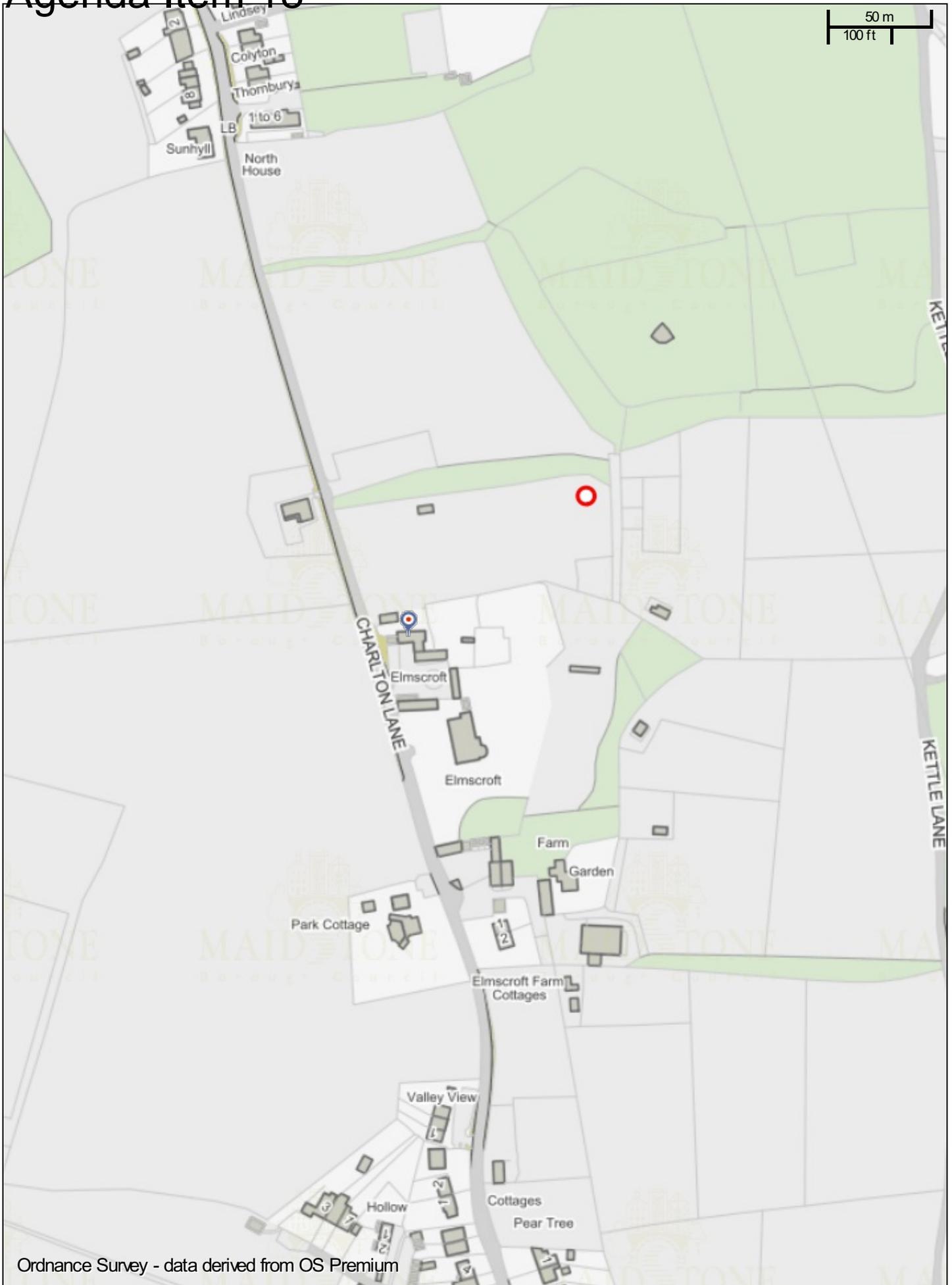
Update to Condition 2 (plans list):

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

Amendment 5059-02-PAL-B10-ZZ-DR-A-3000 Rev C4 Block 10 - Elevations Received on 10 July 2023; Amendment 5059-02-PAL-B10-RF-DR-A-2003 Rev C3 Block 10 - Roof Plans Received on 10 July 2023; Amendment 5059-02-PAL-B4-DR-A-3000 Rev C4 Block 4 - Elevations, 1 of 2 Received on 10 July 2023; Amendment 5059-02-PAL-B4-RF-DR-A-2003 Rev C3 Block 4 - Roof Plans Received on 10 July 2023; Amendment 5059-02-PAL-B5-XX-DR-A-3000 Rev C3 Block 5 - Elevations Received on 10 July 2023; Amendment 5059-02-PAL-B5-RF-DR-A-2003 Rev C3 Block 5 - Roof Plans Received on 10 July 2023; Amendment 5059-02-PAL-B6-XX-DR-A-3000 Rev C3 Block 6 - Elevations Received on 10 July 2023; Amendment 5059-02-PAL-B6-RF-DR-A-2003 Rev C4 Block 6 - Roof Plans Received on 10 July 2023; Amendment 5059-02-PAL-B7-RF-DR-A-3000-C4 Block 7 Elevations Received on 12 July 2023; Amendment 5059-02-PAL-B7-RF-DR-A-2003-C3 Block 7 Roof Plan Received on 12 July 2023; Amendment 5059-02-PAL-B8-XX-DR-A-3000 Rev C4 Block 8 - Elevations Received on 10 July 2023; Amendment 5059-02-PAL-B8-RF-DR-A-2003 Rev C3 Block 8 - Roof Plans Received on 10 July 2023; Amendment 5059-02-PAL-B9-XX-DR-A-3000 Rev C4 Block 9 - Elevations Received on 10 July 2023; Amendment 5059-02-PAL-B9-RF-DR-A-2003 Rev C3 Block 9 - Roof Plans Received on 10 July 2023; Amendment 5059-02-PAL-ZZ-ZZ-DR-A-1810 Rev R Phase 2 Site Plan - Roof Sheet 1 Received on 12 July 2023; Amendment 5059-02-PAL-ZZ-ZZ-DR-A-3510 Rev J Street Elevations Sheet 1 Received on 12 July 2023; Amendment 5059-02-PAL-ZZ-ZZ-DR-A-3511 Rev H Street Elevations Sheet 2 Received on 12 July 2023; Plan / Drawing 5059_02-PAL-BS-ZZ-DR-A-2000 Rev A Bin Collection Point Option B Received on 28 March 2023; Plan / Drawing 5059-02-PAL-B4-XX-DR-A-3001 Rev C2 Block 4 - Elevations, 2 of 2 Received on 15 March 2023; D. 200 Phase 2 Tree Pit Detail in Hard Surfacing ; 2714_PH2_B9_290 Phase 2 Block 9 Floor Plans ; ; 2714_PH2_B8_280 Phase 2 Block 8 Floor Plans ; 2714_PH2_B7_270 Phase 2 Block 7 Floor Plans ; ; 2714_PH2_B6_260 Phase 2 Block 6 Floor Plans ; 2714_PH2_B10_2100 Phase 2 Block 10 Floor Plans ; ; 1564-L- 202 Rev G Phase 1 and 2 Masterplan ; 1564-L-223 Rev C Phase 2 landscape Masterplan; 5059-02_1800 Rev M Masterplan ; 5059-02_1801 Rev L Phase 2 Site Plan Ground Floor ; 5059-02_B4_2000 Rev C Block 4 Proposed Ground Floor Plans ; 5059-02_B4_2001 Rev C Block 4 Proposed First Floor Plans ; 5059-02_B4_2002 Rev C Block 4 Proposed Second Floor Plans ; 5059-02_B5_2000 Rev C Block 5 Proposed Ground Floor Plans ; 5059-02_B5_2001 Rev C Block 5 Proposed Floor Plans; Operations & gardeners - Elevations and plans 5059-02_8100 Rev E;

Reason: To clarify which plans have been approved.

Agenda Item 18



Ordnance Survey - data derived from OS Premium

23/502128/FULL Elmscroft Cottage, Charlton Lane, West Farleigh, Kent, ME15 0NY

Scale: 1:2500

Printed on: 2/8/2023 at 11:22 AM by JoannaW

REPORT SUMMARY

REFERENCE NO: - 23/502128/FULL		
APPLICATION PROPOSAL: Demolition of existing Yurt and erection of single story round house within the curtilage of Elmscroft Cottage (Resubmission of 22/504104/FULL).		
ADDRESS: Elmscroft Cottage Charlton Lane West Farleigh Kent ME15 0NY		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
<p>SUMMARY OF REASONS FOR RECOMMENDATION:</p> <p>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 “<i>must be determined in accordance with the development plan, unless material considerations indicate otherwise</i>”.</p> <p>The proposal will result in harm to the character and appearance of the countryside contrary to policy SP17 and there are no Local Plan policies that directly support the use. In this context as the application is not in accordance with the adopted Local Plan, it needs to be determined as to whether there are other material considerations that justify granting planning permission.</p> <p>The proposal is found to be acceptable in relation to the minimal level of harm that will be caused to the character and appearance of this rural area. The proposal is acceptable in relation to heritage impacts, neighbour amenity, and biodiversity. The access and parking arrangements are all acceptable.</p> <p>It is concluded that whilst the application is not in accordance with the development plan (a departure) these material considerations that have been outlined and the minimal level of harm indicate that planning permission should be approved.</p>		
REASON FOR REFERRAL TO COMMITTEE: The application seeks an educational building within the countryside, the development does not benefit from an exception to policy SP17. As such the development would cause some harm to the character and appearance of the countryside and is a departure from the Local Plan.		
WARD: Coxheath And Hunton	PARISH/TOWN COUNCIL: West Farleigh	APPLICANT: Dandelion Time AGENT: Felix Lewis Architects Ltd
CASE OFFICER: William Fletcher	VALIDATION DATE: 11/05/23	DECISION DUE DATE: 01/09/23
ADVERTISED AS A DEPARTURE: Yes		

Relevant planning history

19/505820/FULL

Use of dwelling, outbuildings and land for purposes under class D1 of use classes order 1987 and carrying out associated development including alterations to existing buildings, erection of small buildings and structures and stationing of a mobile home. Approved 06.04.2020

20/504461/NMAMD

Non-material amendment: to change the sedum covered flat roof of the main stable block to a pressed zinc roof (original application ref: 19/505820/FULL). Approved 16.11.2020
22/504104/FULL

Demolition of existing Yurt and erection of single story round house within the curtilage of Elmscroft Cottage. Refused 16.11.2022 for the following reasons:

"The proposed replacement outbuilding by reason of its additional size, bulk, and prominent location distant from the main building and visible from Charlton Lane would cause harm to the character and appearance of the countryside including in terms of loss of openness and sprawl. The outbuilding would be contrary to Policies SP17 and DM30 of the Local Plan (2017) ..."

Officers have reviewed the chosen design of the proposed development. The scale and massing of the outbuilding would be clearly subservient to Elmscroft Cottage. The chosen design would also use traditional materials that would be in keeping with the materials of Elmscroft Cottage.

Whilst the proposed building will be higher than the original yurt, the building is some distance from the road and will be viewed against the backdrop of an existing polytunnel. As detailed below landscaping is proposed which would further screen the building. The proposed building does not harm the views that the landscape character assessment seeks to maintain.

View towards application site from Elmscroft Cottage



MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is within a countryside location outside of any settlement boundaries, it is not within a conservation area or subject to any form of other designation. Approximately 130 metres to the south of the application site is the Grade II listed building Elmscroft House.
- 1.02 The site is located east of Charlton Lane within the far north-eastern corner of the garden of Elmscroft Cottage which is approximately 100 metres away. A canvas yurt was previously situated in the location where the application building is proposed to be located. Whilst the application is described as its demolition, the tent would have simply been 'removed' from the site. Only the round timber base of the yurt remains.
- 1.03 The application site is located within the Farleigh Greensand Fruit Belt, the landscape character assessment notes that this landscape is in "Good" condition and of "High" sensitivity. Guidelines are to conserve this landscape.

- 1.04 In terms of the character of the area, it is resolutely rural, the 'wider site' is open but there are various 'utility' buildings such as sheds and chicken coups etc placed around the site which are associated with the uses taking place at Elmscroft Cottage.
- 1.05 The buildings visible in the above photo including the yurt the application seeks to replace (and other 'incidental buildings elsewhere on site) were granted permission under 19/505820/FULL, as depicted in the below drawing.



2. PROPOSAL

- 2.01 This is a resubmission of the refused application (22/504104/FULL) seeking to demolish the existing yurt (only Yurt base currently remains) and erect a replacement single storey circular outbuilding which would mimic the shape of the existing yurt. The proposed outbuilding would contain a single room. The external walls will be constructed of straw bales with a lime render finish would be inset with 8 windows and a door and the roof would be constructed of timber shingles.
- 2.02 The application site is occupied by the charity Dandelion Time which provides a therapeutic programme of activities within the property and grounds for small groups of children and their families who attend sessions that may include craft activities, cooking, gardening and care of animals. Creative activities are also offered such as art, drama and music. Counselling is also provided as required. After school and some holiday activities are also provided less frequently for children and families.
- 2.03 Dandelion Time currently employs 24 members of staff and 58 volunteers. Referrals are received from education, health and social services agencies. Central to the therapeutic work of Dandelion Time is engagement with nature-based activities, particularly in growing food, caring for animals and outdoor rural crafts. Children and families work with wood, wool, clay and other natural materials. These guided activities are used therapeutically to help repair family relationships following traumatic life experiences.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):

Policy SS1 (Maidstone Borough spatial strategy)
Policy SP17 (Countryside)
Policy DM1 (Principles of good design)
Policy DM4 (Development affecting designated and non-designated heritage assets)
Policy DM20 (Community facilities)
Policy DM30 (Design Principles in the Countryside)

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

Supplementary Planning Guidance SPG 4 Kent Vehicle Parking Standards July 2006.
Maidstone Landscape Character Assessment 2013.

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 concluded on the 9 June 2023). The relevant policies in the draft plan are as follows:

LPRSS1 Maidstone Borough Spatial Strategy
LPRSP9 Development in the Countryside
LPRSP15 Design
LPRTRA4 Parking standards (Appendix B)
LPRQ&D4 Design Principles in the Countryside

4. LOCAL REPRESENTATIONS

Local Residents: No representations received from local residents.

West Farleigh Parish Council: No objections

Member of Parliament for Maidstone and The Weald, Helen Grant: I am writing in support of Dandelion Time's recent planning application for a new round-room on their site in West Farleigh.

I have had the pleasure of visiting Dandelion Time on a number of occasions throughout my time as MP for Maidstone and the Weald. I have seen first-hand the great work they do to provide therapeutic services for highly vulnerable children and their families.

I understand that the proposal does not expand upon their site but uses the pre-existing site to replace a temporary structure with an insulated round-room which will provide much needed nurturing therapeutic space for their work.

I believe their proposals will enhance their space and contribute to the fantastic work they do for the community. As such, I support the charity's request for this application and would be grateful if this could be noted by the Planning Committee.

5. CONSULTATIONS

KCC Minerals & Waste

- 5.01 No objection. No land-won minerals or waste management capacity safeguarding objections or comments to make regarding this matter.

Natural England

- 5.02 No objection Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

MBC Landscape Officer

- 5.03 No objection There are no statutory or non-statutory landscape designations the proposal site falls under. Based on the available information, I see no justification for refusal on Landscape grounds.

Forestry Commission

- 5.04 No objection raised. This consultee replied with their standing advice highlighting National Planning Policies relating to the protection of Ancient Woodland and Biodiversity Net Gain.

KCC Archaeology

- 5.05 No objection subject to a condition. The site of proposed development lies within the historic farm complex of Elmscroft, identifiable as a 19th century or earlier farm on the 1st Ed OS map. Remains associated with the origins and development of Elmscroft as a farm may survive on the site. In view of this archaeological potential this consultee recommends a pre-commencement condition requiring the applicant to carry out an archaeological assessment.

6. APPRAISAL

- 6.01 The starting point for assessment of 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
- 6.02 Policy SP17 does not specify an acceptable level of harm and all proposals in the countryside are likely to result in some harm to local character and appearance. In this context all development outside the designated settlements does not accord with this part of SP17.
- 6.03 Other Local Plan policies permit development in the countryside in certain circumstances (equestrian, rural worker dwelling etc) and 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.
- 6.04 The current proposal will result in harm to the character and appearance of the countryside and there are no Local Plan policies that support the application. The recommendation to grant planning permission is as a result a departure from the adopted Local Plan.
- 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 The relevant material considerations in this case include assessing the impact of the proposal in the following areas:
- Character and appearance
 - Landscaping
 - Heritage
 - Residential amenity
 - Access, parking, and transport
 - Biodiversity

Impact on character and appearance of the countryside

The Landscape Character Assessment document notes that one of the key characteristics of the landscape are its "Views across Medway Valley to opposite valley side". The application building is located on the north eastern side of the plot. The significant landscape views from Charlton Lane are to the west and as such the application building has no impact on the expansive views across the Medway Valley detailed by the Landscape Character Assessment.

Google Street View (2021) Yurt building highlighted.



- 6.07 In relation to SP17 a) and considering the impact of development on the character and appearance of the countryside the relevant adopted local plan policies are DM1 and DM30. Criteria (ii) of Policy DM1 (Principles of Good Design) establishes that development proposals will be expected to respond positively to, and where possible enhance, the local, natural, or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage- incorporating a high quality, modern design approach and making use of vernacular materials where appropriate.
- 6.08 Policy DM30 (Design principles in the countryside) states that where new built development is proposed, there should be no existing building or structure suitable for conversion or re-use to provide the required facilities. Any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflects the landscape character of the area.
- 6.09 The proposed new single storey round outbuilding would introduce a permanent building in place of the former yurt 100 metres to the north-east of Elmscroft Cottage. Whilst the yurt was a canvas tent it still was a previous feature in the landscape. It is understood that there are no other existing buildings that could provide the proposed floorspace.

- 6.10 The previous application assessed this as being an isolated location “clearly” visible from Charlton Lane. As such the assessment concluded that the proposed building was inappropriately located causing harm to the openness of the countryside. Whilst it is accepted that the proposed building is situated some distance from Elmscroft Cottage it will not be particularly prominent when viewed from Charlton Lane as it is 100m from the roadside. The proposed building will also be seen from the road against the backdrop of an existing polytunnel.
- 6.11 The previous application was refused on the following grounds:
“The proposed replacement outbuilding by reason of its additional size, bulk, and prominent location distant from the main building and visible from Charlton Lane would cause harm to the character and appearance of the countryside including in terms of loss of openness and sprawl. The outbuilding would be contrary to Policies SP17 and DM30 of the Local Plan (2017) and the guidance contained within the Residential Extensions SPD (2009).”
- 6.12 The previously refused building had a height of 7.2m (not including the flue). The revised building has a maximum height of 6.3m and the flue has been removed. The yurt by comparison had a maximum height of 2.7m.
- 6.13 Officers have reviewed the chosen design proposing a permanent, single storey and single room round outbuilding with a pitched roof which would have a similar character to the existing yurt. The scale and massing of the outbuilding would be clearly subservient to Elmscroft Cottage. The chosen design would also use traditional materials that would be in keeping with the materials of Elmscroft Cottage.
- 6.14 In summary, the Yurt that was on the application site was a landscape feature on the wider site owned by the applicant. Whilst the proposed building will be higher, the building is some distance from the road and will be viewed against the backdrop of an existing polytunnel. As detailed below landscaping is proposed which would further screen the building. The proposed building does not harm the views that the landscape character assessment seeks to maintain.
- 6.15 The proposed building does result in harm to the character and appearance of the area overall contrary to SP17 however in terms of other material considerations, the level of harm is found to be acceptable for the reasons that have been outlined.

Landscaping

- 6.16 The applicant has submitted a landscaping scheme in support of the application. This shows new trees would be planted between the proposed building and Charlton Lane which would restrict views of the proposed building from the highway.
- 6.17 A hedgerow planted immediately around the building, provides further screening. The applicant has included a proposed landscaping drawing which shows the proposed view from Charlton Lane, once this landscaping is established it will further reduce the public views of the proposed building.

Heritage

- 6.18 The site is to the north to Elmscroft House, a grade II listed 15th century Wealden Hall property which was recently granted permission under application ref: 19/505951/FULL to return to its original use as a single residence.
- 6.19 The application building is situated 120m to the north of Elmscroft House. As well as the single storey nature of the proposal and its distance, there is landscaping, boundary walls and other buildings in between the application building and

Elmscroft House. It is not assessed that the development would have a harmful impact upon this heritage asset.

Residential amenity

- 6.20 Local Plan policy DM1 (Principles of good design) criteria (iv) explains that proposals are required to respect the amenities of occupiers of neighbouring properties by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.21 The application proposes the replacement of the existing single storey yurt with a more permanent structure in the form of a single storey round outbuilding with a pitched roof. The yurt is approximately 100 metres to the north-east of Elmscroft cottage and there are no neighbouring residential properties closer to the proposed building than this property. As such, the proposals would have a null impact on surrounding residential amenities and would accord with Policy DM1 of the Maidstone Local Plan (2017).

Access, parking, and transport

- 6.22 The application site is located approximately 1 mile south of the boundary of Maidstone urban area and just over 1 mile west of the settlement boundary of Coxheath. Whilst there are bus routes approximately 100m to the south of the application site these are not well served, this would not be assessed as being a sustainable location.
- 6.23 In this instance, it is found that the proposed building would not generate any additional vehicle movements over the yurt it seeks to replace. Users of the proposed building would most likely be users of the other facilities at the application site. The application site is served by a parking area and utilises an existing access which are both found to be acceptable.
- 6.24 Policy DM30 details how proposals must not result in unacceptable traffic levels on nearby roads; unsympathetic change to the character of a rural lane which is of landscape, amenity, nature conservation, or historic or archaeological importance or the erosion of roadside verges.
- 6.25 The development would not result in an increase in traffic movements over the existing arrangements. The development would not have a harmful impact upon parking in the area or the wider highway network.

Biodiversity

- 6.26 In terms of ensuring the proposal results in a gain for biodiversity. There would be some gain from the proposed landscaping which will be conditioned.
- 6.27 Otherwise, the application site is significant and there is scope to place biodiversity enhancements around the application site as well built into the proposed building itself. Should permission be granted, biodiversity enhancements will be conditioned.

PUBLIC SECTOR EQUALITY DUTY

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

7. CONCLUSION

- 7.01 The 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 will result in harm to the character and appearance of the countryside contrary to policy SP17 and there are no Local Plan policies that directly support the use. In this context as the application is not in accordance with the adopted Local Plan, it needs to be determined as to whether there are other material considerations that justify granting planning permission.
- 7.03 The proposal is found to be acceptable in relation to the minimal level of harm that will be caused to the character and appearance of this rural area. The proposal is acceptable in relation to heritage impacts, neighbour amenity, and biodiversity. The access and parking arrangements are all acceptable.
- 7.04 It is concluded that whilst the application is not in accordance with the development plan (a departure) these material considerations that have been outlined and the minimal level of harm indicate that planning permission should be approved.

8. RECOMMENDATION GRANT planning permission subject to the following conditions

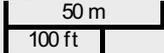
- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development shall be carried out in accordance with the following approved plans and documents:
Application for planning permission
Existing Site Location and Block Plan
Proposed Landscape Elevation
Proposed Landscape Plan
351(P)002 Rev 5 Proposed Site Location and Block Plan
351(P)003 Rev 5 Proposed Site Location Plan
351(P)010 Rev 0 Existing Floor and Roof Plans
351(P)015 Rev 0 Existing Elevations
351(P)020 Rev 2 Proposed Floor and Roof Plans
351(P)025 Rev 1 Proposed Elevations
351(P)027 Rev 2 Proposed Section
351(P)028 Rev 2 Proposed Section 2
Planning Statement
Planning Statement x 2
Heritage Statement
Reason: To clarify the approved plans and to ensure the development is carried out to an acceptable visual standard.
- 3) The 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
- 4) The building hereby approved shall not be occupied until all the planting shown on the submitted landscaping plan is in place. All such landscaping shall be carried out during the planting season (October to February). Any trees or hedging 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 unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure

- 5) Prior to commencement of the development above damp-proof course level, a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the building structure by means such as swift bricks, bat tube or bricks and measures on the wider site such as habitat piles. 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. Reason: In the interests of ecological enhancement and biodiversity net gain.
- 6) The building shall be used for Class E.(e) only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification).
Reason: Unrestricted use of the building or land has the potential to cause demonstrable harm to the character, appearance and functioning of the surrounding area and/or the enjoyment of their properties by adjoining residential occupiers.
- 7) 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 be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light, GN01, dated 2011 (and any subsequent revisions) (Environmental Zone E1), and follow the recommendations within the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting', and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter. Reason: To safeguard the character and appearance of the countryside and in the interests of residential amenity.

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



Ordnance Survey - data derived from OS Premium

21/504779/REM Land North Of Old Ashford Road, Lenham, Kent, ME17 2QT

Scale: 1:2500

Printed on: 8/8/2023 at 11:09 AM by JoannaW



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REFERENCE NO - 21/504779/REM		
APPLICATION PROPOSAL Approval of Reserved Matters with Appearance and Scale being sought for 102no. residential dwellings pursuant to 17/500357/HYBRID for Hybrid planning application comprising: Full Application - Erection of 48 dwellings and associated infrastructure, landscaping and open space. Outline Application - Erection of 102 dwellings (access, layout and landscaping to be sought).		
ADDRESS Land North Of Old Ashford Road Lenham Kent ME17 2QT		
RECOMMENDATION Permit subject to s106		
SUMMARY OF REASONS FOR RECOMMENDATION The Reserved Matters of appearance and scale of the dwellings in phase 2 is considered to be acceptable and in accordance with policies H1 (41) and DM1 of the MBLP and D1 of the LNP. Further details are required by condition on construction details and materials to ensure high quality vernacular, including Kentish ragstone in some of the buildings. In terms of the issue of Nutrient Neutrality for the Stour catchment, it is concluded that the credits that developer intends to purchase from Forestry England's Pleasant Forest scheme means that the development of 102 dwellings in this RM application would be "nutrient neutral" due to full mitigation of potential significant impacts on the integrity of the SAC/Ramsar site at Stodmarsh.		
REASON FOR REFERRAL TO COMMITTEE This is a major application affecting Nutrient Neutrality for the Stour catchment should be considered by Planning Committee		
WARD Harrietsham And Lenham	PARISH/TOWN COUNCIL Lenham	APPLICANT Abbey Developments AGENT CMYK (Planning & Design)
TARGET DECISION DATE 31/08/23		PUBLICITY EXPIRY DATE 01/03/23

Relevant Planning History

17/500357/HYBRID
Hybrid Planning Application comprising: -
Full Application - Erection of 48 dwellings and associated infrastructure, landscaping and open space
Outline Application - Erection of 102 dwellings (access, layout and landscaping to be sought)
Approved 28.09.2018

21/504854/SUB
Submission of details pursuant to condition 7 (details of materials) of application 17/500357/HYBRID.
Approved 16.03.2022

21/505698/SUB
Submission of details to part discharge (plots 1 -5 and 17 - 48) of condition 12 (Landscaping) in relation to planning permission 17/500357/HYBRID.
Pending Consideration

22/501032/SUB

Submission of details to partially discharge condition 5 (surface water drainage) for plots 1-48 granted detailed planning permission under 17/500357/HYBRID.
Approved 20.05.2022

22/505953/SUB

Submission of Details pursuant to condition 3 (Proposed Slab Level Details) of Application 17/500357/HYBRID (phase 2)
Approved 07.03.2023

23/501068/SUB

Submission of Details for Street and Private Lighting of Phase 1 (plots 17-48) pursuant to condition 14 (Lighting Details) of Application 17/500357/HYBRID.
Pending Decision

23/501284/SUB

Submission of details to discharge condition 19 (SuDS Maintenance) of planning application 17/500357/HYBRID.
Approved 26.04.2023

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site for phase 2 of the development is on the north east side of Lenham and is a parcel of arable land between the A20 to the north, and Old Ashford Road to the south, with an area of some 3.18ha (which is part of an overall site of 5.2ha).
- 1.02 The AONB is immediately north of the A20 and rises steeply northwards towards the Memorial Cross which is a Grade II listed. Views of this are expressly preserved in the approved layout from the Public Right of Way (PROW) KH433 that runs through the centre of the overall site from south to north.
- 1.03 The wider site also includes land on the south side of Old Ashford Road where an attenuation pond for surface water drainage to serve the whole development has been constructed.
- 1.04 Some 48 houses within the wider scheme that were granted full planning permission in the 2018 Hybrid application are under construction in the SW corner and along the southern frontage to Old Ashford Road itself.
- 1.05 The site lies in the catchment of the River Stour both in terms of surface water draining to ground and because the foul sewer connects is to Lenham Waste Water Treatment Works which also discharges in the River Stour.

2. PROPOSAL

- 2.01 Application 17/500357/HYBRID was approved by Planning Committee in 2018 and in addition to granting full planning permission for 48 units in phase 1, granted outline planning permission for phase 2 of the development of 102 houses with details approved of access, layout and landscaping. This leaves 2 reserved matters of the housing units to be determined, that of appearance and scale.
- 2.02 The siting of the 102 units that was approved in 2018 showed development mostly of terraced and semi-detached properties with 14 detached dwellings and 22 maisonettes including a block of 10 maisonettes approved in the NE corner.

- 2.03 The appearance will be of traditional style, mostly brick faced with tiled pitched roofs with some units having timber effect weatherboarding and with flat or pitched roof door canopies. Windows are generally cottage style with flat arched brick window heads with some units including features such as bay windows or first floor oriel windows. Corner plots are dual aspect with fenestration on flank walls to add visual interest and surveillance. Some of the terrace units fronting the Open Space are angled around the corners to follow to shape of the open space.
- 2.04 In terms of the reserved matter of scale, all units are 2 storeys with ridge heights of approx. 8.7 to 9.35m. Most of the maisonettes are 1 and 2 bedroomed and most of the houses are 3 and 4 bedroomed with 2no. 5-bedroomed units.
- 2.05 Due to the site being within the River Stour catchment, the application is accompanied by a "shadow" Habitats Regulations Assessment HRA (Appropriate Assessment) drafted on behalf of the applicant under regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended).

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017: SP8, SP18, SP19, H1 (41), DM1, DM3, DM4, DM12

Neighbourhood Plan Lenham (LNP)- Quality Design: Policy D1

Kent Minerals and Waste Local Plan 2013-30 as amended by Early Partial Review (2020)

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Landscape Character Assessment 2012 (Updated 2013)

Kent Downs AONB Management Plan 2021-2026 (Third Revision)

Supplementary Planning Documents: Maidstone Building for Life 12 (2018);

Affordable and Local Needs Housing (2020); Air Quality Guidance (2017);

The Regulation 22 Local Plan Review submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is therefore a material consideration and attracts some weight. However, this weight is limited as although Stage 1 and 2 Hearings have recently concluded, the Plan is still in Examination.

The relevant policy in the LPR is LPRSP14A – NATURAL ENVIRONMENT which states:

Development in Lenham and Lenham Heath that would result in a net increase in population served by a wastewater system will need to ensure that it will not have an adverse effect on the integrity of Stodmarsh SAC/SPA/Ramsar site. Where a proposed development falls within the Stour Catchment (e.g. Lenham, east of Faversham Road), or where sewage from a development will be treated at a Waste Water Treatment Works that discharges into the river Stour or its tributaries, then applicants will be required to demonstrate that the requirements set out in the advice letter and accompanying methodology on Nutrient Neutrality issued by Natural England have been met. This will enable the Council to ensure that the requirements of the Habitats Regulations are being met.

4. LOCAL REPRESENTATIONS

Local Residents:

2 letters received with the following summarised comments:

- Too many extra people into the village

- Inadequate GP surgery, schools
- New houses should be in places with a better train service to London.
- Development will remove a public footpath to areas north of Lenham such as Lenham Heath and Egerton
- Lenham has a limited bus and train service
- Will be commuters due to inadequate employment in the village

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)

Lenham PC

5.01 Support provided:

- the overflow system connects all the SUDS to the proposed attenuation pond
- no property should be over 2 storeys
- Roof tiles to be muted shades
- the archaeological study will continue on the Eastern side

Natural England

- 5.02 *Original Comments:* Additional nutrient mitigation will be required to achieve nutrient neutrality. The amount of nutrient mitigation provided from land use change at Pleasant Farm is insufficient so an additional parcel of land at Pleasant Farm or an alternative mitigation measure will be required to achieve nutrient neutrality.
- 5.03 Natural England acknowledge that the development proposes to install sustainable drainage systems (SuDS), which are likely to improve the surface-water water quality leaving the site. However, the nutrient removal rates of the SuDS have not been quantified, and thus have not been used toward nutrient mitigation.
- 5.04 If planning permission is granted, advise a suitable condition is applied to ensure occupancy does not occur before the upgrades have been completed at Lenham WWTW.
- 5.05 In regard of Kent Downs AONB, refer to national and local policies, together with local landscape expertise and information to determine the proposal in accordance with the National Planning Policy Framework.
- 5.06 *Officer note:* Formal comments of NE in regard of the revised HRA that includes the additional parcel of land at Pleasant Farm as requested in their representation will be reported in an Urgent Update.

KCC Waste/Minerals

- 5.07 No comment

Kent Police

- 5.08 The development should incorporate Secured by Design and Crime Prevention through Environmental Design and should aim to attain an SBD award.

Southern Water

- 5.09 Southern Water is currently in process of designing and planning delivery of offsite sewerage network reinforcements. to provide sufficient capacity within foul network.

River Stour IDB

- 5.10 The applicant will need Land Drainage Consent from Kent County Council for any works that has the potential to affect flow in any ditch or watercourse on or bordering the site.

KCC Flood and Water Management

- 5.11 No comments because the surface water drainage scheme for the wider site has already been approved and the attenuation pond constructed.

CPRE

- 5.12 Objection:

- Needs solar panels integrated in roofs and air source heat pumps
- Trees should form part of communal spaces and planted alongside roads
- Further pollution of the Stour.
- Needs proper archaeological investigation.

Kent Downs AONB Unit

- 5.13 Concerns about the setting of the AONB: the site is highly visible from the North Downs Way, and other Public Rights of Way to the north of the site. The development would be seen as an extensive urbanisation of the village to the east. Policy H1 (41) allocating the site for development includes criteria to help ensure impacts on the AONB are mitigated as far as possible. The AONB Unit would question whether the proposed design is high standard of design but key to this will be the proposed materials and there should be no pale coloured materials on north facing elevations.

MBC Parks and Open Spaces

- 5.14 No comments

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:

- Design and Scale
- Nutrient Neutrality

Design and Scale

- 6.02 The site was allocated in the adopted Local Plan under policy H1(41) for approximately 145 houses subject to a number of criteria, most of which were fully considered in granting the Hybrid planning permission. That planning permission approved the layout and landscaping of the whole site such as the amount and type of Open Space, the northern and eastern wooded buffer, substantial areas of landscaping within the site and preservation of the northwards vista to Lenham Cross based on PROW KH433.

- 6.03 The policy requires a high standard of design and sustainability reflecting the location of the site as part of the setting the Kent Downs AONB incorporating the use of vernacular materials.
- 6.04 The proposed dwellings will include mixed roof styles including half-hips and full hips, feature gables, chimneys, oriel and bay windows and door canopies. Materials are to include red or brown coloured facing brick, weatherboarding and tile hanging (including club tiles). Condition 7 of the outline planning permission requires to the inclusion of ragstone in walling, clay hanging and roof tiles, slate roof tiles and multistock bricks. Thus it will be possible to ensure a continuation of the appropriate quality of facing and roof materials that was established by phase 1 with tones appropriate for a site in the foreground of the AONB (Phase 1 approved as handmade clay plain tiles for the roofs with all brickwork to be Camtech Berwick Multi). NB Artificial Weatherboarding in Black or Grey was approved for phase 1 rather than the timber weatherboarding referred to in the condition. It is considered that provided the tones are suitably subdued to be sensitive to the prominence of the site in views from the AONB, that this would comply with the objective of Policy H1(41).
- 6.05 There is scope for some of the dwellings in phase 2 to have feature Kentish ragstone such as bays or plinths especially for some of the plots which face onto the Open Space and have a public visibility. This can be secured by condition.
- 6.06 The detail of the construction will be important to ensure that the policy requirement of good design for this location is met and a condition is suggested.
- 6.07 Details of boundary materials have not been submitted at this stage. Phase 1 secured a ragstone panelled side boundary wall at the entrance and there are some key locations in the street scene on phase 2 where Kentish ragstone panelled walls should be provided. Condition 10 of the outline planning permission already requires this and so this can be secured when it is discharged and an informative will remind the developers of this expectation.
- 6.08 In terms of scale, the dwellings are all limited to 2 storeys including the maisonettes. The overall ridge heights of some of the units are due to the use of vernacular roof pitches suited to small format clay tiles. The heights are comparable with the heights of dwellings in phase 1.
- 6.09 Due to the approved location of housing units on the northern boundary backing onto the A20 and then to the AONB, future rear dormer windows or roof extensions need to be controlled in the interests of the landscape and views from the AONB. Condition 24 of the outline planning permission already removes permitted development rights for the extension of dwellings or the enlargement of roofs.
- 6.10 Condition 28 of the outline planning permission already requires details to be submitted of solar panels to garages and outbuildings.

Nutrient Neutrality

- 6.11 The site lies in the catchment of the River Stour and so there is a potential pathway for contamination in relation to the Stodmarsh SAC/Ramsar in North East Kent which is a "European Site" subject to the Conservation of Species and Habitats Regulations 2017. The environmental impact needed to be "screened" by MBC as "competent authority" and it is concluded that the dwellings would harm water quality at Stodmarsh by both surface water drainage and foul drainage via the Stour increasing pollution by nitrogen and phosphorus. Hence the harm of any impacts needed to be further analysed via a Habitats Regulation Assessment HRA (ie Appropriate Assessment) stage and nutrient neutrality needs to be demonstrated.

- 6.12 The need for nutrient neutrality (NN) follows Natural England (NE) Guidance first issued in March 2020 (and revised thereafter) which requires new overnight accommodation in the Stour Catchment to demonstrate no potential significant impacts on the integrity of the SAC/Ramsar site at Stodmarsh.
- 6.13 The legal requirement for these reserved matters to demonstrate nutrient neutrality arises even though outline planning permission for the 102 dwellings was granted in 2018, ie, almost 2 years before the NE guidance was first issued. This is because the overall planning consent is a multi-staged process and each stage is subject to the Regulations. The outline stage pre-dated the NE Guidance but the Reserved Matters application was submitted in September 2021 so this stage post-dates the NE Guidance.
- 6.14 The Reserved Matters has been accompanied by a "shadow" HRA drafted on behalf of the applicant under regulation 63 of the 2017 Regulations. This concludes that there will be pollution in regard of phosphorus and nitrogen both from surface water drainage and from foul water connection to Lenham WWTW. However, it is submitted that it can be mitigated by the purchase of "credits" from Forestry England which is in the process of carrying out a land use change from arable cereal to woodland on land at the new "Pleasant Forest" in Lenham Heath, also in the Stour Catchment. That land use change away from arable land (which would ordinarily be heavily artificially fertilised) balances out (ie neutralises) the additional phosphorus and nitrogen generated by the 102 dwellings at this site. The applicant has now secured the purchase of sufficient credits to fully mitigate the scheme based on standard methodology provided by Natural England.
- 6.15 Initially, the applicant proposed that they would purchase a lesser number of credits from Forestry England but their calculations were challenged by a draft HRA carried out by MBC and endorsed by NE. The applicants have now clarified some elements of the development scheme's land use types/areas and their revised assessment is now accepted by officers. This required them to secure more credits from Forestry England, which they have now done.
- 6.16 The project at Pleasant Forest was developed by Forestry England from 2021 when a request for pre-application advice was made to MBC although the creation of a forest as such is not a land use requiring planning permission Pleasant Forest is 127 ha overall of which 57.65ha is within the Stour Catchment.
- 6.17 A Member Briefing took place in 2021 and the following was noted by the then Head of Development Management referring to the role that the land use change to woodland could play in regard of nutrient neutrality:
- "Members were supportive of the proposals ... the possibility of dealing with phosphorous and nitrate issues as a by-product of the project which are currently affecting development in the Lenham area.*
- The matter of the Stour catchment and issues surrounding phosphorous and nitrate in the Stodmarsh lakes was not discussed in any detail, however the project manager did signal further discussions were due to take place with the Council's policy team regarding this matter and how this project could help deliver even further benefits to the surrounding area. I am led to believe that discussions are on-going on this matter. From a planning perspective, I believe this scheme could offer some real benefits in terms of off-setting and mitigation for the Stour catchment and implications for reducing phosphorous and nitrogen reaching the Stodmarsh lakes"*
- 6.18 It is understood that 17 ha of the land at Pleasant Forest that lies in the Stour Catchment is still to be planted with trees and that planting to date has been on

the basis of deposits paid by the developer and the assumption that nitrogen and phosphorus credits will be purchased by developers within the Stour catchment as outlined in the pre-application advice summarised above.

- 6.19 Natural England has met with Forestry England on this project and is supportive of credits from Pleasant Forest offsetting nitrogen and phosphorus from new housing development such as on this application site.
- 6.20 It should be remembered that the problem of NN is catchment based and in principle, any credits from a land use change in one district can be taken advantage of in a different district in the affected part of East Kent which includes large parts of Ashford and Canterbury and smaller parts of Swale and Folkestone and Hythe.
- 6.21 In terms of phosphorus, Pleasant Forest will be able to deliver mitigation for approx. 110 dwellings. In regard of nitrogen, over 500 dwellings could be mitigated. Hence, this one development in Lenham of 102 dwellings (if approved), would use up the vast majority of phosphorus credits from Pleasant Forest but there will be an excess of nitrogen credits going forward. If the credits were not to be purchased by developers in Lenham, in theory, they would be available to be purchased by developers in other affected districts (subject to the LPAs of other districts being supportive). Pleasant Forest is likely to feature as part of the catchment wide strategy that is being drafted on behalf of Kent Authorities affected by Stodmarsh.
- 6.22 There have been NN constraints imposed on housing development in much of east Kent since 2020. Pleasant Forest would not deter or prevent other rural organisations (eg Kent Wildlife Trust) entering the nitrogen and phosphorus credit market.
- 6.23 It is concluded that the mitigation the developer has secured from Forestry England means that the development of 102 dwellings in this RM application would be nutrient neutral due to full mitigation of potential significant impacts on the integrity of the SAC/Ramsar site at Stodmarsh. Subject to NE formally reiterating their support for the amount of mitigation from Pleasant Forest, officers consider that an Appropriate Assessment can be adopted in this regard.
- 6.24 There would need to be a condition linking occupation of the dwellings to the proposed completion in 2025 of upgrades of the Lenham WWTW specifically due to NN. MBC and the developer would need to enter into a legal agreement to secure the NN mitigation and ensure it is linked only with this development.

Other Matters

- 6.25 Many of the points made by objectors are not relevant as the outline planning permission established the number of dwellings in phase 2 plus it approved the access, layout and landscape strategy. The 2017 planning permission includes conditions relating to matters such as archaeology, materials and removal of certain permitted development rights.
- 6.26 Members are advised for information purposed that the developers of Abbey Development may be subject to the Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023. The Responsible Actors Scheme was launched in July 2023 in response to the Grenfell tragedy. Eligible developers who do not join the Scheme and comply with its conditions will have planning and building control prohibitions imposed on them. Guidance is awaited from the Government. Abbey Development have confirmed its view that they are not subject to the prohibition as follows:

Abbey Developments were initially invited to sign the 'Pledge' but elected not to do so given that in over 40 years of operation the Company has built two 11+

Buildings, neither requiring any 'life critical' fire safety work. On this basis Abbey Developments believes it remains outside the scope of the scheme.

As I am sure you are aware the Regulations pursuant to the Building Safety Act were brought into Law on the 4th July 2023. The Secretary of State for the DLUHC can give 'Notice' to a developer that he believes meets the eligibility criteria to join the Responsible Actors Scheme (RAS). On receipt of a 'Notice' a developer must within 60 days enter the Self Remediation Contract and submit an application to join the RAS. Abbey Developments have not been issued with a 'Notice' from the SoS or any of his Officers at the DLUHC. Abbey Developments have met representatives of the DLUHC and remain in regular dialogue on this matter.

- 6.27 Guidance is awaited from the Government and when received, the role of MBC in terms of its planning and building control functions should be clearer. However, the prohibition relates to the construction stage and should not impact on a decision being made on this Reserved Matters application.

Community Infrastructure Levy

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

PUBLIC SECTOR EQUALITY DUTY

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

7. CONCLUSION

- 7.01 The appearance and scale of the dwellings in phase 2 is considered to be acceptable and in accordance with policies H1 (41) and DM1 of the MBLP and D1 of the LNP. Further details are required by condition on construction details and materials to ensure high quality vernacular, including Kentish ragstone in some of the buildings. Other matters to comply with these policies are already covered by the outline planning permission.
- 7.02 In terms of the issue of Nutrient Neutrality for the Stour catchment, it is concluded that the credits that developer intends to purchase from Forestry England's Pleasant Forest scheme means that the development of 102 dwellings in this RM application would be "nutrient neutral" due to full mitigation of potential significant impacts on the integrity of the SAC/Ramsar site at Stodmarsh.
- 7.03 There would need to be a condition linking occupation of the dwellings to the proposed completion in 2025 of upgrades of the Lenham WWTW as the Appropriate Assessment is made on that basis. MBC would need to enter into a legal agreement to secure the NN mitigation and ensure it is linked only with this development.

8. RECOMMENDATION

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement to

provide the following (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee):

- the prior payment of s106 monitoring fees of £1,530
- Nutrient neutrality of by purchase of sufficient credits for Total Phosphorus and Total Nitrogen from Forestry England in regard of the land use change at Pleasant Forest Lenham Heath.

and the imposition of conditions as set out below:

- 1) There shall be no occupation of any dwelling hereby approved until upgrades have been completed at Lenham WWTW that achieve compliance with a Total Phosphorus permit of 0.5mg TP/litre.

Reason: To ensure compliance with the Conservation of Species and Habitats Regulations 2017 (as amended) such that there are no potential significant impacts on the integrity of the SAC/Ramsar site at Stodmarsh.

- 2) No development above slab level shall take place until written details and photographs of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be constructed using the approved materials and they shall consist of handmade plain clay for both hanging and roof tiles, elements of club hanging tiles, bonnet hips and laced valley tile details, weatherboarding and multi stock brickwork with flat arched brick detailing to window heads and banding courses. At least 10% of the units should include elements of coursed Kentish ragstone.

Reason: To ensure a satisfactory appearance to the development with vernacular materials to accord with Policy H1(41) of the Maidstone Borough Local Plan and Policy D1 of the Lenham Neighbourhood Plan.

- 3) Above ground construction work on the approved buildings shall not commence until full details of the following matters in the form of large scale drawings (at least 1:20 scale) have been submitted to and approved in writing by the Local Planning Authority:

- a) External windows and doors
- b) Details of eaves and gables
- c) Details of door and window headers and cills.
- d) Details of roof hips and ridges.
- e) Details of dormer windows

The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development to accord with Policies H1(41) and DM1 of the Maidstone Borough Local Plan and Policy D1 of the Lenham Neighbourhood Plan.

Informative

- 1) In regard of the future discharge of 10 of the outline planning permission, you are advised that key boundary walls to the public domain should feature Kentish ragstone panels.

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 24TH AUGUST 2023**

APPEAL DECISIONS:

- 1. 21/505962/FULL** Erection of a three bedroom dwellinghouse.

APPEAL: DISMISSED

Cherry Orchard
Court Lodge Farm
The Street
Boxley
Kent
ME14 3DX

(Delegated)

- 2. 22/505727/FULL** Erection of part replacement close boarded fence to boundary

APPEAL: ALLOWED

Tawanda
Pilgrims Way
Detling
Kent
ME14 3JY

(Delegated)

- 3. 22/501135/PNQCLA** Prior notification for the change of use of existing agricultural building to 1no dwellinghouse and associated operation development. For its prior approval to: - Transport and Highways impacts of the development - Noise impacts of the development - Contamination risks on the site - Flooding risks on the site - Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change from agricultural use to C3 (dwellinghouses) - Design and external appearance impacts on the building - Provision of adequate natural light in all habitable rooms

of the dwellinghouse

APPEAL: DISMISSED

Overbridge Farm
Marden Road
Staplehurst
Tonbridge
Kent
TN12 0JH

(Delegated)

4. 22/505562/FULL

Change of use from 6 bedroom HMO (Class C4)
to 7 bedroom HMO (Sui-Generis)

APPEAL: ALLOWED

COSTS: REFUSED

67 Arundel Square
Maidstone
Kent
ME15 6HB

(Delegated)

5. 22/501407/FULL

Change of use of existing school to provide 2no.
3 bedroom dwellings, including erection of a
single storey rear extension and insertion of
rooflights and a dormer. Erection of a detached
4 bedroom dwelling with double garage,
widening of existing vehicle entrance to Church
Road, and new landscaped access roads,
gardens and perimeter walls.

APPEAL: ALLOWED

Harrietsham Primary School And School House
Ashford Road
Harrietsham
Kent
ME17 1AJ

(Delegated)
