

PLANNING COMMITTEE MEETING

Date: Thursday 21 March 2024
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

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

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

AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - Monday 25 March 2024
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 15 February 2024 adjourned to 22 February 2024 1 - 10
11. Presentation of Petitions (if any)
12. Deferred Items 11 - 12
13. 22/502412/FULL Plot 1, Peacock Farm, Chart Hill Road, Chart Sutton, Maidstone, Kent 13 - 27

Issued on Wednesday 13 March 2024

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

14.	23/503997/FULL Abbey Farm, Lower Street, Leeds, Maidstone, Kent	28 - 54
15.	23/504552/FULL Former Royal Mail Sorting Office, Sandling Road, Maidstone, Kent	55 - 106
16.	23/503726/FULL Land To The East Of 26 Douglas Road, Maidstone, Kent	107 - 124
17.	23/502446/FULL Land To Rear 18-20 Hartnup Street, Maidstone, Kent	125 - 141
18.	23/504640/FULL Mote Park Kiosk, Willow Way, Maidstone, Kent	142 - 148
19.	23/505669/TPOA 20 The Trinity Foyer, First Floor Flat 1, Church Street, Maidstone, Kent	149 - 157
20.	5012/2023/TPO St Mary's Church, Old Ashford Road, Lenham, Maidstone, Kent	158 - 166
21.	23/505231/NMAMD & 23/505593/NMAMD Heather House, Bicknor Road, Maidstone, Kent	167 - 174
22.	Appeal Decisions	175 - 178
23.	Discussion Item on Residential Development in the Countryside - Appeal Decisions Attached to Aid Discussion	179 - 206

PLEASE NOTE

Due to the size of the agenda, the following items will be rolled over for consideration at the adjourned meeting of the Committee scheduled to be held on Monday 25 March 2024 together with any other unfinished business:

23/504640/FULL - Mote Park Kiosk, Willow Way, Maidstone, Kent
23/505669/TPOA - 20 The Trinity Foyer, First Floor Flat 1, Church Street, Maidstone, Kent
5012/2023/TPO - St Mary's Church, Old Ashford Road, Lenham, Maidstone, Kent
23/505231/NMAMD & 23/505593/NMAMD - Heather House, Bicknor Road, Maidstone, Kent
Discussion Item on Residential Development in the Countryside

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

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

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

In order to speak at the meeting, please call 01622 602899 or email committee@maidstone.gov.uk by 4 p.m. on Wednesday 20 March 2024. You will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated for each application on a first come, first served basis.

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

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

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 15 FEBRUARY 2024 **ADJOURNED TO 22 FEBRUARY 2024**

Present 15 February 2024:

Committee Members:	Councillor English (Vice-Chairman, in the Chair) and Councillors Cox, Garten, Mrs Gooch, Harwood, Hastie, Jeffery, McKenna, Riordan, Russell, Wilby and D Wilkinson
Visiting Members:	Councillors Mrs Blackmore and Burton

223. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Holmes, Kimmance, Perry and Spooner.

224. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Garten for Councillor Perry
Councillor Hastie for Councillor Holmes
Councillor Wilby for Councillor Kimmance

225. NOTIFICATION OF VISITING MEMBERS

Councillor Mrs Blackmore was present as a Visiting Member for item 14 (20/505751/EIFUL – Reed Court Farm, Hunton Road, Marden, Tonbridge, Kent) if not withdrawn from the agenda.

Councillor Burton was present as a Visiting Member for item 4 (Items withdrawn from the agenda) and item 14 (20/505751/EIFUL – Reed Court Farm, Hunton Road, Marden, Tonbridge, Kent) if not withdrawn from the agenda.

Councillor M Thompson attended the meeting as an observer.

226. ITEMS WITHDRAWN FROM THE AGENDA

The Head of Development Management advised the Committee that although he was aware of the strong local opposition to application (20/505751/EIFUL – Reed Court Farm, Hunton Road, Marden, Tonbridge, Kent) and the length of time it had been under consideration, he was also mindful that the NPPF and the draft Local Plan Review were generally favourable in terms of economic development. It was his strong recommendation that the application be withdrawn from the agenda for the following reasons:

- The methodology of the assessment of potential nitrate and phosphate pollution of the River Beult required further consideration specifically in terms of the revised views of Natural England.
- It was necessary to ascertain precisely what development was proposed within flood zones 3a and 3b.
- Counsel's opinion should be sought on how a recent High Court case relating to the potential contradictions between the NPPF and Planning Practice Guidance in terms of the flood risk sequential test affected consideration of this application.

Councillor Burton (Visiting Member) addressed the meeting.

RESOLVED: That agreement be given to the withdrawal of application 20/505751/EIFUL from the agenda with the proviso that the matter be expedited as quickly as possible.

Voting: 7 – For 5 – Against 0 - Abstentions

227. 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.

228. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Wilby stated that he was a Member of Tovil Parish Council and had participated in its discussions on application 23/503311/FULL (The Haven Care Home, 17 Church Road, Tovil, Maidstone, Kent). He would make representations and then withdraw from the meeting when the application was considered.

See Minute 237 below.

229. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

4.	Items withdrawn from the Agenda	Councillor Jeffery
14.	20/505751/EIFUL Reed Court Farm, Hunton Road, Marden, Tonbridge, Kent	Withdrawn from the agenda
15.	23/504779/FULL Cocketts, Bimbury Lane, Stockbury, Sittingbourne, Kent	Councillors Garten, Harwood, Jeffery, McKenna, Riordan, Russell and D Wilkinson
16.	23/503311/FULL The Haven Care Home, 17 Church Road, Tovil, Maidstone, Kent	Councillors Harwood, McKenna, Riordan, Russell and D Wilkinson
17.	23/505157/FULL Farleigh Forge Garage, Lower Road, East Farleigh, Maidstone,	Councillor Cox, Mrs Gooch, Harwood, Jeffery, McKenna, Riordan, Russell and D Wilkinson

	Kent	
18.	24/500047/DEMREQ Former Royal Mail Sorting Office, Sandling Road, Maidstone, Kent	Councillor Harwood
20.	23/504118/FULL Hook Farm, Kings Lane, Marden, Kent	Councillors Riordan and Wilby
22.	23/501635/FULL Chickenden Barn, Chickenden Lane, Staplehurst, Tonbridge, Kent	Councillor Riordan

230. EXEMPT ITEMS

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

231. MINUTES OF THE MEETING HELD ON 18 JANUARY 2024

RESOLVED: That the Minutes of the meeting held on 18 January 2024 be approved as a correct record and signed.

232. PRESENTATION OF PETITIONS

There were no petitions.

233. DEFERRED ITEMS

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

23/503671/FULL – DEMOLITION OF EXISTING HOUSE AND OUTBUILDING. ERECTION OF 2 NO. DWELLINGS INCLUDING EXTENSION OF EXISTING CROSSOVER AND ASSOCIATED PARKING - MONTROSE, SUTTON ROAD, LANGLEY, MAIDSTONE, KENT

The Head of Development Management advised the Committee that revised details were awaited in respect of both applications.

234. 24/500047/DEMREQ - PRIOR NOTIFICATION FOR THE PROPOSED DEMOLITION OF ALL EXISTING BUILDINGS ON SITE - FORMER ROYAL MAIL SORTING OFFICE, SANDLING ROAD, MAIDSTONE, KENT

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

RESOLVED:

1. That prior approval be granted subject to the informatives set out in the report with:

The amendment of informative two to reference the Wildlife and Countryside Act 1981 and the legislation concerning nesting birds and bats.

An additional informative advising that when the site is cleared the ephemeral opportunities for nature within the site should be maximised.

An additional informative advising that the applicant should work closely with the demolition company to ensure the optimal recycling/re-use of materials arising from the demolition works.

An additional informative advising that the detailed drawings submitted with the application show no archaeological remains being adversely affected by the demolition works. The drawings are to be adhered to with no deviation from them.

An additional informative advising that as there is a known archaeological interest on the site, the applicant should liaise with Historic England or other experts to ensure that it is not adversely affected by the demolition works.

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

Voting: 12 – For 0 – Against 0 – Abstentions

235. 23/505731/FULL - SECTION 73 - APPLICATION FOR MINOR MATERIAL AMENDMENT TO APPROVED PLANS CONDITION 2 (TO ALLOW REVISION TO RESIDENTIAL MIX WHILST RETAINING 172NO. UNITS; REVISION OF LOCATION AND QUANTUM OF COMMERCIAL USE; INTERNAL RECONFIGURATION TO CORES OF BLOCK A AND B TO ACCOUNT FOR FIRE SAFETY; REDUCTION IN HEIGHT OF BLOCK B BY 1NO. STOREY; REMOVAL OF BASEMENT TO BLOCK B; RECONFIGURATION OF REFUSE AND CYCLE STORAGE; FENESTRATION ALTERATIONS TO BLOCK A AND B WITH ASSOCIATED AMENDMENTS TO LANDSCAPING AND PARKING) PURSUANT TO 20/505707/FULL FOR - DEMOLITION OF SHANDON HOUSE AND REDEVELOPMENT OF THE SITE AND ADJACENT PRIVATE CAR PARK WITH TWO BUILDINGS COMPRISING OF 172NO. RESIDENTIAL APARTMENTS AND 1169SQM COMMERCIAL SPACE, PUBLIC REALM AND LANDSCAPING, NEW ACCESS AND 47NO. PARKING SPACES, DROP OFF BAYS, SERVICE/DELIVERY BAY AND CYCLE PARKING WITH ASSOCIATED GROUND WORKS - MOTE ROAD CAR PARK, MOTE ROAD, MAIDSTONE, KENT

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

RESOLVED:

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

Voting: 12 – For 0 – Against 0 – Abstentions

236. 23/504779/FULL - DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS AND ERECTION OF 1NO DETACHED DWELLING (RE-SUBMISSION OF

23/500613/FULL) - COCKETTS, BIMBURY LANE, STOCKBURY, SITTINGBOURNE, KENT

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

Councillor Moody of Stockbury Parish Council and Mr Collins, for the applicant, addressed the meeting.

RESOLVED: That permission be refused for the reasons set out in the report.

Voting: 8 – For 4 – Against 0 – Abstentions

237. 23/503311/FULL - CHANGE OF USE FROM RESIDENTIAL CARE HOME (USE CLASS C2) TO A 29 BEDROOM HMO INCLUDING CHANGES TO FENESTRATION, CREATION OF NEW PARKING SPACES AND CYCLE STORE - THE HAVEN CARE HOME, 17 CHURCH ROAD, TOVIL, MAIDSTONE, KENT

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

Following the introduction of the application by the Senior Planning Officer, Councillor English stated that he was a Member of Tovil Parish Council. However, he had not participated in the Parish Council's discussions regarding the proposed development and intended to speak and vote when it was considered.

Mrs Russo, for objectors, Mr Hewett, a local resident taking the Parish Council speaker slot with the Chairman's discretion, and Mr Dadd, agent for the applicant, addressed the meeting.

Having stated that he was a Member of Tovil Parish Council and had participated in its discussions on the application, Councillor Wilby made representations and then withdrew from the meeting.

RESOLVED:

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

The amendment of condition 7 (Landscaping) to require a wildflower lawn along the churchyard boundary.

An additional condition to enhance energy efficiency/energy usage within the development.

The amendment of condition 13 (Cycle/Refuse Storage) if appropriate following a review of access/egress to the bins.

An informative advising the applicant that the Committee's preferred option is that the caretaker/handyman should live on site.

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

Voting: 7 – For 2 – Against 2 – Abstentions

FURTHER RESOLVED: That the Cabinet Member for Planning, Infrastructure and Economic Development be requested to bring forward initiatives to ensure that the Council has the evidence base in policy to assess the parking needs that are generated by residential conversions and sub-divisions and HMOs in the town centre.

238. 23/505157/FULL - DEMOLITION OF WORKSHOP TO WEST AND ERECTION OF 1(NO) DETACHED 4 BEDROOM DWELLING. CONVERSION OF WORKSHOP TO EAST TO 1(NO) DETACHED 2 BEDROOM BUNGALOW WITH USE OF EXISTING VEHICULAR ACCESS ON TO LOWER ROAD, PROVISION OF FOOTWAY AND ASSOCIATED PARKING AND LANDSCAPING - FARLEIGH FORGE GARAGE, LOWER ROAD, EAST FARLEIGH, MAIDSTONE, KENT

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

Mrs Soden, for an objector, and Mr Clarke, for the applicant, addressed the meeting.

RESOLVED:

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

Voting: 11 – For 1 – Against 0 – Abstentions

239. 23/504980/FULL - CHANGE OF USE OF THE EXISTING BUILDING FROM USE AS OFFICES AND RESEARCH AND DEVELOPMENT (USE CLASS E(G) (I) AND (II)) TO USE AS OFFICES, RESEARCH AND DEVELOPMENT, AND MEDICAL SERVICES (USE CLASS E(G) (I) AND (II), AND USE CLASS E(E)) - MAIDSTONE INNOVATION CENTRE, GIDDS POND WAY, WEAVERING, KENT

Rolled over to the adjourned meeting on 22 February 2024.

240. 23/504118/FULL - CHANGE OF USE OF 1 HECTARE (2.5 ACRES) OF AGRICULTURAL LAND TO USE AS A DOG WALKING PADDOCK WITH ASSOCIATED 1.8METRE HEIGHT FENCING, GATE, AND PARKING - HOOK FARM, KINGS LANE, MARDEN, KENT

Rolled over to the adjourned meeting on 22 February 2024.

241. 23/503936/FULL - PARTIAL DEMOLITION AND CONVERSION OF EXISTING REDUNDANT STABLE BUILDING TO A SINGLE DWELLINGHOUSE WITH ASSOCIATED PARKING, ECOLOGICAL ENHANCEMENTS AND LANDSCAPING (RE-SUBMISSION OF 22/505429/FULL) - THE OLD STABLE, DUNN STREET ROAD, BREDHURST, GILLINGHAM, KENT

Rolled over to the adjourned meeting on 22 February 2024.

242. 23/501635/FULL - CONVERSION OF EXISTING BARN TO RESIDENTIAL DWELLING, INCLUDING NEW ENTRANCE AND ACCESS DRIVE WITH ASSOCIATED PARKING (RE-SUBMISSION OF 22/501591/FULL) - CHICKENDEN BARN, CHICKENDEN LANE, STAPLEHURST, TONBRIDGE, KENT

Rolled over to the adjourned meeting on 22 February 2024.

243. APPEAL DECISIONS

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

RESOLVED: That the report be noted and that the Officers be congratulated on their success at appeal.

244. ADJOURNMENT OF MEETING

Following consideration of the report of the Head of Development Management relating to appeal decisions, the Committee:

RESOLVED: That the meeting be adjourned until 6.00 p.m. on Thursday 22 February 2024 when the remaining items on the agenda will be discussed.

245. DURATION OF MEETING

6.00 p.m. to 8.30 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 15 FEBRUARY 2024
ADJOURNED TO 22 FEBRUARY 2024

Present 22 February 2024:

Committee Members:	Councillor Spooner (Chairman) and Councillors Cox, Garten, Mrs Gooch, Harwood, Jeffery, McKenna, Perry and Riordan
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246. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors English, Russell and D Wilkinson.

247. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor Garten was present as Substitute Member for Councillor Russell.

248. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

249. ITEMS WITHDRAWN FROM THE AGENDA

There were no items withdrawn from the agenda.

250. 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.

251. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

252. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

10.	23/504118/FULL Hook Farm, Kings Lane, Marden, Kent	Councillor Riordan
11.	23/503936/FULL The Old Stable, Dunn Street Road, Bredhurst, Gillingham, Kent	Councillors Harwood, Jeffery, McKenna and Riordan
12.	23/501635/FULL Chickenden Barn, Chickenden Lane, Staplehurst, Tonbridge, Kent	Councillors McKenna and Riordan

253. EXEMPT ITEMS

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

254. 23/504118/FULL - CHANGE OF USE OF 1 HECTARE (2.5 ACRES) OF AGRICULTURAL LAND TO USE AS A DOG WALKING PADDOCK WITH ASSOCIATED 1.8METRE HEIGHT FENCING, GATE, AND PARKING - HOOK FARM, KINGS LANE, MARDEN, KENT

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

Ms Hicks, an objector, and Mr Albrow, a local resident taking the Parish Council speaker slot with the Chairman's discretion, addressed the meeting.

RESOLVED: That consideration of this application be deferred to:

Seek an ecological survey particularly in relation to the impact of intensive dog activity on the grassland and wildlife (nutrient enrichment issues, dog waste, disturbance and smell etc.).

Seek a mixed native hedge along the fence across the field to soften the impact visually and on wildlife.

Seek information about how the grassland and hedgerows will be maintained and further details of access, egress and the turning head, and safeguards in terms of potential conflict between dogs and the access track.

Voting: 9 – For 0 – Against 0 – Abstentions

FURTHER RESOLVED: That the Cabinet Member for Planning, Infrastructure and Economic Development be requested to bring forward policies to assess the impact of dog walking sites.

Voting: 9 – For 0 – Against 0 – Abstentions

255. 23/503936/FULL - PARTIAL DEMOLITION AND CONVERSION OF EXISTING REDUNDANT STABLE BUILDING TO A SINGLE DWELLINGHOUSE WITH ASSOCIATED PARKING, ECOLOGICAL ENHANCEMENTS AND LANDSCAPING (RE-SUBMISSION OF 22/505429/FULL) - THE OLD STABLE, DUNN STREET ROAD, BREDHURST, GILLINGHAM, KENT

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

Ms Bedford, agent for the applicant, addressed the meeting.

RESOLVED: That permission be refused for the reasons set out in the report.

Voting: 9 – For 0 – Against 0 – Abstentions

256. 23/501635/FULL - CONVERSION OF EXISTING BARN TO RESIDENTIAL DWELLING, INCLUDING NEW ENTRANCE AND ACCESS DRIVE WITH ASSOCIATED PARKING (RE-SUBMISSION OF 22/501591/FULL) - CHICKENDEN BARN, CHICKENDEN LANE, STAPLEHURST, TONBRIDGE, KENT

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

Mrs Williams addressed the meeting on behalf of residents in Chickenden Lane.

RESOLVED: That subject to revisions in consultation with Ward Members addressing the Committee's concerns regarding:

- A. The loss of trees; and
- B. The position of the proposed new access way and issues around (a) highway safety and sightlines and the impact on trees and hedgerows and (b) the wildlife route between pond and paddock,

the Head of Development Management be given delegated powers to grant permission subject to the conditions and informatives set out in the report with any necessary amendments made in consultation with Ward Members.

Voting: 9 – For 0 – Against 0 – Abstentions

FURTHER RESOLVED: That the Cabinet Member for Planning, Infrastructure and Economic Development be requested to consider the possibility of the Council employing its own ecologist to advise on the ecological implications of development proposals.

Voting: 9 – For 0 – Against 0 – Abstentions

257. 23/504980/FULL - CHANGE OF USE OF THE EXISTING BUILDING FROM USE AS OFFICES AND RESEARCH AND DEVELOPMENT (USE CLASS E(G) (I) AND (II)) TO USE AS OFFICES, RESEARCH AND DEVELOPMENT, AND MEDICAL SERVICES (USE CLASS E(G) (I) AND (II), AND USE CLASS E(E) - MAIDSTONE INNOVATION CENTRE, GIDDS POND WAY, WEAVERING, 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.
2. That delegated powers be given to the Head of Development Management to be able to settle or amend any necessary planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 9 – For 0 – Against 0 – Abstentions

258. DURATION OF MEETING

6.00 p.m. to 7.35 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

21 MARCH 2024

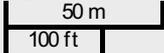
REPORT OF THE HEAD OF DEVELOPMENT MANAGEMENT

DEFERRED ITEMS

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

APPLICATION	DATE DEFERRED
<p><u>21/503412/FULL - ERECTION OF 8 NO. FULL MASTS AND 4 NO. LOWER MASTS FLOODLIGHTING TO SERVE THE SPORTS PITCHES - MARDEN SPORTS CLUB, MAIDSTONE ROAD, MARDEN, KENT</u></p> <p>Deferred to:</p> <p>Assess the cumulative impact of the existing lighting, the lighting for the proposed padel courts and the lighting associated with this application;</p> <p>Seek night-time photographs to see what the existing lighting looks like;</p> <p>Seek details of a landscape scheme;</p> <p>Seek details of the boundary treatments, including the acoustic fencing (height etc.) and bund to assess the visual impact and also to understand the planning status of the bund and fencing;</p> <p>Seek up to date ecological information (including a bat survey) and an assessment of biodiversity net gain; and</p> <p>Seek more information about the light spectrum proposed as the red end of the spectrum is less intrusive.</p>	<p>19 October 2023 adjourned to 26 October 2023</p>
<p><u>23/503671/FULL – DEMOLITION OF EXISTING HOUSE AND OUTBUILDING. ERECTION OF 2 NO. DWELLINGS INCLUDING EXTENSION OF EXISTING CROSSOVER AND ASSOCIATED PARKING - MONTROSE, SUTTON ROAD, LANGLEY, MAIDSTONE, KENT</u></p>	<p>14 December 2023</p>

<p>Deferred to:</p> <p>Negotiate with the applicant regarding the architectural quality of the development and to retain the landscape character;</p> <p>Seek a condition that retains cordwood from tree felling;</p> <p>Amend condition 5 (biodiversity) to seek a biodiversity net gain of 20%; and</p> <p>Amend condition 6 (ecology) to remove the word 'not' from the first sentence, to read "The development hereby approved shall only proceed (including site clearance), in accordance with the advice in the Preliminary Ecological Appraisal (Arbtech, May 2023)."</p>	
<p><u>23/504118/FULL - CHANGE OF USE OF 1 HECTARE (2.5 ACRES) OF AGRICULTURAL LAND TO USE AS A DOG WALKING PADDOCK WITH ASSOCIATED 1.8METRE HEIGHT FENCING, GATE, AND PARKING - HOOK FARM, KINGS LANE, MARDEN, KENT</u></p> <p>Deferred to:</p> <p>Seek an ecological survey particularly in relation to the impact of intensive dog activity on the grassland and wildlife (nutrient enrichment issues, dog waste, disturbance and smell etc.);</p> <p>Seek a mixed native hedge along the fence across the field to soften the impact visually and on wildlife; and</p> <p>Seek information about how the grassland and hedgerows will be maintained and further details of access, egress and the turning head, and safeguards in terms of potential conflict between dogs and the access track.</p>	<p>15 February 2024 adjourned to 22 February 2024</p>



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

REFERENCE NO: - 22/502412/FULL		
APPLICATION PROPOSAL: Retrospective application for two mobile units and a utility block for traveller use.		
ADDRESS: Plot 1 Peacock Farm Chart Hill Road Chart Sutton Maidstone Kent ME17 3EX		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The development is acceptable regarding the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: Call in from Chart Sutton Parish Council for the reasons set out in Section 4 of this report.		
WARD: Boughton Monchelsea And Chart Sutton	PARISH/TOWN COUNCIL: Chart Sutton	APPLICANT: Mr and Mrs Lee AGENT: Martin Potts Associates
CASE OFFICER: William Fletcher	VALIDATION DATE: 25/05/22	DECISION DUE DATE: 29/03/24
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

Application site

21/501804/FULL (Plot 1 Peacock Farm) Retrospective application for two mobile units and a utility block. Refused 28.05.2021 for the following reasons:

- 1. The application site is outside of any settlement as defined in the Maidstone Borough Local Plan 2017. The proposal would result in the creation of an unsustainable form of housing development with future occupants reliant on private vehicle use to gain access to goods, services and facilities and, as such the proposal would be contrary to policies SS1 and SP17 of the Maidstone Borough Local Plan 2017 and guidance within the National Planning Policy Framework 2019.*
- 2. The development, by virtue of its scale, design and layout, and associated domestic paraphernalia would harmfully consolidate sporadic and urbanising development in the countryside, causing unacceptable harm to the character and appearance of the area hereabouts. The proposal therefore represents poor design, for which there is no overriding justification for, contrary to policies SP17, DM1, DM15 and DM30 of the Maidstone Local Plan (2017); and the aims of the National Planning Policy Framework (2019).*

(Officer Note: This application was not for gypsy and traveller accommodation so was not assessed under policy DM15 the exception policy to SP17 regulating Gypsy and Traveller development in the countryside. The current application from a different applicant is for Gypsy and Traveller accommodation)

Neighbouring land

07/2227 - (on land now Plot 5 Peacock Farm) Retrospective change of use from agricultural to residential for gypsy family including the stationing of one mobile home and one touring caravan. Permitted 26/06/2008.

21/501800/FULL (Plot 5 Peacock Farm) Retrospective application for stationing of two additional mobile homes and erection of a utility block. Refused 27.05.2021 (*Officer Note:*

This application was not for gypsy and traveller accommodation so was not assessed under policy DM15 the exception policy to SP17 regulating Gypsy and Traveller development in the countryside.)

21/503283/FULL (Plot 2 Peacock Farm) Continued stationing of 1no. mobile home for occupation by a gypsy or traveller and retention of associated outbuilding and decking area (retrospective). Approved 15.09.2021.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is in the countryside on the west side of Chart Hill Road. The site is at the end of a long access from Chart Hill Road.
- 1.02 The application site is one plot at the northern end of a larger group of five existing gypsy and traveller plots (plots 1 to 5) that share the vehicle access from Chart Hill Road. The applicant's existing layout plan shows 5 mobile homes and 2 utility blocks on plots 2 to 5. On the application site (Plot 1) there is currently a large barn, utility block and two mobile homes.
- 1.03 The applicant has advised that the application site has had several previous uses that include a scrap yard. The applicant advises that as part of a second use "...old horses were processed inside the barn and buried elsewhere on the land".
- 1.04 Mature hedgerows on the west and south boundaries of the five plots act as substantial screens from the surrounding countryside. To the north and east there is an embankment with a timber retaining structure measuring approximately 1.8m with a 1.2m high cut post and rail fence on top, making this part of the site invisible from the road.
- 1.05 The site is within Flood Zone 1. The site is also more than 50m away from any Ancient Woodland and Local Wildlife sites. The site is adjacent to the Low Weald Landscape of Local Value.

Application Site (08/05/2022) (Red Line added by case officer)



2. PROPOSAL

- 2.01 There are currently two mobile homes on the site that do not have planning permission. The current proposal is to:
- retain one of the existing caravans (retrospective),
 - to replace one of the mobile homes (which is derelict) with a larger version in the same location (proposed), and
 - construction of a new utility building (proposed).
- 2.02 The two caravans and utility building would be sited behind (east) of the existing metal barn. The application form indicates the external walls of the mobiles would be 'render' with a felt/tiled roof and uPVC windows. The dimensions would be 13.5m by 5.5m (74m²) in area with shallow gable ended roofs and would be some 4m in height.
- 2.03 The utility building would measure some 12m by 5.4m in footprint (66m²); with a gable ended roof 4m in height from its ridge to ground level. Its eaves would be some 2.6m in height. The mobiles would provide accommodation for the applicant, as well as his sister and siblings. The application is for gypsy and traveller accommodation.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):

SS1 - Spatial strategy
SP17 - Countryside
DM1 - Principles of good design
DM3 - Natural environment
DM15 - Gypsy, Traveller and Travelling Showpeople accommodation.
DM30 - Design principles in the countryside

Local Plan Review:

On 8 March 2024, the Council received the Final Report on the Examination of the Maidstone Borough Local Plan Review prepared by the Planning Inspector. The Inspector's Report concludes that the Maidstone Borough Local Plan Review is sound, subject to the main modifications being incorporated.

Following publication of the March committee papers, the next stages for the LPR are the Planning, Infrastructure and Economic Development Policy Advisory Committee on the 18 March 2024 and Cabinet on the 19 March 2024. It is anticipated that Council adopts the LPR on 20 March 2024.

If adopted on the 20 March 2024, at the time of the subsequent March planning committee meetings, LPR policies will carry 'substantial' weight but not 'full' weight. LPR policies will only carry 'full weight' 6 weeks after the date of adoption (judicial review period). The relevant policies in the draft plan are as follows:

LPRSP10: Housing
LPRSP10(A): Housing mix
LPRSP12: Sustainable transport
LPRSP14: The Environment
LPRSS1: Maidstone borough spatial strategy
LPRSP9: Development in the countryside
LPRSP14A: Natural environment
LPRSP14(C): Climate change
LPRSP15: Principles of Good Design
LPRHOU 8: Gypsy and traveller accommodation
LPRTRA2: Assessing the transport impacts of development.
PRTRA4: Parking
LPRQ&D 1 Sustainable design
LPRQ&D 2: External lighting

LPRQ&D 6: Technical standards
LPRQ&D 7: Private amenity space standards

Supplementary Planning Guidance:

Planning Policy for Traveller Sites' (2023) (PPTS)
Maidstone Landscape Character Assessment (amended 2013)
Gypsy and Traveller and Travelling Showpeople Topic Paper (2016)
Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) (2012)

National Planning Policy Framework (NPPF): Achieving well-designed places.
National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Local residents:

4.01 No representations received from residents.

Chart Sutton Parish Council:

4.02 Objection for the following reasons:

- Designated open countryside where growth for residential development is restricted.
- Over intensification of the site, which is currently resembling a small hamlet.
- Original permission (07/2227) was only for one mobile home and one touring caravan at any one time.
- Wish application to be reported to committee if officers are minded to approve.

5. CONSULTATIONS

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

KCC Highways:

5.01 No objections - consultee replied with standing advice.

Environmental Protection

5.02 No objections subject to conditions.

KCC Ecology

5.03 No objection, subject to conditions

MBC Landscape

5.04 No objection. Any planting in this countryside location should be native and be consistent with the Maidstone Landscape Guidelines.

6. APPRAISAL

6.01 The key issues for consideration relate to:

- Policies SP17/LPRSP10C and DM15/LPRHou 8 (countryside, highways, flooding, landscape & ecology).
- Need and supply of sites.
- Gypsy status.
- Residential amenity

SP17/LPRSP10C and DM15/LPRHou 8 (countryside, highways, flooding, landscape & ecology)

- 6.02 The application site is in the countryside and the starting point for assessing all applications in the countryside are LPRSP9 and adopted policy SP17. Adopted policy SP17 states that development proposals in the countryside will only be permitted where:
- a) there is no harm to local character and appearance, and
 - b) they accord with other Local Plan policies
- 6.03 Policy SP17 does not specify an acceptable level of harm to local character and appearance, and all proposals in the countryside are likely to result in some degree of harm. In this context all development outside the designated settlements does not accord with this part of SP17. LPRSP9 says the same as adopted policy SP17 with qualification of the level of harm i.e. " ...there is no 'significant' harm to local character and appearance". The current application will not result in a 'significant' level of harm to the countryside.
- 6.04 In specific circumstances where there is locational need for development (equestrian, rural worker dwelling, agricultural buildings etc) other LPR and adopted Local Plan policies permit development in the countryside subject to listed criteria. If development accords with one of these other Local Plan policies, this compliance generally outweighs the harm caused to character and appearance with a proposal found in accordance with LPRSP9 and adopted policy SP17 overall.
- 6.05 In this case, LPRSP10C 1 (ii) and adopted policy DM15 accepts that new Gypsy and Traveller accommodation will be in the countryside and lists 5 criteria that planning applications will be assessed against. These criteria are considered below:
- LPRSP10C 1 (ii) / DM15 (i). Local services, in particular school, health and shopping facilities, are accessible from the site preferably on foot, by cycle or on public transport.
- 6.06 The supporting text to policy DM15 states in relation to Gypsy and Traveller accommodation "*It is preferable for sites to be located close to existing settlements where there are community facilities such as schools and health services. Frequently, because of land availability, more rural sites are proposed. Where such sites are proposed, the impact of development on the landscape and rural character is an important factor in respect of the wider objective of protecting the intrinsic character of the countryside*".
- 6.07 Whilst the local plan does not provide a definition of what distance is considered 'close' to a settlement, from the application site it is a 5 minute (1.8 miles, source: Google Maps) car journey to the Kings Head in Sutton Valence (Sutton Valence is a local plan designated 'larger village'). Chart Sutton Village Hall is a 3 minute car journey (1.2 miles, source: Google Maps) from the site.
- 6.08 Although the occupants of the site would be largely reliant on private motor vehicles to access local services and facilities, this is not untypical of Gypsy and Traveller sites in rural locations. Although not highly sustainable in respect of location, the site is not so far removed from basic services and public transport opportunities as to justify refusal.
- 6.09 In addition, it is highlighted that the application site is immediately adjacent to previously permitted Gypsy and Traveller accommodation under references 07/2227 (one mobile home and one touring caravan) and 21/503283/FULL (one mobile home and outbuilding).

LPRSP10C 1 (iv)/ DM 15 ii. The development would not result in significant harm to the landscape and rural character of the area. Impact on these aspects will be assessed with particular regard to: a. Local landscape character; b. Cumulative effect - the landscape impact arising as a result of the development in combination with existing lawful caravans; and c. Existing landscape features - development is well screened by existing landscape features and there is a reasonable prospect of such features' long term retention; Additional planting should be used to supplement existing landscaping but should not be the sole means of mitigating the impact of the development.

- 6.10 The Maidstone Landscape Character Assessment advises that the site lies within the Low Weald Landscape Character Area, specifically within the Linton Park and Farmlands area. The Low Weald Landscape of Local Value (LLV), for the purposes of the Local Plan, is a landscape that is in very good condition and high sensitivity, recognised as having distinctive landscape features: Enclosed pasture, scattered farms, and small hamlets dominance of oak trees within pasture and as mature hedgerow trees.
- 6.11 Where Gypsy and Traveller developments are normally permitted, it is based on being screened by existing permanent features such as hedgerows, tree belts, buildings, or land contours, as required by policy DM15 of the adopted Local Plan. Consequently, unless well screened or hidden away in unobtrusive locations, mobile homes are normally considered unacceptable in their visual impact.
- 6.12 The mobile homes are of a typical style and appearance and appear to fall within the definition of a caravan (Section 29 of the Caravan Sites and Control of Development Act 1960); the materials proposed are typically found on mobile homes on Gypsy and Traveller Sites.
- 6.13 The application site location behind other parcels of land where mature boundary vegetation exists, resulting in the application being screened on four sides. The application site and nearby Gypsy and Traveller sites are not easily recognised, if at all. It is accepted that views may change in the winter, due to less leaf coverage, but it is not considered a noticeable change due to the impact of existing sporadic developments in the immediate vicinity of the application site, including other lawful Gypsy and Traveller sites, on the landscape. Conditions are recommended seeking the submission of a landscape scheme. Overall, given its small scale, the harm is found to be localised with no significant medium to long range impact.
- 6.14 Assessing the visual harm of the application, the site is a substantial distance from Chart Hill Road (more than 100m) and benefits from a good level of natural screening in the form of hedgerows, trees and is also located at a lower ground level.
- 6.15 Glimpses into the site are mainly through the vehicle access. With sufficient set back and the metal frame barn which restricts views the site the proposal would not appear visually prominent from Chart Hill Road or at the entrance to the site. To further safeguard the amenity of the surrounding landscape, external lighting can also be restricted by way of condition.
- 6.16 LPRSP10C and adopted policy DM15 advises that applications need to be assessed in relation to "Cumulative effect - the landscape impact arising as a result of the development in combination with existing lawful caravans". The information in the preceding parts of this report, including the planning history section, have set out the planning history of adjacent sites.
- 6.17 The landscape impact of the proposal has been assessed above and it is concluded that the landscape harm that occurs because of the development is not grounds for refusal of permission. Were the nearby caravans removed and returned to agricultural fields, the application site would remain low key when viewed from Chart Hill Road. The current submitted proposal for two mobile homes, and utility building which benefit from existing landscaping would also be a 'low key' development and

will not result in significant cumulative landscape harm that is sufficient to warrant a refusal on cumulative harm.

- 6.18 It is acknowledged that the development would cause some harm to the character and appearance of the countryside, but in landscape terms the proposal is in accordance with Local Plan policy DM15 with this harm (including cumulative harm) not found to be significant. In visual amenity terms, the development is in accordance with relevant policies of the Local Plan and the aims of the NPPF.

LPRSP10C 1 (v)/ DM15 iii. The site can be safely accessed to and from the highway by all vehicles using the site on a regular basis.

- 6.19 LPRSP10C 1 (v) and adopted policy DM1 states that applications must ensure that development does not result in, amongst other things excessive activity or vehicle movements. DM30 also continues this theme stating that proposals must not result in unacceptable traffic levels on nearby roads or unsympathetic changes to the character of rural lanes.

- 6.20 There are no highway issues with the existing access which is suitable for the extra demand from this application. It is concluded that the vehicle movements resulting from the application can easily be accommodated on the local road network. There is sufficient parking/turning provision on the site.

- 6.21 NPPF guidance states that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*" (NPPF para 111). The current application does not meet these tests with no highway safety impact found and no severe impact on the highway network present. KCC Highways have no objections to the application.

LPRSP10C 1 (vi)/DM15 iv. The site is not located in an area at risk from flooding (zones 3a and 3b)

- 6.22 The site lies within Flood Zone 1, consequently flooding is not an issue. A planning condition will be imposed to secure permeability of site hardstanding and assist in surface water drainage.

- 6.23 Further details of the provision of potable water and how foul sewage will be dealt are to be secured by way of condition (including the size of any septic tank or cesspool and where it will overflow to).

LPRSP10C 1 (vii)/ DM15 v. The ecological impact of the development has been assessed through appropriate survey and a scheme for any necessary mitigation and enhancement measures confirmed.

- 6.24 LPRSP14A and adopted policy DM3 of the Maidstone Borough Local Plan and the NPPF directs the planning system to contribute to and enhance the natural and local environment.

- 6.25 There are existing caravans and hardstanding areas on the application site with the retained boundary hedgerows providing the most valuable existing habitat. A planning condition is recommended to secure biodiversity enhancement through bird and bat boxes and new landscaping on the site. On this basis, the proposal would accord with LPRSP14A and DM3 and LPRSP10C DM15 and the NPPF (2023). These policies jointly direct the planning system to contribute to and enhance the natural and local environment.

- 6.26 The proposed utility block is of a scale and form that respects its setting and in accordance with the LPR requirement (LPRSP10C (3)) relating to outbuildings and dayrooms.

Need and supply of sites

- 6.27 The Gypsy, Traveller and Travelling Showpeople Accommodation Assessment is the only complete assessment of need that is currently available forming part of the evidence base to the Local Plan (Total need Oct 2011 to March 2031 of 187 pitches). The GTAA when it was carried out provided a reasonable and sound assessment of future pitch needs. However, the GTAA is now over 12 years old and because of its age, little weight can be attached to this document.
- 6.28 Importantly, in the Meadows appeal decision (APP/U2235/C/18/3210851 and others), dated 17 March 2023, the Inspector concluded that the 2012 GTAA does not represent a robust and accurate assessment of need within the Borough. Into the future, the Inspector found that evidence points to an existing shortfall of sites and a shortfall in the supply of 5 years’ worth of deliverable sites. At the same time, the Council accepted the need for pitches over the plan period to 2037, is likely to be significant.
- 6.29 The Local Plan Review (LPR) examination in public commenced on the 6 September 2022 (Stage 2 hearing concluded mid-June 2023). Whilst the LPR may be adopted at the time of the March planning committee meeting, the LPR will carry substantial but not full weight at this stage due to a judicial review period. Furthermore, the Council has chosen to separate the matter of gypsy and traveller policy from the LPR and is pursuing a separate Development Plan Document (DPD) on this matter.
- 6.30 The updated Gypsy, Traveller, and Travelling Showpeople Accommodation Assessment (GTAA), which forms part of the evidence base for the Gypsy, Traveller and Travelling Showpeople DPD, was published in September 2023. It provides the evidence of the current and future need for gypsy, traveller and travelling showpeople in the borough for the Local Plan Review until 2040.
- 6.31 The GTAA published in 2023 outlines a need for 340 pitches in Maidstone that met the planning definition between 2023 and 2040, broken down as follows:

	2023-27	2028-32	2033-37	2038-40	2023-40
Gypsy & Traveller Pitches	205	48	53	34	340

- 6.32 In addition, the DPD will be informed by the outcome of a Pitch Deliverability Assessment and a targeted Call for Sites exercise to identify potential new sites so the needs of the community can be adequately, and appropriately addressed and appropriate engagement can take place.
- 6.33 The LPR Call for Sites exercise ran from February and March 2022 and February and March 2023, with the aim of comprehensively addressing the needs of the community appropriately. The Gypsy, Traveller and Travelling Showpeople DPD is at its early stages and is not due to be adopted until 2025 at the earliest.
- 6.34 The PPTS requires Local Plans to identify a supply of 5 years’ worth of deliverable sites against the Plan’s pitch target. The Council’s 5-year supply comprises:
 - unimplemented Local Plan 2017 (Policy GT1) allocations which are to be carried forward.
 - an allowance for pitch turnover on the two public Gypsy & Traveller sites in the borough.
 - a windfall allowance for pitches which will be granted planning permission in the future.
- 6.35 The Council are not able to provide a supply of specific deliverable sites sufficient to provide five years’ worth of sites against locally set targets. The Council’s current position is that it can demonstrate 2.1 1.2 years’ worth of deliverable pitches.

- 6.36 Paragraph 27 of 'Planning policy for traveller sites (2023) states: *"If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. The exception is where the proposal is on land designated as Green Belt... [or]an Area of Outstanding Natural Beauty[national landscape]"*.

Gypsy status

- 6.37 A judgement dated 31 October 2022, from the Court of Appeal in Smith v. SoS for Levelling Up, Housing and Communities (CA-2021-00171, 31st October 2022) concerned a planning inspector's reliance on the definition of Gypsies and Travellers in Planning Policy for Traveller Sites. This guidance was introduced by the government in August 2015.
- 6.38 The previous definition before August 2015 had been: *"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' education or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such"*. The new definition post 2015 deleted "or permanently".
- 6.39 The Secretary of State accepted that this indirectly discriminated against elderly and disabled Gypsies and Travellers but argued that the discrimination was justified. The appeal court judgement sets out at paragraph 66... *"the nature of the discrimination before the judge was the negative impact on those Gypsies and Travellers who had permanently ceased to travel due to old age or illness, but who lived or wanted to live in a caravan. This discrimination was inextricably linked to their ethnic identity"*. at paragraph 139 *"... the effect of the relevant exclusion was – as the Secretary of State has conceded – discriminatory, and that, on the evidence before the court in these proceedings, there was no proper justification for that discrimination..."*
- 6.40 The applicant Mr Lee travels as part of his cultural heritage and is of traveller descent, he, and his family attend two to three fairs annually prior to the pandemic. Mr Lee is living with his partner and their two young children and wish to settle in this site for their school aged children who the elder child aged 4 is enrolled on a full-time basis at a local primary school. The family are unable to live in a flat as it would be contrary to the family's cultural identify and nomadic lifestyle and not in their best interests. They began staying at the application site in December 2020.
- 6.41 The second mobile on site would be occupied by Mr Lees sister and her siblings. With regards to the status of the occupants, their land-use needs relate to their ethnicity. It would be considered discriminatory to exclude them from the Government's definition just because they are no longer able to travel (Smith v Secretary of State for Levelling Up, Housing and Communities & Anr. Case Number: CA-2021-001741). In this instance, it is concluded that the desire and need to have a strong family unit on the site, outweighs their exclusion from the Government's definition above (considering Article 8 Human Rights Convention).
- 6.42 A letter from the Gypsy Cooperative submitted with the planning application states that the occupiers of the caravans are from the Romany Gypsy community.
- 6.43 Based on the evidence available it can reasonably concluded that the occupants are of Gypsy heritage and are from the travelling community. A condition is recommended to ensure that the site shall not be used as a caravan site by any persons other than Gypsies or Travellers and their family and/or dependants, as defined the Planning Policy for Traveller Sites 2023.
- 6.44 In awarding costs against the Council as part of a recent appeal on this issue at Pear Paddock the appeal Inspector sets out: *"The Council's second reason for refusal complains that the appellants (then the applicants) have not demonstrated that the proposed site occupants are Gypsies or Travellers. Yet there is nothing in*

the relevant policy that requires a personal demonstration of need or ethnic identity. It is not as though any housebuilder is required to tell the LPA who exactly is intended to live in the houses s/he proposes to build; concomitantly, there is no such requirement here".

- 6.45 With this background and the common use of planning conditions to restrict occupation of relevant sites to Gypsies or Travellers, the refusal of planning permission on the grounds that Gypsy status has not been proven would be unreasonable.

Residential amenity

- 6.46 LPRSP15 and adopted policy DM1 states that proposals will be permitted where they "...respect the amenities of occupiers of neighbouring properties...by ensuring that development is not exposed to, excessive noise, activity, 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".
- 6.47 The application site is a small plot of land at the norther end of a larger area of Gypsy and Traveler accommodation. The proposal would maintain acceptable separation distances from existing mobile homes, and this will avoid any adverse effect in terms of overshadowing, loss of light, outlook, or privacy.
- 6.48 The closest 'immediate neighbours' (house) at Lambs Cross Farm are separated from the application site by a distance of circa 118 metres to the east. This distance includes boundary hedging. In these circumstances the proposal is acceptable in relation to overshadowing, loss of light, outlook, and privacy. The proposal would retain the existing access point and the caravans provide sufficient amenity for the occupiers.
- 6.49 The proposals are acceptable in terms of maintaining the living conditions of neighbouring occupiers and providing suitable amenity for occupiers of the caravans. The proposal is in accordance with policy DM1 of the Maidstone Borough Local Plan and LPRQ&D7 in relation to external amenity space.
- 6.50 The Planning Policy for Traveller Sites 2023 (PPTS) advises "*When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community*" (paragraph 14).
- 6.51 The application 'site' includes a single Gypsy and Traveller pitch (2 mobile homes and a utility building). When added to the nearby sites listed in this report there will be a total of 5 pitches (7 mobile homes and 3 utility blocks) it is not considered that the scale of the application 'site' itself or taken with nearby sites would dominate the nearest settled community Chart Sutton.

7. PUBLIC SECTOR EQUALITY DUTY

- 7.01 Article 8 of the European Convention on Human Rights, as incorporated into UK law by the Human Rights Act 1998, protects the right of an individual to, amongst other things, a private and family life and home.
- 7.02 Race is one of the protected characteristics under the Equality Act and ethnic origin is one of the things relating to race. Romany Gypsies and Irish Travellers are protected against race discrimination because they are ethnic groups under the Equality Act.
- 7.03 This application has been considered in respect of the protected characteristics of the applicant and the gypsies and travellers who occupy the caravans. I am satisfied that the requirements of the Public Sector Equality Duty have been met and it is considered that the application proposals would not undermine objectives of the Duty.

- 7.04 Due regard has been had to the Public Sector Equality Duty contained in the Equality Act 2010. The ethnic origins of the applicant and his family and their traditional way of life are to be accorded weight under the Public Sector Equality Duty.

8. COMMUNITY INFRASTRUCTURE LEVY

- 8.01 The proposed development is not liable for Community Infrastructure Levy (CIL)

9. CONCLUSION

- 9.01 Local Plan policy DM15 allows for Gypsy and Traveller accommodation in the countryside provided certain criteria are met. Policies SP17 and DM30 allow for development provided it does not result in harm to the character and appearance of the area.
- 9.02 The GTAA published in 2023 outlines a need for 340 pitches in Maidstone and the Council's current position is that it can demonstrate a 1.2 years' worth of deliverable pitches on 1st April 2023.
- 9.03 The proposal has been assessed in relation to its visual and landscape impact, highways impact, sustainability, residential amenity, and flooding / drainage and found to be acceptable. The development is acceptable regarding the relevant provisions of the LPR, the Development Plan, the NPPF and all other material considerations such as are relevant. For the reasons set out above, it is recommended that permission be granted.

10. RECOMMENDATION

GRANT PLANNING PERMISSION subject to 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 carried out in accordance with the following approved plans:
 - Application for planning permission
 - Site Location Plan
 - P993/1 Existing Site Plan
 - P993/2 Proposed Site Plan
 - P993/3 Proposed Utility Block Plan and Elevations
 - P993/4 Proposed Plan and Elevations
 - P993/5 Existing Plan and Elevations
 - Cover Letter
 - Gypsy Cooperative Letter
 - Design and Access StatementReason: For the avoidance of doubt and in the interests of proper planning.

- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted.

- 3) No more than four caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended (of which no more than two caravans shall be mobile homes/statics) shall be stationed on the land at any time. The mobile homes shall be positioned on the site as set out on the submitted drawings and the utility block shall only be used for the purposes ancillary to the residential use of the mobile home hereby approved.
Reason: To safeguard the character and appearance of the countryside.

- 4) If the lawful use of the site ceases, all caravans, structures, equipment, and materials bought onto the land for the purposes hereby permitted including hardstandings and buildings shall be removed within two months from the date of the use ceasing. Reason: To safeguard the character and appearance of the countryside.
- 5) No vehicle over 3.5 tonnes shall be stationed, parked, or stored on the land and no commercial or business activities shall take place on the land including the storage of materials. Reason: To prevent inappropriate development; to safeguard the character and appearance of the countryside; and in the interests of residential amenity.
- 6) Notwithstanding the provisions of Schedule 2 Part 4 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 temporary buildings or structures shall be stationed on the land other than those expressly authorised by this permission (as shown on the approved plans). Reason: To prevent inappropriate development and safeguard the amenity, character, and appearance of the countryside, and in the interests of residential amenity.
- 7) The use hereby permitted shall cease and all caravans, structures, equipment, and materials brought onto the land for the purposes of such use shall be removed within 6 weeks of the date of the failure to meet any one of the requirements set out in (i) to (iv) below:
 - i) Within 6 weeks of the date of this decision a Site Development Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority. The Scheme shall include details of:
 - a) extent of existing hardstanding and parking areas, including a schedule for the complete removal from the land of all hardstanding areas shown as soft landscaped areas.
 - b) the means of foul and surface water drainage at the site, along with details regarding the provision of potable water and waste disposal.
 - c) existing external lighting on the boundary of and within the site.
 - d) details of existing landscaping
 - e) details of proposed landscaping including the planting of 0.22ha of mixed scrub spread.
 - f) details of measures to enhance biodiversity at the site; and,
 - g) a timetable for implementation of the scheme including a) to f) with all details implemented in accordance with the agreed timetable and all details retained for the lifetime of the development.
 - ii) Within 11 months of the date of this decision the Scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Scheme shall have been approved by the Secretary of State.
 - iv) The approved Scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.

Reason: To ensure the visual amenity, character and appearance of the open countryside location.
- 8) The details of foul and surface water drainage required by condition 7 shall include the size of individual cess pits and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation). Reason: In the interests of amenity.

- 9) The landscaping required by condition 7 shall be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012). The detailed landscaping drawings shall include:
- a) details of all existing trees, hedgerows and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed.
 - b) details of the number, size, species, maturity, spacing and position of proposed trees and landscaping.
 - c) a timetable of implementation of the approved scheme and
 - d) a five [5] year landscape management plan (Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted).

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

- 10) All planting, seeding, and turfing specified in the approved landscape details shall be completed by the end of the first planting season (October to February) following its approval. Any seeding or turfing which fails to establish or any existing or proposed trees or plants which, within five years from planting die or become so seriously damaged or diseased that their long-term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 11) The details of existing lighting required by condition 7 shall:
- a) show that the existing lighting is in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021 (and any subsequent revisions) with reference to environmental zone E1.
 - b) include a layout plan with beam orientation.
 - c) include a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).
 - d) include an ISO lux plan showing light spill.

Reason: To safeguard residential amenity, wildlife and to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.

- 12) Any future external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall:
- a) be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021 (and any subsequent revisions) with reference to environmental zone E1.
 - b) include a layout plan with beam orientation.
 - c) a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).
 - d) an ISO lux plan showing light spill.

The scheme of lighting shall be installed, maintained, and operated thereafter in accordance with the approved scheme.

Reason: To safeguard residential amenity, wildlife and to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.

- 13) The enhancement of biodiversity on the site, required by condition 7 shall include the installation of a minimum of one bat tube on the approved mobile homes and the installation of ready-made bird and bat boxes on the site. The development shall be implemented in accordance with the approved details by the end of a two month period following approval and all these features shall be maintained as such thereafter. Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.

14) All hardstanding areas shall be of permeable construction. Reason: In the interests of 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.

Agenda Item 14



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

REFERENCE NUMBER: 23/503997/FULL

APPLICATION PROPOSAL:

Change of use of land to residential. Erection of 2no. detached cottages, 1no. detached dwelling with outside pool and conversion of Cattle Barn to pool house. Conversion of dovecote to ancillary residential outbuilding. Restoration works to Grade II listed Slype and Dovecote and restoration of the historic landscape including repair of 2 ragstone walls. Demolition of 2no. modern barns. New vehicular access to Lower Street, parking and other associated works (resubmission of 22/502610/FULL).

ADDRESS: Abbey Farm Lower Street Leeds Maidstone Kent ME17 1TL

RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions and legal agreement subject to removal of objection from KCC Ecology and no additional material considerations being raised as a result of the departure site and press notices that expire on 11.04.2024

SUMMARY OF REASONS FOR RECOMMENDATION:

The proposal does not accord with the spatial strategy of the Development Plan and will result in harm to the character and appearance of the countryside, contrary to policies SS1 and SP17 and there are no Local Plan policies that directly support the development. As the application is not in accordance with the adopted Local Plan, other material considerations would need to outweigh the harm to justify granting planning permission.

The proposal seeks to establish dwellings on what is predominantly a site characterised by a lack of development. As such the development would result in some harm to the intrinsic character of the area- there would be new buildings, access, significantly more hard surfacing for car parking/turning and domestic paraphernalia where there currently is very little.

The proposal also causes less than substantial harm to the settings of off and on-site listed buildings and to the 2 Conservation Areas.

It is considered that the dwellings themselves are well designed and reflect the character of the area. The legal agreement would ensure all the dwellings remain under the one ownership which reduces the problems of site fragmentation.

An extensive area of the proposed development site is protected as a scheduled monument under the Ancient Monuments and Archaeological Areas Act 1979. The monument is a multi-period site which retains nationally significant remains of the Leeds Priory monastic complex, a post-dissolution manor house, and part of their associated grounds. The applicant has been liaising with Historic England in the formulation of the proposed scheme and it is supported in principle by that statutory consultee.

The proposal presents the opportunity to restore and safeguard significant heritage assets at risk. It is concluded that the benefit of restoring and safeguarding the historic assets on the site, most of which are listed and scheduled monuments outweighs the harm the development causes to the countryside and the non-compliance with the Borough’s spatial strategy and the less than substantial harm the development would cause to the setting of heritage assets.

A financial bond should be required by legal agreement to ensure that there are adequate financial resources for all the heritage benefits to be secured and safeguarded in the long term.

Subject to KCC Biodiversity’s acceptance of the revised bat mitigation to The Slype, the application could be determined as all necessary mitigation/compensation would have been fully assessed.

REASON FOR REFERRAL TO COMMITTEE:

The application is a departure from the Local Plan.
Called in by Leeds PC and Cllr Gill Fort.

WARD: Leeds	PARISH/TOWN COUNCIL: Leeds	APPLICANT: Harry Fern AGENT: DHA Planning Ltd
CASE OFFICER: William Fletcher	VALIDATION DATE: 19/09/23	DECISION DUE DATE: 29/03/24
ADVERTISED AS A DEPARTURE: Yes		

Relevant Planning History

11/0087

Conversion of two former agricultural buildings to provide three residential dwellings as shown on drawing nos. L.01/B, L.02/A, L.05/A, P469/3, P.02/E, P03/D, P.07/B, P.06/C, P.05/C, P.08/A received 21/1/11: as amended by drawing no. P.01/G received on 29/9/11.

Approved 07.11.2011.

14/505250/FULL

Renewal of Planning Permission (reference MA/11/0087) to allow the conversion of two former agricultural buildings to provide three residential dwellings as shown on drawing nos. L.01/B, L.02/A, L.05/A, P469/3, P.02/E, P03/D, P.05/C, P.06/C, P.07/B, P.08/A received 30/10/14; and drawing no. P.01/G received 10/2/15.

Approved 11.02.2015.

22/502610/FULL

Phased development comprising the erection of a new self-build detached dwelling and conversion of cattle barn to a pool house, erection of 2no. detached residential gatehouses, restoration works to listed structures (slype and dovecotes), demolition of two modern barns, restoration of the former Capability Brown Landscape, access and other associated works (phasing plan submitted).

Refused 15.08.2022 due to:

- domestication, harmful to the character and appearance of the countryside
- visually intrusive along Lower Street.
- substantial harm to the significance, fabric and setting of the designated heritage assets (including Scheduled Monuments)
- harm to the non-designated heritage asset (Brownian landscape).
- an unsustainable countryside location

22/502611/LBC

Listed Building Consent for restoration and repair works to the Slype, Dovecotes, medieval wall to the south east of Abbey Farmhouse, and northern boundary wall. Conversion of Cattle Barn to a pool house and demolition of modern barns.

Withdrawn 18.08.2022.

Officer note: No Listed Building application has been submitted as the site and most of the structures are Scheduled Monuments, and therefore Scheduled Monument Consent (via Historic England) would be needed for the proposed works. The GII listed wall has no proposed works to it (aside from repairs) and therefore Listed Building Consent is not required.

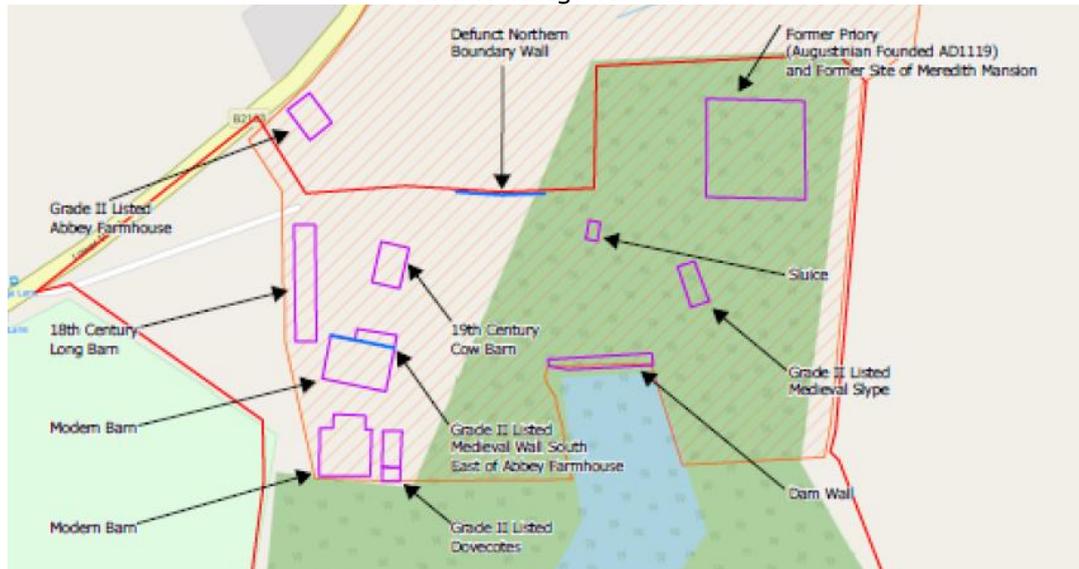
MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 In policy terms, the application site is located in the countryside outside of all settlement boundaries as defined within the Maidstone Borough Local Plan.
- 1.02 Abbey Farm sits between the two main areas that form Leeds village, and within an open landscape to the east of Lower Street (B2163), which runs through the centre of the village. The site is accessed from Lower Street via an existing gated access and driveway.
- 1.03 The boundary of the application site is approximately 10m from the Leeds Upper Street Conservation Area. The Lower Street Conservation Area sits approximately 100m to the northeast of the site at its nearest point.
- 1.04 The main part of the application site is set back from the roadside, screened by a belt of mature trees.
- 1.05 The site is approximately 9.5 ha, encompassing part of a Scheduled Monument, which comprises the above and below ground archaeological remains of the medieval Leeds Priory, with associated Slype, and site of the later 17th and 18th century Meredith Mansion (subsequently demolished) set within a landscape thought to have been created by Capability Brown (referred to as the "Brownian landscape").
- 1.06 The undeveloped parts of the site comprise clearings within wooded surroundings and scrub, interspersed by the buildings and areas of hardstanding.
- 1.07 Set within a clearing to the northwest of the site, are the redundant former farmyard buildings of Abbey Farm. The former Long Barn and redundant Cattle/Cow Barn are in the process of being converted to 3 no. residential dwellings as a result of application 14/505250/FULL. This planning application would instead convert the Cattle Barn into a Pool House.
- 1.08 Immediately adjacent to the site beyond the northeast edge is the Grade II listed Abbey Farmhouse, dating from the late 17th century. The farmhouse is not part of the site, but the range of buildings within the northwest portion of the site were formerly associated with Abbey Farmhouse, and therefore lie within its setting and curtilage.
- 1.09 The Len Valley Landscape of Local Value as designated on the Maidstone Local Plan Policies Map sits to the north of the site, separated by Lower Street.
- 1.10 Much of the proposed site is recognised as a Scheduled Monument, which includes the Dovecotes and Slype and associated remains, which are also recognised as GII listed. The 'Walls to South East of Abbey Farmhouse' are also GII listed.

Historic Significance

Site Heritage Assets



- 1.11 The Slupe consists of the remains of a medieval building with post-medieval brickwork additions and its attached walls. It was potentially related to monastic water management.
- 1.12 Dovecotes are important indicators in that their size and design depended upon status and land ownership. The Dovecote is thought to date to the 16th Century with later alterations.

Photo of the Dovecote when last 'intact' c.1911



- 1.13 The Slupe and the Dovecotes at Abbey Farm are both recorded in Historic England's Heritage at Risk Register 2023 as are the above and below ground archaeological remains of the medieval Leeds Priory. The condition of all is recorded as 'very bad' and the priority category as A(A) which is the highest category of priority.
- 1.14 Both buildings are at risk of serious structural decay with extensive damaging vegetation growing throughout. There have been multiple rounds of demolition on site over the course of time and it is very fortunate that both buildings have survived until the present day.

1.15 The main areas of significance are related to:

- Leeds Priory, including its surrounding grounds, gardens, and associated buildings
- The conversion from an Abbey into a substantial manor house in the 16th & 17th century
- The updating/ modernising works to the house and the gardens in the 18th and 19th century, including the landscape works undertaken by 'Capability' Brown.
- The conversion from a manor house, with associated gardens, grounds, and outbuildings, to a create a farmstead
- The redundancy and decline of the agricultural use of the site.

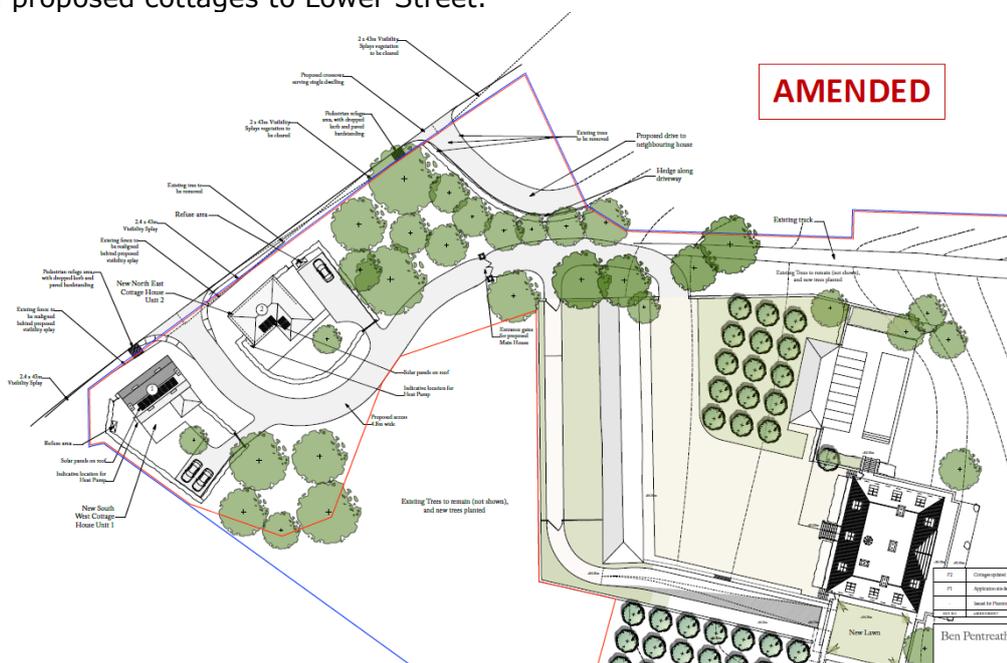
1.16 The site is located between the two conservation areas that cover Leeds (Lower Street and Upper Street). Listed buildings within Lower Street CA are Abbey Mill House (GII and its outbuildings, also GII) and the former Gatehouse (Manor House GII*). Abbey Farmhouse is GII listed is located outside of the CAs.

1.17 The site contains evidence of its past, from the Ecclesiastical use to a Tudor Mansion with formal garden, to a country estate in the 18th century, and then the decline of the estate and the subsequent decline and changes of agriculture. These all contribute to the significance of the site and tell the story of the social changes within England, both nationally and at a local level.

1.18 The Brownian landscape is a deemed as a non-designated heritage asset.

2. PROPOSAL

Image 2: Proposed masterplan showing the location and layout of the main house and proposed cottages to Lower Street.



2.01 The proposal is to erect a new self-build 6-bedroom "country house" on the brow of the hill, outside of the known archaeological remnants of the Abbey.

2.02 The dwelling is proposed to comprise of 4 storeys including rooms in the roof void and in a basement. It will also have a parking undercroft that will occupy the footprint of the garden area immediately south of the proposed dwelling.

- 2.03 The design adopts a Queen Anne period style. Red English bond brick on the external walls of the dwelling with quoining detailing, cast iron rain water goods, flat gauge arches to window headers and timber sash windows to the ground and first floor with 3 timber dormer casement windows in a mansard clay tiled roof accompanied by a traditional chimney and weather vane feature. A set of stone steps will lead to a canopied front door. The rear elevation has a rubble stone faced basement level, presenting five separate metal framed glass double doors opening out into the rear garden. A brick wall is planned to encircle the main residential area.
- 2.04 The proposal also includes the restoration and conversion of the existing Cattle/Cow Barn to provide a pool house (in lieu of its permitted conversion to a dwelling). The restoration of the building would include a handmade peg tile roof, restored red brick walls to matching existing and painted metal glazed bi-fold doors on the eastern elevation.
- 2.05 Two 3-bedroom cottages are proposed to front the entrance of the site onto Lower Street. It is proposed that these will not be sold separately but will be retained within the wider land ownership and rented out.
- 2.06 The proposal seeks the restoration of historic assets as follows:
- Known extent of Leeds Priory remains (Scheduled Monument)
 - The Slype (Scheduled Monument and Grade II Listed)
 - Dovecote (Scheduled Monument and Grade II Listed)
 - Wall to southeast of Abbey Farmhouse and Modern Barn (Grade II listed)
 - Northern boundary wall (unknown date but likely medieval)
 - Culvert and Dam (undesigned features, likely Capability Brown Landscape)
 - Landscape restoration
 - Conservation management
- 2.07 The restored Dovecote will be used as an ancillary residential outbuilding (indicated to be a detached dining room). The restored Slype will not be re-used domestically because it has ongoing importance for hibernating bats.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017:

SS1 - Maidstone borough spatial strategy
SP17 – Countryside
SP18 – Historic environment
SP20 - Affordable housing
DM1 - Principles of good design
DM3 - Natural environment
DM4 - Development affecting designated and non-designated heritage assets
DM21- Transport impacts of development
DM23 - Parking standards
DM30 - Design principles in the countryside

The National Planning Policy Framework (NPPF):
National Planning Practice Guidance (NPPG):
Maidstone Landscape Character Assessment 2012 (Updated 2013):

Local Plan Review (LPR):

The Regulation 22 Local Plan Review (LPR) submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications.

The latest position on the Local Plan Review at the time of writing is that this Council invited the Inspector to make any changes necessary to the Main Modifications in order to make the Plan sound. The Inspector has done so in his Final Report (8/3/2024) and so the recommendation is simply one of adoption to PAC PI, Cabinet and, crucially, Council on the 18th, 19th and 20th of March. However, if the recommendation to adopt is accepted, then the Plan would still not have full weight because the 6 week period for judicial review would need to expire (i.e 6 weeks from the date of the Council's decision) and so, at this stage, the LPR enjoys 'substantial' weight.

SS1 – Maidstone borough spatial strategy
SP2 – Maidstone urban area
SP10A– Housing mix
SP10B- Affordable Housing
SP14A -Natural Environment
SP15 – Principles of good design
HOU5 – Density of residential development
TRA4 – Parking standards (Appendix B)
Q&D6 – Technical Standards
Q&D7 – Private open space standards

4. LOCAL REPRESENTATIONS

Local Residents:

4.01 13 objections for the following (summarised) reasons:

- Impacts on ecology
- Harm to historic assets
- Highways Harm
- Unsustainable location
- Domestication of countryside
- Design not in keeping with surrounding development
- Inadequate infrastructure
- Boundary disputes (under the planning system this is not considered a material consideration)

Leeds Parish Council

4.02 Objection:

- the scale and nature of the development not in keeping with any other building in the village.
- Until fences were recently erected together with keep out signs, paths were used by current residents since the 1960's. This does not provide confidence in the statement by the applicant that the application will allow public visiting rights.
- The main house is not of the architectural quality, it is pastiche of a William and Mary house that will dominate the landscape and is not in keeping
- Danger of additional access point onto the B2163 near the brow of the hill as close to entrances for the playing fields which are used by youth football teams.
- no details regarding the impact on the Priory stream
- concerned that any renovation carried out by this applicant would not be of the quality required.

- The Long Barn renovation has not been carried out in a historically sympathetic way with modern tiles and the old oak roof timbers where not reused or reclaimed.
- no details of the wildlife impact from enlarging the lake
Officer Note: Plans do not indicate that the lake would be enlarged as part of the application. It is not referred to in any of the documents submitted in support of the application.

Councillor Gill Fort

- 4.03 Request the application be heard at Planning Committee. Reasons have not been given for the request in this instance but this Councillor has provided comments on previous submissions which relate to design matters as well as highways impacts and heritage impacts.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below. Comments are discussed in more detail in the appraisal section where considered necessary)

KCC Ecology

- 5.01 Works to the Slype has the potential to have detrimental effects on hibernating bats and that further survey is necessary. The necessary further surveys will need to be undertaken in accordance with best practice and by a suitably qualified and experienced ecologist.
- 5.02 Following further survey, the survey results, along with any necessary mitigation/compensation, will need to be submitted prior to determination of any planning application.

(Officer note: These extra survey details have been provided and comments from KCC Ecology are awaited).

- 5.03 Clearance of vegetation is now revised to three, c.16m wide 'rides' to provide heritage viewpoints and so adverse effects on ecological features have been largely avoided and can be mitigated for. From an ecological perspective there is also the potential that these 'rides' could be managed to provide ecological benefits to the site as well as the heritage viewpoints.

Natural England

- 5.04 No objection.

Gardens Trust

- 5.05 Concerns relating to the design of the development and its impact upon the landscape.
- 5.06 Request that Historic England revisit their decision not to list the Leeds Abbey landscape.

Historic England

- 5.07 No objection subject to conditions on:
- The creation of a Heritage Management Plan
 - Heritage Mitigation Strategy
 - phasing plan and associated conditions to ensure the timely undertaking and completion of works which provide heritage benefits
 - The repair, restoration and sustainable re-use of the dovecote and slype.

KCC Highways

5.08 No objections subject to conditions.

KCC Archaeology

5.09 No objections subject to conditions

KCC Flood and Water Management

5.10 No comments

KCC Minerals and Waste

5.11 No comments

Southern Water

5.12 The proposed development is located approximately 450 metres from the Leeds Wastewater Treatment Works

5.13 *(Officer Note) The application is just outside of the buffer zone (1m). There are existing dwellings that are closer to the WWTW and that the site lies 'upwind' of the prevailing SW wind direction, the development is not at risk of bad odours.*

Kent Police

5.14 No comments

6. APPRAISAL

6.01 The key issues are:

- Spatial Strategy
- Character and Appearance
- Heritage Impact
- Landscape
- Financial Considerations/Planning Balance
- Sustainability
- Affordable Housing
- Biodiversity and Arboriculture

Spatial Strategy

6.02 In policy terms the application site is located in the countryside and is the least appropriate area for new build residential development in the hierarchy within the Spatial Strategy policy SS1. 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 It is not assessed that the site is a 'brownfield' site and as such there are no exception policies to SP17 allowing residential development in this location.

6.04 In relation to SP17, the impact of the development on local character and appearance is considered against design policies DM1 and DM30 in the following section. In this instance there are a number of heritage assets on site and the relevant sections of policies SP18 and DM4 will also be considered.

Character and Appearance

- 6.05 In order to achieve high quality design, Local Plan policy DM1 sets out the expectation that proposals will positively respond to and, where appropriate, enhance the local, natural, and historic character of their surroundings. It is important that development contributes to its context. Key aspects of built development will be the scale, height, materials, detailing, mass, bulk and site coverage.
- 6.06 Policy DM30 has similar goals to DM1 and also includes the following "Where built development is proposed, there would 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 reflect the landscape character of the area".

Design of the proposed new 6 bedroom Dwelling

- 6.07 The design philosophy has changed since the previously refused application, and is no longer focused on recreating the Brownian landscape. A design of a later C17/early C18 inspired house within a later C18 garden is no longer considered inappropriate. Whilst of some scale, the proposed dwelling fits within the landscape and responds to and acknowledges the history of the site. The proposed location is a be less sensitive one for the development of a large house, and the associated services (car parking, etc).
- 6.08 In terms of the impact of the site on the wider area, the majority of the site (i.e. where the large dwelling is to be erected) is not overly visible from the street scene and as such its landscape impact upon the wider area is limited.
- 6.09 However, it is acknowledged that the site as it exists is unoccupied other than minor buildings, some of which have been granted permission to be used as a dwellings under prior notification, as well as the heritage assets detailed above and other miscellaneous buildings. The intrinsic character of the countryside is generally that of a lack of development.
- 6.10 The proposal seeks to establish a new large dwelling on what is predominantly a site characterised by a lack of development. It would result in significantly more hard surfacing for car parking/turning and domestic paraphernalia where there currently is very little. As such the development would result in some harm to the intrinsic character of the area. For the harm to be acceptable, it would need to be offset by the benefits, which are discussed below.

Design of the proposed new Cottages

- 6.11 Cottage 1 will be finished in painted clapboard walls, painted timber windows and doors with a clay peg tile roof. Cottage 2 will be finished with ground floor level brickwork, hanging clay tiles at first floor level, painted timber doors and windows and a clay peg tile roof.
- 6.12 Both offer two different interpretations of vernacular properties that can be found within Leeds. The proposed scale and staggered building line makes these appear more organically formed. The proposed materials contribute to the different appearance. These will also weather differently and will soften over time.
- 6.13 The applicant has agreed that these will not be sold separately but will be retained within the wider land ownership and rented out to persons (and their families) engaged in the maintenance of the property. This will reduce the severance of the site into multiple ownerships and allow long term control. This would be secured by legal agreement.

Heritage Impact

- 6.14 Policy DM4 requires new development affecting a heritage asset to incorporate measures to conserve, and where possible enhance, the significance and settings of the heritage assets.

Setting of off-site Listed Buildings – Abbey Farmhouse and Abbey Mill

- 6.15 The development will affect the setting of these designated heritage assets that lie outside the application site.
- 6.16 Abbey Farmhouse (GII) was the main farmhouse and its ragstone retaining boundary wall provides a positive contribution to the character of the Lower Street Conservation Area. Despite the boundary ragstone wall and established trees, there is some visual connection between the farmhouse and the former farmstead where the proposal is to be located.
- 6.17 Abbey Mill House (GII), its associated Outbuilding (GII) and Manor House (GII*) formed part of the original entrance to the Abbey site and there is evidence of the medieval function. Abbey Mill House is approximately 100m north of the application site and when considering the distance and the vegetation around the site there is a long term, established visual separation between the buildings presently.
- 6.18 Overall, the proposed scheme is considered to cause harm which is less than substantial harm to the setting of these neighbouring listed buildings.

Lower and Upper Streets Conservation Areas

- 6.19 The settlement of Leeds is formed of two key groupings (Lower Street & Upper Street) which are separated where the road narrows to follow the contours of the valley. The site lies between the two conservation areas which still retain a rural setting, though the linear development has been lost slightly as the built form of the village has gradually expanded outwards since the 1950s.
- 6.20 The application site lies in a gap which nonetheless contributes to the history, character and significance of Leeds, with the open space and the tall ragstone retaining wall and Abbey Farmhouse providing some form of separation between the two CAs.
- 6.21 The proposed scheme would alter the entrance onto site and create an additional entrance together with the construction of two new dwellings facing onto the road.
- 6.22 The creation of the new entrance would have an impact on the understanding of the overall site. However, the new entrance to the farmhouse can be seen in a similar position of the 1951 OS map, and therefore there is a precedent for this new access. The repositioning of the original access would cause less than substantial harm as it would appear to be a secondary access and not the main approach.
- 6.23 The creation of the large new dwelling within the former farmstead has the potential to be seen from a wider public realm. The existing farm buildings can be seen as a collection of roof spaces, but the proposed large dwelling will be taller than these, and parts of it will be seen through the clearing in the trees.
- 6.24 Overall, the proposed scheme is considered to cause less than substantial harm to the setting of the listed buildings off site and to the setting of the conservation areas.

Restoration of on-site Heritage Assets and historic features

- 6.25 The NPPF recognises that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance. There would be very

significant benefits from securing the restoration and future maintenance of the historic assets on site.

- The known area of above and below ground archaeological remains of the former Priory (Scheduled Monument) will be cleared of scrub and trees to avoid continued below ground damage from roots
- The Slype (Scheduled Monument and Grade II Listed) is in poor condition with the brick barrel vault having pushed the external walls out with a partial collapse to the south end. The intention is to remove the southern section of collapsed/collapsing vault. The vault will be retained with new support provided by hangers from above and exposed straps to the underside. A new modern roof with new peg tile covering and hipped ends is proposed to protect the fabric, and the walls will need consolidation and some local re-building.

Photo of the Slype in 2023



- Dovecotes are exceptionally rare, and the restoration and long-term safeguarding would be a significant benefit. The intention is to reinstate the Dovecote(s) over the full length of the original building and to re-build the missing crowstep gables with central mullioned gable windows and render surrounds. It is intended to be used as a dining hall. The two eastern windows will be repaired and glazed and render reinstated to the surrounds. The north door reveals and arch will be re-formed with a new oak door installed. The southern section eastern door will be re-made in oak.

Photo of the Dovecote in 2023



- The proposal involves the retention and restoration of the Grade II medieval wall. The clearing of vegetation and removal of the surrounding dilapidated Dutch Barn will open up views and remove risk of further damage to the wall.

Photo of the upstanding listed wall in 2022.



- The likely medieval northern boundary wall will be repaired, and the top wall capped and encompassed into the landscaping of the site. The structure will be maintained thereafter.
- The Dam and Culvert will be subject to vegetation clearance, treatment of surfaces, and clearance of debris from the stream and weir. Repair works will be carried out to the grille, chamber, weir and spillways.
- The 18th century range "Long Barn" and a mid-late 19th century "Cattle Barn" have extant consent for residential conversion with the works currently ongoing. The conversion of the Long Barn will be completed as per its extant permission to create two dwellings. The Cattle Barn would not be used as a dwelling as per its extant consent but converted into a pool house for the main large dwelling.

Photo of the long barn undergoing restoration in 2022



- The Modern Barn will be carefully removed of asbestos before the remaining structure is demolished and removed.

Photo of the 20th century barns in 2023



- 6.26 In conclusion, the proposed scheme is considered to cause harm to the setting of the designated heritage assets, both those on the site, and the adjoining listed buildings and conservation areas. This harm is considered to be less than substantial taking into account past piecemeal development that has occurred on the site and within the village of Leeds.
- 6.27 Under the NPPF, (2023 – para. 199) great weight should be given to heritage asset conservation (and the more important the asset, the greater the weight should be), irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to the significance.
- 6.28 Further guidance in the NPPF (2023- para 202) is provided, advising that any 'less than substantial harm' to the significance of a designated heritage asset should be weighed against any public benefits, including, where appropriate, securing its optimum viable use. Public benefits can include protection of the historic environment, referred to as heritage benefits
- 6.29 The Scheduled monument on the site is a multi-period site which retains nationally significant remains (above and below ground) of Leeds Priory monastic complex, a post-dissolution manor house, and part of their associated grounds.
- 6.30 The heritage benefits are to bring three scheduled monuments off the national Heritage at Risk register and provide them with long term protection, and therefore this should be afforded great weight as part of the planning consideration. Additional benefits including allowing some managed public access and wider interpretation, such as the website.
- 6.31 The applicant has been liaising with Historic England in the formulation of the proposed scheme and it is supported in principle by that statutory consultee.
- 6.32 In conclusion, the proposed scheme looks to conserve and protect three highly significant and important assets, which are public benefits that outweigh the less than substantial harm to the Heritage Assets described above.

Landscape

Heritage Landscape

- 6.33 Part of the site is thought to be a relatively small example of 'Capability' Brown's work and thus unusual in its scale for him. However, it has suffered badly from losses and neglect and past inappropriate management and introduction of modern farm buildings.

- 6.34 The application's Landscape Strategy Plan in regard of restoring the Brownian landscape has been revised and a more sensitive approach proposed to take account of ecological interests.
- 6.35 The landscaping proposals for the site will have to take place reflecting and adapting to any historical features found as vegetation removal is undertaken.

Landscape Visual Impact

- 6.36 The applicant has submitted an acceptable Landscape and Visual Appraisal.
- 6.37 The site lies in the Broomfield Undulating Farmlands Landscape Character Area. The assessment notes that this landscape is in 'Very Good' condition and of 'High' sensitivity with guidelines to 'Conserve'.
- 6.38 The study area takes into consideration the elevated land close to the site within the Kent Downs National Landscape. The edge of this nationally important designation is approximately 1.5 miles from the application site.
- 6.39 I agree that the development's visibility would be constrained to a localised setting and that it does not have an adverse impact on the Landscape Character Area including assessment of any views from the National Landscape to the north.

Financial Considerations/Planning Balance

- 6.40 The applicant has submitted that the development of the 3 new houses and associated development (in a location where such development would normally be resisted) needs to be balanced against the benefits that can be secured to heritage assets and the historic landscape.
- 6.41 Paragraph 203 of the NPPF states that LPAs 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; the positive contribution that conservation of heritage assets can make to sustainable communities
- 6.42 Paragraph 206 of the NPPF notes that scheduled monuments are assets of the highest significance.
- 6.43 Historic England produce a register of heritage assets (SM, GI & GII*) that are considered 'at risk', with the programme identifying those sites that are most at risk of being lost as a result of neglect, decay or inappropriate development. The Scheduled Monuments and Grade II listed Leeds Priory, the Dovecotes, and Slype and associated remains are on the at-risk register, and have been for a number of years.
- 6.44 The proposed scheme would ensure these are taken off the register and provided with a long-term sustainable protection in line with the submitted Heritage Mitigation Strategy. The applicant has agreed to some limited public access to view the historic features of the site, should permission be forthcoming.
- 6.45 There are limited alternatives by which there could be enforcement of the conservation or repair of the structures, and therefore any further decline could result in the loss of these highly significant designated heritage assets. The cost of the works to conserve and protect for the mid-long term has been satisfactorily demonstrated to be prohibitively expensive.
- 6.46 'Enabling Development' would be an alternative option. Paragraph 214 of the NPPF states Local Planning Authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies, but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

- 6.47 Whilst only applicable in certain circumstances, enabling development can be a useful tool. In many situations, this is used to allow to build additional houses to cover the conservation deficient (the amount by which the cost of repair of a heritage asset exceeds its market value on completion of repair and conversion, allowing for all appropriate development costs including reasonable developer profit).
- 6.48 The applicant has not made a case that the development proposed is 'enabling development' in line with Historic England's guidance on that approach. The costs of the heritage restoration and long term maintenance are estimated by the applicant to be so large that it would need planning permission for an even greater number of new dwellings to cover all restoration costs and bring in a suitable profit for a developer, which is a key element of the enabling development guidance.
- 6.49 The works to repair and secure the heritage assets (namely the Slype, Dovecotes and other historic features) was costed at c.£2.5M in January 2021 and will have significantly increased at the time of writing. There is also the cost of additional and restorative landscaping and the ongoing maintenance of the assets and restored landscape.
- 6.50 The figures given by the applicant are accepted. It is also agreed that a greater number of housing units would fragment the site, resulting in the loss of historic landscape and would likely cause much more domestic paraphernalia being introduced into the countryside, built form, hardstanding, vehicle movements, etc. It would split the site into multiple ownerships, making it difficult to safeguard and maintain the heritage landscape.
- 6.51 It is therefore concluded that the current proposal of creating a new large country house with two associated cottages in an appropriate location on the site represents an acceptable option overall for protecting, restoring, and maintaining the historical significance of a sensitive site.
- 6.52 There are only 25 scheduled monuments in the borough and include medieval bridges, castles, and other structures of that period. That this site contains such structures shows that the circumstances for this application are entirely unique, there would be no prospect of justification for similar development elsewhere in the borough. It has been assessed that the benefits of restoring and safeguarding the heritage assets on site outweigh the harm caused by the development.
- 6.53 In the light of the importance in the planning balance of ensuring full restoration and long term safeguarding of nationally significant heritage assets, it is recommended that a bond be required by legal agreement to ensure that there are adequate financial resources for all the heritage benefits to be secured.

Sustainability

- 6.54 In policy terms, the application site is located in the countryside within Leeds which the Local Plan does not identify as a settlement.
- 6.55 The application site is approximately 1.8 miles (straight line distance) from Maidstone urban area. There is very limited services within Leeds and whilst there is a bus service at the entrance to the application site, however this appears to be poorly served.
- 6.56 It is accepted that future occupants of the dwelling will be reliant on private vehicles to access goods and services and the following the development the application site will be more intensively occupied with many more vehicle movements than the present arrangement.

- 6.57 It is assessed that the harm that this causes is outweighed by the benefits of restoring and safeguarding the heritage assets which are on site. It is an exceptionally unique circumstance and permitting the proposed dwellings would not weaken the Council's ability to resist similar development elsewhere in the borough.

Affordable Housing

- 6.58 The application needs to be assessed under policy SP20 which relates to affordable housing provision (also LPRSP10 (b)- Affordable Housing).
- 6.59 The application is a 'self build' scheme but that in itself is not relevant to affordable housing policies. The key matter is that the rationale behind the development is that the applicant will be allocating very significant resources into restoring the heritage assets on site.
- 6.60 Additional dwellings on site would require the site to be split into different ownerships and the integrity of the landscape which is itself a non-designated heritage asset would be put at risk. The application is a unique circumstance and it is unreasonable to require the applicant to provide affordable housing on the application site or make an offsite contribution.

Biodiversity and Arboriculture

- 6.61 Local Plan policy DM1 states that all new development shall protect and enhance any on-site biodiversity features or provide sufficient mitigation measures. Policy DM3 states that developers will ensure that new development protects and enhances the natural environment. Policy LPRSP14A (Natural Environment) requires 20% Biodiversity Net Gain (BNG)
- 6.62 Conditions are suggested for on-site BNG, ecological enhancement and tree protection.
- 6.63 The applicant has submitted an ecological impact assessment, which includes details of surveys for protected species, these details are included below:
- Pipistrelle bats were recorded emerging from the Slype.
 - No dormice have been recorded.
 - The bird species recorded within the Site were typical of the woodland habitat present with the most numerous recorded species being wren. No nightingales were recorded using the site during 2023.
 - The eDNA surveys of the lake were negative for great crested newt.
 - No significant reptiles were surveyed.
- 6.64 Mitigation measures are proposed to address the biodiversity on site and these can be conditioned should permission be forthcoming.
- 6.65 In regard of the Slype, additional surveys requested by KCC Biodiversity have now been submitted which demonstrate a hibernating bat assemblage. The applicant has therefore revised the restoration working methods and will provide mitigation and no longer intends the building to be used domestically (storage). These are considered to be sufficient for Natural England to grant a licence to permit the restoration proposals but KCC's formal response is awaited.
- 6.66 Subject to KCCs acceptance of the revised bat mitigation to The Slype, the application could be determined as all necessary mitigation/compensation would have been fully assessed.

Other Matters

- 6.67 All three dwellings are in excess of space standards with spacious rear garden areas and comply with LPR policies Q&D6 and Q&D7.
- 6.68 In terms of residential amenity within policy DM1 of the MBLP, there are no neighbouring properties within the vicinity of the larger dwelling proposed. The two dwellings situated along Lower Street, are positioned in such a way that they do not overshadow or overlook any of the existing dwellings along Lower Street.
- 6.69 The development would be able to provide adequate parking for all dwellings. There are no concerns with the highways aspects of the proposal and the scheme accords with policies DM21 and DM23 of the MBLP.
- 6.70 Conditions on technical standards and water saving are recommended to reflect emerging policies in the Local Plan Review.

PUBLIC SECTOR EQUALITY DUTY

- 6.71 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.

Community Infrastructure Levy

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

7. CONCLUSION

- 7.01 The proposal does not accord with the spatial strategy of the Development Plan and will result in harm to the character and appearance of the countryside, contrary to policies SS1 and SP17 and there are no Local Plan policies that directly support the development. As the application is not in accordance with the adopted Local Plan, other material considerations would need to outweigh the harm to justify granting planning permission.
- 7.02 The proposal seeks to establish a new large dwelling on what is predominantly a site characterised by a lack of development. As such the development would result in some harm to the intrinsic character of the area but is not overly visible from the street scene and as such its impact upon the wider area is limited. The proposed location is considered to be less sensitive for the development of a large house, and the associated services (car parking, etc).
- 7.03 Two additional dwellings are proposed on the southern side of Lower Street, which is the most visually intrusive element of the proposed development.
- 7.04 For all 3 dwellings, residential development in the countryside causes harm, eg there would be a new buildings, access, significantly more hard surfacing for car parking/turning and domestic paraphernalia where there currently is very little.
- 7.05 The proposal also causes less than substantial harm to the settings of off and on site listed buildings and to the 2 Conservation Areas.
- 7.06 It is considered that the dwellings themselves are well designed and reflect the character of the area. The legal agreement would ensure all the dwellings remain under the one ownership which reduces the problems of site fragmentation.

- 7.07 An extensive area of the proposed development site is protected as a scheduled monument under the Ancient Monuments and Archaeological Areas Act 1979. The monument is a multi-period site which retains nationally significant remains of the Leeds Priory monastic complex, a post-dissolution manor house, and part of their associated grounds. The applicant has been liaising with Historic England in the formulation of the proposed scheme and it is supported in principle by that statutory consultee.
- 7.08 The proposal presents the opportunity to restore and safeguard significant heritage assets at risk. It is concluded that the benefit of restoring and safeguarding the historic assets on the site, most of which are listed and scheduled monuments (nationally important archaeological sites) outweighs the harm the development causes to the countryside and the non-compliance with the Borough's spatial strategy and the less than substantial harm the development would cause to the setting of heritage assets.
- 7.09 A financial bond should be required by legal agreement to ensure that there are adequate financial resources for all the heritage benefits to be secured.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions and the prior completion of a legal agreement to secure the heads of terms set out below with delegated authority to the Head of Development Management to be able to settle or amend any necessary Heads of Terms, planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee:

s106 to require prior payment of monitoring fees of £1,020 for first obligation and £510 for each additional planning obligation.

HEADS OF TERMS

- **A detailed programme of the overall development to be agreed that will ensure the heritage assets are restored and safeguarded as soon as practicable**
- **Payment of a financial bond to fully cover the heritage assets being restored and safeguarded in accordance with the timetable to be agreed**
- **Limiting the occupation of the 2 'cottages' to persons (and their families) engaged in the maintenance of the wider land and property**
- **The 2 Cottages to remain in the same ownership as the rest of the wider land and property and not to be sold off or otherwise severed.**
- **The maintenance in accordance with approved management plan for the biodiversity improvement of the land for a minimum of a 30-year period**
- **The re-wilded areas being maintained for 30+ years with the maintenance and restoration specified.**

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) Plans List - Approved drawings and documents.
- 3) No development (including groundworks) shall commence until Scheduled Monument Consent has been secured and provided for information purposes to the Local Planning Authority.

Reason: Scheduled Monument Consent is required to carry out the approved works to Heritage Assets that justify the grant of planning permission.

- 4) No part of the development (including groundworks) shall commence until a detailed relevant Heritage Mitigation Strategy for that Area (in accordance with the Outline Heritage Mitigation Strategy) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that heritage assets on site are safeguarded that justify the grant of planning permission.

- 5) No works above ground level to the main house, cottage, or outbuildings will commence until Slype and Dovecotes have been made structurally sound in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that heritage assets on site are safeguarded.

- 6) No occupation of the main house or cottages shall take place until:
 - a) the works to the Slype and Dovecote have been completed in accordance with the details hereby approved, and
 - b) Detailed evidence has been submitted to and approved in writing by the Local Planning Authority that from Historic England will omit the Slype and Dovecote from Historic England's Heritage at Risk Register.

Reason: To ensure that heritage assets on site are safeguarded that justify the grant of planning permission.

- 7) No detailed fit out shall take place to allow the Dovecote to be used as ancillary accommodation unless a broad method statement has been submitted to and approved in writing by the Local Planning Authority. It shall set out the approach to the following matters and shall include mitigation measures necessary to demonstrate that the works/installations will not harm the building's special architectural and historic interest. There shall be no insertion of false or suspended ceilings to the Dovecote building.

The statement shall be supplemented with drawings/specifications of typical details as necessary.

- i) -Plumbing including all ground and above level drainage
- ii) -Ventilation provision
- iii) -Mechanical & Electrical services for heating and lighting
- iv) -Fire strategy - measures for prevention, detection, and means of escape
- v) -New interior lighting scheme

vi) -Any special measures for kitchens and kitchen storage areas

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

Reason: To protect and preserve the appearance and character of the listed building

- 8) No development (including groundworks) in any Area shall take place until a programme of archaeological work for that Area has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any archaeological value on site is properly recorded.

- 9) The owner of the site (and any successor in title) must ensure that the following public benefits are made available every year in perpetuity unless otherwise varied and agreed with the Local Planning Authority:

- i) Maintain a public website which details the history of the site, its significance, the results of any historic studies of the site and plans and photographs as appropriate.
- ii) Make the site available for visits by the general public on no fewer than two days per year including the provision of appropriate interpretation materials to help visitors understand and appreciate the historic features of the site.
- iii) Make the site available for access for academic research on no fewer than five days per year.

Reason: To ensure there is a public benefit from the development.

- 10) No works to the Slype or Dovecote shall commence until details of all the proposed materials (through the provision of samples where required) for the works and proposed services have been submitted to and approved in writing by the Local Planning Authority in conjunction with Historic England. The roof materials shall include new Kent peg tiles with clay bonnet hip tiles and the walling shall be of Kentish ragstone. The development shall be constructed using the approved materials.

Reason: To ensure that heritage assets on site are safeguarded that justify the grant of planning permission.

- 11) The new dwellings hereby approved shall not commence until written details and samples of the materials to be used in the construction of the external surfaces of the relevant dwelling have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials.

- i) For the 2 dwellings fronting Lower Street, the materials shall include: timber joinery, handmade stock bricks, new Kent peg clay roof and hanging tiles, clay bonnet hip tiles, timber boarding and coursed Kentish ragstone plinths
- ii) For the large house, the materials shall include: timber joinery, handmade stock bricks, new Kent peg clay roof tiles, Kentish ragstone

Reason: To ensure the development is carried out to an acceptable visual standard.

- 12) Prior to the commencement of above ground construction works of any of the dwellings, relevant details in the form of large scale drawings of the following matters shall be submitted to and approved in writing by the Local Planning Authority:

- a) new external joinery
- b) details of eaves and roof overhangs in the form of large scale drawings
- c) details of balconies, projecting bays and porch canopies
- d) details of window headers and cills and door headers

Reason: To ensure the development is carried out to an acceptable visual standard.

- 13) The restoration of The Slype, Dovecote, Wall to southeast of Abbey Farmhouse and Modern Barn (Grade II listed), Northern boundary wall walls hereby approved shall not commence until written details and samples of the materials to be used have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials. These shall include Kentish ragstone.

Reason: To ensure the development is carried out to an acceptable visual standard.

- 14) The development hereby approved shall not commence until 1m by 1m sized sample panels of Kentish ragstone demonstrating the colour, texture, bond and pointing have been constructed on site which shall be approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The sample panels shall be retained on site until development using the relevant material is completed.

Reason: To ensure the development is carried out to an acceptable visual standard.

- 15) The development hereby approved shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

- 16) The development hereby approved shall not commence above slab level until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:

- a) a scheme designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012).
- b) details of the number, size, species, maturity, spacing and position of existing/proposed native trees and landscaping and
- c) a 30 year landscape management plan (Only non-plastic guards shall be used for the new trees and hedgerows).

The details shall specifically include landscaping in accordance with DHA-15841-100 (Ecological Strategy Plan) and be informed and evidenced from the programme of works set out in the Heritage Mitigation Strategy hereby approved.

Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development. The reason for the longer 30 year period is to secure the heritage benefits that justify the grant of planning permission.

- 17) All landscaping specified in the approved landscape details shall be carried out in the first planting season (1 October to end of February) in accordance with a timetable previously agreed with the Local Planning Authority.

The approved landscaping shall be retained and managed in accordance with the approved specification/management plan, and any approved or retained seeding or turfing which fails to establish or any trees or plants which, before a period of 10 years from the completion of the development has expired, die or become so seriously damaged or diseased that their 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. No replacement planting or removal of any planting shall take place without the prior written consent of the local planning authority.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development. The reason for the longer period is to secure the heritage benefits that justify the grant of planning permission.

- 18) No works in any Area shall commence until such time that a detailed Ecological Management Plan and timetable for that Area has been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and managed in accordance with the approved ecological management details and timetable for at least 30 years.

Reason: To ensure that biodiversity on site is safeguarded.

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

Reason: To reduce carbon emissions from development.

- 20) No external lighting shall be installed on the site except in accordance with details to be 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'. The submitted details 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 night-time environment of the area and nocturnal ecology.

- 21) 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, Part 2 (Class A) or Part 14 of that Order shall be carried out without the permission of the local planning authority;

Reason: To allow the Local Planning Authority some control over future development in the interests of the character and appearance of the locality.

- 22) No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order, with or without modification) or not, shall be carried out on the areas shown as parking spaces (or service vehicle turning space) or in such a position as to preclude vehicular access to them;

Reason: To ensure adequate parking arrangements

- 23) The visibility splays shown on approved drawings (16546-H-01 Rev 04 Proposed Access and Tracking Plan) shall be provided prior to the first use of the approved new access with no obstructions over 1.05 metres above carriageway level within the splays. The approved visibility splays shall be retained permanently thereafter.

Reason: In the interests of highway safety.

- 24) Prior to the first use of the access the surface finish of the first 5 metres access measured into the site from the edge of the highway (as shown on drawing 16546-H-01 Rev 04 Proposed Access and Tracking Plan) shall be provided in a bound surface and maintained permanently as such.

Reason: In the interests of highway safety.

- 25) The access hereby permitted shall not be brought into use until the existing access has been closed as detailed within drawing 16546-H-01 Rev 04 Proposed Access and Tracking Plan (received 24 Oct 2023).

Reason: In the interests of highway safety.

- 26) No new services (including water, drainage, electricity, gas, phone, broadband or other) shall be installed without the prior written approval of the Local Planning Authority.

Reason: To safeguard the heritage value of the site.

- 27) The dwelling(s) hereby approved shall meet the higher level of water efficiency of 110 litres per person, per day as set out under the building regulations Part G2 or any superseding standard. No dwelling(s) shall be occupied unless this standard has been met.

Reason: To ensure a sustainable form of development

- 28) The dwelling(s) hereby approved shall meet the accessible and adaptable dwellings building regulations Part M4(2) standard or any superseding standard. No dwelling(s) shall be occupied unless this standard has been met and the dwelling(s) shall be thereafter retained as such.

Reason: To ensure the development is in accordance with local and national policy and meets acceptable standards of accessible and adaptable dwellings

- 29) The development hereby approved shall not commence above slab level until details of a scheme for biodiversity net gain of at least 20% on the site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implanted and retained thereafter for at least 30 years.

Reason: To enhance the ecology and biodiversity in accordance with national and local planning policy

- 30) The dwellings shall not be occupied until 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 integrated methods into the fabric of the buildings by means such as swift bricks, bat tubes and bee bricks, and through the provision within the application site of measures such as bird and bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to the first use/occupation of any unit or area to which the details relate and all features shall be retained and maintained thereafter.

Reason: To enhance the ecology and biodiversity in accordance with national and local planning policy

- 31) No development shall take place until details of the proposed finished floor levels of the building(s), all ground levels of the development, and existing site levels shown at 0.5m contour intervals have been submitted to and approved in writing by the Local Planning Authority. The proposed finished floor levels of all buildings shall be as close to existing site levels as feasible with land raising and retaining structures being avoided where possible. Where any land raising or retaining structures are required they must be clearly justified and kept to the minimum height necessary. The development shall be completed strictly in accordance with the approved details.

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

- 32) All construction activities, tree protection, access facilitation pruning and pre-emptive root pruning shall be carried out in accordance with the approved recommendations of the submitted Arboricultural Report and Impact Assessment Report produced by Fellgrove dated March 2022,] 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

- 33) The development shall be carried out in accordance with the recommendations of the submitted Flood Risk Assessment Parts 1 & 2 produced by Herrington Consulting dated September 2023.

Reason: To safeguard future occupants of the application site from flood risk.



Ordnance Survey - data derived from OS Premium

23/504552/FULL - Former Royal Mail Sorting Office, Sandling Road, Maidstone, Kent ME14 2RJ

Scale: 1:2500

Printed on: 8/3/2024 at 14:39 PM by RebeccaB1

REPORT SUMMARY

REFERENCE NO: 23/504552/FULL

APPLICATION PROPOSAL:

Demolition of existing buildings and structures and erection of a mixed-use development comprising 217no. residential dwellings and 1,863.5sqm of commercial floorspace (comprising flexible E Use Classes) comprising Block A (6-7 storeys), Block B (8-9 storeys), Block C & D (7-8 storeys), Block E (3 storeys), public realm works (Sandling Road frontage and public piazza), car and cycle parking, landscaping, infrastructure (internal roads), earthworks, and ancillary works (sub-stations and generator).

ADDRESS: Former Royal Mail Sorting Office, Sandling Road, Maidstone, ME14 2RJ

RECOMMENDATION: APPROVE PERMISSION

SUMMARY OF REASONS FOR RECOMMENDATION:

- The proposed development/uses are not in accordance policies SP4 or RMX1(2) of the adopted Local Plan which seek a 'retail-led' development at the wider allocation of the Maidstone East site. The proposals are therefore contrary to the Development Plan in this respect.
- Section 38(6) of the Planning and Compulsory Purchase Order Act 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."
- Any decision not in accordance with the Development Plan requires clear justification.
- A key material consideration is the emerging Local Plan Review which attracts 'substantial' weight and changes to the allocation for a different mix of uses and amounts under draft policy LPRSA146 for *"approximately 500 dwellings, 2,000m² new retail, 5,000m² business and other appropriate town centre uses such as a medical facility"*. This is based on the Council's most up to date evidence base on retail/employment need (2021). The policy is considered to attract 'substantial' weight and is considered to be sufficient grounds to allow a decision not in accordance with adopted allocation policy RMX1(2).
- The application site is around half of the allocation and the proposed uses are in accordance with the draft policy and 500m² of retail is secured by condition. The overall amount of retail and commercial floorspace is below that envisaged in the policy (for half of the site) but the aims of the site allocation would not be unduly compromised.
- The development would cause a low level of 'less than substantial harm' to the setting of Sessions House (Grade II). The development would therefore not preserve or enhance the setting of this asset to which special regard must be had under the relevant Planning Acts and there is some conflict with policy DM4

of the Local Plan and draft policy LPRENV1 of the Local Plan Review.

- It is considered the scheme has been designed to minimise the impact upon Sessions House and some harm to the setting is inevitable where taller buildings are proposed and in order to provide the development envisaged under the allocation. The public benefits of the development as set out in the report are considered sufficient to outweigh the low level of 'less than substantial harm' to the setting of this heritage asset.
- Affordable housing is not provided for viability reasons which is contrary to policy SP21 of the Local Plan and draft policy LPRSP10(B) of the Local Plan Review but there are evidenced reasons for this.
- The development would not harm the character and appearance of the local area in terms of its scale and massing. The current site and buildings detract from the local area and the proposals would provide a high-quality scheme (subject to conditions) that would have a positive impact and enhance the character and appearance of the site and thus local area.
- There are no objections in terms of highways impacts and the parking provision is in accordance with Local Plan and Local Plan Review policy.
- The proposals are in accordance with the relevant criteria of draft site policy LPRSA146 and comply with all other relevant Development Plan and emerging policies. Suitable mitigation is secured by conditions or a legal agreement where necessary, and there are no objections from any statutory consultees.

REASON FOR REFERRAL TO COMMITTEE:

The recommendation is a departure from the Maidstone Local Plan 2017 specifically policy SP4 - (Maidstone Town Centre) and policy RMX1(2) – (Maidstone East and Former Royal Mail Sorting Office Allocation).

Maidstone Borough Council is the applicant.

WARD: North	PARISH COUNCIL: N/A	APPLICANT: Maidstone Borough Council AGENT: Stantec
CASE OFFICER: Richard Timms	VALIDATION DATE: 31/10/23	DECISION DUE DATE: 30/01/24

ADVERTISED AS A DEPARTURE: Yes

Relevant Planning History

23/504552 Demolition of existing buildings and structures and erection of a mixed-use development comprising 217no. residential dwellings and 1,863.5sqm of commercial floorspace (comprising flexible E Use Classes) comprising Block A (6-7 storeys), Block B (8-9 storeys), Block C & D (7-8 storeys), Block E (3 storeys), public realm works (Sandling Road frontage and public piazza), car and cycle parking,

landscaping, infrastructure (internal roads), earthworks, and ancillary works (sub-stations and generator) – APPROVED

- 23/510020 Screening Opinion Request regarding construction of up to 220 dwellings and 1,400 square metres of non-residential floorspace – EIA NOT REQUIRED
- 22/501983 Extension to the time for a temporary use by a further 3 years. Use comprises offices, storage and retail warehouse, and car parking – APPROVED 22/07/22
- 16/507358 Change of use of Royal Mail Depot and ancillary offices to a mix use comprising B1a (Offices), use of main warehouse for public car parking, use of warehouse 2 for a mixed B8 and A1 retail warehouse, use of undercroft parking as a carpark; for a temporary period of 5 years – APPROVED 05/01/17
- 14/500483 Outline planning application for the redevelopment of land at Maidstone East to provide a new railway station and station building (330 sqm gja), new large foodstore (8,296 sqm gja), customer cafe, non-food retail units (4,364 sqm gja), flexible units within class A1 (retail), A2 (financial and professional services), A3 (restaurant and cafe) use class A4 (drinking establishment) or A5 (hot food takeaways), petrol filling station, associated commuter parking (560 spaces), retail parking (580 spaces), and off site highways works with all matters reserved for future consideration - WITHDRAWN

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application relates to the former Royal Mail Sorting Office site which is towards the northern end of the defined town centre in the Local Plan and is accessed from Sandling Road. It contains a 3 storey office building at the east end fronting Sandling Road known as 'Cantium House' and 98 Sandling Road which rises to 5 storeys to the rear due to the drop in land levels, and former 2 to 3 storey warehouses, with service yards and parking areas in the centre and west part that were the former sorting office buildings. There is some undercroft parking below the western part of the warehouse buildings and the remainder of the site is mainly hard surfaced.
- 1.02 To the north of the site are two office buildings at 'County Gate', to the east offices at 'Invicta House' and 'Sessions House' which is a Grade II listed building, to the south the Maidstone East station car park, and to the west the A229.
- 1.03 The site has been used since 2017 for car parking, a mixed B8 storage and A1 retail warehouse unit and offices/community meeting rooms under temporary planning permissions the latest of which expires in 2025.
- 1.04 The site falls within then northern part of allocation RMX1(2) in the Local Plan which is a mixed use allocated for retail, offices, and housing and

includes the Maidstone East car park and station. Under the draft Local Plan Review the allocation remains (LPRSA146) with a similar mix of uses but in different amounts which is discussed in the appraisal section of this report.

1.05 There are a number of listed buildings nearby including Sessions House (Grade II) and Maidstone Prison Wall and Buildings (Grade II) to the east, the 'White Rabbit' Pub (Grade II*) to the north, and the 'Powerhub Building' (Grade II) to the southwest. The Chillington House Conservation Area (Brenchley Gardens) is to the south which has a number of listed structures with Maidstone Museum (Chillington House Grade II*) beyond.

2 PROPOSAL

2.01 Permission is sought for the following main elements which would involve demolition of the office and warehouse buildings:

- 217 dwellings comprising a mix as follows:

1 bed flats	63
2 bed flats	112
3 bed flats	42

- Three main buildings as follows:
East of site: Block A (6-7 storeys) fronting Sandling Road and adjoining Block B (8-9 storeys) behind.
West of site: Blocks C & D (7-8 storeys).
Centre: Block E (3 storeys).
- 1,863m² of commercial floorspace within the lower and upper ground floors of Blocks A and B.
- 159 parking spaces.
- Public realm at the east end of the site.
- Communal outdoor spaces for residents.

2.03 The site layout is shown below.



Site Layout

2.04 The scheme is predominantly residential and the commercial floorspace is for any Class E uses (town centre uses). Class E uses can be shops and restaurants; financial and professional services; indoor sport, recreation, or fitness; medical or health services; creche or day nurseries; and offices, research and development, or light industry.

2.05 The existing vehicular access on the north part of the site would be retained. Pedestrian access would be from Sandling Road where there would be a split level 'piazza' on the inside of Blocks A and B between the commercial uses that would open to the public. The rest of the site would not have public access and would be gated for residents only. Pedestrian access via a controlled gate is proposed to the A229 for residents only.

3 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017: SS1, SP1, SP4, SP18, SP19, SP20, SP23, RMX1, ID1, RMX1(2), DM1, DM2, DM3, DM4, DM5, DM6, DM8, DM12, DM16, DM19, DM20, DM21, DM23

Kent Waste and Minerals Plan (amended 2020): CSW3, DM7, DM9

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Supplementary Planning Documents: Maidstone Building for Life 12 (2018); Affordable and Local Needs Housing (2020); Air Quality Guidance

(2017); Public Art Guidance (2017); Chillington House Conservation Area Appraisal & Management Plan (2021)

Maidstone Local Plan Review (Regulation 22): LPRSS1, LPRSP1, LPRSP2, LPRSP10, LPRSP10(A), LPRSP10(B), LPRSP11, LPRSP12, LPRSP13, LPRSP14, LPRSP14(A), LPRSP14(B), LPRSP14(C), LPRSP15, LPRSA146, LPRHOU5, LPRCD1, LPRTRA1, LPRTRA2, LPRTRA4, LPRINF1, LPRINF2, LPRINF4, LPRENV1, LPRQ&D1, LPRQ&D2, LPRQ&D6, LPRQ&D7

The Regulation 22 Local Plan Review (LPR) 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. The LPR has been through Stage 1 and 2 Hearings and the 'Main Modifications' the Inspector considers are required to make it sound have been out to public consultation so it is at an advanced stage.

This Council invited the Inspector to make any changes necessary to the 'Main Modifications' in order to make the Plan sound. The Inspector has done so in his Final Report (8th March 2024) and so the recommendation is simply one of adoption to PAC PI, Cabinet and, crucially, Council on the 18th, 19th and 20th, respectively, of March. However, if the recommendation to adopt is accepted then the Plan would still not have full weight because the 6 week period for judicial review would need to expire (6 weeks from the date of the Council's decision) and so, at this stage, the Plan attracts 'substantial' weight.

4 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 9 representations received raising the following (summarised) points:

- Traffic congestion.
- Lack of parking for flats and no parking for commercial uses.
- Lack of local parking for residents already.
- Highway safety.
- Over development.
- Eye sore.
- Loss of office space and jobs.
- Anti-social behaviour.
- Development more likely to go to London Boroughs.
- Lack of infrastructure.

4.02 **Ward Councillor Harwood:** Raises the following (summarised) points:

- Lack of natural, semi-natural and formal green space and wetland areas.
- Lack of landscaping.
- Heavy reliance on non-native species.
- Excessive hard surfacing.
- Little ecological connectivity.
- Opportunities for integral niches for biodiversity.
- Air source heat pumps and solar PV is appropriate.
- Lack of clarity on water efficiency.
- Lack of details on lighting to reduce impact.
- Concern re. lack of affordable housing and community infrastructure.

- Buildings should be softened through contrasting materials and colours.
- Pedestrians should be given priority when crossing Sandling Road.
- Treatment of surface water requires scrutiny and harvesting, vegetation irrigation, wet habitat features and reuse must form a part of the overall surface water strategy.

4.03 **(Neighbouring) Ward Councillor Conyard:** Raises the following (summarised) points:

- Negative effect on the neighborhood due to lack of parking for flats and commercial uses which will create significant overspill into what is already an extremely congested area of the borough for parking.
- The statement that there is available parking nearby would be deemed to be absurd to residents from Ringlestone to St Luke's.
- Overdevelopment with existing and proposed developments at Springfield Library, Springfield Mill, Springfield Park. This small patch of Maidstone (approximately 500m in length) will have seen over 1,000 new properties erected, in development, or seeking approval in less than a decade.
- Coupled with the local plan Invicta Park site and 1,300 new homes and the type of homes, the character of this area is being drastically changed seemingly to turn it into one big row of high-rise flats.

5 CONSULTATIONS

(Please note that summaries of consultation responses are set out below. Comments are discussed in more detail in the appraisal section where considered necessary)

- 5.01 **Historic England:** Do not offer advice and suggest seeking the views of conservation and archaeological advisers despite the close proximity of listed buildings.
- 5.02 **Active Travel England: Recommend conditional approval** relating to access points/permeability and a travel plan.
- 5.03 **Health and Safety Executive: No objections:** *"Following a review of the information provided in the planning application, HSE is content with the fire safety design as set out in the project description..."*
- 5.04 **Natural England: No objections** re. impact upon the North Downs Woodland Special Area of Conservation.
- 5.05 **Environment Agency: No objections subject to conditions** relating to contamination, surface water drainage, foul drainage, and piling.
- 5.06 **KCC Highways and Transportation: No objections subject to** a financial contribution towards walking and cycling schemes, a TRO for the proposed loading bay, construction management plan, prevention of surface water to the highway, retention of vehicle and cycle parking, loading and turning facilities, and EV charging.

- 5.07 **KCC Flood and Water Management: No objection subject to conditions** to provide fine details of the SUDs scheme and its verification.
- 5.08 **NHS Strategic Planning and Primary Care Estates: Support the application** - *"NHS Kent and Medway Integrated Care Board (The ICB) recognises this development, and we are pleased that it provides an opportunity for the provision of healthcare services in the centre of Maidstone. The ICB is aware of the discussions that have taken place with the former Clinical Commissioning Groups regarding this opportunity in recent years. I can confirm the ICB welcomes this development and is actively working with the healthcare providers in the West Kent Health and Care Partnership (HCP) to fully assess this opportunity and define requirements as part of the HCP's estates strategy for the area. The ICB is supportive of the application and is committed to working with the council regarding the use of the space for healthcare purposes."*
- 5.09 **KCC Ecological Advice Service:** No objections re. protected species, sought clarification re. Habitats Regulations Assessment, and advise over 20% BNG is likely to be achievable on site.
- 5.10 **KCC Infrastructure:** Request financial contributions towards primary (£215,155), secondary (£382,294), SEND (£22,253) education, community learning (£7,423), children's services (£11,773), libraries (£13,590), social care (£39,250), and waste (£11,284).
- 5.11 **KCC Archaeology: No objections subject to a condition** re. geo-archaeological and archaeological field evaluation, recording, reporting, post excavation assessment and publication, and heritage interpretation.
- 5.12 **KCC Minerals: No objections:** *"The County Council has no land-won minerals or waste management capacity safeguarding objections or comments to make regarding this matter."*
- 5.13 **Environmental Protection: No objection subject to conditions** relating to construction, noise mitigation, acoustic report in relation to the substation, treatment of fumes/odours from commercial uses, lighting, air quality, car club, EV charging, and contamination.
- 5.14 **MBC Conservation: No objections:** Considers there will be a low level of 'less than substantial' harm to the settings of Sessions House and the Conservation Area but the scheme has mitigated the harm as far as reasonable possible by design.
- 5.15 **MBC Landscape: No objections subject to** the use of native landscaping including trees, tree protection measures, and an arboricultural method statement.
- 5.16 **MBC Housing:** Note the viability appraisal has suggested affordable housing would not be achievable but question whether a small amount could be provided. They state,

"There is a high demand for affordable housing within the town centre, as evidenced by the number of applicants currently active on the Housing Register. As of November 2023, there are 586 households registered for

affordable housing who have stated that Maidstone Town Centre is their first choice, or one of their preferred areas in the borough, equating to 49% of all households registered.”

5.17 **MBC Parks and Open Spaces:** Request a financial contribution of £315,573 towards the following to address the deficits in the three typologies play, sport and natural that are not provided:

- Whatman Park – towards improvements and maintenance of the infrastructure including play facilities, and habitat maintenance and management including access improvements and signage.
- James Street Play Area/Arundel Street Play Area – towards improvements and maintenance to infrastructure including play facilities, fencing and surfacing.
- Penenden Heath – towards improvements and maintenance of sport facilities.

5.18 **MBC Economic Development: Support the application** (in summary) as the scheme aligns with Priority 5 of the Council’s Economic Development Strategy (Destination Maidstone Town Centre); will assist in developing emerging actions from the forthcoming Town Centre Action Plan; will provide employment in a flexible format that will allow the scheme to react to market demand; potential GP surgery or office space would be welcomed; and the ground floor commercial uses and public realm improvements will assist with increasing footfall and vibrancy.

5.19 **MBC Building Control:** Would require a demolition notice to be submitted.

5.20 **Southern Water:** Advise that they can provide foul sewage disposal to service the development.

5.21 **Kent Police:** Recommend various general measures to reduce crime.

6 APPRAISAL

6.01 The key issues are:

- **Policy Context & Assessment**
(Adopted Local Plan and Draft Local Plan Review Site Allocation)
- **Impact on the Character and Appearance of the Area**
(Scale/Height, Massing, and Impact on Views)
- **Design**
(Layout, Connectivity and Public Spaces, Landscaping, and Building Designs)
- **Impact on Listed Buildings and Chillington House Conservation Area**
- **Residential Amenity**

- **Highways**
(Access, Traffic Impacts, Parking, Public Transport, Walking and Cycling)
- **Biodiversity**
(Protected Species and Biodiversity Net Gain)
- **Affordable Housing, Infrastructure and Open Space**
- **Other Matters**
(Drainage, Archaeology, Minerals, Air Quality, Energy and Water, Waste, and Representations, Habitats Regulations Assessment)

Pre-application

6.02 The scheme has been subject to 3 pre-application meetings with officers since late 2022 and a Member Briefing held in June 2023 (this application is not the subject of a Planning Performance Agreement (PPA)). An external 'Design Southeast' Review was carried out in March 2023. The scheme has evolved in response to advice and Member feedback from these meetings.

Policy Context & Assessment

6.03 This section centres on the conflict with the floorspace required for offices and retail required by the adopted Local Plan weighed against the requirements of the draft Local Plan Review. The site apart from Cantium House and a small part of the frontage with Sandling Road falls within the northern part of mixed use allocation RMX1(2) in the adopted Local Plan. The allocation also includes the Maidstone East station car park, the station itself and forecourt to the front, the railway tracks/sidings, and an area to the south of the tracks currently used for parking. The allocation has an area of approximately 4ha but excluding the station, forecourt and tracks (around 1.42ha) which are unlikely to be developed this leaves around 2.58ha. The application site is 1.53ha and includes some land outside the allocation and therefore represents around 53% of a realistically developable area of the allocation.

Proposed Uses & Policy RMX1(2) of the adopted Local Plan

6.04 Under policy RMX1(2) the wider site is allocated for up to 10,000m² of comparison and convenience retail floorspace, 1,000m² of office floorspace and approximately 210 dwellings. So the primary focus for development at the site is retail and paragraph 4.58 of the Local Plan states,

"The key opportunity and top priority for new retail development will be the Maidstone East/Royal Mail Sorting Office site.... The site can help deliver a new modern shopping destination, creating a further 'anchor' shopping location in the town centre alongside Fremlin Walk and The Mall."

6.05 Policy SP4 (Maidstone Town Centre) outlines criteria to regenerate the town centre with criterion (ii) being *"the retail-led redevelopment of Maidstone East/Royal Mail Sorting Office site."*

6.06 Being around half of the allocation the site should provide in the region of 5,000m² of retail, 500m² of office and 105 dwellings on a pro rata basis to align with policy RMX1(2).

- 6.07 The proposals are for 1,863m² of town centre uses and 217 dwellings. The applicant has agreed to 500m² of retail space being secured by condition but the remainder is non-committal and seeks flexibility.
- 6.08 Therefore, the proposals do not provide sufficient retail or any office use for certain and essentially take up half the allocation predominantly with residential development using up the yield allowed under the policy. The likelihood of the remainder of the site coming forward solely for retail and offices in the quanta envisaged under the site policy and achieving the key aim of a retail-led scheme is extremely low. As such, the proposed uses are not considered to be in line with policy SP4 or RMX1(2) to achieve the aims of the Local Plan for the site. As such there is clear conflict with the Development Plan in that the application proposes retail and office floorspace significantly below the adopted policy requirements.

Draft Local Plan Review

Policy LPRSA146 – Maidstone East

- 6.09 The site continues to be allocated in the emerging Local Plan Review (LPR) but with a different mix of uses and quanta under policy LPRSA146. Given that the evidence base for the LPR is more contemporary than the adopted Local Plan, significant weight can be attached to the quanta set out. It also sets out the Council's ambitions for employment creation in the town centre.
- 6.10 Emerging policy LPRSA146 (subject to main modifications) allocates the site for "*approximately 500 dwellings, 2,000m² new retail, 5,000m² business and other appropriate town centre uses such as a medical facility*". It therefore increases the number of dwellings by around 300, reduces retail by 8,000m² and introduces 'business and town centre uses'. So clearly the balance has shifted to residential being a much more important use than either retail or offices as per the adopted Local Plan.
- 6.11 This is based on the most recent evidence base being the 'Economic Development Needs Study Addendum' (2021) which only identifies a need for 1,716m² convenience retail floorspace and no comparison floorspace, and 4,394m² food/beverage retail to 2032 in the town centre. As such the total floorspace for the town centre is 6,110m² which is well below the existing Local Plan allocation for 10,000m². This is a material consideration when weighing conflict with the Local Plan allocation, namely, the balance in favour of residential use as opposed to either office or retail floorspace.
- 6.12 Under the accompanying text to policy LPRSP1 (Maidstone Town Centre) Maidstone East is described as a "*key site with opportunity for significant new retail development*" at paragraph 6.20 and "*a top priority for new office development*" with "*capacity to accommodate in the region of 5,000m² of office floorspace*" at paragraph 6.29. Under policy LPRSP11(B) (Creating New Employment Opportunities) the site is within a table recorded as providing 5,000m² of office floorspace.
- 6.13 As such, the accompanying text prioritises the site for offices and 'significant new retail development' but the actual policy i.e. LPRSA146

does not reflect this in terms of specifically requiring offices and just refers to 'business' and town centre uses. The wording of the allocation policy takes precedence and so office floorspace is not a specific requirement, rather any town centre use would be deemed acceptable given the ambiguous wording of LPRSA146.

- 6.14 Being around half of the allocation, the site should provide in the region of 1,000m² of retail, 2,500m² 'business' and other appropriate town centre uses such as a medical facility, and 250 dwellings on a pro rata basis to align with policy LPRSA146.
- 6.15 The proposals for 1,863m² of commercial floorspace/town centre uses are unspecific but Class E covers a whole raft of uses and this long list of possible uses is allowed for in the flexible wording of the policy. In agreeing to 500m² of retail space being secured by condition this is a positive aspect towards meeting the retail aims of the allocation, however, the overall amount of commercial floorspace is around 1,600m² below that envisaged in the policy on a pro rata basis.
- 6.16 As stated above, it is clear that the balance in the LPR has shifted significantly toward residential as opposed to office with a significant reduction in retail. The adopted Local Plan put major emphasis on office floorspace within the town centre for sustainability reasons but the most recent evidence base and the LPR itself does not place this emphasis on town centre office floorspace provision.
- 6.17 Moreover, for retailing, the site has never been marketed specifically for retail and both enquiries from Marks and Spencer and, more recently, Aldi, show that the site was not available for significant retail development.
- 6.18 The proposed number of dwellings does comply with the draft policy in terms of the approximate yield for around half the allocation in not exceeding 250.
- 6.19 The likelihood of the remainder of the site coming forward with retail, business and other town centre uses with around 250 dwellings may be possible but the overall levels of retail and commercial floorspace sought under the policy are unlikely to be met. However, I do not consider the aims of the site allocation would be unduly compromised by the proposed development given the specific wording of the policy.

Masterplan

- 6.20 At the time of submission of the LPR to the SoS, the allocation was known to be in two different ownerships and the application site is only around half of allocation. Despite this fact the draft policy required that the whole allocation was subject of a comprehensive masterplan. The LPR Inspector therefore questioned whether this requirement was justified or a potential risk to timely delivery. Consequently, the draft policy has been modified and states as follows, such that there is no longer a requirement for a masterplan:

"Should the site be delivered in one or more phases, the Council will ensure that the overall capacity and requirements of the policy are met, and the planning and

design principles set out in the policy remain able to be consistently applied across the site."

Weight to LPR and Site Policy LPRSA146

- 6.21 The LPR is at a very advanced stage and in his letter after the Stage 2 hearings in summer 2023 the Inspector stated, "*Having considered the Council's proposed modifications together with statements and discussion with participants at the hearing sessions, I consider that the LPR could be made sound by main modifications.*"
- 6.22 The Inspector has now issued his Final Report on the LPR (08/03/24) having been invited to make any necessary changes for soundness. He considers the LPR to be 'sound' subject to his Main Modifications (MMs). Therefore it is considered the LPR as a whole currently has 'substantial' weight.
- 6.23 In terms of weight to the specific Maidstone East allocation (policy LPRSA146) this was discussed at the Stage 2 hearings. Prior to the hearings the Inspector set out a number of questions relating to whether the policy was justified and effective in terms of the setting of Grade II listed Sessions House, separate land ownerships, and the issue relating to the masterplan as outlined above.
- 6.24 The MMs relating to policy LPRSA146 are to confirm the floorspace and housing yields are 'approximate', amendments to the requirement for a master plan as set out above. Other minor changes to the text of some criteria were made which do not make fundamental changes.
- 6.25 However, it is important to note that the Inspector only examined matters of 'soundness' which relate to plans being 'positively prepared'; 'justified'; 'effective'; and 'consistent with national policy'. As such, this was a high level assessment and the Inspector did not examine detailed matters such as townscape impact, design, impact on heritage etc. and these are left to the decision making stage, i.e. under this planning application.
- 6.26 The NPPF at paragraph 48 states that,
- Local planning authorities may give weight to relevant policies in emerging plans according to:*
- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
 - (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
 - (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)*
- 6.27 For the Maidstone East site allocation itself all representations received during the LPR consultation have been considered by the Inspector. There were 2 representations neither of which fundamentally objected to the site. They supported changes to the adopted Local Plan allocation with more

flexibility/variation in uses and less emphasis on retail; suggested the scheme coming forward in a phased manner due to land ownership; and supported the potential for a medical facility. The MMs include fairly minor changes to the policy and in his Final Report the Inspector considers these MMs are necessary and that the allocation policy provides a positive framework to bring forward development subject to the detailed requirements as set out within it. In my view there are not currently any 'unresolved objections' to the site policy.

6.28 Policy LPRSA146 is considered to be consistent with the NPPF as the Inspector has not found any issues with compliance, and subject to the MMs has been found sound.

6.29 For these reasons the site allocation policy LPRSA146 is considered to attract 'substantial' weight.

6.30 Being a material consideration that attracts substantial weight and which is based on a more recent evidence base, I consider this is a sufficient reason why development could be allowed which is contrary to the adopted Local Plan allocation in terms of the proposed uses. However, the proposed development must also be assessed under all relevant criteria for draft policy LPRSA146 and any other relevant policies within the LPR which will be carried out below.

6.31 In conclusion for this section, the proposals are contrary to policy RMX1(2) of the adopted Local Plan in terms of the proposed uses and quanta. However, the draft policy which is based on the more recent evidence base is a material consideration and attracts substantial weight. The proposed uses are in accordance with the draft allocation and no specific mention is made to office floorspace. The amount of 'commercial' floorspace is around 1,600m² below that envisaged in the policy on a pro rata basis. The proposed number of dwellings does comply with the draft policy in terms of the approximate yield for around half the allocation in not exceeding 250.

Impact Upon the Character and Appearance of the Area

6.32 This section considers the general impact of the development in terms of its scale, massing, and impact on views.

6.33 I consider the current appearance of the site has a negative impact on the local area due to the poor appearance of the buildings, the extent of hard surfacing and lack of landscaping. Moreover, it is an under-utilised brownfield site adjacent to a mainline railway station. This impact is limited to the local area due to the low height of the some of the buildings and thus the visibility of the buildings/site.

6.34 Relevant to this consideration the draft policy states as follows:

"The masterplan shall be informed by a townscape and heritage assessment that identifies, for example, key views towards/from Sessions House, other heritage assets and Brenchley Gardens and other important areas of public realm."

"The form and scale of development on this site must be sensitive to the site's prominence and adjacency to heritage assets."

Scale/Height

- 6.35 A key point with regard to buildings of significant scale is how they relate to the existing context. This can be considered in terms of comparisons with existing buildings and topography.
- 6.36 In terms of scale/height in the surrounding area, the site currently has a 3 storey office building at the east end and 1-2 storey warehouses within the centre. To the north are 3 storey office buildings at 'County Gate', to the east is Invicta House a bulky 4 storey building and further southeast is Sessions House which is 4-5 storeys. To the south is a car park and single storey station buildings and further beyond is a Brenchley House a 6 storey building which is of significant mass. Moreover, one of the key frontages to the development would be Royal Engineers Road (A229) which is a dual carriageway and so there is a need for scale here. Secondly, although County Gate is to be found in between, Staceys Street roundabout and its connections forms a large central space in the townscape and requires buildings of scale to address it.
- 6.37 As there are a mix of heights in the local area and the site is adjacent to the dual carriageway, taller buildings are considered acceptable in principle. The massing and articulation of the buildings is key, together with the impact upon important views.

Massing

- 6.38 The mass of the taller buildings is broken up by the use of a clear base, middle, and top. This is through the use of ragstone as a base (or glazing for the commercial uses), a middle section with fenestration, metal panelling, and balconies, and a balustrade and recessed gables to the tops of the buildings. Importantly, the recessed gables to the tops greatly reduce the mass of the buildings. Some elevations have a projecting frame structure which is proud of the building behind which sit recessed balconies which adds depth and layering. All other elevations of the buildings have a raised brickwork frame structure, recessed windows, balconies, and metal panelling to provide interest and articulation.
- 6.39 The top two floors of the tallest 9 storey Block B are made up of the recessed gables such that its mass is greatly reduced at this height. It is also set back into the site around 42m from, and at a lower level than, Sandling Road, which is considered appropriate allowing sufficient space to the site boundaries with the development stepping up to this height from the road. This block is connected to Block A by a much lower three storey section which serves to break up the mass and provide space between these blocks.
- 6.40 There are some tall expanses of blank brickwork on the east elevation of Block A fronting Sandling Road, Block B on the south, internal east, and west elevations, and Block C on the south and north elevations. Therefore, amendments were sought to provide brick detailing (such as hit and miss brickwork) within some of these areas to further improve the appearance, which the applicant did not provide but considered they could be dealt with by condition and this will be secured. For Block E, the 3 storey building in the centre of the site, I consider that further measures are required to

provide a ragstone plinth base and brick detailing such as raised brickwork are required to provide sufficient interest which will be secured by condition.

- 6.41 Overall, It is considered that the layering and interest through different materials and articulation sufficiently breaks up the massing of the buildings together with the light weight gable tops. The detail of this will be secured by condition and large scale drawings to ensure sufficient articulation is provided.

Impact on Important Views

- 6.42 The application is accompanied by a 'Townscape and Visual Assessment' (TVA) which includes 4 viewpoints where the development has been shown in photomontages. These are from outside Sessions House, Brenchley Gardens, from the A229 just to the north, and from Buckland Hill to the west. I agree these are key views but the development will be visible from other places notably further north and south of the A229. There will obviously be many other places where the buildings will be seen for example from the bridge above the A229, the Millenium footbridge, Whatman Park and nearby roads but the above viewpoints are considered to be some of the main areas from where the buildings will be highly/potentially visible.
- 6.43 In the verified views from outside Sessions House looking northwards the 6 storey front block would fill some of the space above the existing building but it would not be incongruous or dominating in this view as it would also be seen with the relatively large Invicta House in the foreground.
- 6.44 In the verified view from the A229 to the north of the site, the 7-8 storey Blocks C & D at the west end of the site will be prominent because no other buildings are currently visible above the trees which flank the road. This is not a high-quality view being along a major transport corridor but it is an extremely well-used gateway route into the town. However, and as stated above, there is a need for some scale here which is provided, and the massing of the building is suitably broken up.
- 6.45 When approaching from the north on the A229, Blocks C & D would be most visible to the west side of the County Gate buildings and rising above them. As approaching the roundabout outside the Kent History and Library Centre, Blocks A and B would come in to view above the County Gate buildings. I consider the development will have the greatest impact from the A229 to the north as all blocks would be visible from certain points and would not be seen in the context of other tall buildings. However, I do not consider their height is so great such that they would be harmful to the area and the massing is suitably broken up.
- 6.46 When approaching from the south on the A229 towards Fremlin Walk Blocks C and D will also be visible but from here they will be seen in front of the 9-10 storey flats behind the History and Library Centre and 18 storey 'Guinevere Point' and so would not be as prominent. When moving closer the blocks will obviously start to have a greater presence and where views of the buildings behind reduce.

6.47 The site is on the upper slopes of the Medway Valley and so can be seen clearly from the opposite side. In the verified view from Buckland Road, the top of Sessions House and Invicta House are both visible and the development would obscure parts of Invicta House. Importantly, Sessions House would not be blocked so that views would still be appreciated. I have also viewed the site from higher ground on Buckland Road where the buildings would be more prominent but again, they would only obscure Invicta House, would not break the horizon, and would be seen in the context of significant development in the town. I have also viewed the site from higher ground on Queens Road and the development would not be visible from here.

6.48 Views from Brenchley Gardens are discussed under the heritage section below.

6.49 For the above reasons, I do not consider the specific scale or massing of the buildings would be harmful to the character of the local area in the most prominent views and the proposals comply with the relevant non-specific criteria of draft policy LPRSA146.

Design Quality

6.50 The NPPF has a chapter dedicated to design (12 - Achieving Well-Designed and Beautiful Places) and there is specific reference to the design framework 'Building for Life 12' and Maidstone's has its own version of this (Maidstone BfL12).

Layout, Connectivity and Public Spaces

6.51 Relevant to this consideration the draft policy states as follows:

"The masterplan must demonstrate that a permeable scheme can be achieved..."

"Amenity spaces should form an integrated element of the overall scheme design."

"In addition to new areas of public realm, the development shall incorporate high quality communal and private amenity areas for residents."

6.52 The approximate proportions of the site given over to buildings/development and open space/landscaping is as follows:

- Main Buildings: 33%
- Access Roads/Parking/Circulation Spaces: 31%
- Landscaping and Open Space/Public Realm: 36%

6.53 This demonstrates the scheme gives over around a third of the site for open space/public areas and landscaping which is a relatively high proportion for a town centre site.

6.54 In terms of the detail, Block A would be set back from Sandling Road with steps up to the building and a corner area where public art is proposed and which will be secured by condition. This leads to areas of public realm with an upper and lower 'piazza' that would have landscaping and seating areas with both stepped and ramped access. Subject to high quality surface

materials which can be secured by condition this provides a good public realm area and focal point which would benefit from passive surveillance from the commercial uses and flats above.

- 6.55 Along the south edge would be a ramped path enclosed by landscaping which provides access to the lower piazza and rear parts of the site. In the centre of the site would be areas of public space with pergolas, seating, and some play equipment for young children which provide focal points where residents can meet.
- 6.56 Clear permeability through the site is provided through the southern path and onwards to the public spaces. Vehicular, pedestrian and cycle access are also possible along the main entrance on the north side of the site. A new pedestrian connection is proposed in the northwest corner to link with the pavement on the A229 which is a positive element meaning that residents would not have to walk a long way round to reach the riverside for example.
- 6.57 In terms of links to potential future development to the south the applicant has shown where pedestrian links could be provided from paths within the centre of the site where land levels are similar which is acceptable.
- 6.58 Active Travel England have considered permeability and are satisfied with the proposals subject to a condition to secure the various links.
- 6.59 The proposed levels for the development generally follow the lie of the existing site which slopes down from Sandling Road. Some raising of up to 3m is proposed for the steps and ramps from Sandling Road to the ground floor of Blocks A and B and the upper piazza, for the lower piazza, and more minor raising (0.5m-1m) for parts of the main access road. Some lowering is proposed in the centre of the site, and for Blocks C and D. Retaining walls are required around the steps and ramps from Sandling Road and for the upper piazza which would be finished in ragstone. Sectional plans have been provided which show an acceptable form of development and the final levels can be secured by condition.
- 6.60 Overall, the layout is considered to be of good quality with over a third of the site given over to open spaces/landscaping providing an area of public realm and two communal areas; buildings are suitably spaced so as not to be cramped; and suitable connections and permeability is provided in accordance with policy DM1 of the Local Plan, draft policy LPRSP15 of the LPR, and Sections 1, 7, and 8 of Maidstone BfL12. It would also comply with the relevant criteria of draft policy LPRSA146.
- 6.61 I also consider the layout of the development is such that it would not prejudice the development potential of the southern part of the allocation due to the narrow flanks of the buildings facing south, buildings being set back from the boundary, and with relatively large spaces between the buildings.

Landscaping

- 6.62 Relevant to this consideration the draft policy states as follows:

New landscaping shall make a positive contribution to place-making and provide the opportunity for habitat creation."

- 6.63 A Landscape and Open Space Strategy has been submitted which sets out the landscape principles and breaks the site into six main areas.
- 6.64 The Sandling Road frontage would have medium size trees with shrub planting in the spaces between the steps and hard surfacing. Officers requested additional planting here to improve the streetscene further but the applicant has stated this is not possible due to firefighter access to door and dry risers, ventilation grills between steps, daylight for flats, and to allow exposure for potential commercial uses. The piazza areas would have trees and as the upper area is at podium level there would be raised planters to provide them.
- 6.65 The southern boundary would have grasses and herbaceous plants with climbing plants alongside the southern wall to the piazza. Tree and hedge planting is limited due to the presence of a sewer pipe and easements here. The public spaces within the centre would have a mix of native and ornamental hedges, wildflower planting, and small to medium size trees in a more formal layout.
- 6.66 An area in the northwest corner would be planted as a wildflower meadow with new native planting. Along the northern boundary space is limited for landscaping so low level planting and climbing plants trained on wires or trellis beneath the tall walls is proposed soften their impact.
- 6.67 To ensure the landscaping is of high quality a condition will be attached to require the specific details (species, sizes and numbers) with an emphasis on native species and also implementation and ongoing management including mechanical irrigation for trees.
- 6.68 Overall, it is considered the extent of space for landscaping is acceptable and it will provide a good quality environment and setting to the development and conditions can guide the details to ensure a high quality scheme is delivered in accordance with policy DM1 of the Local Plan and draft policy LPRSP15 of the LPR. It would also comply with the relevant criteria of draft policy LPRSA146.

Building Designs

- 6.69 Relevant to this consideration the draft policy states as follows:

"Any development shall incorporate a mix of uses which ensure that the site contributes positively to this town centre location, providing an active street frontage."

"Subsequent detailing and use of materials shall be of a high quality."

- 6.70 The Design and Access Statement (DAS) sets out how the architect has arrived at the building designs which has involved researching historic buildings in the local area. Sessions House is said to influence the buildings with its classically framed frontage, dominant base, middle section, balustrade and open pediment to the top. Also said to influence the proposed buildings are the former mills, malt houses, factories and

breweries that were alongside the river where gables and multiple pitched and long roofs were used, and the former Tillings Stevens Factory with its visible outer framing structure. The DAS states,

"The developed design for the buildings takes strong reference from existing prominent buildings within the town and conservation areas with particular regard to brick pilasters, multiple pitched roofs, framing, and gables but takes special reference to close by County Hall, its setting and central feature. The proportions and scale of the building are interpreted and transferred to the new building design through a series of frames, giving a direct visual link, harmonising and reinforcing the municipal presence and setting."

6.71 There is a clear 'narrative' to this architectural approach which is based on local buildings such as Sessions House and former mills and warehouses. It provides a mix of contemporary design with more traditional features and as there is no distinct character to buildings in the local area this approach is acceptable and in accordance with Section 5 of Maidstone BfL12.

Materials

6.72 The quality of materials will be critical to achieving a high-quality appearance, particularly the bricks due to the sheer expanse of them. The materials palette is for multi stock bricks, metal balconies, balustrades and panels, standing seam roofs, and rough coursed ragstone bases.

6.73 Conditions will control materials with specific requirements for stock bricks with good variation and texture, slender balcony railings and balustrades, and ragstone. Utility meters and associated pipework can also ruin the appearance of a building so conditions will be attached to control this.

6.74 Overall, it is considered buildings have a clear base, middle, and top; the mass of the buildings is sufficiently broken up with interest provided through the layering and articulation of the elevations, different materials, and the light-weight gable tops. As stated above the buildings will be highly visible but for these reasons they are considered to have a high-quality appearance subject to conditions in accordance with policy DM1 of the Local Plan, draft policies LPRSP15 and LPRSA146, and Maidstone BfL12.

Impact on Listed Buildings and Chillington House Conservation Area

6.75 Relevant to this the draft policy states:

"The masterplan shall be informed by a townscape and heritage assessment that identifies, for example, key views towards/from Sessions House, other heritage assets and Brenchley Gardens and other important areas of public realm."

"The form and scale of development on this site must be sensitive to the site's prominence and adjacency to heritage assets."

"The development shall be designed to respond to its context and respect the setting of the listed Sessions House and other nearby heritage assets."

6.76 The NPPF outlines at paragraphs 205 and 206, that great weight must be given to the conservation of designated heritage assets irrespective of the

level of harm, and any harm requires clear and convincing justification. Under Section 58B of the Town and Country Planning Act 1990 (as inserted by the Levelling up and Regeneration Act 2023), "*In considering whether to grant planning permission or permission in principle for the development of land in England which affects a relevant asset or its setting, the local planning authority must have special regard to the desirability of preserving or enhancing the asset or its setting.*" Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Listed Buildings

- 6.77 Regarding the setting of Sessions House (Grade II listed), I agree with the applicant's Heritage Statement that a key 'significance' of this building is from its prominence and grand frontage which can be clearly appreciated due to the space in front of it. This has been slightly eroded with the presence of Invicta House.
- 6.78 The strong façade of Sessions House faces southwest and due to the distance of the nearest Block A (6 storeys) being 75m away and the site being to the northwest rather than in front of it, the proposed buildings would not interrupt the main public views or the appreciation of the listed building or greatly impose on its setting. However, because there will be some limited views from the station car park and within the site, where Sessions House will be seen together with the proposed buildings and due to their heights, I consider there would be a very low level of 'less than substantial' harm to the setting. As mentioned above, the development will be seen with Sessions House from the other side of the valley but it will not obscure views of the front façade rather the two developments would be seen side by side.
- 6.79 In terms of other listed buildings, the 'White Rabbit' Pub (Grade II*) are the former Cavalry Barracks. The historic setting of this building has been lost to modern development and infrastructure and it is considered the development would not harm its setting for this reason. The 'Powerhub Building' (Grade II) is the former 'Tillings-Stevens Factory' on the west side of the river which formed part of former industrial areas and buildings alongside the river. The proposals would not harm the setting of this building as its historic setting was made up of larger buildings such as the scale proposed. The proposals would not harm the setting of Maidstone Museum (Chillington House Grade II*) due to the distance away (230m).

Conservation Area

- 6.80 The Chillington House Conservation Area Appraisal & Management Plan (CAAMP) notes that Brenchley Gardens dominates the Conservation Area (CA). In terms of the northern part and views towards the application site the CAAMP states the following and makes specific reference to potential development within the allocated site:

5.13 The north side of the Gardens are dominated by the Rag stone and brick wall which is part of the original construction though not part of the original design. It was built in response to the development of a railway and station just beyond the Gardens to avoid views of and noise. The station buildings are just visible but more prominent is the new construction on Royal Engineers Road. Care needs to be taken in any proposal for development on the car park site to avoid impacting on the sense of privacy within the Gardens."

6.81 It depends where you are positioned in Brenchley Gardens as to the impact of the development and the Cenotaph (Grade II* listed) on the north side is a focal point. However, there is not a clear space to view the Cenotaph from, rather a series of paths. The taller buildings would be seen in the backdrop of the CA and Cenotaph in some places but in others they would not. However, at present buildings are visible from the CA looking northwards including Cantium House and the warehouses within the application site, County Gate offices behind, and the top of Guinevere Point further beyond. Because other development is visible I do not consider the presence of further development, albeit taller, would necessarily be harmful. The massing and appearance of the buildings is considered to be acceptable for the reasons outlined above.

6.82 The impact is also reduced as the proposals have been designed with around a third of the site having 3 storey buildings. Overall, I do not consider the development would cause harm to the setting of the CA or the Cenotaph.

6.83 In respect of Sessions House, there is some conflict with criterion 1 of policy DM4 of the Local Plan and draft policy LPRENV1 which seek development to conserve or where possible enhance heritage assets and their settings but the policies refer to carrying out a weighting exercise in line with the NPPF where there is potential harm.

6.84 The NPPF at paragraph 208 advises harm should be weighed against the 'public benefits' of the proposal which can be anything that delivers economic, social, or environmental objectives as set out in the NPPF.

6.85 I also give special regard to the desirability of preserving or enhancing the setting of Sessions House as set out in statute and the development would cause a low level of 'less than substantial harm' to its setting so would not preserve or enhance it and so this is a factor that weighs against the development. The balancing of these issues is carried out in the conclusion.

Residential Amenity

6.86 Relevant to this the draft policy states:

"Appropriate residential amenity space may take the form of balconies and/or terraces and communal gardens, subject to their ability to provide an acceptable level of amenity having regard to noise, air quality and adjacency of other uses."

Neighbouring Properties

6.87 The nearest residential properties are 105m to the south and west, and 120m to the north and at these distances there would be no harmful impacts upon light, outlook, or privacy.

Future Residents

6.88 All properties would have an outside space in the form of a terrace, balcony or winter garden alongside the A229 in accordance with draft policy LPRQ&D7. All apartments would meet or exceed the national space standards in accordance with draft policy LPRQ&D6.

6.89 In terms of privacy, the apartments are at least 28m from one another apart from between the three storey block and the blocks to the east and west where 13 apartments above ground level have windows within 14m of one another and on balance I do not consider this is objectional or grounds for refusal. There is also sufficient spacing between buildings to ensure a suitable outlook. Any potential noise from plant or equipment from commercial uses can be controlled by condition.

6.90 In terms of light, a 'Daylight, Sunlight and Overshadowing Assessment' which includes three-dimensional computer modelling of the development has been carried out. This considers the latest BRE good practice guidance - 'Site Layout Planning for Daylight and Sunlight'. This contains guidance on site layout to provide good natural lighting within a new development and on the sunlighting of gardens and amenity areas. It states that, *"The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design."*

6.91 In terms of daylight, the report sets out that 65% of windows meet the BRE rating for receiving an adequate amount of daylight and the vast majority of the windows which fall below the rating are set behind/below the balconies or are located on the lowest floors. The majority of these windows meet the lower BRE standard where the guidance states that, "special measures (larger windows, changes to room layout) are usually needed to provide adequate daylight". Measures include enlarged windows and additional glazed openings on the courtyard-facing eastern façade of Block B, as well as the eastern façade of Block A facing Sandling Road; winter gardens on the lowest three floors of Blocks C-D; and widening the full-height windows on the ground floor of Block E, and on the first floor of the eastern side where windows are below balcony slabs of the second-floor units.

6.92 There is also guidance on internal luminance and 89% of rooms would be above the BRE guidelines. Of those rooms that are below the guidelines, over half would receive compliant luminance levels to over 40% of the room area and the majority of the remainder relates to bedrooms which are not as sensitive.

6.93 In terms of sunlight, guidance recommends that at least one habitable room should receive a minimum of 1.5 hours of direct sunlight on 21st March. For the main living areas 79% would comply with this guidance and

the majority (75%) of those that do not are bedrooms and north facing rooms. However, all north-facing living areas meet the daylight guidance.

- 6.94 In terms of noise, an assessment has been submitted which concludes that appropriate internal noise levels for flats should be achievable with the installation of high performing glazing systems and the proposed mechanical ventilation which can be secured by condition, and to which Environmental Health raise no objections.
- 6.95 Overall it is considered the development would not result in an unacceptable impact upon privacy, light, or outlook of any neighbouring properties and the apartments would have sufficient privacy and outlook and receive adequate day and sunlight bearing in mind the site is within a built up area and with taller buildings proposed. The development would therefore be in accordance with policy DM1 of the Local Plan and draft policy LPRSP15.
- 6.96 All apartments will meet Part M4(2) of the building regulations (accessible and adaptable dwellings) which can be secured by condition in accordance with draft policy LPRQ&D6.
- 6.97 Because Blocks A, B, C and D are over 18m tall or more than 7 storeys a Fire Statement is required which has been provided and consultation with the Health and Safety Executive (HSE) has been carried out who have confirmed they are satisfied with the fire safety design. An outline Fire Safety Strategy has also been submitted which sets out how the proposals will comply with Building Regulations. The scheme involves two stair cases at each level of the blocks; three combined firefighting shafts with escape lift for Blocks A and B and two for Blocks C and D; sprinkler systems; and dry fire mains which for the firefighting shafts would be within 18m of fire appliance parking location for all blocks. Public fire hydrants are located on Sandling Road. The scheme has also been designed using British Standards 9991 and 9999 (Fire Safety Design and Management) and proposed materials will meet the Building Regulations in terms of fire safety.

Highways

- 6.98 KCC Highways have raised no objections to the application subject to conditions.

Access

- 6.99 Relevant to this the draft policy states:

"Highway access to the residential development shall be taken from Sandling Road. An additional, in-bound only access to the former Sorting Office part of the site could be taken from Fairmeadow, subject to any impacts upon the wider public realm strategy."

- 6.100 Access is proposed solely using the existing access on Sandling Road to which KCC Highways have no objections. They also consider the swept paths for cars and refuse vehicles within the site are acceptable.

Traffic Impacts

- 6.101 In assessing the traffic from the proposed development the applicant has taken into account the traffic that could flow from the existing uses (offices and sorting office) using the 'TRICS Database' and compared this with the predicted traffic from the proposed development resulting in a net impact.
- 6.102 Taking into account the traffic from existing lawful uses is generally an accepted position under planning applications. Despite the office buildings and sorting office not currently being in use it is noted the Highways Authority (KCC) raise no objections to this approach.
- 6.103 The predicted total 2 way vehicle trips from the existing uses in the AM peak are 64 and in the PM are 73. The predicted total 2 way vehicle trips (for both residential and potential Class E commercial uses) in the AM peak are 72 and in the PM are 72. The net impact is therefore an increase of 8 trips in the AM peak and a decrease of 1 trip in the PM peak. Across the whole day there would be a net decrease of 110 two way trips.
- 6.104 In comparison to the existing uses the proposals would therefore have a negligible impact during the peaks and for this reason the Transport Assessment has not assessed the impact on any local junctions.
- 6.105 KCC Highways accept the above position on trips and on this basis that no analysis of the wider road network is required and raise no objections on this matter. Whilst it is questionable whether the existing uses would come back in to use, this has been specifically discussed with KCC and they consistently give very significant weight to TRICs data.

Parking

- 6.106 The Council's current parking standards originate from an interim guidance note from 2008 and there has been no review of these so they are the only standards to judge this application on.
- 6.107 Relevant to parking the draft policy states as follows which is not specific on parking numbers:
- "Town centre locations benefit from lower trip rates and lower car ownership levels, reducing the level of mitigation necessary".*
- "If a car free or reduced level of parking is proposed, proportionate contributions will be required to sustainable transport improvements within the town centre."*
- "Secure cycle parking for residents to be provided."*
- 6.108 There would be 159 parking spaces for 217 dwellings so a ratio of 0.74 spaces per unit. All parking spaces would be below Blocks A & B and Blocks C & D.
- 6.109 The Council's parking standards for town centre locations requires 1 space per unit for 1, 2, and 3 bed properties and no visitor parking. However, these are maximum standards and the accompanying note states, "reduced or even nil provision is encouraged in support of demand management and the most efficient use of land." So this is a major caveat added to the unspecific LPR wording.

6.110 In view of the proximity to public transport options and day to day facilities in the town centre and the local area, I consider less than one space per unit is acceptable in principle and this is not contrary to the parking standards because they are maxima.

6.111 The applicant has also provided 2021 Census data on car ownership in the local area which shows that at least nearly a third of flat/maisonette/apartment households do not own a car as set out below.

North Ward

29 % of households (flat/maisonette/apartment) do not own a car.

Neighbouring East Ward

38% of households do not own a car.

Neighbouring High Street Ward

47% of households do not own a car.

6.112 Due to the town centre location, I consider there is a reasonable prospect that some future residents may not own a car similar to the current level of vehicle ownership in the local area and so on balance the parking provision of 0.74 spaces per unit is acceptable. KCC have raised no objections to the proposed parking levels nor have they sought TROs in the event that parking is inadequate.

6.113 In terms of the potential impact on the local area, the Parking Services Manager has confirmed that as the site falls somewhat outside of the nearest resident parking permit zones which are on the northeast side of Staceys Street, future residents would not be able to apply for permits to park in these zones. Whilst future residents could park in these areas in the daytime for a limited time (like anyone else), they would not be able to between 6pm and 8.30am. Local residents would therefore have access to the existing parking as they do at present albeit there could be increased pressure during the day from the development. Outside of these areas, Sandling Road, Staceys Street, and the Royal Engineers Road all have parking restrictions (double yellow lines) so parking is not permitted here and people are highly unlikely to park here due to the nature of the roads which do not lend themselves to parking due to their width and high level of use.

6.114 However, it is still considered appropriate to seek to reduce the potential pressure in the local area so incentives for each household for 'car club/rental' such as free membership for a set period and paid drive time are appropriate and this will be secured by legal agreement.

6.115 For the flexible commercial uses no parking is proposed with the applicant considering the site is well located for public transport and public car parks including the adjacent station car park so in their view this would be sufficient. Policy DM23 states that parking for non-residential uses will take into account the accessibility of the development and availability of public transport, the need to maintain an adequate level of parking within the town centre to ensure the viability of the centre is not compromised, and whether development will exacerbate on street parking to an unacceptable degree.

- 6.116 I consider some Class E uses such as retail would not require parking on the basis that people would already be visiting shops in the town centre so it is unlikely to generate more trips. For uses such as offices, medical and health services, creches, and gyms these are likely to generate new trips and people are likely to drive rather than use public transport and so park in the local area but on balance I do not consider this is grounds for refusal and I note that KCC Highways raise no objections.
- 6.117 KCC Highways initially questioned the loss and displacement of the temporary parking that has been available at the site since 2017 and can operate until July 2025. Part of this being the covered parking area in the former warehouse has been closed since September 2022 so there are understood to be 136 spaces available for pay and display between 5am and 8pm.
- 6.118 The applicant points to it only being temporary, that any displacement could be absorbed by other public car parks, and a single weekday visit for half an hour showed that it was not fully in use. This is not a robust assessment to demonstrate the level of use nor has the applicant demonstrated the parking can be absorbed elsewhere but despite this KCC Highways have raised no objections on the basis that it has a temporary permission and due to the site's central location with access to sustainable transport and have not objected on displacement of this parking.
- 6.119 The apartments are provided with one cycle space per property with communal cycle stores on the ground floor of each block. There would be 16 cycle spaces for the commercial uses. EV charging is now dealt with under the Building Regulations.
- 6.120 The refuse collection strategy was discussed with the Council's waste collection team prior to submission with collection points at the two car park entrances for Blocks A and B, roadside for Block E and to the front of Blocks C and D and there is adequate turning space for refuse vehicles. Collection will be on site and tracking for a 11.5m long refuse truck has been undertaken.

Public Transport, Walking and Cycling

- 6.121 The site is well served by public transport in terms of buses and trains but it is considered that a Travel Plan as sought by Active Travel England is necessary for this scale of development with an aim to promote sustainable travel in line with policies SP23 and DM21 of the Local Plan, draft policies LPRSP12 and LPSTRA2, and the NPPF. This will be secured by condition a monitoring fee secured under a legal agreement.
- 6.122 KCC Highways have sought a financial contribution towards local schemes within the Maidstone Walking and Cycling Strategy (2016) with which Active Travel England agree. Schemes closest to the application site are identified as a new cycle route between Week Street and the Medway Valley towpath serving the Kent History and Library Centre and upgrade of the footway bridge across the River Medway for shared pedestrian/cycle use. However, due to the scheme not being viable which is discussed below no financial contributions can be sought.

6.123 Finally, KCC Highways have requested a condition for a Traffic Regulation Order (TRO) to secure the proposed loading bay in Sandling Road to which they have not raised any objections. It is only possible to require the applicant to apply for a TRO and this can be secured under a legal agreement.

Biodiversity

6.124 Relevant to this the draft policy states:

"A phase 1 habitat survey will be required, which may as a result require on and/or-off site mitigation for the existing habitat of local fauna/flora.

"Having regard to the site's size, measures for positive biodiversity net gain shall be incorporated into the scheme."

Protected Species

6.125 Protected species present at the site are bats and surveys have been carried out. No bats were seen to emerging from any buildings but the site is used for foraging. Some low quality foraging habitat would be removed for common pipistrelle and noctule bats when the limited grassland areas are removed and the majority of the groundworks are taking place. To mitigate this inbuilt bat boxes to buildings are proposed and bat sensitive lighting will be used. Precautionary measures are proposed for reptile (precautionary watching brief when clearing any scrub habitat) and breeding birds (demolition and clearance outside of the bird nesting season). KCC Ecology have raised no objections in terms of impacts upon protected species. This is in accordance with policy DM8 of the Local Plan.

6.126 Other enhancements proposed which can be secured by condition include inbuilt sparrow terraces and swift boxes, invertebrate boxes, log piles, hedgehog domes, and bee bricks can also be secured.

Biodiversity Net Gain

6.127 Biodiversity Net Gain (BNG) is not mandatory for this development as it pre-dates the statutory requirement brought in on 12th February but the Council has had draft policy LPRSP14A requiring 20% since submission of the LPR for examination. The applicant is proposing BNG and predicting a 48% net gain for habitats to meet the draft LPR policy. Defra's most up to date Biodiversity Metric at the time of submission of the application has been used to demonstrate this and it is basically achieved through creating new habitats as part of the development's landscaping. KCC Ecology have assessed the submission and agree it is likely that over 20% will be achieved.

6.128 However, they refer to the 'trading rules' not being met due to a loss of bramble scrub along the southern boundary. The 'trading rules' set minimum habitat creation and enhancement requirements to compensate for specific habitat losses such as 'scrub' where in this case any losses must be replaced by habitat within the same broad habitat type. The applicant's ecologist has stated the, "*scrub planting is intertwined in the existing wiremesh security fence and located within a narrow strip of land adjoining the existing buildings and structures that would be demolished.*

The retention and protection of any significant amount of the scrub vegetation is just not feasible when working clearances to enable the demolition and subsequent construction works alongside any new regrading and fencing installation are allowed for."

6.129 The proposal is to provide for half the scrub lost and the applicant considers the development is unable to realistically create an equal amount or a habitat of higher distinctness. KCC question why some further scrub cannot be provided, for example on the north boundary, and I consider this is possible to ensure an equal amount of scrub is provided to meet the 'trading rules' which can be secured by condition.

6.130 On this basis, the development will achieve over a 20% gain for habitats which can be secured by condition through a BNG Management Plan and the legal agreement which will ensure this is maintained for at least 30 years including the costs of reviewing monitoring reports over this period.

Affordable Housing

6.131 Policy SP20 requires 30% affordable housing (AH) provision within the urban area. The applicant has submitted a viability appraisal seeking to demonstrate that it is unviable to provide any AH. Policy SP20 under criterion 6 states,

"Where it can be demonstrated that the affordable housing targets cannot be achieved due to economic viability, the tenure and mix of affordable housing should be examined prior to any variation in the proportion of affordable housing."

6.132 In this case the applicant is submitting that no on-site AH or an off-site contribution is achievable. The NPPF at paragraph 58 states,

"Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker..."

6.133 Draft AH policy LPRSP10(B) introduces 'value zones' whereby AH requirements differ. The site falls within the 'low value zone' where criterion 1 as per the Main Modifications states:

1(c) Development in the low value zone and brownfield development in the mid value zone will be expected to deliver an element of on-site affordable housing. If it can be demonstrated through an open book financial appraisal this is not viable, based on the construction costs based on delivering high quality design and public realm, then the developer shall make a proportionate off-site contribution to the delivery of affordable housing. Evidence of engagement with affordable housing funders and providers, including the council and Homes England as appropriate, should be submitted with the financial appraisal.

6.134 The applicant's viability assessment considers the development with 100% market housing generates a deficit of -£46,887,606. This has been reviewed independently by the Council's consultants (BNP Paribas) who have undertaken their own assessment. They have concluded the

proposals would generate a deficit of -£34,297,700. So whilst there is a considerable difference of around £12m, even taking the BNP Paribas conclusions, the scheme is clearly unable to provide onsite AH or a financial contribution. They have advised in simple terms the costs of constructing the development are too high versus the values that would be generated. Therefore in order to bring the scheme forward the applicant's viability report states *"the applicant is committed to delivering the project and intends to bridge the viability gap through competitively tendering the build contract, securing cheaper borrowing, grant subsidy and brownfield release funding."*

6.135 I agree the evidence demonstrates that AH is not achievable but the adopted policy does not state this scenario means that policy SP21 is complied with and the emerging policy states *"the developer shall make a proportionate off-site contribution to the delivery of affordable housing"* which is not proposed. On this basis the proposals are contrary to policies SP21 and LPRSP10(B) which weighs against the development, albeit there are evidenced reasons for this.

6.136 I will return to this matter in the balancing exercise at the end of the report.

Homes England Grant Funding

6.137 For information purposes only, the applicant has stated they intend to apply for Homes England funding under the 'Affordable Homes Programme' to provide some AH should planning permission be granted. This Programme provides grant funding to support the capital costs of developing AH for rent or sale where it is not viable.

6.138 To demonstrate this commitment, the applicant has submitted a draft 'Memorandum of Understanding' which sets out they will use reasonable endeavours to submit a funding application to Homes England if permission is granted and if successful to use any grant towards the provision of AH with an AH scheme submitted to the Local Planning Authority (LPA).

6.139 There is a high probability the applicant will apply for funding as Maidstone Borough Council has a strategy to deliver 1,000 new affordable homes which was first announced in 2021 and a development strategy setting out how this can best be achieved was agreed by Policy & Resources Committee in January 2022. More recently at the Cabinet meeting of 24th January 2024 an update was provided on AH delivery to date, resourcing, project pipeline, and viability pressures and the Cabinet decided to approve that the Council can enter into a "Local Authority Grant Agreement for the Affordable Homes Programme 2021 to 2026" with Homes England. In addition, Full Council agreed the capital programme for funding towards the 1,000 affordable homes project at the meeting of 21st February 2024.

6.140 Despite the above, for the purposes of decision making on this application no AH is being provided or secured and so potential AH delivery through external funding cannot be given any weight in reaching a decision on this application.

Infrastructure and Open Space

- 6.141 Policy DM20 and draft policy LPRINF2 state that residential development that would generate a need for new community facilities or for which spare capacity does not exist will not be permitted unless the provision of new, extended or improved facilities, or contributions towards such provision is secured either through legal agreements or the Community Infrastructure Levy (CIL). The Council is a CIL authority so in general off-site infrastructure should be funded by CIL.
- 6.142 Kent County Council have requested financial contributions towards primary (£215,155), secondary (£382,294), SEND (£22,253) education, community learning (£7,423), children's services (£11,773), libraries (£13,590), social care (£39,250), and waste (£11,284). For the reasons of viability outlined above the applicant is not able to provide any financial contributions and for the same reasons cannot provide any monies towards off-site cycle improvements suggested by Active Travel England and KCC Highways.
- 6.143 In terms of open space and as outlined above, the scheme provides just over a third of the site for open space/landscaping. It therefore provides a good level of open space for residents which includes some play equipment for younger children and in comparison to other town centre residential development this is a positive aspect of the development. Clearly open space types such as sports and large areas of natural-semi-natural space are not possible on a town centre site. So whilst the scheme does not meet the quanta of open space identified under policy for the number of residents, there are understandable reasons for this, and it is considered there would be an appropriate level of onsite amenity space for residents.
- 6.144 Draft site policy LPRSA146 states that where the full amounts of open space types are not feasible, the scheme shall make appropriate financial contributions towards off-site provision/public realm improvements within the wider town centre. The Parks and Open Spaces team have requested £315,573 to address the deficits in the three typologies of play, sport, and natural/semi-natural that are not provided under the scheme towards Whatman Park (semi-natural), James Street Play Area/Arundel Street Plan Area (play), and Penenden Heath (sport facilities).
- 6.145 Despite viability issues the applicant has stated they are willing to provide a financial contribution towards off-site public open space. However, it is considered that to secure the request for monies is not reasonable within the context of a financially unviable scheme. The applicant's agent has agreed to pay these monies citing the draft policy criterion. However, this stance is counter intuitive in that no monies whatsoever are proposed for AH (including an off-site contribution which is common in the town centre) and this is a key policy in both national and local policy i.e. the provision of affordable housing. It is important to be consistent in decision making and, therefore, it is considered that there should be no contribution made to open space because of the significant viability problem discussed above.

- 6.146 In conclusion on open space, it is considered the scheme provides a suitable level of space on site for a town centre development including play equipment and public realm that would provide a good level of amenity for future residents. The scheme is not viable to provide an off-site financial contribution.
- 6.147 The development will have to pay CIL monies which are estimated by the applicant to be in the region of £1.7m but this can only be confirmed once all the relevant forms have been completed/submitted and relevant details have been assessed and approved. This could be used towards the infrastructure listed by KCC, open space, healthcare, walking and cycling, and public realm as they are projects all set out in the latest Local Plan 2017 Infrastructure Delivery Plan.
- 6.148 Affordable housing is relieved from CIL payments but the applicant has stated they will not seek relief should any be provided through separate Homes England funding. As the CIL payment is included as a cost in the viability appraisal this is considered appropriate and can be secured under a legal agreement to ensure CIL monies can mitigate the impact of the development as submitted/assessed under this application with no AH proposed.

Other Matters

Drainage

- 6.149 Surface water drainage would be dealt with through the use of permeable surfaces, attenuation crates, and a tanked detention basin in the northwest corner of the site. The surface water which would be treated via silt traps and oil treatment products would drain to the River Medway via an existing offsite connection. KCC Flood and Water Management have reviewed the proposals and following clarification on matters raise no objections subject to conditions. Foul drainage would be into the existing system and Southern Water have advised there is sufficient capacity to service the development.

Archaeology

- 6.150 Relevant to this the draft policy states:

"Assessment of the archaeological potential of the site shall be undertaken and the measures needed to address the assessment's findings secured."

- 6.151 In terms of archaeology, a desktop assessment has been provided which considers there is a medium/high archaeological potential for the palaeolithic period and medium archaeological potential for the prehistoric period. The Mount Roman Villa is known to lie close to the site and previous excavations recorded a Romano-British field system so the site has high archaeological potential for the Roman period. The site has low archaeological potential for the Saxon, mediaeval and post mediaeval periods. The proposed development mainly follows the existing ground levels so will only have a minor impact below ground.

6.152 KCC Archaeology advise a Roman road probably followed the alignment of Week Street so there is potential for Roman remains and archaeological investigations for the construction of the Sorting Office did locate Roman and later field systems. They state that detailed archaeological investigations were not carried out for the Sorting Office and there is potential for archaeology to be impacted by this new development. They have advised it is possible to address archaeological issues through a phased programme of geo-archaeological and archaeological works secured by condition.

Minerals

6.153 In terms of minerals safeguarding, KCC Minerals and Waste have raised no objections and confirmed the site is not coincident with any land won safeguarded minerals. The proposals are therefore in accordance with policy DM7 of the Kent Minerals and Waste Plan.

Air Quality

6.154 Relevant to this the draft policy states:

"Appropriate air quality measures to be agreed with the council which will be implemented as part of the development. These shall ensure that new residents are not exposed to unacceptable conditions and to also ensure that the development does not adversely impact upon existing air quality levels."

6.155 In terms of air quality, the site is adjacent to an Air Quality Management Area (AQMA) which near to the site runs along the A229 and Stacey's Street. An assessment has been submitted which considered new residents would not be subjected to unacceptable air quality levels and it is noted that winter gardens are proposed for the lower level properties facing the A229. Impacts from traffic on the AQMA would be less than the current situation. Measures to mitigate impact include EV charging (under building regulations), cycle storage, and renewable energy methods (see below). The assessment recommends dust and pollution control measures during construction. Environmental Health have raised no objections subject to an Air Quality Emissions Reduction condition but I do not consider this is necessary as the impact is acceptable and mitigation will be secured by condition or under the building regulations.

6.156 Recommended Environmental Health conditions relevant to planning and not covered already relate to a construction method statement (noise, vibration and dust), the noise mitigation for apartments, an acoustic report in relation to the substation, treatment of fumes/odours from commercial uses, lighting, and contamination. These are all appropriate to be dealt with by condition and whilst impacts from demolition and construction are generally outside the consideration of the application, due to the location of the site in a fairly dense area I consider conditions are appropriate to minimise noise, dust, and disturbance.

Energy and Water

6.157 In addition to a fabric first approach the scheme would include 412m² of PV panels and air source heat pumps for all apartments which will be on the roofs. The cumulative CO₂ emissions savings are estimated at 77% for

the residential element and 9% for the commercial above the building regulations. The commercial element would also meet a BREEAM 'Very Good' rating. These measures are considered acceptable and can be secured by condition including at least 10% energy from renewable sources as per draft policy.

- 6.158 Measures are proposed for water consumption to be 110 litres per person per day in line with draft policy LPRQ&D1 which can be secured by condition.

Waste Strategy

- 6.159 Each flat is provided with appropriate refuse storage and segregation bins within the kitchens and secure, ventilated and well-lit bin stores are provided within each block with 2m wide access doors. This is in accordance with policy CSW3 of the Kent Minerals and Waste Plan.

- 6.160 In terms of demolition and construction, site waste will be minimised with waste monitoring carried out with separation of materials and clearly labelled re-cycling areas and skips. Demolition materials will be re-used on site where possible as hard core fill for example and if not suitable will be sent for re-cycling. A specific area will be laid out and labelled to facilitate the separation of materials for potential recycling, salvage, reuse and return. The fine details can be secured by condition in line with policy CSW3 of the Kent Minerals and Waste Plan.

Representations

- 6.161 Issues raised that do not relate to matters considered above include the loss of office space and jobs, anti-social behaviour, and accommodation being used by London Boroughs. The existing commercial uses are not protected under local or national planning policy. Anti-social behaviour cannot be ruled out from any new residential development but this is not grounds to object. How the accommodation is occupied and who by is not a material planning consideration.

Habitats Regulations Assessment (HRA)

- 6.162 The North Downs Woodland Special Area of Conservation (SAC) is around 3.5km northeast of the application site and is designated for its beech and yew woodland, and semi-natural dry grasslands and scrubland.

- 6.163 The potential for impacts from the development on the SAC are air pollution from construction traffic and traffic associated with future residents/commercial uses close to the SAC and recreational activities of new residents. The latter is primarily from unauthorised off-road cycling and motorbiking which has occurred rather than general visitor numbers. There is also the potential for the same cumulative effects with other development in the LPR.

- 6.164 An 'Appropriate Assessment' is therefore required to assess whether the development alone or cumulatively will adversely affect the integrity of the SAC including any necessary mitigation if relevant.

- 6.165 In terms of the development itself, it is considered that potential air pollution impacts from traffic would not occur because the construction and operational phases would not generate more movements than the existing situation.
- 6.166 In terms of recreational pressure, whilst it cannot be ruled out that some new residents may carry out off-road cycling or motorbiking I consider the likely impact of this would be extremely low so I do not consider the development alone would lead to a significant effect on the integrity of the SAC.
- 6.167 Natural England have also been consulted on this specific matter and state that, *"Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection."* They advise the LPA to record a decision that a likely significant effect can be ruled out on the basis that *"given the nature of the specific recreation impacts affecting the North Downs Woodlands there is insufficient evidence to suggest increased housing will result in impacts to the site."*
- 6.168 In terms of cumulative effects and relevant to this, the LPR Inspector has inserted a new paragraph regarding air pollution through his Final Report stating:
- "The Local Plan Review makes provision for a new garden community at Lidsing, where the impact of new development on the integrity of the North Downs Woodlands SAC requires careful consideration. Provided that the air pollution mitigation specified by Policy LPRSP4(B) is delivered then adverse effects on the SAC due to air quality from the plan as a whole, alone or in-combination, can be ruled out. In the event that the Lidsing garden community is not delivered, the Council will agree a proposed approach with Natural England, and no further development contributing to an increase in traffic to roads within 200m of the SAC (A229, A249 or Boxley Road) will be permitted until mitigation has been agreed, unless applicants can demonstrate that they will not have an adverse effect on the integrity of the SAC, alone or in-combination."*
- 6.169 In relation to recreation, the LPR states at paragraph 7.152 that, *"the potential effects of recreation at North Downs Woodland SAC are less certain but it is considered that residential development within 7km of this site could contribute to adverse effects from recreation pressure. New residential developments within 7km of the SAC will be required to make developer contributions and the Council will work with Natural England to monitor and if necessary, mitigate any recreation pressure or air pollution effects at this site, with a strategy in place prior to adoption of the Local Plan."*
- 6.170 In terms of cumulative impacts, the air pollution mitigation for the Lidsing development would deal with the cumulative impacts of development in the LPR. Even if this did not come forward, because the proposed development under this application will generate less vehicle movements than existing, I do not consider mitigation for air pollution is necessary for this scheme.

- 6.171 Recreational mitigation for the cumulative impacts of development (which is less certain), is listed in the latest LPR specific Infrastructure Delivery Plan (IDP) where the Council will develop the mitigation with Natural England. The estimated cost is not known and the IDP states the funding sources will be through section 106 agreements. However, because the mitigation or costs have not been worked up it is not possible to secure any monies notwithstanding the viability issues with this development. In this situation the use of CIL monies towards mitigation would be appropriate.
- 6.172 In conclusion, it is considered adverse effects on the integrity of the North Downs Woodland SAC would not occur from the development alone. In terms of cumulative impacts, the development would generate less vehicle movements so would not contribute to cumulative air pollution and any necessary recreational mitigation will be developed at a strategic level where the Council will work with Natural England to assess, monitor and if necessary mitigate any recreation pressure at North Downs Woodland SAC as per the LPR. On this basis it is considered that the project will not have an adverse effect on the integrity of the North Downs Woodland SAC in view of the sites' conservation objectives. Having made this appropriate assessment of the implications of the project for the SAC in view of that site's conservation objectives, the project is considered to comply with Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

PUBLIC SECTOR EQUALITY DUTY

- 6.173 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 BALANCING EXERCISE

Policy

- 7.01 The proposed development/uses are not in accordance policies SP4 or RMX1(2) of the adopted Local Plan which seek a 'retail-led' development at the wider allocation. The proposals are therefore contrary to the Development Plan in this respect.
- 7.02 Any decision not in accordance with the Development Plan requires clear justification. A key material consideration is the Local Plan Review which attracts 'substantial' weight and changes to the allocation for a different mix of uses and amounts under draft policy LPRSA146 for "*approximately 500 dwellings, 2,000m² new retail, 5,000m² business and other appropriate town centre uses such as a medical facility*".
- 7.03 This is based on the Council's most up to date evidence base 'Economic Development Needs Study Addendum' (2021) which notably requires far less retail floorspace.
- 7.04 The application site is around half of the allocation so should provide in the region of 1,000m² of retail, 2,500m² business and other appropriate

town centre uses and 250 dwellings on a pro rata basis to align with draft policy LPRSA146.

- 7.05 The proposals are for 1,863m² of flexible town centre uses (Use Class E) which could provide retail, business, town centre uses, or a medical facility and these uses are in accordance with the draft policy. In agreeing to 500m² of retail space being secured by condition this is a positive aspect towards meeting a quarter of the retail aims of the allocation, however the overall amount of commercial floorspace is around 1,600m² below that envisaged in the policy on a pro rata basis.
- 7.06 The proposed number of dwellings does comply with the draft policy in terms of the approximate yield for around half the allocation in not exceeding 250.
- 7.07 The likelihood of the remainder of the site coming forward with retail, business and other town centre uses with around 250 dwellings may be possible but the overall levels of retail and commercial floorspace sought under the policy are unlikely to be met. However, I do not consider the aims of the site allocation would be unduly compromised by the proposed development and so I do not consider the proposals are contrary to draft policy LPRSA146. I consider general compliance with the draft policy LPRSA146 is a material consideration which attracts 'substantial' weight and is sufficient grounds for a decision not in accordance with the Development Plan (Maidstone Local Plan 2017).

Heritage

- 7.08 The development would cause a low level of 'less than substantial harm' to the setting of Sessions House (GII). The development would therefore not preserve or enhance the setting of this asset to which special regard must be had under the relevant Acts. There is also some conflict with policy DM4 of the Local Plan and draft policy LPRENV1 which seek development to conserve or where possible enhance heritage assets and their settings. The policies refer to carrying out a weighting exercise in line with the NPPF where there is potential harm. Noting reference to the weighting exercise I give conflict with these policies 'moderate' weight.
- 7.09 I consider the scheme has been designed to minimise the impact upon Sessions House and some harm is inevitable where taller buildings are proposed but importantly the front façade of the building is not obstructed. It is evident that even at the scale proposed the scheme is unviable without external funding and so I consider there is sufficient justification for some low harm to be caused.
- 7.10 In line with the NPPF, I give great weight to the harm even though it is at a low level. In weighing this against the 'public benefits' as per paragraph 208 of the NPPF these are as follows:
- Social benefits from the provision of 217 dwellings to meet ongoing housing needs on a draft allocation which includes housing to which I give 'significant' weight.
 - Economic benefits through construction jobs and from the employment

of staff in the commercial uses, and local spend from future residents to which I give 'moderate' weight.

- 'Environmental' benefits through the regeneration of a site which detracts from the local area with a high-quality development that will improve the local environment to which I give 'moderate to significant' weight.

7.11 Whilst giving special regard to the fact that the development will not preserve or enhance the setting of Sessions House, I consider some harm is inevitable from development of the site as set out in the adopted and emerging Local Plan Review; this impact has been minimised; and I consider that together the public benefits are sufficient to outweigh the low level of 'less than substantial harm' to the setting of this heritage asset in line with Paragraph 208 of the NPPF.

Impact on the Local Area and Design

7.12 The development would not harm the character and appearance of the local area in terms of its scale and massing, and the appearance of the buildings subject to conditions, is considered to be of high-quality such that it would have a positive impact and enhance the character and appearance of the site and thus local area in accordance with policy DM1 of the Local Plan. The scheme would provide a good standard of amenity for future residents including communal spaces and public realm with appropriate landscaping subject to conditions. The proposals are in accordance with draft policy LPRSA146 in this respect.

Affordable Housing and Infrastructure

7.13 Affordable housing is not provided due to viability so are contrary to policy SP21 of the Local Plan and draft policy LPRSP10(B) of the Local Plan Review. As there are evidenced reasons for this I give this conflict 'moderate' weight.

7.14 Impacts on infrastructure can be mitigated through CIL and the legal agreement will ensure that no CIL relief is claimed should any affordable housing be provided via external funding.

Other Matters

7.15 KCC Highways raise no objections in terms of traffic impacts and parking. All other relevant matters are considered to be acceptable subject to conditions and there are no objections from any statutory consultees.

8 CONCLUSION

8.01 The draft allocation policy LPRSA146 attracts 'substantial' weight and is considered to be sufficient grounds to allow a decision not in accordance with adopted allocation policy RMX1(2). The proposed uses align with the draft policy and although the commercial floorspace amounts are lower than expected under the policy this is not considered grounds for refusal.

8.02 The proposals are in accordance with the relevant criteria of draft policy LPRSA146 and would provide a high-quality scheme that would have a positive impact and enhance the character and appearance of the site and thus local area. The development complies with all other relevant Development Plan and emerging policies and suitable mitigation is secured by conditions or a legal agreement where necessary.

8.03 I consider the conflict with heritage and affordable housing policies to which I give 'moderate' weight is outweighed by the public benefits of the development.

8.04 For the reasons set out in the report, planning permission is recommended subject to conditions and a legal agreement.

EIA Screening

EIA Development	Yes
Comments	<p>Whilst the proposals fall within Schedule 2 (10b) of the Regulations and exceed the applicable threshold of 150 dwellings, the NPPG acknowledges that only a "very small proportion" of Schedule 2 projects will require an EIA.</p> <p>The site is not within or near to a 'sensitive area' defined under the EIA Regulations.</p> <p>The development is not complex in nature or of a scale such that any impacts upon natural resources, waste, pollution, human health, water resources, biodiversity, landscape/visual, heritage, highways, or the environment would be of a magnitude to result in significant environmental effects. Potential impacts are considered to be localised with the scope for mitigation.</p> <p>Therefore the characteristics, scale, or location of the development and its potential impacts are not likely to give rise to significant effects on the environment and thus an EIA is not required.</p>

9 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions and the prior completion of a legal agreement to secure the heads of terms set out below with delegated authority to the Head of Development Management to be able to settle or amend any necessary planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee:

(The legal agreement will take the form of a Memorandum of Understanding (MOU) as the Local Planning Authority cannot enter into a Section 106 agreement with Maidstone Borough Council (the applicant))

Legal Agreement (MOU) to require prior payment of monitoring fees of £6,120.

HEADS OF TERMS

- a) To secure the on-site biodiversity habitat net gain of at least 45% for at least 30 years including monies (to be agreed by officers in consultation with KCC Ecology) to cover the costs of the LPA reviewing monitoring reports.
- b) To secure financial incentives for each household for 'car club/rental' use (to be agreed by officers).
- c) To require the applicant to apply for Homes England Grant Funding within 3 months of the commencement of the development (excluding demolition) in order to provide affordable housing and including an affordable housing scheme to be submitted to the LPA for approval should funding be awarded.
- d) To require the applicant to commit to not seeking CIL relief against any affordable housing should it be provided through grant funding.
- e) To secure a Travel Plan Monitoring Fee (to be agreed by officers in consultation with KCC Highways)
- f) To require the applicant to apply for and fund a Traffic Regulation Order for the proposed loading bay on Sandling Road.
- g) To require the applicant to provide opportunities for the employment of local residents in the construction of the development.

CONDITIONS

Time Limit (Full Permission)

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

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

Approved Plans & Compliance

2. The development hereby permitted shall be carried out in accordance with the drawings listed on the 'List of Plans' dated 08/03/24.

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

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

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

4. The approved cycle parking shall be provided before the occupation of the land or buildings to which they relate and shall thereafter be kept available for such use.

Reason: To promote sustainable transport use.

5. The development shall be carried out in accordance with the noise mitigation measures as set out at paragraphs 9.2 (glazing specification) and 9.3 (mechanical ventilation) of the 'Sevenoaks Environmental Consultancy Ltd Noise Assessment' (22/09/23). No occupation of any residential unit shall take place until these measures have been carried out for that unit.

Reason: To ensure adequate amenity levels for residential units.

6. The development shall be carried out in accordance with the noise mitigation measures as set out at paragraph 11.4 (enclosure of plant) of the 'Sevenoaks Environmental Consultancy Ltd Noise Assessment' (22/09/23). No plant or equipment shall be brought into use until these measures have been carried out for that specific plant or equipment.

Reason: To ensure adequate amenity levels for residential units.

Pre-commencement

7. No development including any demolition shall take place until a Waste Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall follow the Waste Hierarchy within the Kent Minerals and Waste Local Plan and include the following:

- a) Measures to minimise the production of construction, demolition, and excavation waste.
- b) Measures for the storage, collection, and management of waste arising from the occupation of each phase of the development.

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

Reason: To comply with the Kent Minerals and Waste Local Plan.

8. No development including any demolition shall take place until a Construction Method Statement (CMS) to minimise noise, dust and vibration has been submitted to and approved in writing by the local planning authority.

The approved CMS shall be strictly adhered to and implemented throughout the demolition and construction period in accordance with the approved details.

Reason: To ensure that any impacts of development activities are minimised.

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

1) A preliminary risk assessment which has identified: all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, and potentially unacceptable risks arising from contamination at the site.

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

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

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

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

Reason: In the interests of human health.

10. No development other than demolition shall take place until a method statement/risk assessment relating to piling or any other foundation designs using penetrative methods has been submitted to and approved in writing by the local planning authority (in consultation with the Environment Agency). The details shall demonstrate that there will be no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

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 caused by mobilised contaminants.

11. No development other than demolition shall take place until the following has been submitted:

(a) Geo-archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

(b) Further geo-archaeological and Palaeolithic investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority; and

(c) A programme of post excavation assessment and publication.

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

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

12. No development other than demolition shall take place until the following has been submitted:

(a) Archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

(b) Further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority; and

(c) A programme of post excavation assessment and publication.

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

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

13. No development other than demolition shall take place until a detailed sustainable surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the 'Combined Flood Risk Assessment and Drainage Strategy' dated 18th December 2023 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

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

a) That silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

b) Appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

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

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

14. No development other than demolition shall take place until a Biodiversity Management Plan (BMP) to ensure a minimum 40% net gain in habitat units across the site, in line with the 'Biodiversity Net Gain Design Stage Report' (19/09/23), has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Management Plan shall include:
- a) Increase in the amount of scrub habitat to ensure the trading rules are met.
 - b) Detailed proposals for each phase of the biodiversity net gain and its implementation as shown within the 'Biodiversity Net Gain Design Stage Report' (19/09/23)
 - c) A 30 year management and monitoring plan for onsite biodiversity net gain including 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2, 5, 10, 15, 20, 25 and 30 from commencement of the development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The development shall be implemented in full accordance with the requirements of the approved Biodiversity Management Plan.

Reason: To ensure measurable net gains to biodiversity.

15. No development other than demolition shall take place until details of the proposed finished floor levels of the buildings, all ground levels of the development, and existing site levels shown at 0.5m contour intervals have been submitted to and approved in writing by the Local Planning Authority. Where any land raising or retaining structures are required they must be justified and kept to the minimum height necessary. The development shall be completed strictly in accordance with the approved details.

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

Pre-Slab Level

16. No development above slab level shall take place until details and evidence of the measures necessary to incorporate at least 10% on-site renewable or low carbon energy production measured as a percentage of overall consumption have been submitted to and approved in writing by the Local Planning Authority. The details must include all measures set out in 'Energy and Sustainability Statement (September 2023) being the PV panels and air source heat pumps to serve all apartments installed as shown on drawing nos. LHA-XX-09-DR-A-0420-AB-109 Rev01, LHA-XX-08-DR-A-0420-CD-124 Rev 01, and LHA-XX-03-DR-A-0420-E-128 Rev01. Follow installation of the approved measures they shall thereafter be retained.

Reason: To ensure a sustainable form of development in accordance with policy LPRQ&D1 of the draft Local Plan Review.

17. No development above floor slab level shall take place until details of hard surfaces have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details which shall include the following:

- a) Surface materials as shown on drawing no. HBA-916-300 RevB (Hard Landscape Strategy).
- b) Details of high quality materials for the areas of public realm, upper and lower piazza to provide interest.

Reason: To ensure a high-quality development.

18. No development above floor slab level shall take place until details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land to which they relate and retained thereafter.

Reason: To ensure a satisfactory appearance to the development.

19. No development above floor slab level shall take place until a written statement of public art to be provided on site, in the form of a Public Art Delivery Plan in line with the thresholds set within the Public Art Guidance has been submitted to and approved in writing by the local planning authority. This should include the budget, locations of public art, the timetable for provision, and ongoing maintenance. The development shall be carried out in accordance with the approved details.

Reason: To provide a sense of place.

20. No development above floor slab level shall take place until details of the play equipment, furniture, and any refuse bins for the public realm and communal open space areas including a timetable for their delivery have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented and thereafter retained in line with the approved timetable.

Reason: To ensure quality areas of public space.

21. No development above floor slab level shall take place until a detailed landscaping scheme which shall follow the principles of the 'Landscape and Open Space Strategy' and be designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall include a planting specification and a long-term management plan and provide the following:

- a) Native trees across the site.
- b) Native double staggered hedges.
- c) Native shrub planting.

- d) Climbing plants to screen/soften the walls of the upper piazza.
- e) Climbing plants and native shrub and tree planting to screen/soften the existing walls along the northern boundary.
- f) Climbing plants to screen/soften the boundary treatments along the south boundary.
- g) Steel tensile wire structures to the southern elevations of Block E with climbing plants.
- h) Wildflower planting.
- i) Increased scrub habitat.

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

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

22. No development above slab level shall take place until a timetable for implementation of the approved landscaping has been submitted to and approved in writing by the local planning authority. The landscaping shall be carried out in accordance with the approved details. The approved landscaping shall be retained for at least 10 years following its implementation and shall be managed and retained strictly in accordance with the approved specification. Any approved or retained seeding or turfing which fails to establish or any trees or plants which, before a period of 10 years from the completion of the development has expired, die or become so seriously damaged or diseased that their 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. No replacement planting or removal of any planting shall take place without the prior written consent of the local planning authority.

Reason: To ensure an appropriate appearance and setting to the development.

23. No development above floor slab level shall take place until the details for the planting of street trees including details of services, tree pits, and mechanical irrigation measures which shall follow BS 8545:2014, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained.

Reason: To ensure a satisfactory appearance to the development.

24. No development above slab level shall take place until full details of the ecological enhancements and a timetable for their delivery, which shall follow the 'Ecological Enhancement Plan', have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained and the measures shall include the following:

- a) Inbuilt bird, bat and bee bricks.
- b) Reptile and amphibian hibernacula/log piles and hedgehog nest boxes.
- c) Invertebrate boxes.

Reason: To enhance biodiversity.

25. No development above floor slab level shall take place until written details and sample of the materials, to be used in the construction of the external surfaces of the buildings have been submitted to and approved in writing by the local planning authority. The materials shall include the following:
- a) Multi stock bricks in a muted orange/red colour with variations in colour and texture.
 - b) Bronze coloured metal balconies.
 - c) Bronze coloured metal balustrades to the top of buildings.
 - d) Bronze coloured panels.
 - e) Bronze coloured metal standing seam roofs.
 - f) Bronze coloured windows.
 - g) Bronze coloured louvres.
 - h) Bronze coloured fascias/soffits/portal frame piers for the gable roof tops.
 - i) Kentish ragstone for buildings and walls approved with ragstone.
 - j) Colour of the reconstituted stone frames.

The development shall be constructed using the approved materials.

Reason: To ensure a high-quality development.

26. No development above floor slab level shall take place until photographs of at least a 1.5m x 1.5m sample panel of the brickwork and Kentish ragstone for the buildings and walls (which has been constructed on site) have been submitted to and approved in writing by the Local Planning Authority including written details of the mortar mix. Such details as approved shall be fully implemented on site and thereafter retained.

Reason: To ensure a high-quality design and finish.

27. No development above floor slab level shall take place until, large-scale plans (1:20 scale) for each of the following architectural details has been submitted to and approved in writing by the local planning authority:
- a) Recessed windows by at least one bricks width.
 - b) The projecting stone frames.
 - c) Projecting brickwork frames by at least 0.3m as shown on the approved plans.
 - d) Gable overhangs to the top of the buildings of at least 0.7m as shown on the approved plans.
 - e) The provision of a ragstone plinth to Block E.
 - f) Brick detailing for Block E.
 - g) Brick detailing for the tall expanses of blank brickwork on the east elevation of Block A fronting Sandling Road; the south, internal, east, and west elevations of Block B; the north and south elevations of Block C; and the south and north elevations of Block E.
 - h) Gable verges details to Block E with no use of plastic covering.
 - i) Balconies with the use of slender bars.
 - j) PV Panels which shall be flush with roofs or where this is demonstrated not to be possible with the minimum projection achievable.

k) The roof plant screening to the top of the northwest and northeast corners of Block D.

The development shall be constructed in accordance with the approved details.

Reason: To ensure a high-quality development.

28. No development above floor slab level shall take place until details of all external lighting, which shall be the minimum necessary and designed to minimise light pollution, has been submitted to and approved in writing by the local planning authority for that phase. The lighting shall be carried out in accordance with the approved scheme.

Reason: To ensure a high-quality development.

29. No development above slab level shall take place until a timetable for the provision of the pedestrian access to the A229 in the northwest corner of the site has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the access thereafter retained.

Reason: In the interests of connectivity and active travel.

30. No development above slab level shall take place until details of any external utilities equipment, vents, or similar paraphernalia on the facades of the buildings has been submitted to and approved in writing by the local planning authority. The details shall ensure the impact of such equipment is minimised through sensitive colouring and positioning and the development shall be carried out in accordance with the approved details and thereafter retained.

Reason: To ensure a high quality appearance to the buildings.

Pre-Occupation

31. No occupation of the development shall take place until, a 'Buildings Maintenance Plan' in respect of the external facades of the building to ensure that any soiling or staining is cleaned/removed, has been submitted to and approved in writing by the local planning authority. The Plan shall include details of the inspection regime/frequency, identification of soiling or staining impacts that require action, and the cleaning regime. The development shall thereafter be maintained in accordance with the approved Plan.

Reason: To ensure a high quality appearance to the buildings.

32. No occupation/use of the commercial floorspace shall take place until details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall include an acoustic assessment which demonstrates that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233: 2014 Guidance on sound insulation and noise reduction

for buildings. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority

Reason: In the interests of residential amenity.

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

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

34. No occupation shall take place until, a Travel Plan comprising immediate, continuing and long-term measures to promote and prioritise alternatives to private vehicular use, which shall include clear objectives and modal share targets for walking and cycling for years 1, 3 and 5, together with a time-bound programme of implementation, monitoring, regular review and interventions (in the event of a failure to meet modal share targets), has been submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved Travel Plan.

Reason: To promote sustainable transport use.

35. The commercial uses shall achieve a Very Good BREEAM rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that at a Very Good BREEAM rating has been achieved within 6 months of the first occupation of any commercial floorspace.

Reason: To ensure a sustainable and energy efficient form of development.

36. All dwellings hereby approved shall meet the accessible and adaptable dwellings building regulations Part M4(2) standard or any superseding standard. No dwelling shall be occupied unless this standard has been met and the dwelling shall be thereafter retained as such.

Reason: To ensure the development is in accordance with policy LPRQ&D6 of the draft Local Plan Review.

37. All dwellings hereby approved shall meet the higher level of water efficiency of 110 litres per person, per day as set out under the building regulations

Part G2 or any superseding standard. No dwelling shall be occupied unless this standard has been met for the dwelling.

Reason: To ensure a sustainable form of development in accordance with policies LPRQ&D1 and LPRQ&D6 of the draft Local Plan Review.

38. Prior to the first use of the electricity substation an acoustic report shall be submitted to and approved in writing by the Local Planning Authority. The report shall address the issue of noise (including low frequency noise) and vibration from the station to ensure that there is no significant loss of amenity to residential. For residential accommodation, the scheme shall ensure that the low frequency noise emitted from the substation is controlled so that it does not exceed the Low Frequency Criterion Curve for the 10 to 160Hz third octave bands inside residential accommodation as described in The DEFRA Proposed Criteria for the Assessment of Low Frequency Noise Disturbance 2011. The equipment shall be maintained in a condition so that it complies with the levels and mitigation measures specified in the approved acoustic report, whenever it is operating. After installation of the approved plant no new plant shall be used without the written consent of the local planning authority.

Reason: In the interests of residential amenity.

Compliance/Restrictions

39. There shall be no external utility pipes on the elevations of buildings and rainwater goods shall be internal.

Reason: To ensure a high-quality development.

40. The commercial floorspace hereby approved shall be used for Use Class E only and for no other purpose including any other uses permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any statutory instrument revoking and re-enacting those Orders with or without modification);

Reason: To help meet the aims of the site allocation policy in the draft Local Plan Review.

41. At least 500m² of the approved commercial floorspace shall only be used for retail use (Use Classe E(a)).

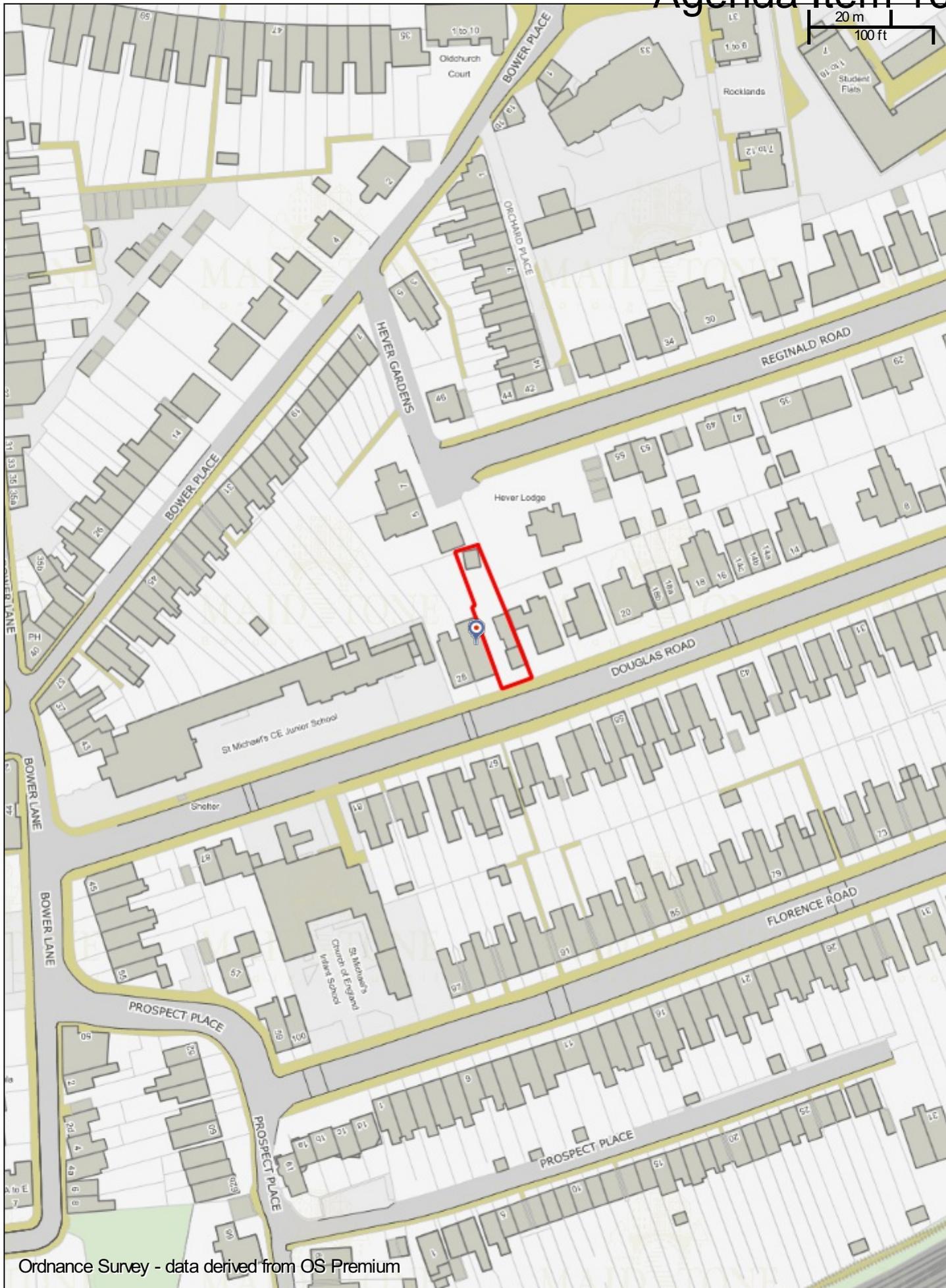
Reason: To help meet the aims of the site allocation policy in the draft Local Plan Review.

42. 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 Local Planning Authority) 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 Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: In the interest of human health.

43. No drainage systems infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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 caused by mobilised contaminants.



Ordnance Survey - data derived from OS Premium

23/503726/FULL - Land to the East of 26 Douglas Road, Maidstone, Kent ME16 8ER

Scale: 1:1250
N

Printed on: 8/3/2024 at 15:02 PM by RebeccaB1



REPORT SUMMARY

REFERENCE NUMBER: 23/503726/FULL		
APPLICATION PROPOSAL: Erection of a new detached dwelling with associated parking, residential amenity space and landscaping (resubmission of 22/504135/FULL).		
ADDRESS: Land to the west of 26 Douglas Road Maidstone Kent ME16 8ER		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: <ul style="list-style-type: none"> • Sustainable urban location where there is general support for development in both the adopted Local Plan and the NPPF (2023). • In keeping with the character, appearance, scale, proportions, design, and layout of this residential area. • Acceptable in relation to maintaining the amenity of neighbouring properties. • Acceptable in relation to heritage considerations. • Proposal provides a family dwelling of a good standard with good levels of amenity that meets the Nationally Space Standards for internal space with sufficient external amenity space. • No adverse impact on the highways and parking to a severity that would warrant refusal of permission. • Proposal is in accordance with relevant adopted planning policies and the NPPF (2023). • The resubmitted application has resolved the single reason for the dismissing the earlier appeal which was the impact on the outlook to the first floor windows of 26 Douglas Road. 		
REASON FOR REFERRAL TO COMMITTEE: Cllr. Harper call in if officers are minded to approve. The reasons for committee referral are in section 4 of this report.		
WARD: Fant	PARISH/TOWN COUNCIL: N/A	APPLICANT: Mrs J Garner AGENT: Country House Homes
CASE OFFICER: Francis Amekor	VALIDATION DATE: 17/08/23	DECISION DUE DATE: 27/03/24
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

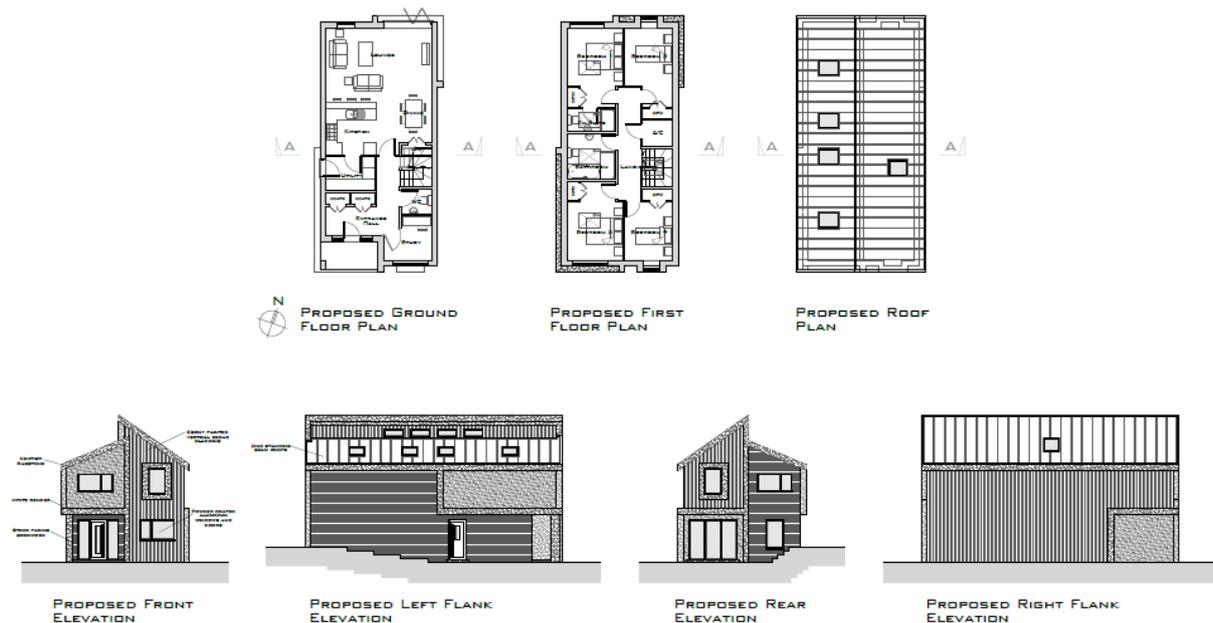
22/504135/FULL Erection of a new detached dwelling with associated parking, residential amenity space and landscaping. Refused 20.10.2022.

The reasons for refusal were:

1. *The proposal by reason of its siting, scale and proximity to the neighbouring property would result in an unacceptable impact on outlook and loss of daylight/sunlight, harmful to the amenity of the occupiers of No 26 Douglas Road, contrary to The National Planning Policy Framework (2021) and Policies DM1, DM9 and DM11 of the Maidstone Local Plan (2017).*

2. *The proposal due to its design and materials would result in an incongruous addition to the street scene, out of character with the surrounding properties and as a consequence*

harmful to visual amenity, contrary to the National Planning Policy Framework 2021 and Policies DM1, DM9 and DM11 of the Maidstone Borough Local Plan (2017).



Application 22/504135/FULL - plans and elevations (refused)

Appeal against the refusal of the application 22/504135/FULL dismissed on 4.10.2023. The main conclusions of the Inspector were as follows:

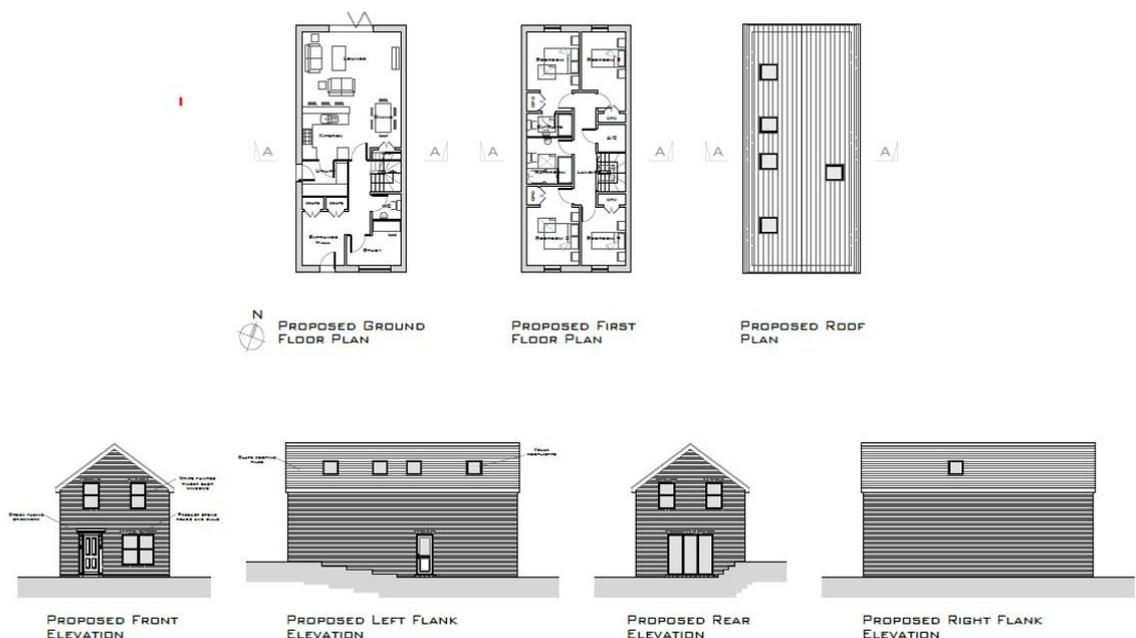
- **Neighbour impact (Council’s first reason for refusal):**
 - Unacceptable impact on the living conditions and outlook from *first-floor bedroom windows of 26 Douglas Road*
 - *This impact due to the height and proximity (one metre away) of a blank side wall and roof.*
 - *NB: No harm found in respect of natural light to these windows.*
 - *Appeal conclusion: Refusal reason partially upheld in respect of loss of outlook to upstairs window of 26 Douglas Road only.*
- **Character and appearance (Council’s second reason for refusal):**
 - “Paragraph 130 of the National Planning Policy Framework states that decisions should not prevent or discourage appropriate innovation or change”.
 - “In the absence of any particular heritage or design constraints, and given the multifaceted context of surrounding development, I consider that the scheme would be acceptable”.
 - *Appeal conclusion: Refusal reason dismissed.*

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is on the north side of Douglas Road and within the Maidstone urban area.
- 1.02 The application site is land to the side of, and within the curtilage of 26 Douglas Road. 26 Douglas Road is a two-storey, semi-detached property.

- 1.03 The land currently contains a single storey detached garage and a summer house, with off-street parking provided on the driveway to the front. A large shed is located on rear garden land. There is a gradual rise in ground level from the street to the rear of the application site.
- 1.04 To the east of the site is the detached property at 24 Douglas Road which is on slightly higher ground when compared to the application site. The west elevation of 24 Douglas Road (facing the application site) is single storey and includes the building entrance, two windows, and a large sloping roof. The building at 24 Douglas Road is separated from the application site boundary by approximately 3.5 metres. A single storey garage set back from the road separates the rear part of the side elevation of 24 Douglas Road from the shared boundary.
- 1.05 The area surrounding the site has a residential character comprising mainly of traditionally built family occupied properties. There is some variety in terms of building scale and design with differing setbacks from the road. St. Michaels Church of England Junior School is located immediately to west of 28 Douglas Road with the infant’s school of the same name opposite.
- 1.06 The rear boundary of the application site is shared with a section of the side curtilage boundary of the semi-detached property at 5 Hever Gardens. A large double garage is located to the side of 5 Hever Gardens and a large shed in the rear garden of the application property. The rear section of the eastern application site boundary (approximately 12 metres) is shared with the curtilage of Hever Lodge (Grade II listed).



Current proposal - plans and elevations.

2. PROPOSAL

- 2.01 The application proposes demolishing the existing single storey summer house and garage in the side garden. The existing buildings will be replaced by a new two storey four-bedroom detached property with associated parking.
- 2.02 The current scheme is a resubmission of a previous application under reference number 22/504135/FULL that was refused and dismissed at appeal. The design approach in the earlier proposal was distinctly modern with an angular, asymmetrical roof design. Whilst the appeal Inspector found no issue with

contemporary design, the resubmitted application is significantly different adopting a traditional design with a pitched roof.

- 2.03 The building now proposed would rise approximately 6.9 metres above ground level with eaves approximately 4.5 metres. Internally, the new dwelling would have an entrance hallway, open plan kitchen, living and dining room, with a study, utility room and WC facilities at ground floor. The upper floor would provide 4 bedrooms and a family bathroom.
- 2.04 The development includes provision of two car parking spaces on the hardstanding area to the front of the proposed dwelling. One of these spaces will be for the occupiers of the existing dwelling and one for the proposed dwelling. The parking spaces use the existing vehicular crossover and would each have a width of approximately 2.5 metres and depth of 5 metres. A new bin store is also provided on the site.
- 2.05 The rear outdoor amenity space would measure approximately 17 metres in depth and 7.5 metres in width. The proposed scheme includes erection of a timber garden shed in the north east corner of the site. The shed measuring 1.8 metres in width and 2.3 metre in depth. It would rise 1.6 metres above ground level to the highest part of the ridge, with eaves at approximately 1 metre.

3. POLICY AND OTHER CONSIDERATIONS

Development Plan: Maidstone Local Plan 2017:

Policy SS1 – Maidstone Borough spatial strategy
Policy SP1 – Maidstone urban area
Policy SP18 - Historic environment.
Policy DM1 – Principle of good design
Policy DM4 - Development affecting designated heritage assets.
Policy DM9 – Residential extensions, conversions and redevelopment within the built up area.
Policy DM11 – Residential garden land
Policy DM12 – Density of housing development
Policy DM23 – Parking standards

Local Plan Review:

On 8 March 2024, the Council received the Final Report on the Examination of the Maidstone Borough Local Plan Review prepared by the Planning Inspector. The Inspector's Report concludes that the Maidstone Borough Local Plan Review is sound, subject to the main modifications being incorporated.

Following publication of the March committee papers and this report, the next stages for the LPR are the Planning, Infrastructure and Economic Development Policy Advisory Committee on the 18 March 2024 and Cabinet on the 19 March 2024. It is anticipated that Council adopts the LPR on 20 March 2024.

If adopted on the 20 March 2024, at the time of the March planning committee meetings, LPR policies will carry 'substantial' but not 'full' weight. LPR policies will only carry 'full weight' 6 weeks after the date of adoption (judicial review period). The relevant polices are as follows:

Policy LPRSS1– Maidstone Borough Spatial Strategy
Policy LPRSP2 – Maidstone Urban Area
Policy LPRSP15 – Principles of Good Design
Policy LPRTRA4 – Parking
Policy LPRQ&D6 - Technical Standards

Policy LPRQ&D7- Private Amenity Space Standards
Policy LPRHou4 - Residential Garden Land
Policy LPRHou5 - Density of Residential Development.
Policy LPRENV 1 - Historic Environment
Policy LPRSP14(B) - Historic Environment
Policy LPRTRA4 - Parking

The National Planning Policy Framework (NPPF) (Dec. 2023):

Section 2 – Achieving Sustainable Development
Section 4 – Decision Making
Section 12 – Achieving well Designed Places

Supplementary Planning Documents:

Ministry of Housing, Communities and Local Government: National Design Guide.
Government’s Technical Housing Standards: Nationally Described Space Standards (March 2015).
National Planning Policy Guidelines (NPPG).
MBC Development Management Housing Intensification Advice Note – May 2023

4. LOCAL REPRESENTATIONS

Local residents:

- 4.01 Objections received from 4 residents for the following summarised reasons:
- Would exacerbate existing parking issues in the local area.
 - Would cause overlooking and loss of privacy to neighbouring houses.
 - Douglas road has been blighted by HMOs and cannot cope with anymore houses.
 - The proposal constitutes over development of the site.

Councillor Harper:

- 4.02 Objection for the following reasons:
- Similar proposal rejected previously.
 - Gross overdevelopment of the site.
 - Unsustainable in terms of environmental impact
 - Insufficient parking,
 - Existing house loses off street parking, a garage and amenity space.
 - No cycle parking for the two houses.
 - Out of scale in the road and will not fit well into the existing street scene.
 - Impact on wider area with more bins occupying pavements etc.
 - Requested the application is reported to the planning committee

5. CONSULTATIONS

Conservation officer

- 5.1 No objection subject to planning conditions.

6. APPRAISAL

- 6.01 The key issues are:
- Spatial strategy
 - Neighbour amenity
 - Character and appearance
 - Standard of accommodation
 - Heritage
 - Parking
 - Cycle storage
 - Refuse storage.

Spatial strategy

- 6.02 Policy LPRSS1 and adopted policy SS1 of the Maidstone Borough Local Plan state that the Maidstone urban area will be the principal focus for development stating, 'Best use will be made of available sites within the urban area'.
- 6.03 Policy LPRSP2 and adopted policy SP1 are specifically concerned with the built-up area of Maidstone within the urban boundary but outside the identified town centre. The policy is generally supportive of new housing development in this sustainable urban location. LPRSP2 advises that development should be in a way that contributes positively to the locality's distinctive character.
- 6.04 Policy LPRHou4 and adopted policy DM11 of the Maidstone Borough Local Plan permit development of domestic garden land in the urban area, subject to several caveats. These caveats include that development does not result in significant harm to the character and appearance of the area or cause significant loss of amenity to neighbours.
- 6.05 The application site is in the Maidstone urban area and is a sustainable location with good access to facilities and services, including public transport. On this basis, the principle of a residential dwelling is acceptable subject to complying with other relevant policies in the Local Plan.
- 6.06 The two main matters considered as part of the earlier appeal were neighbour amenity and character and appearance and these two matters are dealt with immediately below.

Neighbour amenity

- 6.07 LPRSP15 and adopted policy DM 1 state that proposals will be permitted where they respect the amenities of occupiers of neighbouring properties. Development should not result in, excessive noise, 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.
- 26 Douglas Road - outlook
- 6.08 As shown in the planning history section of this report, an earlier application for a detached house on the appeal site was refused based on its design and the impact on the amenities of the occupiers at 26 Douglas Road (currently owned by the applicant).
- 6.09 The appeal Inspector agreed with the council's refusal decision only insofar as it related specifically to the loss of outlook to the 'first floor' bedroom windows on the side elevation of 26 Douglas Road.
- 6.10 It is highlighted that the appeal Inspector found no issue with the impact on the 'ground floor' side elevation windows of 26 Douglas Road. The ground floor side

elevation window towards the front of the building is a secondary window to a dual aspect room with alternative windows/outlook to the front elevation. The second window to the side elevation is to a room that benefits from borrowed light from internal glazing.

Street scene refused application reference 22/504135/FULL.



Street scene current application reference 22/504135/FULL.



	Refused 22/504135/FULL	Current 23/503726/FULL	Difference
Roof eaves	5 metres	4.5 metres	Minus 0.5 metres
Roof ridge	7.8 metres	6.9 metres	Minus 0.9 metres
Side elevation separation	0.9 metres (first floor)	1.2 metres	Plus 0.3 metres

- 6.11 The current revised proposal has been assessed and the revised proposal now provides adequate outlook to the two first floor side elevation windows of 26 Douglas Road. This reduction in impact has been achieved by reducing the height of the roof eaves and the roof ridge of the new dwelling and increasing the separation distance from the existing building. A comparison between the two applications is provided above.

26 Douglas Road – daylight

- 6.12 The appeal Inspector found no issue with loss of daylight to any of the windows of 26 Douglas Road and the current application reduces the height of the proposed building.
- 6.13 The applicant has submitted an assessment of daylight that uses the calculation set out in the BRE “Site layout planning for daylight and sunlight. A guide to good practice’ guidance”. This assessment has found that the application proposal will maintain adequate daylight (direct and indirect sunlight) to 26 Douglas Road.

26 Douglas Road - privacy

- 6.14 There are no windows on the main flank elevation of the proposed dwelling facing towards 26 Douglas Road. The bedrooms (habitable rooms) located at the front and rear of the building have windows providing outlook and the main source of daylight to the front and rear elevations. On the roof slope facing towards 26 Douglas Road are four rooflights, two of these rooflights provides a secondary

daylight source to the bedrooms and the other two rooflights are to a bathroom and toilet.

- 6.15 Non-habitable rooms such as the bathroom and toilet do not require outlook and with the secondary nature of the bedroom rooflights a condition is recommended requiring the rooflights to be fitted with obscured glass. The standard requirement for side facing windows is for them to be fixed shut below 1.7 metres from floor level. The submitted plans show the lowest part of the rooflights at a height of 2.2 metres.
- 6.16 With the above considerations the proposal is found to be acceptable in terms of daylight, outlook, and privacy and 26 Douglas Road.

24 Douglas Road - outlook, daylight, and privacy.

- 6.17 The detached dwelling at 24 Douglas Road to the east of the application site is a chalet style with accommodation at ground floor level and within the roof space. A dormer window is located on the east roof slope facing away from the application site.
- 6.18 The west elevation of the building (facing the application site) is single storey and includes the building entrance, two windows, and a large sloping roof. The building is separated from the application site boundary by approximately 3.5 metres. A single storey garage set back from the road separates the rear part of the side elevation from the shared boundary.
- 6.19 The application involves the removal of the existing single storey garage and summer house on the application site, these buildings are on the boundary with 24 Douglas Road. The new building will be 1½ storeys high with the first floor partially within the roof space. With this design the roof eaves will be significantly lower than 26 Douglas Road and approximately 1.6 metres higher than the adjacent garage of 24 Douglas Road.
- 6.20 With habitable room windows to the front and rear elevations, there are no windows on the main flank elevation of the proposed dwelling facing towards 24 Douglas Road. On the roof slope facing towards 24 Douglas Road there is one rooflight and this is above the staircase.
- 6.21 With the above considerations and the separation between the proposed dwelling and 24 Douglas Road the proposal is found to be acceptable in terms of daylight, outlook, and privacy. It is also highlighted that the appeal Inspector raised no issues in relation to the impact on 24 Douglas Road for a higher building.

Hever Lodge and 5 Hever Gardens outlook, daylight, and privacy.

- 6.22 The rear boundary of the application site is shared with a section of the side curtilage boundary of the semi-detached property 5 Hever Gardens.
- 6.23 The property at 5 Hever Gardens is not directly behind the proposed new house and at the closest point there will be a separation distance of 27 metres at an 'oblique angle' (minimum separation distance between 'directly opposing' first floor windows would be 21 metres). It is also highlighted that in the space between 5 Hever Gardens and the proposed house there is a large double garage to the side of 5 Hever Gardens and a large shed in the rear garden of the application property.
- 6.24 The front section of the eastern (side) boundary (approximately 25 metres) is shared with the curtilage of 24 Douglas Road. The rear section of the eastern boundary (approximately 12 metres) is shared with the curtilage of Hever Lodge (Grade II listed). The Hever Lodge building is located directly to the rear of 22 Douglas Road. At the closest point and at an oblique angle there will be 17 metres

between the proposed building and Hever Lodge which is across the rear garden of 22 Douglas Road.

- 6.25 With the above considerations and the separation distances the proposal is found to be acceptable in terms of daylight, outlook, and privacy and Hever Lodge and 5 Hever Gardens. It is also highlighted that the appeal Inspector raised no issues in relation to the impact on Hever Lodge and 5 Hever Gardens.
- 6.26 Given the above factors, the proposal is acceptable in relation to the standard of living conditions enjoyed by occupiers of 24 Douglas Road, 26 Douglas Road Hever Lodge and 5 Hever Gardens. The proposal complies with policies DM1, DM9 and DM11 of the Maidstone Borough Local Plan (2017) and relevant provisions of the NPPF (2023), directing that new development should not harm the amenity of occupiers of nearby properties.

Character and appearance

- 6.27 LPRHOU 11 and adopted policy DM 9 require the scale, height, form, appearance, and siting of the proposal to fit unobtrusively with the existing building where it is retained and the character of the street scene and/or its context. The traditional boundary treatment of an area would be retained and, where feasible, reinforced. LPRSP15 and adopted policy DM1 requires development to respond positively to local character especially in relation to scale, height, materials, detailing, mass, bulk, articulation, and site coverage. Similar requirements are set out in policy LPRHou4 and adopted policy DM11.
- 6.28 Government guidance in the NPPF 2023 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.29 The immediate surrounding area is typified by varies styles of detached, semi-detached, and terraced houses with different setbacks from the road. The building in this current proposal would have a more traditional appearance and its scale would be comparable to some neighbouring houses in the street. The building would rise from approximately 4.5 metres at the roof eaves to 6.9 metres at the roof ridge and its height would be comparable to existing nearby dwellings.
- 6.30 The location of the new house is currently occupied by a garage, a summer house, and an area of hardstanding. The new dwelling is 6 metres wide and is in a gap in the street scene that is 7 metres wide. In comparison, the detached building at 24 Douglas Road is 6.9 metres wide and the semi-detached building at 26 Douglas Road is 5.6 metres wide. The proposal does not represent overdevelopment of this site with sufficient width to accommodate the new house and maintain adequate separation from the neighbours.
- 6.31 LPRHou4, LPRHou5, and adopted policies DM11 and DM12 state that development in domestic gardens would be permitted if the higher density resulting would not result in significant harm to the character and appearance of the area. The orientation of the proposed dwelling and its alignment with existing properties in the street is consistent with the surrounding pattern of development. The simple traditional design including its moderate scale and indicated surfacing material would ensure it assimilates well in the local environment without detriment to the visual character of the general locality.
- 6.32 Overall, due to the indicated scale, layout, and plot coverage, including the indicated proportions of the proposed dwelling, it would resonate with the established character of the local area. The proposals would comply with the requirements set out in Policy DM1, DM11, and DM12 of the Maidstone Borough Local Plan, and relevant provisions of the NPPF (December 2023) which together

seeks to ensure all development are well designed to protect and enhance the special character and distinctiveness of the area in which it is situated.

Standard of accommodation

- 6.33 LPRSP15 and adopted policy DM1 advise that proposals will be permitted where they *"...provide adequate residential amenities for future occupiers of the development..."*. The policy seeks to ensure that occupiers are not *"...exposed to, excessive noise..., overlooking or visual intrusion..."*. The NPPF advises of the importance of good design, creating well designed accommodation with a high standard of amenity for future residents.
- 6.34 All habitable rooms in the dwelling comply with space standard set out in Policy LPRQ&D6. These standards require that habitable rooms to be of sufficient size for daily activities of future occupiers and served by a window to allow for natural light.
- 6.35 The main doors and windows on the elevations look out onto the front and rear gardens of the application site and there is adequate daylight, outlook and privacy provided for future occupants
- 6.36 Policy LPRQ&D7 sets out the amenity space standards that new houses must comply with. The policy requires that outdoor amenity space for a house this size must be sufficient to provide the following: outdoor seating area, small shed, clothes drying area, area of play, planting space (for trees and shrubs). This can be accommodated in a garden with a 10-metre depth and the width of the dwelling.
- 6.37 The indicated outdoor amenity space for the property would measure approximately 7.5 metres in width and 17 metres in depth which is acceptable. Furthermore, the proposed dwelling would retain an acceptable separation distance with the existing dwelling at no.24 Douglas Road which avoid any adverse effect in terms of overshadowing.

Heritage

- 6.38 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.
- 6.39 LPRSP14(B) and adopted policy SP18 relate to the historic environment and require that, inter-alia, the characteristics of heritage assets are protected, and design is sensitive to heritage assets and their settings. LPRENV 1 and adopted policy DM4 of the Local Plan also relate to development affecting designated heritage assets and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.
- 6.40 The NPPF states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. When considering the impact on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be); and that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 6.41 The rear section of the eastern boundary (approximately 12 metres) is shared with the curtilage of Hever Lodge (Grade II listed). The Hever Lodge building is located to the rear of 22 Douglas Road. At the closest point and at an oblique angle there will be 17 metres between the proposed building and Hever Lodge which is across the rear garden of 22 Douglas Road.

- 6.42 The application site forms part of an historic access lane strip to Hever Lodge and the entrance on Douglas Road retains the two brick gates piers. These two piers with Fleur-de-lis and rubbed brick details, are characteristic of the Tudor Gothic style of the listed house. The gate piers are non-designated heritage assets due to the connection with the Grade II listed Hever Lodge.
- 6.43 The conservation officer has confirmed that whilst there is no objection to the proposed house, loss the original piers would cause substantial harm to a heritage asset. The applicant's plans show the retention of both brick piers. Planning conditions are recommended that seek 'building recording', the retention of the brick piers and their protection during construction work.
- 6.44 With the separation distance and intervening property boundaries, it is concluded that the proposal will not have any negative impact on the setting or heritage value of Hever Lodge. Planning conditions will ensure that the heritage value of the brick entrance piers is retained.

Parking and the appeal decision at 14 Charles Street.

- 6.45 NPPF advice on assessing highway impact 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*" (NPPF 2023 paragraph 115).
- 6.46 Off street parking standards for new dwellings are provided in the adopted Maidstone Local Plan (Appendix B and policy DM23). The policy provides both minimum and maximum parking standards to reflect local circumstances and the availability of alternative modes of transport to the private car. LPRTRA4 states that the council may depart from established maximum or minimum parking standards for reasons such as public transport accessibility and local on street parking problems.
- 6.47 The standards are based on the number of proposed bedrooms and the nature of the location (town centre, edge of centre, suburban or village/rural). The current application site is in an '*edge of centre*' location (existing high on street parking demand – on street traffic controls [8am to 6.30pm Monday to Saturday: permit holders or 2 hours and no return within 2 hours]).
- 6.48 The supporting text to the car parking standards (Footnote 3) encourages flexibility in '*edge of centre*' locations and in these locations adopted local plan off street parking standards are set as a 'maximum' (i.e not '*minimum*' standards as in other areas).
- 6.49 Maximum off street parking standards optimise the density of development in existing sustainable locations well served by public transport. As advised at NPPF [2023] paragraph 109 "*Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes*".
- 6.50 The proposal is for the construction of a four-bedroom detached house on land adjacent to the existing three bedroom property at 26 Douglas Road. The application site currently includes a garage and a large area of hardstanding.
- 6.51 Adopted Local Plan standards require for the retained and proposed dwellings a 'maximum' total (not minimum) of 2.5 off street car parking spaces and 0.4 visitor spaces. This total maximum provision is calculated as 1 off street space and 0.2 visitor spaces for the retained dwelling and 1.5 off street spaces and 0.2 visitor

spaces for the proposed dwelling. The proposed provision of 2 off street spaces complies with the outlined adopted maximum off street car parking standards.

- 6.52 At the committee meeting on the 20 April 2023 a decision was taken to refuse planning permission for an application at 14 Charles Street (reference 22/505206/FULL). Whilst this application related to a HMO there are similarities in terms of parking demand in the urban area. This application was for an increase in the size of an existing HMO from 6 bedrooms to 8 bedrooms. The reasons for refusal were as follows:

"The increase in bedrooms would result in a significant exacerbation of inadequate parking and environmental deterioration creating cumulative harm to neighbourhood amenity contrary to Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017 and the NPPF".

- 6.53 Planning Inspectorate decision letters dated 9 February 2024 allowed the appeal made against the decision to refuse permission at 14 Charles Street and awarded costs against the council for unreasonable behaviour.

- 6.54 The summary conclusions of the appeal Inspector on planning merits were as follows:

- On street parked cars form part of existing local character.
- It is evident that there is on street parking pressure.
- There is no off street car parking proposed and this would comply with adopted Local Plan maximum standards.
- Given the location "...it is unlikely that future occupiers would require a private car to carry out their daily needs...".
- Even if occupiers had cars the potential additional parking demand would be limited and would not meet the NPPF 'severe' impact test.
- Additional on street parking "...would not detract from the character of the area where there are plenty of on-street parking bays".
- "...if inconsiderate parking practices were to arise, they would be subject to normal policing and controls within the highway".
- *"The proposal would be in accordance with the Framework [NPPF], where it seeks to promote sustainable transport and create places that will function well".*

- 6.55 The appeal decision at 14 Charles Street is material to the consideration of the current application as both sites are outside the town centre but in the Maidstone urban area. The current application includes two off street car parking spaces which use an existing crossover.

- 6.56 If the application site were located outside the urban area where 'minimum' standards apply, the additional on street parking demand generated by the current application would be one space.

- 6.57 Whilst existing pressures are noted this one space would not meet the 'severe' impact test in the NPPF. Given the location of the site and nature of the development it is not envisaged the proposal would result in significant material increase in on-street parking problems in the local area.

Cycle storage

- 6.58 Cycle parking standards are set out in the KCC Supplementary Planning Guidance SPG 4 Kent Vehicle Parking Standards. These standards require a minimum of 2 cycle parking spaces for the existing three bedroom house and 3 cycle parking spaces for the proposed four bedroom house.

- 6.59 The submitted proposal includes external access to the rear gardens of the existing and proposed dwellings. The proposal also includes the removal of the existing large shed to the rear of the new dwelling and a smaller replacement shed. The rear garden access will allow simple, practical, and accessible cycle storage to be provided in the rear gardens of the two houses. A planning condition is recommended to ensure that approved details of cycle parking are in place prior to first occupation of the new dwelling.

Refuse storage.

- 6.60 MBC Waste Services require houses to have "...1 x black refuse bin (180l), 1 x green recycling bin (240l) and 1 x black/orange food waste bin (23l)". As with the cycle parking the refuse storage can be provided in the rear gardens of the two dwellings with rear access used to move the bins for collection. There is space available for the refuse bins to be located at the front boundary for collection without blocking the pavement. A planning condition is recommended to ensure that approved details of refuse storage are in place prior to first occupation of the new dwelling.

Other matters

- 6.61 Most issues raised in consultation have been considered in the above report. The following comments are also made:
- The current application is not for an HMO. The application will provide a good standard of family accommodation.
 - There are no issues found in terms of impact on neighbour amenity.
 - Each application is considered on its merits, and the applicant has addressed the issue raised by the appeal Inspector.
 - Adequate space and access are available in the curtilage of both existing and proposed dwellings to accommodate both storage and collection of bins.
 - Adequate space and access are available in the curtilage of both existing and proposed dwellings to accommodate cycle parking.
 - With a plot width and property width comparable to neighbouring properties, and adequate amenity for both neighbours and proposed occupiers the proposal is not overdevelopment.
 - The site is in a sustainable urban location and the proposal is in accordance with standards relating to off street parking, standard of accommodation and neighbour impact.

7. PUBLIC SECTOR EQUALITY DUTY

- 7.01 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. COMMUNITY INFRASTRUCTURE LEVY

- 8.01 The proposed development is Community Infrastructure Levy (CIL) liable. The Council adopted CIL 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.

9. CONCLUSION

- 9.01 The recommendation to grant planning permission is for the following reasons:
- Application site is in a sustainable urban location where there is general support for development in both the adopted Local Plan and the NPPF (2023).

- Proposed house is in keeping with the character, appearance, scale, proportions, design, and layout of this residential area.
- Proposal is acceptable in relation to maintaining the amenity of neighbouring properties.
- Proposal is acceptable in relation to heritage considerations.
- Proposal provides a family dwelling of a good standard with good levels of amenity that meets the Nationally Space Standards for internal space with sufficient external amenity space.
- Proposal will not result in any adverse impact upon the highways and parking within the street to a severity that would warrant refusal of permission.
- Proposal is in accordance with relevant adopted planning policies and the NPPF (2023).
- The resubmitted application has resolved the single reason for the dismissing the earlier appeal which was the impact on the outlook to the first floor windows of 26 Douglas Road.

10. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions

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

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of 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:
Drawing Number: 119-JG-001 (Site Location Plan)
Drawing Number: 119-JG-002 Rev B (Existing and Proposed Site Plans)
Drawing Number: 119-JG-004 (Proposed Plans and Elevations)
Drawing Number: 500-JG-202 (Existing and Proposed Light to Rooms)
Drawing Number: 119-JG-005 (Proposed Garden Shed Floor Plans and Elevations)
Drawing Number: 600-JG-100 (Internal Floor Plan)
Site Layout Planning for Daylight and Sunlight
Design and Access and Heritage Statement
Arboricultural Report
Reason: To ensure that the development is undertaken in accordance with the approved drawings and documents
- 3) The house hereby approved shall be constructed in accordance with the submitted construction materials that comprise the following:
 - Stock facing brick with precast stone heads and cills.
 - White painted timber sash windows.
 - Slate roof covering.Reason: In the interest of visual amenity.
- 4) The development hereby approved shall not commence until a full Building Recording (in accordance with Historic England's Guidance – <https://historicengland.org.uk/images-books/publications/understanding-historic-buildings/heag099-understanding-historic-buildings/>) in respect of the brick entrance piers at the Douglas Road entrance has been submitted to and approved in writing by the Local Planning Authority. Where the recording is ongoing during the works, a draft copy is to be submitted for approval, with the final Building Recording submitted to and approved in writing by the Local Planning Authority prior to occupation of the approved dwelling. A copy of the final Building Recording

shall be submitted to the HER Historic Environment Records and placed on OASIS (<https://oasis.ac.uk/>) within six months of completion.

Reason: To allow for future research and understanding of the property. To ensure features of historic and architectural interest are properly examined and recorded.

- 5) The development hereby approved shall not commence until details of the full protection of the gate piers during construction phase has been submitted to and approved in writing by the local planning authority (with details to include a plywood box around the brick piers with internal padding). The approved protection shall be in place prior to the commencement of development with the approved protection retained until the completion of all construction activity.
Reason: To protect heritage value.
- 6) The brick piers to Douglas Road shall be retained and maintained permanently.
Reason: To protect heritage value.
- 7) The development hereby approved shall not commence until details of:
 - a) the existing site levels and
 - b) the proposed slab levels of the building and have been submitted to and approved in writing by the local planning authority.The development shall be completed strictly in accordance with the approved levels.
Reason: To secure a satisfactory form of development having regard to the topography of the site.
- 8) The development hereby approved shall not commence until tree protection is in place in accordance with the current edition of BS 5837. 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.
- 9) The development shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority (to include gaps at ground level in the boundaries to allow the passage of wildlife) and the development shall be carried out in accordance with the approved details before the first occupation of the approved buildings and maintained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers and for the passage of wildlife.
- 10) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation of the approved dwelling and maintained thereafter.
Reason: To ensure an energy efficient form of development.
- 11) The development 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.

- 12) The development hereby approved shall not commence above ground level until a landscape scheme has been submitted to and approved in writing by the local planning authority. The scheme shall

(a) be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012)

(b) show all existing trees, landscaping on, and immediately adjacent to, the site and indicate whether it is retained or removed,

(c) provide details of new on-site landscaping in a planting specification (location, spacing, species, quantity, maturity).

(d) provide landscape implementation details and implementation timetable

(e) 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.

- 13) All approved landscape details shall be completed by the end of the first planting season (October to February) following first occupation of the dwelling hereby approved. Any of the approved landscaping which fails to establish or any trees or plants which, within five years from the first occupation of the property, are removed, die or become so seriously damaged or diseased that their long-term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme.

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

- 14) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall:

a) be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light, GN01, dated 2011 (and any subsequent revisions) (Environmental Zone E1), and

b) follow the recommendations within the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting'.

c) 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 protected species and in the interests of residential amenity.

- 15) Prior to the first occupation of the accommodation hereby approved the parking and turning areas shown on the submitted plans shall be completed and thereafter shall 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.

- 16) Notwithstanding the provisions of the Town and Country Planning General Permitted Development (Amendment) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development within Schedule 2, Part 1, Classes A, B, C, D, E and F; and Schedule 2, Part 2, Class A, to that Order shall be carried out. Reason: To ensure a satisfactory appearance to the development.
 - 17) Prior to the first occupation of the dwelling hereby approved, facilities for
 - (a) the storage and screening of refuse bins,
 - (b) the collection of refuse bins, and
 - (c) secure bicycle storageshall be in place that are in accordance with details that have previously been submitted to and approved by the Local Planning Authority. These details will be maintained as such thereafter. Reason: To ensure a satisfactory appearance to the development
 - 18) The development hereby approved shall meet the higher level of water efficiency of 110 litres per person, per day as set out under the building regulations Part G2 or any superseding standard. The building shall not be occupied unless this standard has been met and this standard shall be maintained thereafter. Reason: To ensure a sustainable form of development.
 - 19) The development hereby approved shall meet the accessible and adaptable dwellings building regulations Part M4(2) standard or any superseding standard. The dwelling shall not be occupied unless this standard has been met and the dwelling shall be thereafter retained as such. Reason: To ensure the development is in accordance with local and national policy and meets acceptable standards of accessible and adaptable dwellings.
 - 20) No demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday. Reason: In the interest of the amenities of occupiers of neighbouring properties.
- 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

23/502446/FULL - Land to rear 18-20 Hartnup Street, Maidstone, Kent ME16 8LR

Scale: 1:1250
N

Printed on: 8/3/2024 at 15:16 PM by RebeccaB1

REPORT SUMMARY

REFERENCE NUMBER: 23/502446/FULL		
APPLICATION PROPOSAL: Erection of 1no. detached bungalow with parking.		
ADDRESS: Land to rear 18-20 Hartnup Street Maidstone ME16 8LR		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: <ul style="list-style-type: none"> • Proposal is acceptable in relation to design, appearance, and character. • Potential impact on the amenity of adjacent neighbours in relation to noise, privacy, and overlooking is acceptable. • Arrangements for access, parking and servicing are acceptable. • Development is in accordance with local and national planning policies. 		
REASON FOR REFERRAL TO COMMITTEE: Call in from Cllr. Harper for reasons in section 4 of this report.		
WARD: Fant	PARISH/TOWN COUNCIL: N/A	APPLICANT: MR M Minchev AGENT: Building Design Studio
CASE OFFICER: Francis Amekor	VALIDATION DATE: 26/05/23	DECISION DUE DATE: 27/03/24
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

No relevant planning history

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The L-shaped site is in the Maidstone urban area and to the rear of the two-storey residential block at nos.18-20 Hartnup Street. The application site is in a larger triangular shaped block of residential properties bordered by Tonbridge Road (north), Western Road (southwest) and Hartnup Street (south and east).
- 1.02 The local area has a diverse architectural character that includes traditional built terraces and semi-detached properties in a wide range of designs, materials, ages, with differing setbacks from the road.
- 1.03 The existing character of the area includes backland residential development with three other existing self-contained detached properties located to the south west of the current application site. In addition to these three properties, there are numerous outbuildings of various sizes on land adjacent to the current application site. These buildings can be see on the plan provided on the following page of this report.
- 1.04 The main part of the application site measures approximately 13 metres at its widest point, extending 45 metres in depth. Access from Hartnup Street is provided by an existing tarmac driveway between the residential block at 18-20 Hartnup Street and the end of terrace house at 16 Hartnup Street.



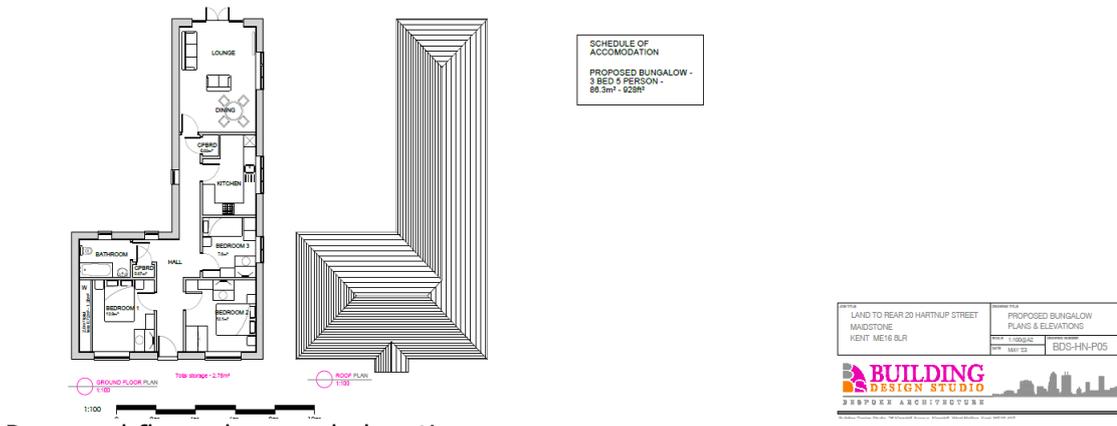
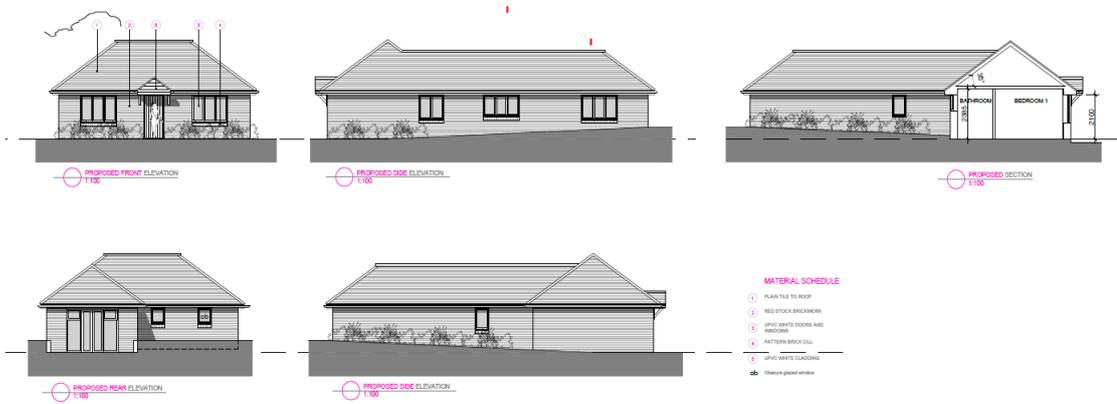
Local context plan

2. PROPOSAL

- 2.01 The proposed 3 bedroom bungalow is constructed of red stock brick and has an L-shaped footprint. The bungalow has a depth of approximately 16 metres and maximum width of 9 metres. The roof of the bungalow roof is hipped with the roof ridge at a height of 4.5 metres, and eaves height of 2 metres.
- 2.02 The bungalow is laid out internally with an entrance hallway, family bathroom, three bedrooms, kitchen and an open planned lounge and dining room. The outdoor amenity space would measure approximately 8.5 metres wide and 19 metres in depth.
- 2.03 The development includes 2 car parking spaces directly in front of the proposed bungalow. Access to the bungalow would use the existing driveway from Hartnup Street. A proposed garden shed measures 2.2 metres long and 1.8 metres wide with a roof ridge height of 2 metres and roof eaves at 1.5 metres.
- 2.04 The proposed site plan on the following page shows the location of the proposed bungalow on the site and the rear garden space. The plan shows cycle storage in the proposed shed, the location of the electric vehicle charging point and the location of storage for general waste and recycling. The elevations of the proposed bungalow are also provided.



Proposed site plan



Proposed floor plans and elevations

LAND TO REAR 20 HARTNUP STREET MADSTONE KENT ME16 8LR	PROPOSED BUNGALOW PLANS & ELEVATIONS DATE: 11/03/24 DRAWN: MDT PROJECT: BDC-HN-P03
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BUILDING DESIGN STUDIO
BDDPARK ARCHITECTURE

3. POLICY AND OTHER CONSIDERATIONS

Development Plan: Maidstone Local Plan 2017:

Policy SS1 – Maidstone Borough spatial strategy
Policy SP1 – Maidstone urban area
Policy DM1 – Principles of good design
Policy DM9 – Residential extensions, conversions and redevelopment within the built up area.
Policy DM11 – Residential garden land
Policy DM12 – Density of housing development
Policy DM23 – Parking standards

Local Plan Review:

On 8 March 2024, the Council received the Final Report on the Examination of the Maidstone Borough Local Plan Review prepared by the Planning Inspector. The Inspector's Report concludes that the Maidstone Borough Local Plan Review is sound, subject to the main modifications being incorporated.

Following publication of the March committee papers with this report, the next stages for the LPR are the Planning, Infrastructure and Economic Development Policy Advisory Committee on the 18 March 2024 and Cabinet on the 19 March 2024. It is anticipated that Council adopts the LPR on 20 March 2024.

If adopted on the 20 March 2024, at the time of the March planning committee meetings, LPR policies will carry 'substantial' but not 'full' weight. LPR policies will only carry 'full weight' 6 weeks after the date of adoption (judicial review period). The relevant LPR policies are as follows:

Policy LPRSS1 – Maidstone Borough Spatial Strategy
Policy LPRSP2 – Maidstone Urban Area
Policy LPRSP15 – Principles of Good Design
Policy LPRTRA4 – Parking
Policy LPRQ&D6 – Technical Standards
Policy LPRQ&D7 – Private Amenity Space Standards
Policy LPRHou4 – Residential Garden Land
Policy LPRHou5 – Density of Residential Development.
Policy LPRTRA4 – Parking

The National Planning Policy Framework (NPPF) (Dec. 2023):

Section 2 – Achieving Sustainable Development
Section 4 – Decision Making
Section 12 – Achieving well Designed Places

Supplementary Planning Documents:

Ministry of Housing, Communities and Local Government: National Design Guide.
Government's Technical Housing Standards: Nationally Described Space Standards (March 2015).
National Planning Policy Guidelines (NPPG).
MBC Development Management Housing Intensification Advice Note – May 2023

4. LOCAL REPRESENTATIONS

Local residents:

4.01 Objections from 5 residents for the following (summarised) reasons:

- Overdevelopment.
- Loss of privacy, outlook, and light to neighbouring properties
- Inappropriate infill development.
- Access would cause inconvenience to existing residents.
- Noise and disturbance
- Emergency service access.
- Impede access to existing parking spaces of neighbouring properties.

Councillor Harper

4.02 Objection for the following reasons:

- Environmental harm
- Backland development
- Local concerns
- Unsafe access Hartnup Street
- Impact on parking on Hartnup Street
- Emergency services access the site
- Requested the application is reported to the planning committee if the case offer is minded to approve.

5. CONSULTATIONS

MidKent Environmental Health

5.01 No objection subject to conditions on:

- external lighting
- Foul drainage

6. APPRAISAL

6.01 The key issues are:

- Spatial strategy
- Character and appearance
- Neighbour amenity
- Standard of accommodation
- Parking and access
- Cycle storage
- Refuse storage.
- Ecology

Spatial strategy

6.02 Policy LPRSS1 and adopted policy SS1 of the Maidstone Borough Local Plan state that the Maidstone urban area will be the principal focus for development stating, 'Best use will be made of available sites within the urban area'.

6.03 Policy LPRSP2 and adopted policy SP1 are specifically concerned with the built-up area of Maidstone within the urban boundary but outside the identified town centre. The policy is generally supportive of new housing development in this sustainable urban location. LPRSP2 advises that development should be in a way that contributes positively to the locality's distinctive character.

6.04 Policy LPRHou4 and adopted policy DM11 of the Maidstone Borough Local Plan permit development of domestic garden land in the urban area, subject to several

caveats. These caveats include that development does not result in significant harm to the character and appearance of the area or cause significant loss of amenity to neighbours.

- 6.05 The application site is in the Maidstone urban area and is a sustainable location with good access to facilities and services, including public transport. On this basis, the principle of a residential dwelling is acceptable subject to complying with other relevant policies in the Local Plan. These other policies are considered in the following sections of this report.

Character and appearance

- 6.06 LPRHOU 11 and adopted policy DM 9 require the scale, height, form, appearance, and siting of the proposal to fit unobtrusively with the character and context. LPRSP15 and adopted policy DM1 requires development to respond positively to local character especially in relation to scale, height, materials, detailing, mass, bulk, articulation, and site coverage. Similar requirements are set out in policy LPRHou4 and adopted policy DM11.
- 6.07 Government guidance in the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.08 Properties in this area vary in form and appearance and in addition to properties fronting the roads there are three existing dwellings to the south west located on land that would originally have been the rear garden of dwellings fronting the main road. In addition to the three existing dwellings there are a large number of outbuildings including garages on nearby garden land
- 6.09 The three dwellings and the outbuildings on rear garden land form part of the existing local character. In this context the current application for a bungalow in a similar backland location is in keeping with this existing character. The proposed bungalow is also a similar height to existing outbuildings in neighbouring residential gardens. Materials proposed for the external elevations are currently present in the local area and would assist the development assimilate in the local area.
- 6.10 The proposed bungalow is on a backland site. The application site is separated from and has little visual relationship to development fronting the nearby roads. In addition to this lack of visual relationship to the main roads, existing local development fronting roads is also notable for its mixed character and appearance. The different scale, form, size, and materials of the two buildings either side of the access from Hartnup Street are an example of this existing mixed character.
- 6.11 Contrary to neighbour consultation the current application does not represent overdevelopment. The proposed bungalow sits comfortably on the site with a good-sized rear garden and off street car parking. The proposal also retains sufficient garden space for existing dwellings and as discussed later in this report maintains residential amenity.
- 6.12 As can be seen on the plan included earlier in this report, the properties in Hartnup Street, and Tonbridge Road all have narrow rear gardens. Whilst some gardens have been shortened by existing backland development, gardens in this location are still of substantial length. Typically, a rear garden is required to be a minimum of 10 metres long and the rear garden of 297 Tonbridge Road to west is 65 metres long. The application makes efficient use of this land in a sustainable location by providing a new dwelling on this rear garden land whilst retaining sufficient garden land for existing dwellings.

- 6.13 The design, scale and form of the dwelling are in keeping with the established character of the street. The development complies with the requirements set out in LPRSP15 in adopted policy DM1 and paragraph 131 and 135 of the NPPF (2023). This advice seeks to ensure that all development is well designed and protects and enhances the character and distinctiveness of an area.
- 6.14 LPRHou4, LPRHou5, and adopted policies DM11 and DM12 state that development in domestic gardens would be permitted if the higher density resulting would not result in significant harm to the character and appearance of the area. The plot size and density of the current application is comparable to nearby to the southeast and north east.
- 6.15 The orientation of the proposed dwelling and its alignment with existing properties in the street is consistent with the surrounding pattern of development. The simple design including its moderate scale would ensure it assimilates well in the local environment without detriment to the visual character of the locality.



Applicants' separation distances plan

Neighbour amenity

- 6.16 LPRSP15 and adopted policy DM 1 state that proposals will be permitted where they respect the amenities of occupiers of neighbouring properties. Development should not result in, excessive noise, activity, or vehicular movements, overlooking or visual intrusion. Built form should not result in an unacceptable loss of privacy or light.
- 6.17 The potential impact of development on the privacy of neighbours is typically measured by assessing the separation distance between directly opposing first floor windows, a minimum separation distance of 20 metres is normally expected. With views obscured by boundary treatments and outbuildings etc ground floor windows are generally not considered to have any significant impact on privacy.

- 6.18 The current application is for a bungalow and as shown in the images provided earlier in this report there are no windows proposed above ground floor level. Rooflights in a bungalow would also normally only allow restricted views.
- 6.19 The closest building in Tonbridge Road to the application site is 255 Tonbridge Road. This two storey building set back behind the general building line provides a hot food takeaway at ground floor level. The application site is separated from 255 Tonbridge Road by 23 metres with this distance including the rear gardens of three intervening properties (259, 261 and 263 Tonbridge Road).
- 6.20 The closest residential property in Tonbridge Road is 257 Tonbridge Road with a separation distance of 32 metres from the proposed bungalow across the rear gardens of 259, 261 and 263 Tonbridge Road. Potential views into neighbouring gardens would be obscured by boundary treatments and an outbuilding in the rear of 269 Tonbridge Road.
- 6.21 The location of the proposed bungalow is adjacent to an existing outbuilding in the rear garden of the adjacent property at 22 Hartnup Street. The proposed bungalow is separated from the rear elevation of the building at 18-20 Hartnup Street by 27 metres which includes a garage block. Views from windows would be restricted by existing outbuildings and boundary treatments.
- 6.22 The proposed dwelling would retain an acceptable separation distance with all the existing dwellings to the north and south of the site, which avoid any adverse effect in terms of overshadowing and loss of light. Boundary treatments, separation distances, and existing backland buildings would minimise any issues with overlooking or loss of privacy.
- 6.23 For these reasons, the proposals would not diminish the standard of living conditions enjoyed by occupiers of neighbouring properties. The proposal complies with LPRSP15 and adopted policy DM1 of the Maidstone Borough Local Plan (2017) and relevant provisions of the NPPF (2023). These policies require new development to avoid harming the amenity of neighbouring occupiers.

Standard of accommodation

- 6.24 LPRSP15 and adopted policy DM1 advise that proposals will be permitted where they *"...provide adequate residential amenities for future occupiers of the development..."*. The policy seeks to ensure that occupiers are not *"...exposed to, excessive noise..., overlooking or visual intrusion..."*. The NPPF advises of the importance of good design, creating well designed accommodation with a high standard of amenity for future residents.
- 6.25 All habitable rooms in the bungalow comply with the space standards set out in policy LPRQ&D6. These standards require habitable rooms of a sufficient size for daily activities of future occupiers and provision of adequate natural light.
- 6.26 Policy LPRQ&D7 sets out external amenity space standards. The policy requires outdoor amenity space to have sufficient space to provide an outdoor seating area, small shed, clothes drying area, area of play, planting space (for trees and shrubs). It is advised that these facilities can be accommodated in a garden with a 10-metre depth and the width of the dwelling. The outdoor amenity space indicated on the site layout plan for future occupiers of the proposed bungalow would measure 19 metres in depth.
- 6.27 The proposal provides a dwelling of a good standard, with good levels of amenity for future residents including daylight, outlook, and privacy. The proposal complies with relevant LPR policies and those in the adopted plan.

Parking, access, and appeal decision at 14 Charles Street

- 6.28 NPPF advice on assessing highway impact 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*" (NPPF 2023 paragraph 115).
- 6.29 Off street parking standards for new dwellings are provided in the adopted Maidstone Local Plan (Appendix B and policy DM23). The policy provides both minimum and maximum parking standards to reflect local circumstances and the availability of alternative modes of transport to the private car. LPRTRA4 states that the council may depart from established maximum or minimum parking standards for reasons such as public transport accessibility and local on street parking problems.
- 6.30 The parking standards are based on the number of proposed bedrooms and the nature of the location (town centre, edge of centre, suburban or village/rural). The current application site is in an '*edge of centre*' location (existing high on street parking demand). Hartnup Street is one way with no entry for vehicles from Tonbridge Road.
- 6.31 Whilst Hartnup Street is not in a controlled parking zone, dropped kerbs providing access to off street parking for properties the north of the site access restricts on street capacity. On street capacity is further restricted by the narrow width of the road/double yellow lines to the south of the site entrance.
- 6.32 The supporting text to the car parking standards (Footnote 3) encourages flexibility in '*edge of centre*' locations and in these locations, adopted local plan off street parking standards are set as a 'maximum' (i.e not '*minimum*' standards as in other areas).
- 6.33 Maximum off street parking standards optimise the density of development in existing sustainable locations well served by public transport. As advised at NPPF [2023] paragraph 109 "*Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes*".
- 6.34 The proposal is for the construction of a three-bedroom detached bungalow. Adopted Local Plan standards require a maximum total (not minimum) of 1 off street space and 0.2 visitor spaces. The proposed provision of 2 off street spaces compiles with the outlined adopted maximum off street car parking standards.
- 6.35 On this basis, the proposals would be unlikely to give rise to increase on-street parking around the local area or exacerbate any existing highway safety challenges. It would not conflict with SPG '*Kent Vehicle Parking Standards*' (2006), or policy DM23 of the Adopted Maidstone Local Plan. The policies jointly seeks to ensure development is served by adequate car parking, whilst mitigating the adverse effects of development on the wider road network.
- 6.36 The vehicle driveway to the rear of the site at the narrowest point is 3 metres wide. This driveway and vehicle access and egress on to Hartnup Street are acceptable for the new dwelling, including emergency access (meets Kent Design Guide standard) and in relation to highway safety.
- 6.37 At the committee meeting on the 20 April 2023 a decision was taken to refuse planning permission for an application at 14 Charles Street (reference 22/505206/FULL). Whilst this application was for an increase in the size of an existing HMO from 6 bedrooms to 8 bedrooms and the current application is for a

bungalow there are similar considerations in relation to new development in the urban area. The reasons for refusal were as follows:

"The increase in bedrooms would result in a significant exacerbation of inadequate parking and environmental deterioration creating cumulative harm to neighbourhood amenity contrary to Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017 and the NPPF".

- 6.38 Planning Inspectorate decision letters dated 9 February 2024 allowed the appeal made against the decision to refuse permission at 14 Charles Street and awarded costs against the council for unreasonable behaviour.
- 6.39 The summary conclusions of the appeal Inspector on planning merits were as follows:
- On street parked cars form part of existing local character.
 - It is evident that there is on street parking pressure.
 - There is no off street car parking proposed and this would comply with adopted Local Plan maximum standards.
 - Given the location "...it is unlikely that future occupiers would require a private car to carry out their daily needs...".
 - Even if occupiers had cars the potential additional parking demand would be limited and would not meet the NPPF 'severe' impact test.
 - Additional on street parking "...would not detract from the character of the area where there are plenty of on-street parking bays".
 - "...if inconsiderate parking practices were to arise, they would be subject to normal policing and controls within the highway".
 - *"The proposal would be in accordance with the Framework [NPPF], where it seeks to promote sustainable transport and create places that will function well".*
- 6.40 The application site is in an area where parking standards are set at maximum (not minimum levels). If the application site were located outside the urban area where 'minimum' standards apply, the current application and the level of off street parking would still be compliant.
- 6.41 Whilst existing pressures are noted the current application complies with adopted off street parking standards. In the unlikely event that there is overspill on street parking demand, this demand will not be sufficient to meet the 'severe' impact refusal level test in the NPPF. Given the location of the site and nature of the development it is not envisaged the proposal would result in significant material increase in on-street parking problems in the local area.

Cycle storage

- 6.42 Cycle parking standards are set out in the KCC Supplementary Planning Guidance SPG 4 Kent Vehicle Parking Standards. These standards require a minimum of 2 cycle parking spaces for the proposed bungalow.
- 6.43 The submitted proposal includes external access to the rear gardens of the bungalow and the submitted plan shows cycle storage in a new shed. A planning condition is recommended to ensure that approved cycle parking is in place prior to first occupation of the new dwelling.

Refuse storage.

- 6.44 MBC Waste Services require houses to have "...1 x black refuse bin (180l), 1 x green recycling bin (240l) and 1 x black/orange food waste bin (23l)". As with the cycle parking the refuse storage can be provided in the rear gardens of the bungalow with rear access used to move the bins for collection.

6.45 There is space available for the refuse bins to be located at the front boundary for collection without blocking the pavement. A planning condition is recommended to ensure that approved details of refuse storage are in place prior to first occupation of the new dwelling.

Ecology

6.46 Policy DM1 sets out that proposed development should respond to the location of the site and sensitively incorporate natural features such as such as trees, hedges worthy of retention within the site. The NPPF states that planning decisions should contribute to and enhance the natural and local environment providing net gains for biodiversity, and opportunities to improve biodiversity in and around developments should be integrated as part of their design.

6.47 The application site consists of the land to the rear of nos.267-269 Tonbridge Road and nos.18-20 Hartnup Street. With the existing garden land use, the potential for protected species to be present is limited. The application includes a biodiversity enhancement plan indicating the location of a bat box, bird box, bee hotel and a log pile. A planning condition is recommended to ensure that these features are provided.



Biodiversity Enhancement Plan

Other matters

6.48 A neighbour has expressed concern that the new bungalow will potentially block access to a parking area to the rear of a property fronting Tonbridge Road.

6.49 The site boundary shared with rear gardens of properties in Tonbridge Road can be seen in the photo on the following page. No evidence has been submitted by the neighbour to support this claim and the applicant’s agent has confirmed that the application site is wholly owned by the applicant.

- 6.50 Land ownership issues are not a material planning consideration that can be considered in determining this application. In this context, these comments from a neighbour would not be grounds to refuse planning permission.



Site boundary shared with rear gardens of properties in Tonbridge Road

7. PUBLIC SECTOR EQUALITY DUTY

- 7.01 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. COMMUNITY INFRASTRUCTURE LEVY

- 8.01 The proposed development is Community Infrastructure Levy (CIL) liable. The Council adopted CIL 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.

9. CONCLUSION

- 9.01 The recommendation to grant planning permission is for the following reasons:
- Application site is in a sustainable urban location where there is general support for development in both the adopted Local Plan and the NPPF (2023).
 - Proposed bungalow is in keeping with the character, appearance, scale, proportions, design, and layout of this residential area.
 - Proposal is acceptable in relation to maintaining the amenity of neighbouring properties.
 - Proposal provides a family dwelling of a good standard with good levels of amenity that meets the Nationally Space Standards for internal space with sufficient external amenity space.
 - Proposal will not result in any adverse impact upon the highways and parking within the street to a severity that would warrant refusal of permission.
 - Proposal is in accordance with relevant adopted planning policies and the NPPF (2023).
 - Proposals comply with policies DM1, DM9, DM11 and DM12 of the Maidstone Borough Local Plan 2017.

10. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions

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

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of 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:
Application Form
BDS-HN-P01 Site Location and Existing Site Plan
BDS-HN-P02 Existing Site Sections
BDS-HN-P03 Proposed Site and Shed Plans
BDS-HN-P03 Proposed Site Plans (Coloured)
BDS-HN-P04 Proposed Site Sections
BDS-HN-P10 Site Plan - Overlooking Distances
BDS-HN-P05 Proposed Bungalow Floor Plans and Elevations
7BDS-HN-P05 Proposed Bungalow Plans and Elevations
BDS-HN-P11 Proposed Site Plan - Biodiversity Enhancement
Design and Access Statement
Reason: For the avoidance of doubt and in the interests of proper planning.
Reason: To ensure that the development is undertaken in accordance with the approved drawings and documents.
- 3) The house hereby approved shall be constructed in accordance with the submitted construction materials listed on drawing BDS-HN-P03 (Proposed Site Plans (Coloured)).
Reason: In the interest of visual amenity.
- 4) The development hereby approved shall not commence until details of a) the existing site levels and b) the proposed slab levels of the building and have been submitted to and approved in writing by the local planning authority. The development shall be completed strictly in accordance with the approved levels.
Reason: To secure a satisfactory form of development having regard to the topography of the site.
- 5) The development hereby approved shall not commence until tree protection is in place in accordance with the current edition of BS 5837. 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.
- 6) The development hereby approved shall not commence above slab level until a sustainable surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The submitted details shall:

a) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site, including any requirement for the provision of a balancing pond.

b) Include a timetable for implementation surface water drainage scheme in relation to the development; and,

c) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.

The sustainable surface water drainage scheme shall be implemented in accordance with the approved timetable and all features shall be maintained thereafter.

Reason: In the interests of pollution and flood prevention.

7) The development hereby approved shall not commence until a Construction Management Plan for the development has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include the following details-

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

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

Personnel

(c) Timing of deliveries

(d) Provision of wheel washing facilities

(e) Temporary traffic management / signage

(f) Measures to control dust.

(g) Measures to prevent the discharge of surface water onto the highway.

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

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

8) The development shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority (to include gaps at ground level in the boundaries to allow the passage of wildlife) and the development shall be carried out in accordance with the approved details before the first occupation of the approved buildings and maintained as such thereafter.

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

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

Reason: To ensure an energy efficient form of development.

10) The development hereby approved shall not commence above slab level until a landscape scheme has been submitted to and approved in writing by the local planning authority. The scheme shall (a) be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012) (b) show all existing trees, landscaping on, and immediately adjacent to, the site and indicate whether it is retained or removed, (c) provide details of new on-site landscaping in a planting specification (location, spacing, species, quantity, maturity). (d) provide landscape implementation details and implementation timetable (e) 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.

- 11) All approved landscape details shall be completed by the end of the first planting season (October to February) following first occupation of the dwelling hereby approved. Any of the approved landscaping which fails to establish or any trees or plants which, within five years from the first occupation of the property, are removed, die or become so seriously damaged or diseased that their long-term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme.
Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.
- 12) Prior to the first occupation of the dwelling hereby approved, facilities for (a) the storage and screening of refuse bins, (b) the collection of refuse bins, and (c) secure bicycle storage shall be in place that are in accordance with details that have previously been submitted to and approved by the Local Planning Authority. These details will be maintained as such thereafter.
Reason: To ensure a satisfactory appearance to the development.
- 13) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall: a) be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light, GN01, dated 2011 (and any subsequent revisions) (Environmental Zone E1), and b) follow the recommendations within the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting'. c) 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 protected species and in the interests of residential amenity.
- 14) Prior to the first occupation of the accommodation hereby approved the parking and turning areas shown on the submitted plans shall be completed and thereafter shall 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) Notwithstanding the provisions of the Town and Country Planning General Permitted Development (Amendment) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development within Schedule 2, Part 1, Classes A, B, C, D, E and F; and Schedule 2, Part 2, Class A, to that Order shall be carried out.
Reason: To ensure a satisfactory appearance to the development.
- 16) The development hereby approved shall meet the higher level of water efficiency of 110 litres per person, per day as set out under the building regulations Part G2 or any superseding standard. The building shall not be occupied unless this standard has been met and this standard shall be maintained thereafter.
Reason: To ensure a sustainable form of development.
- 17) The development hereby approved shall meet the accessible and adaptable dwellings building regulations Part M4(2) standard or any superseding standard.

The dwelling shall not be occupied unless this standard has been met and the dwelling shall be thereafter retained as such.

Reason: To ensure the development is in accordance with local and national policy and meets acceptable standards of accessible and adaptable dwellings.

- 18) No demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

Reason: In the interest of the amenities of occupiers of neighbouring properties.

- 19) The development shall be implemented in strict accordance with the approved biodiversity enhancement plans ref: BDS-HN-P11 (Proposed Site Plan - Biodiversity Enhancement) prior to first occupation of the development hereby approved and all features shall be maintained thereafter.

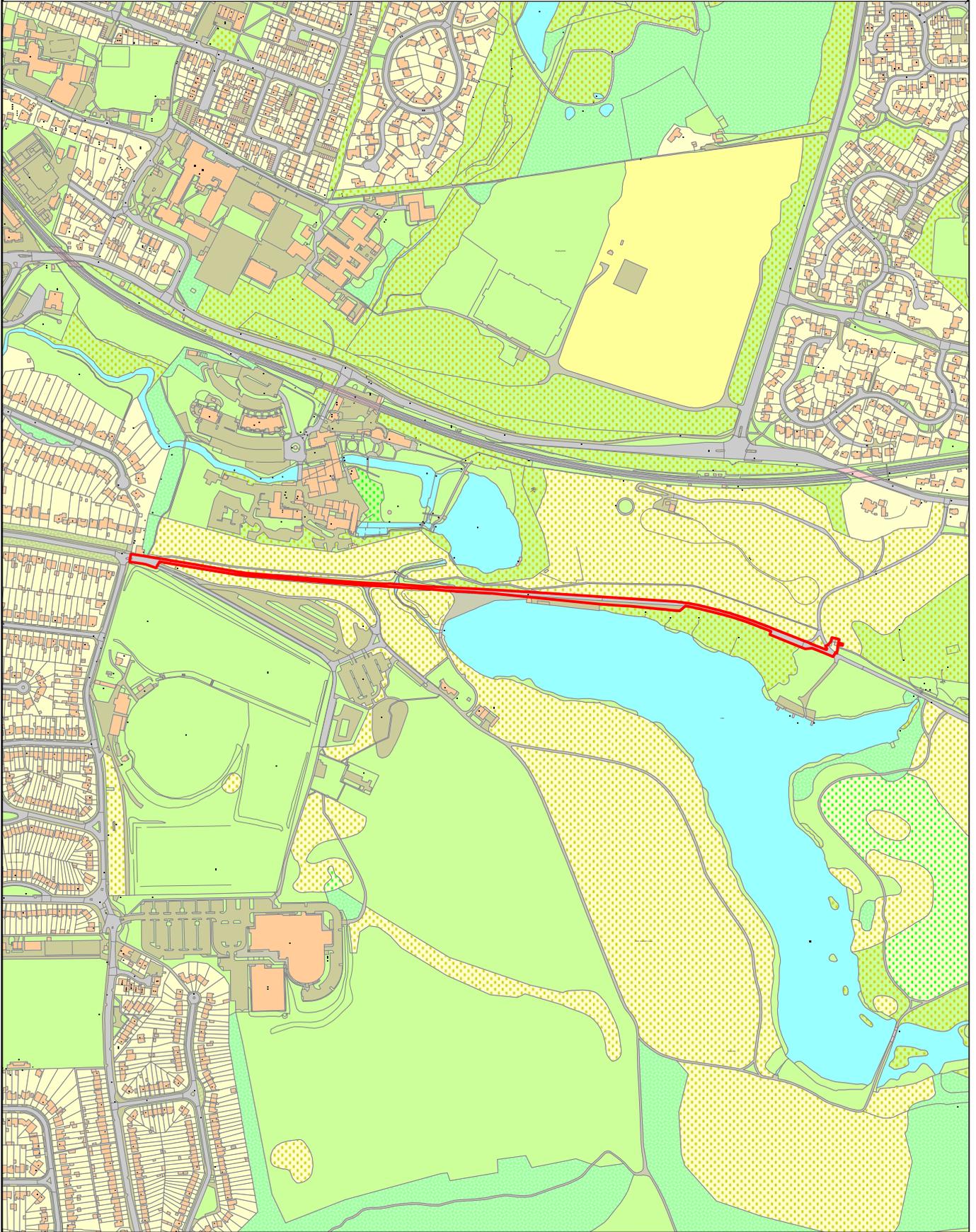
Reason: To enhance the ecology and biodiversity on the site.

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

Agenda Item 18

MAIDSTONE BOROUGH COUNCIL

23/504640/FULL



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Mote Park Kiosk, Willow Way, Maidstone,
Kent ME15 7RN

REPORT SUMMARY

REFERENCE NO: 23/504640/FULL		
APPLICATION PROPOSAL: Change of use of existing kiosk and WC building to storage and changing rooms. Erection of single storey side extension, including replacement of flat roof with a new pitched roof and associated landscaping works.		
ADDRESS: Mote Park Kiosk, Willow Way, Maidstone, ME15 7RN		
RECOMMENDATION: APPROVE PERMISSION		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed uses are associated with the management of Mote Park and recreational activities so are acceptable. The natural slate pitch roof would enhance Mote Park (Grade II Registered Park and Garden) and the extensions to the building would not cause any harm. A single tree would be removed but it would be replaced and the loss of an area of grass for a surfaced access to the building would not harm the historic Park. The proposals are therefore in accordance with policies polies SP18, DM1, DM3 and DM4 of the Local Plan and permission is recommended subject to conditions.		
REASON FOR REFERRAL TO COMMITTEE: Maidstone Borough Council is the applicant.		
WARD: Shepway North	PARISH COUNCIL: N/A	APPLICANT: Maidstone Borough Council AGENT: Andrew Wells Planning and Design
CASE OFFICER: Richard Timms	VALIDATION DATE: 20/10/23	DECISION DUE DATE: 28/03/24
ADVERTISED AS A DEPARTURE: No		

Relevant Planning History

63/0035/MK1 The erection of a refreshment kiosk and public conveniences – APPROVED

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The application relates to a building formerly used as a refreshment kiosk and toilets which is in a state of disrepair. It is a small single storey building faced

with yellow bricks and has a flat roof. The building is within the north part of Mote Park adjoining surfaced paths with the A20 around 200m to the north.

1.02 Mote Park is a Grade II Registered Park and Garden and has a number of listed buildings within its grounds, notably Mote House (Grade II*) which is around 330m to the southeast. The majority of the park is also a Local Wildlife Site and this designation washes over the site of kiosk building.

2 PROPOSAL

2.01 Permission is sought to extend the building to the front and west side and construct a new pitched roof. The extensions would be faced in matching bricks with a roller shutter door on the side part. Some existing windows would be bricked and there would be two new steel doors to the front. The roof would be finished in natural slate. Additional hard surfacing is proposed on the west side to allow access to the side extension/roller shutter door.

2.02 Internally the building would provide toilets, a shower/wet room, changing rooms, and storage space, and the use of the building would change to provide storage for maintenance of the park, and the other facilities for the sailing club.

3 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017: SS1, SP1, SP18, DM1, DM2, DM3, DM4, DM8

Kent Waste and Minerals Plan (amended 2020): CSW3, DM7, DM9

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Local Plan Review (Regulation 22): LPRSS1, LPRSP14, LPRSP14(A), LPRSP14(B), LPRSP15, LPRENV1, LPRQ&D2

The Regulation 22 Local Plan Review (LPR) 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. The LPR has been through Stage 1 and 2 Hearings and the 'Main Modifications' the Inspector considers are required to make it sound have been out to public consultation so it is at an advanced stage.

This Council invited the Inspector to make any changes necessary to the 'Main Modifications' in order to make the Plan sound. The Inspector has done so in his Final Report (8th March 2024) and so the recommendation is simply one of adoption to PAC PI, Cabinet and, crucially, Council on the 18th, 19th and 20th, respectively, of March. However, if the recommendation to adopt is accepted then the Plan would still not have full weight because the 6 week period for judicial review would need to expire (6 weeks from the date of the Council's decision) and so, at this stage, the Plan attracts 'substantial' weight.

4 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 1 representation received raising the following (summarised) points:

- Should keep toilet facilities at this side of the park.

5 CONSULTATIONS

(Please note that summaries of consultation responses are set out below. Comments are discussed in more detail in the appraisal section where considered necessary)

5.01 The Gardens Trust

"We have considered the information provided in support of the application and liaised with our colleagues in Kent Gardens Trust. On the basis of this we confirm we do not wish to comment on the proposals at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals."

5.02 MBC Conservation

No objections: Summary – *"Overall, the design, scale, and layout are considered appropriate from a heritage perspective and will enhance the character of Mote Park."*

5.03 MBC Landscape

No objections subject to conditions requiring a final arboricultural method statement, tree protection plan, and landscaping details.

5.04 KCC Minerals

No objections.

6 APPRAISAL

6.01 The proposed uses are associated with the management of Mote Park and recreational activities so are acceptable.

6.02 The key issues are therefore:

- Impact on Mote Park and the Setting of Listed Buildings
- Impact on Trees and the Local Wildlife Site

Impact on Mote Park and the Setting of Listed Buildings

6.03 The proposed extensions are modest increasing the building's width by around a third to the west side and the extension to the front would be flush with the front. The limited extensions and new doors would not have any harmful impact upon Mote Park or the setting of listed buildings. The increase in hard surfacing would be limited and would also not cause any harm to the wider Park.

6.04 The pitch roof will greatly improve the appearance of the building and the proposed use of natural slates will be secured by condition. Therefore overall,

it is considered the proposals would enhance Mote Park in accordance with policies SP18, DM1 and DM4 of the Local Plan and draft policies LPRSP14(B), LPRSP15, and LPRENV1 of the Local Plan Review (LPR).

Impact on Trees and the Local Wildlife Site

- 6.05 There are several trees close to the building around the west, north and east sides. The only tree that would be directly affected by the side extension is a tulip tree to the west which would need to be removed. This has been classed as a category U tree (useful life expectancy less than 10 years) under the submitted tree survey. It is proposed to remove this tree and provide a replacement tree (Alder) just to the north.
- 6.06 A crown lift 5m above ground level is proposed to the ash trees to the northeast to allow construction of the roof to which the landscape officer raises no objections. The other trees near to the development would be protected during the works as per the submitted tree protection plan.
- 6.07 The landscape officer has reviewed the submission and has raised no objections in terms of the removal, works to, and protection of trees and I consider the removal of the tree subject to a replacement would not cause harm to the Park. Conditions are required to secure the replacement, a method statement for works, and tree protection.
- 6.08 It is considered the limited hard surfacing which would result in the loss of a small area of mown grass would not have any harmful impacts upon the Local Wildlife Site in accordance with policy DM3 of the Local Plan and draft policy LPRSP14(A) of the LPR. One bat and one bird box are proposed to be attached to the building to provide some ecological enhancement which is considered proportionate to the scale of development proposed and can be secured by condition.

PUBLIC SECTOR EQUALITY DUTY

- 6.09 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 proposed uses are associated with the management of Mote Park and recreational activities so are acceptable.
- 7.02 The natural slate pitch roof would enhance Mote Park and the extensions would not cause harm. A single tree would be removed but replaced and the loss of an area of grass would not harm the historic Park. The development would not have a harmful impact upon the Local Wildlife Site.
- 7.02 The proposals are therefore in accordance with policies SP18, DM1, DM3, and DM4 of the Local Plan and draft policies LPRSP14(A), LPRSP14(B), LPRSP15, and LPRENV1 of the LPR, and permission is recommended subject to conditions.

8 RECOMMENDATION

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

CONDITIONS:

Time Limit (Full Permission)

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

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

Approved Plans & Compliance

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

PL/707/03 RevA
PL/707/01 RevA
PL/707/02 RevB

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

3. The bricks to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

Reason: To ensure a satisfactory appearance to the development.

Pre-Commencement

4. No development 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 impact on trees and include details of the proposed tree works necessary to implement the approved scheme and include a tree protection plan.

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

Pre-Slab Level

5. No development above slab level shall take place until details of a replacement tree have been submitted to and approved in writing by the local planning authority. The details shall include the species, size, and location of the tree,

and a 5-year management plan. The development shall be carried out in accordance with the approved details.

Reason: To ensure appropriate mitigation for the loss of an existing tree.

6. No development above slab level shall take place until written details and images of the natural slate tiles to be used for the construction of the roof hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials and thereafter maintained.

Reason: To ensure appropriate mitigation for the loss of an existing tree.

7. The replacement tree approved under condition 5 shall be planted in the first planting season (1st October to end of February) following the first occupation/use of the building. If before a period of 10 years from the completion of the development the tree dies or becomes so seriously damaged or diseased that its amenity value has been adversely affected, it shall be replaced in the next planting season with a tree of the same species and size as approved under condition 5 unless the local planning authority gives written consent to any variation.

Reason: To ensure appropriate mitigation for the loss of an existing tree.

Pre-occupation

8. The bat and bird boxes shown on drawing no. PL/707/02 RevB shall be installed before the first occupation/use of the building and thereafter maintained.

Reason: In the interest of biodiversity enhancement.

9. The development shall not be occupied until details of any external lighting has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained.

Reason: In the interests of visual amenity.



Ordnance Survey - data derived from OS Premium

23/505669/TPOA - 20 The Trinity Foyer, First Floor, Flat 1 Church Street, Maidstone, Kent ME14 1LY

Scale: 1:1250
Printed on: 11/3/2024 at 14:43 PM by RebeccaB1

REPORT SUMMARY

CASE REFERENCE: 23/505669/TPOA		
ADDRESS: 20 The Trinity Foyer, First Floor Flat 1 Church Street, Maidstone, Kent. ME14 1LY		
PROPOSAL: TPO application to: Holly (T4) install a 3 way cobra system, Ash (T9) sever Ivy and deadwood, Cherry (T12) reduce large limb over footpath by 1m and deadwood and removal of two Ash (T13 and T15),		
RECOMMENDATION: Application Permitted – subject to CONDITIONS / REASONS and INFORMATIVES		
SUMMARY OF REASONS FOR RECOMMENDATION: The works are considered acceptable arboricultural management.		
REASON FOR REFERRAL TO COMMITTEE: Maidstone Council is the applicant.		
PARISH: Unparished	WARD: High Street	
APPLICANT: Maidstone Borough Council	AGENT: Qualitree Services	
CASE OFFICER: Paul Hegley (MBC)	SITE VISIT DATE: 18.01.2024	
DATE VALID: 13.12.2023	CONSULTATION EXPIRY: 08.01.2024	DECISION DUE: 07.02.2024

RELEVANT PLANNING HISTORY

Planning:

23/505669/TPOA - TPO application to: Holly (T4) install a 3 way cobra system, Ash (T9) sever Ivy and deadwood, Cherry (T12) reduce large limb over footpath by 1m and deadwood and removal of two Ash (T13 and T15), - **Pending Decision** -

TA/0046/04 - An application for consent to remove stem and Basal suckers on 17 no. Lime Trees; All trees subject to Tree Preservation Order No. 32 of 1973 - **Approved** - **07.05.2004**

Enforcement:

ENF/12533 - Enforcement Enquiry - **Pre Application Advice Closed** - **26.10.2015**

Appeals:

None

MAIN REPORT

1. DESCRIPTION OF TREES

- 1.01 The trees subject to this application are located around the site boundary against the boundary fence line adjacent to the driveway and pavement of Trinity Foyer.
- 1.02 The Holly (Listed T4) is a triple stem mature Holly with a potentially weak fork at approximately 1m. The proposal is to install a bracing system to stabilise the tree.
- 1.03 The mature Ash (T9) is ivy clad and has some deadwood. The proposal is to remove the ivy to allow for tree inspection.
- 1.04 The Cherry (T12) is a mature tree extending out over the pavement and road, potentially obstructing the road to larger vehicular traffic. The proposal is to prune the branches overhanging the road by 1M.
- 1.05 The remaining two Ash (T13 & T15) are proposed to be removed. These are semi mature self-seeded trees that have established in very close proximity to the metal railing fence and are also in close proximity to two adjacent semi mature Small Leaved Lime trees of good form and condition.

2. PROPOSAL

- 2.01 The application seeks consent to carry out the following works:
 - Holly (T4) install a 3 way cobra bracing system
 - Ash (T9) sever Ivy and deadwood
 - Cherry (T12) reduce large limb over footpath by 1m and deadwood.
 - Removal of two Ash (T13 and T15)

3. PLANNING CONSTRAINTS

3.01 Tree Preservation Order No.:

Tree Preservation Order No. 32 of 1973 under Section 60 of the Town and Country Planning Act 1971.

Group of Trees - G1 comprising 4 Holly, 3 Lime

Group of Trees - G4 comprising 2 Prunus, 2 Almond, 1 Holly.

Group of Trees - G5 comprising 5 Holly, 1 Prunus, 4 Cherry.

<http://services.maidstone.gov.uk/maps/astun.ishare.web/mymaidstone.aspx>

3.02 Conservation Area:

YES - Holy Trinity Church

Description: Town and Country Planning Act 1971; as amended by The Town and Country Amenities Act 1974. Designated and extension of Conservation Areas.

Holy Trinity Church - Amended 29 December 1988

4. POLICY CONSIDERATIONS

4.01 Government Policy:

National Planning Policy Framework (2021)

Planning Practice Guidance Tree Preservation Orders and trees in conservation areas, March 2014.

The Town and Country Planning (Tree Preservation)(England) Regulations 2012

4.02 Compensation:

A refusal of consent to carry out works on trees subject to a Tree Preservation Order can potentially result in a claim for compensation for loss or damage arising within 12 months of the date of refusal.

5. LOCAL REPRESENTATION

5.01 Following the putting up of a site notice and consultations sent to neighbouring owners, no Representations supporting or objecting to the application have been received.

6. CONSULTATIONS

6.01 Councillors – None comments/representations received.

7. APPRAISAL

7.01 T4 Holly on application form (G4 Holly in TPO 32/1971).

Condition:

Fair – Showing minor signs of defects, (fork)

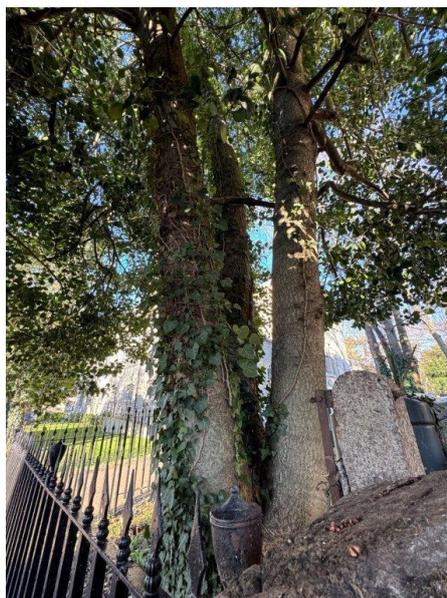
Contribution to public amenity:

Excellent – Prominent feature of the area/particularly suited to the location.

Retention/Longevity:

Long – With an estimated remaining life expectancy of at least 20 years.

View of Holly tree T4.



7.02 T9 Ash on application form (Conservation Area).

Condition:

Good – No significant defects noted.

Contribution to public amenity:

Good – Clearly visible to the public.

Retention/Longevity:

Long – With an estimated remaining life expectancy of at least 20 years.

View of Ash tree T9



7.03 T12 Cherry on application form (G4 Prunus in TPO 32/1971).

Condition:

Fair – Showing minor signs of deterioration and/or defects.

Contribution to public amenity:

Good – Clearly visible to the public.

Excellent – Prominent feature of the area/particularly suited to the location.

Retention/Longevity:

Long – With an estimated remaining life expectancy of at least 20 years.

View of Cherry tree T12



7.04 Ash trees T13 and T15 on application form (Conservation Area).

Condition:

Good – No significant defects noted.

Contribution to public amenity:

Good – Clearly visible to the public.

Retention/Longevity:

Long – With an estimated remaining life expectancy of at least 20 years.

View of Ash Tree T13



View of Ash tree T15



7.05 Comments/Considerations on Proposal:

T4 Holly has a triple fork at 1m which shows a small weak compression defect in one area, although this is only partly visible due to the presence of Ivy growth. The installation of the cobra brace system within the crown will aid in the supporting of the three main stems and help alleviate any potential splitting of the lower main fork. This system is not invasive and so technically does not require any formal consent under the TPO regulations.

T9 Ash has extensive Ivy growth up the main trunk and inner scaffold branches hindering a full inspection and adding weight to the covered branches. The proposed severing of Ivy and removal of deadwood may be considered as an Exemption under TPO legislation and so no objections are raised.

T12 Cherry has a large codominant lower limb that extends some distance towards and over the main road and footpath with some lower branches exhibiting damage by high sided vehicle strikes. The proposed reduction of this lower large limb over the footpath by 1m will clear the road and fulfil the requirements of Section 154 of the Highways Act 1980 to prevent any further vehicle damage. Again, the proposed removal of the deadwood may be considered as an exemption under the current TPO legislation for which no objections are raised.

Ash trees T13 and T15 are both self-seeded specimens that have established close to the boundary iron railings, which is likely to be damaged in the future by the growth of the trees if they are allowed to mature in their current positions. The growth and position of the two Ash trees are also competing with two nearby semi mature Small Leaved Lime trees, both of which are healthy specimens of good form. Consequently, the removal of the two Ash trees is considered acceptable for the long-term benefit and continued growth of the more prominent Lime trees, plus to prevent any future damage to the boundary railings.

8. CONCLUSION

- 8.01 On balance, the works proposed in this application are considered acceptable arboricultural management, and therefore it is recommended that the works are approved subject to the conditions and informatives listed below.

9. RECOMMENDATION

- 9.01 **Application Permitted** – Subject to the following CONDITIONS / REASONS and INFORMATIVES.

Conditions:

- (1) All works hereby permitted shall be carried out in accordance with the provisions of the current edition of BS 3998 by a competent person;

Reason: To ensure the work complies with good arboricultural practice to safeguard the longevity, amenity and nature conservation value of the tree/s and its/their contribution to the character and appearance of the local area

- (2) The tree surgery work hereby permitted shall consist only in the operations specified in writing;

Reason: To avoid doubt and to ensure the work complies with good arboricultural practice to safeguard the longevity, amenity and nature conservation value of the tree/s and its/their contribution to the character and appearance of the local area.

Informatives:

- (1) Adjacent trees should be protected from damage during the course of the tree works hereby allowed/permitted in accordance with the current edition of BS3998. Any damage which occurs as a result of poor arboricultural practice and which affects the structural stability and/or health and longevity of adjacent trees may result in legal action against you.

- (2) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.

- (3) The material generated from the tree work hereby permitted should be disposed of, or processed as necessary, to leave the site in a safe and tidy condition following each phase/ completion of the work.
- (4) All arisings from Ash trees should be treated in accordance with the Forestry Commission's current good practice guidelines to help prevent the spread of infectious pests and diseases.
- (5) Removal of dead wood from protected trees is an exception to current legislation and does not require a formal application. However, the regulations require five days notice in writing of intention to carry out such works. Its inclusion on this application is considered to satisfy that requirement.

Case Officer: Paul Hegley (MBC)

NB – For full details of all papers submitted with this application, please refer to the relevant Public Access Pages on the Council's website.

Agenda Item 20



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

CASE REFERENCE: 5012/2023/TPO	
ADDRESS: St Mary's Church, Old Ashford Road, Lenham, Maidstone, Kent	
RECOMMENDATION: CONFIRM Tree Preservation Order No. 5012/2023/TPO without MODIFICATION as per the attached Order.	
SUMMARY OF REASONS FOR RECOMMENDATION: The Council considers that the Thuja tree contributes to amenity and local landscape character, and it is expedient to make a Tree Preservation Order (TPO) due to the submission of a section 211 notice for its removal under application 23/502720/TPO.	
REASON FOR REFERRAL TO COMMITTEE: One objection to the making of the TPO has been received from the owner of the tree Lenham Parish Council.	
PARISH: Harrietsham and Lenham	WARD: Harrietsham and Lenham
CASE OFFICER: Paul Hegley (MBC)	SITE VISIT DATE: 01/08/2023
PROVISIONAL TPO MADE: 12.10.2023	PROVISIONAL TPO EXPIRY: 12.04.2024
PROVISIONAL TPO SERVED: 12.10.2023	TPO OBJECTION EXPIRY: 08.11.2023

RELEVANT PLANNING HISTORY

Planning:

20/505489/TPOA - TPO Application 1 x Lime (T2) to fell as per arboriculturalist report. - **Approved - 12.02.2021**

23/502720/TCA - Conservation area notification to remove one Thuja. - **Tree Preservation Order Served - 13.10.2023**

Enforcement:

19/500212/LSTBP1 - Enforcement Enquiry - **Pre Application Advice Closed - 04.06.2019**

19/500217/OPDEV - Enforcement Enquiry - **Pre Application Advice Closed - 16.04.2019**

Appeals:

None

MAIN REPORT

1. INTRODUCTION AND BACKGROUND

1.01 Tree Preservation Order No. 5012/2023/TPO was made on the 12.10.2023 on a provisional basis, following the submission of a 6 week notification (section 211 notice)

to fell a Thuja tree growing within the grounds of St Marys Church, Lenham that lies within Lenham Conservation Area.

- 1.02 The main reasons cited in the application for the removal of the Thuja was because of signs of disease, root rotting and its size so close to the main road and adjacent property Forge House. Following an inspection by the Councils arboriculturalist on 1st August 2023 the Thuja did not display any signs of disease or decay to justify its removal, so in accordance with the current regulations it was considered expedient to make it subject to a TPO to prevent its removal. A copy of TPO No. 5012/2023/TPO is attached at Appendix A of this report.

2. DESCRIPTION OF TREES

- 2.01 The Thuja tree (Western Red Cedar) subject to TPO 5012/2023/TPO is located within the grounds of St Mary's Church, Lenham. It is growing within a small, unmaintained area of the churchyard, some 0.8m from the low stone and flint boundary wall, on the northern boundary, adjacent to Forge House.
- 2.02 It is of good form and prominent from both the churchyard and Old Ashford Road as seen in photo 1 below.

Photo 1 – View of the Thuja from Old Ashford Road



3. OBJECTIONS

3.01 One objection has been received by Lenham Parish Council to the making of the TPO, which has been summarised below.

3.02 Objections Summary:

Lenham Parish Council wish to object to the proposed Tree Preservation Order (TPO) on the Thuja tree in St Mary's churchyard, Lenham. The following points outline the reasons for this objection:

1. The tree is in the Lenham Village Conservation area and is therefore already protected, it cannot be touched without the approval of Maidstone Borough Council (MBC) – a TPO is superfluous.
2. The tree is a thuja (Western Red Cedar) which is not a native species.
3. This type of tree is not suitable for a Village Church cemetery. We appreciate it will probably not reach the height or girth of the Californian redwood with the Roadway cut through the trunk, but it is already very tall and will continue to grow.
4. Due to the above the tree is out of character for this area, it does not add to the character of the landscape or contribute to amenity as suggested.
5. We understand that this species normally grows in hilly, well drained areas – this location is only 1m above the East Lenham Vale and therefore only two or three metres above the winter water table. The headwater of the river Stour emanating from the water table is only 100m or so away. This could be a future issue in respect of the stability of the tree if allowed to continue to grow.
6. It should also be noted that the extensive root system, especially if it is shallow, will cause disturbance of the graves and could also impact on the structural integrity of Grade 2* listed Forge House, the church wall, and the listed mounting block.

4. REPRESENTATIONS

4.01 Following service of the TPO on the landowner, owner occupier of Forge House and any other persons who have an interest in the land no other representations have been received to the making of the TPO.

5. APPRAISAL

- 5.01 The Thuja tree is a mature specimen, approximately 20m tall, with an average crown spread of 7m and a stem diameter (measured at a height of 1.5m) of 800mm.
- 5.02 At the time inspection it appeared in good health with dense, green foliage of normal size for the species. It also appears structurally sound with no obvious significant defects (a percussion test with a plastic mallet did not indicate any decay or cavities in the stem base or buttress roots). It overhangs part of the garden to Forge House and a few gravestones in the churchyard. A pile of old tree prunings and an old, small, dead Christmas tree have been heaped against/adjacent to the western side of the stem base.
- 5.03 Growing directly to the west within the neighbouring garden of Forge House is a similar sized Thuja designated as T1 of confirmed TPO 12 of 2011.
- 5.04 The Thuja tree subject to this order is a good example of its species and a prominent feature of the landscape. It is of high amenity value and merits protection with a TPO (TEMPO assessment score 16+, definitely merits TPO).

6. RESPONSE TO OBJECTIONS

6.01 Having considered the six points raised in the Parish Council's objection in section 3 of this report, I would respond to each point as follows:

1. The Thuja is indeed located within Leham Conservation area and therefore automatically protected. However, the submission of the section 211 notice to fell the tree meant that in line with current guidance/legislation the Council had no choice but to make the TPO in order to prevent its removal. Therefore, the TPO is not considered superfluous.
2. Thuja or Western Red Cedar as it is known, is a native of North America and whilst not a native of this country it has become an important species in the British landscape particularly for timber production and its ability to tolerate shade. It is often planted in domestic gardens as hedging or as individuals which can become focal trees giving valued shelter to wildlife in the winter months. Under the current TPO guidance any tree of any species can be made subject to a TPO, so to exclude non-native species would go against government guidance and good practice.
3. In its current growing context within the churchyard, the Thuja is considered to be a suitable species for the area contributing to the sylvan character.
4. The Thuja is of a size and growing position that makes it fully visible from surrounding public areas (roads & footpaths) and as such is considered to be of significant amenity value.
5. No evidence has been provided to suggest the tree's growing location/ground conditions will have a bearing on its future stability which is deemed to be good when inspected.
6. No evidence has been provided to indicate that root growth from the Thuja will cause disturbance of the graves and could also impact on the structural integrity of Grade 2* listed Forge House, the church wall, and the listed mounting block.

7. CONCLUSION

- 7.01 The objections raised by the Parish Council are not considered sufficient reasons not to confirm the TPO or raise sufficient doubt to question its validity. The Thuja tree is considered to have significant amenity value so its loss would erode the mature and verdant landscape of the area by a marked degree and would thus give rise to significant harm to its character and appearance. Therefore, it is considered expedient to confirm the TPO to secure its long-term retention/protection.

8. RECOMMENDATION

CONFIRM Tree Preservation Order **No. 5012/2023/TPO without MODIFICATION** as per the attached Order.

Case Officer: Paul Hegley (MBC)

Date: 04.03.2024

Note: Tree Officer assessments are based on the condition of the trees on the day of inspection. Whilst every effort is made to ensure that the assessments are accurate, it should be noted that the considerations necessary for determining applications/notifications may be able to be made off-site and, in any case, no climbing or internal inspections or excavations of the root areas have been undertaken. As such, these comments should not be considered an indication of safety.

APPENDIX A – Copy of Tree Preservation order No. 5012/2023/TPO

Tree Preservation Order

Town and Country Planning Act 1990

The Tree Preservation Order No. 5012/2023/TPO

Location: St. Mary's Church Old Ashford Road Lenham Maidstone Kent ME17 2PX

The **Maidstone Borough Council** in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Maidstone Borough Council Tree Preservation Order No. 5012/2023/TPO – St Mary's Church Old Ashford Road Lenham Maidstone Kent ME17 2PX

Interpretation

2. (1) In this Order "the authority" means the Maidstone Borough Council
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees). This Order takes effect as from the time when the tree is planted.

Dated this 12th day of October 2023

R. L. Jarman

Authorised Officer to sign in that behalf
 Rob Jarman
 Head of Development Management
 Maidstone Borough Council

SCHEDULE**Specification of trees****The Tree Preservation Order No. 5012/2023/TPO****Location: St. Mary's Church Old Ashford Road Lenham Maidstone Kent ME17 2PX****Trees specified individually**

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Thuja (Western Red Cedar)	Located along the northern boundary of St Mary's Churchyard Lenham

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
NONE		

Groups of trees

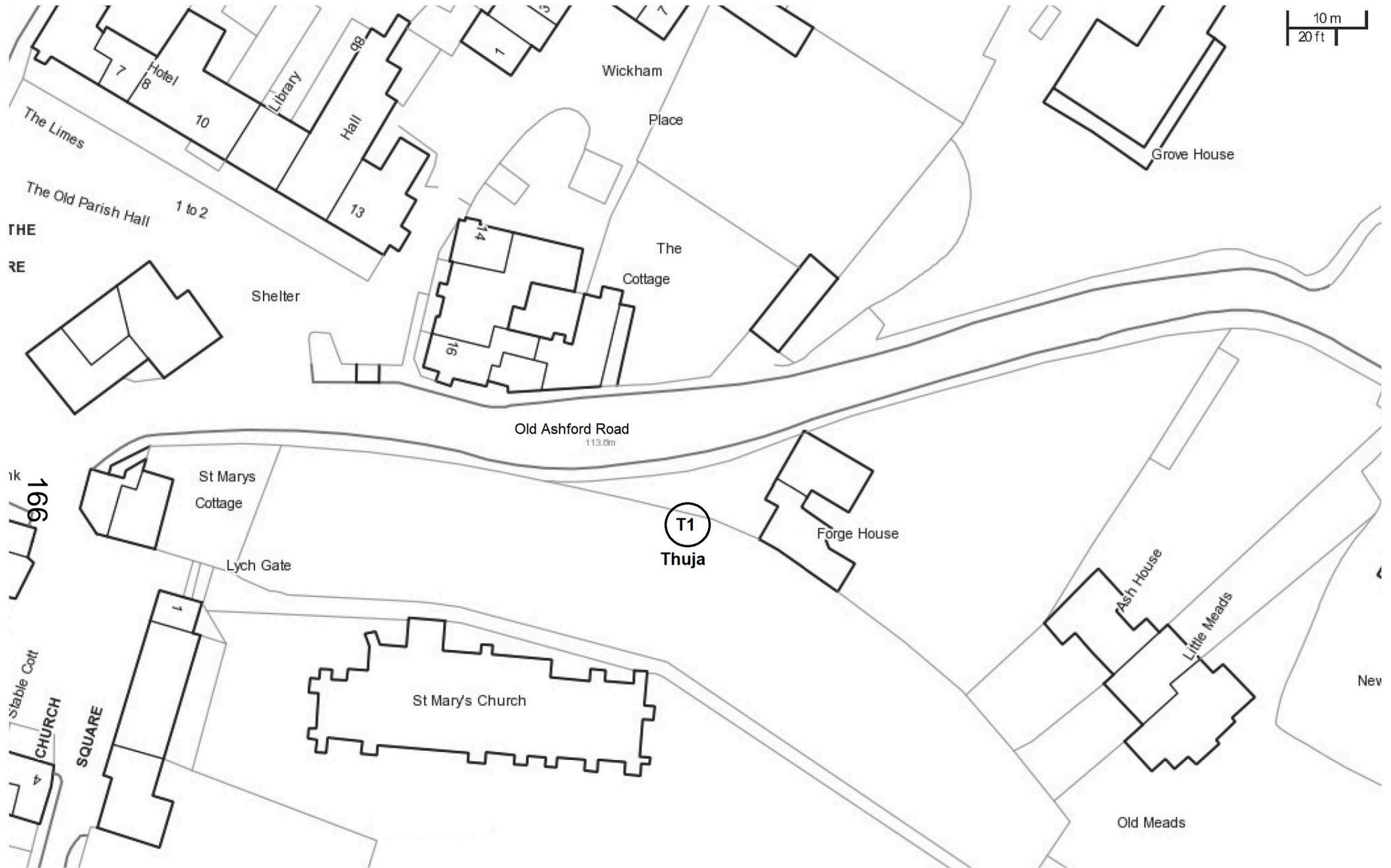
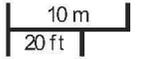
(within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
NONE		

Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
NONE		



THE MAIDSTONE BOROUGH COUNCIL

Tree Preservation Order No. 5012/2023/TPO
St Mary's Church, Old Ashford Road, Lenham, Kent. ME17 2PX



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Scale: 1:656 © Maidstone Borough Council



Ordnance Survey - data derived from OS Premium

23/505593/NMAMD & 23/505231/NMAMD - Heather House, Bicknor Road, Maidstone, Kent ME15 9PS Scale: 1:1250

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REPORT SUMMARY

REFERENCES: (A) 23/505231/NMAMD & (B) 23/505593/NMAMD		
PROPOSAL:		
<p>(A) Non Material Amendment to Condition 30 (drainage) of 22/500222/FULL: Demolition of Heather House Community Centre and construction of a New Community Centre to include changing rooms and storage related to the Sports use of Parkwood Recreation Ground and change of use of part of site to Parkwood Recreation Ground. Demolition of the Pavilion Building and erection of 11no. dwellings on the site of the Pavilion and partly on adjacent Parkwood Recreation Ground. Both with associated parking, vehicular and pedestrian access and landscaping</p> <p>(B) Non Material Amendment: canopy projection reduction to community centre, internal road alignment to the residential site and elevational and layout changes to the residential plots - 22/500222/FULL: Demolition of Heather House Community Centre and construction of a New Community Centre to include changing rooms and storage related to the Sports use of Parkwood Recreation Ground and change of use of part of site to Parkwood Recreation Ground</p>		
ADDRESS: Heather House, Bicknor Road, Maidstone, Kent, ME15 9PS		
RECOMMENDATION:		
<p>(A) Grant Non-Material Amendment</p> <p>(B) Grant Non-Material Amendment</p>		
SUMMARY OF REASONS FOR RECOMMENDATION:		
When considered cumulatively, it is considered that the proposed changes are of a scale and nature that they fall within the remit of Non Material Amendments to the parent permission, 22/500222/FULL as approved on 1 June 2023		
REASON FOR REFERRAL TO COMMITTEE:		
The applicant is Maidstone Borough Council		
WARD: Park Wood	PARISH/TOWN COUNCIL: Unparished	APPLICANT: Maidstone Borough Council AGENT: Chartway Group
CASE OFFICER: Sean Scott	VALIDATION DATE: 14/12/23	DECISION DUE DATE: 11/01/24
ADVERTISED AS A DEPARTURE: No		

Relevant Planning History

22/500222/FULL - Demolition of Heather House Community Centre and construction of a New Community Centre to include changing rooms and storage related to the Sports use of Parkwood Recreation Ground and change of use of part of site to Parkwood Recreation Ground. Demolition of the Pavilion Building and erection of 11no. dwellings on the site of the Pavilion and partly on adjacent Parkwood Recreation Ground. Both with associated parking, vehicular and pedestrian access and landscaping - Approved 01.06.2023

23/504215/SUB - Submission of details to discharge condition 17 - Preliminary Ecological Appraisal, Subject to 22/500222/FULL (new Community Centre and erection of 11 houses) - Approved 10.11.2023

23/504352/SUB - Submission of details to discharge condition 9 - Scheme for Archaeological Investigation, Subject to 22/500222/FULL (new Community Centre and erection of 11 houses) - Approved 20.11.2023

23/504740/SUB - Submission of details to discharge condition 10 - External Materials, Subject to 22/500222/FULL (new Community Centre and erection of 11 houses) - Approved 18.12.2023

23/504744/SUB - Submission of details to discharge condition 7 - Recreation Ground Access , Subject to 22/500222/FULL (new Community Centre and erection of 11 houses) - Approved 08.02.2024

23/504755/SUB - Submission of details pursuant to condition 12 (proposed slab levels and existing site levels) of application 22/500222/FULL (new Community Centre and erection of 11 houses) - Approved 24.11.2023

23/504756/SUB - Submission of details pursuant to condition 25 (details of foundation design) in relation to planning permission 22/500222/FULL (new Community Centre and erection of 11 houses) - Approved 20.12.2023

23/504767/SUB - Submission of details pursuant to conditions 24 (Arboricultural Method Statement) and 26 (structural planting protection and ground designated for new structural planting) of application 22/500222/FULL (new Community Centre and erection of 11 houses) - Approved 14.12.2023

23/504830/SUB - Submission of details to discharge condition 4 (letting contract) of planning application 22/500222/FULL (new Community Centre and erection of 11 houses) Pending Consideration

23/504834/SUB - Submission of details to discharge condition 8 (refuse/recycling strategy) of planning application 22/500222/FULL (new Community Centre and erection of 11 houses) - Approved 12.02.2024

23/504835/SUB - Submission of details to discharge condition 11 (boundary treatments) of planning application 22/500222/FULL (new Community Centre and erection of 11 houses) - Pending Consideration

23/504836/SUB - Submission of details to discharge condition 16 (ecological management plan) of planning application 22/500222/FULL (new Community Centre and erection of 11 houses) - Approved 24.01.2024

23/504841/SUB - Submission of details to discharge condition 27 (landscape scheme) of planning application 22/500222/FULL (new Community Centre and erection of 11 houses) - Pending Decision

23/504873/SUB - Submission of Details pursuant to condition 15 (Biodiversity Net Gain Report) of application 22/500222/FULL - Approved 24.01.2024

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The site comprises of 2 separate areas within the Parkwood area of Maidstone: Heather House and the Pavilion which are both Council owned buildings adjacent to the Council owned Parkwood Recreation Ground.

- 1.02 The existing Pavilion building is the northernmost and is single storey and mainly flat roofed. It was originally occupied by the Royal British Legion, now being a licensed bar/social area and changing room facilities used by 2 rugby clubs (who also use the recreation ground sports pitches).
- 1.03 The Pavilion fronts Bicknor Road, close to the redevelopment scheme at Wallis Avenue/Longshaw Road, part of which is up to 4 storeys high. To the north are adjoining bungalows at Rosemary Gardens. The western and southern boundaries are to Parkwood Recreation Ground.
- 1.04 As shown in the history section of this report planning permission (22/500222/FULL) was granted in June 2023 for demolition of Heather House Community Centre and construction of a New Community Centre to include changing rooms and storage related to the Sports use of Parkwood Recreation Ground and change of use of part of site to Parkwood Recreation Ground. Demolition of the Pavilion Building and erection of 11no. dwellings on the site of the Pavilion and partly on adjacent Parkwood Recreation Ground. Both with associated parking, vehicular and pedestrian access and landscaping.

2. PROPOSAL

- 2.01 Following the approval of the parent application, further technical reviews have been undertaken which mean that amendments to the proposals will be necessary.

NMA (A):

- 2.02 Relates to the community centre part of the application site. The drainage scheme has been redesigned to make cost efficiencies, by including a shallower attenuation system (which includes permeable paving and permavoid attenuation crates) and removing the need for a pumping station. Additionally, the redesigned drainage will avoid the root protection area of protected trees.

NMA (B):

- 2.03 For the residential scheme the following amendments are sought:

- canopy projection reduction to community centre;
- internal road alignment to the residential site; and
- elevational and layout changes to the residential plots.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP19, SP20, ID1, DM1, DM3, DM6, DM12; DM19, DM20; DM2; and DM23

Kent Waste and Minerals Plan (amended 2020)

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Supplementary Planning Documents: Maidstone Building for Life; Affordable and Local Needs Housing

- 3.01 Local Plan Review:

- 3.02 On 8 March 2024, the Council received the Final Report on the Examination of the Maidstone Borough Local Plan Review prepared by the Planning Inspector. The

Inspector's Report concludes that the Maidstone Borough Local Plan Review is sound, subject to the main modifications being incorporated.

- 3.03 Following publication of the March committee papers, the next stages for the LPR are the Planning, Infrastructure and Economic Development Policy Advisory Committee on the 18 March 2024 and Cabinet on the 19 March 2024. It is anticipated that Council adopts the LPR on 20 March 2024.
- 3.04 If adopted on the 20 March 2024, at the time of the March planning committee meetings, LPR policies will carry 'substantial' but not 'full' weight. LPR policies will only carry 'full weight' 6 weeks after the date of adoption (judicial review period).
- 3.05 There are not considered to be any draft policies in the Local Plan Review that need to be considered in the determination of this specific planning application.

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 Due to the application being for a non-material amendment, public notification was not required.

5. CONSULTATIONS

KCC Flood and Water Management

- 5.01 No objection.

6. APPRAISAL

- 6.01 The consideration of these applications relates to a single issue, to ascertain whether the proposals constitute a Non Material Amendment.

Non Material Amendment Appraisal

- 6.02 It is necessary to consider if the proposed amendments fall within the remit of a non-material amendment to parent permission ref. 22/500222/FULL as approved on 1 June 2023.
- 6.03 National Planning Practice Guidance (NPPG) advises that there is no statutory definition of 'non-material'. It will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The Local Planning Authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990. The interests of a third party or body who participated in or were informed of the original decision should not be disadvantaged in any way and the amendment should not be contrary to any policy of the Council.
- 6.04 Each application will be considered in turn below.

Application A - 23/505231/NMAMD:

- 6.05 This application covers both the residential and Community Centre elements of the scheme.
- 6.06 In considering the proposal to amend the drainage scheme, it is considered that there wouldn't be notable above ground alterations. The drainage scheme has been redesigned to achieve a more cost-effective build, avoiding root protection areas of TPO trees. Overall, it is considered that the alterations to the drainage scheme would still continue to serve the initially intended purpose for drainage with only

very limited visible changes above ground. Officers are therefore satisfied that Application A would fall within the remit of a Non-Material Amendment.

- 6.07 For clarity this non-material amendment will amend Condition 30 of the parent application as set out in the table below:

Condition 30 as approved under 22/500222/FULL	Proposed amendment to Condition 30 under 23/505231/NMAMD
<p>Surface Water Drainage for each element of the development hereby approved shall be carried out in accordance with the Drainage Strategy ref K220363/C5/004 dated 29.07.22.</p> <p>Reason: In the interests of pollution and flood prevention.</p>	<p>(deleted text = strikethrough / new text = bold)</p> <p>Surface Water Drainage for each element of the development hereby approved shall be carried out in accordance with the Drainage Strategy ref K220363/C5/004 dated 29.07.22.:</p> <ul style="list-style-type: none"> • DWG No. HHM-PPC-00-XX-DR-C-800 P1 – Heather House Drainage Strategy (Residential Site); • DWG No. 5978-3201 Rev 06 Heather House Drainage Strategy. • Technical Note to Redesign Drainage Strategy - Community Centre Site (11874); and • Technical Note to Redesign Drainage Strategy - Residential Site (11874). <p>Reason: In the interests of pollution and flood prevention.</p>

Application B - 23/505593/NMAMD

Community Centre alterations

- 6.08 It is proposed to reduce the canopy projection of the roof. The approved drawings for the community centre showed a 3.6m projecting canopy above the main entrance. Upon technical review it was found that there would be the ability for users of the adjacent skate park and open space to climb onto the roof. Therefore, it is now proposed to reduce the projection of the canopy from 3.6m to 1.8m. It is noted that the canopy will still be sufficient to provide rain cover to the main entrance and the bike storage as originally intended.

Residential Alterations

- Realignment of an Internal Road: this is due to the parent application not being compliant with refuse and fire tender tracking and reversing. Officers note that the changes appear to comprise minor chamfering of the road to accommodate the necessary vehicle tracking.
- Elevational and layout changes across the residential units – the following changes are proposed:
 - Levels of glazing reduced – the inclusion of spandrel panels has been proposed to address an overheating issue.
 - Some doors have been moved slightly some associated glazing removed. It is understood that the primary reason to make this change is to address security concerns.

- Glazing has been removed (Plots 9 & 10) as it would open over the boundary, facing the park. This change is to address fire safety requirements and for security.
 - Minor changes to the layout of units have been included to make the layout more efficient.
- 6.09 Since approval of the parent application, the residential development has been subject to a technical appraisal. This exercise has highlighted the need to address fire safety, security, overheating and energy efficiency, mainly to accord with Building Regulations requirements.
- 6.10 The most notable change is to the detached houses where glazing on the second floor at the front, rear and side elevations was proposed to extend into the pitch of the roof. It is now proposed to use more conventional square glazing that does not extend into the roof pitches. It is understood that this particular change is to address overheating and fire safety issues. While a loss in the expanse of glazing is disappointing in design terms, it is considered that overall, the original design concept has been maintained.
- 6.11 In relation to the realignment of the road, this change is not considered to affect the originally conceived design. With regards to elevational and layout changes it is considered that overall, the design concept of the scheme would be maintained.

For the avoidance of doubt the changes proposed to the drawings under Application B (23/505593/NMAMD) are set out in the table below:

Parent Application 22/500222/FULL		This proposal 23/505593/NMAMD	
Drawing title	Approved drawing	Document Title	Replacement Drawing
Elevations Plots 1-5	PL-08 Rev 2	Plots 1-5 Changes Required for Building Regs	5978 HT-A Amendments P1
Elevations Plots 6-8	PL-10 Rev 3	Plots 6-8 Changes Required for Building Regs	5978 HT-B Amendments P1
Elevations Plots 9 - 11	PL-12 Rev.2	Plots 9-11 Changes Required for Building Regs	5978 HT-C Amendments P1
Proposed Plots 1-5 Rev 2	PL-07 Rev.2	White Line Drawing House Type A – Plots 1-5	5978 HT-A 0250 P3
Proposed Plots 6-8 Rev 3	PL-09 Rev.3	White Line Drawing House Type B – Plots 6-8	5978 HT-B 0251 P4
Proposed Plots 9-11 Rev 2	PL-11 Rev.2	White Line Drawing House Type C – Plots 9-11	5978 HT-C 0252 P3
Proposed Residential Site	PL-14 Rev 5	Pavilion Site (Residential): Site Refuse Strategy	0200 P1
Proposed Community Centre Site Rev 3	PL-13 Rev.3	Reduction In Canopy Projection Plan	5978-CC Amendments Rev P1
Proposed Elevations Community Centre	PL-06 Rev.1	Block Plan Elevations Community Centre	2034 P1

PUBLIC SECTOR EQUALITY DUTY

- 6.12 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 Overall, the cumulative impact of applications (A) 23/505231/NMAMD & (B) 23/505593/NMAMD have been taken into account. It is considered that the changes do not materially alter the scheme.
- 7.02 It is therefore recommended that this Non-Material Amendment application is permitted.
- 7.03 Should Application B be minded for approval an informative is suggested to remind the applicant that it is likely to be necessary to re-discharge Condition 10 (materials) in relation to the material finish of the spandrels/window panels.

8. RECOMMENDATION

(A) Grant Non-Material Amendment under ref. 23/505231/NMAMD

(B) Grant Non-Material Amendment under ref. 23/505593/NMAMD

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 21st MARCH 2024**

APPEAL DECISIONS:

- 1. 23/500451/FULL** Conversion of existing stable block to 1no. independent dwelling, including roof alterations, erection of a cycle store and refuse store, and change of use of land from equestrian to residential.

APPEAL: DISMISSED

Yew Tree Stables
Grange Lane
Sandling
Kent

(Delegated)

- 2. 22/504287/FULL** Demolition of existing workshop and erection of 1no. 5 bedroom detached dwelling with associated parking.

APPEAL: ALLOWED

3 Warmlake Cottages
Warmlake Road
Sutton Valence
Kent
ME17 3LP

(Delegated)

- 3. 22/504619/FULL** Change of use of land from agricultural land to residential to accommodate the existing siting of a static caravan ancillary to the main dwelling (Retrospective).

APPEAL: DISMISSED

Babylon Farm
Babylon Lane
Hawkenbury
Tonbridge
Kent
TN12 0EG

(Delegated)

4. 22/502585/FULL

Demolition of existing day room and erection of replacement day room.

APPEAL: DISMISSED

The Oaklands
Lenham Road
Headcorn
Kent
TN27 9LE

(Delegated)

5. 22/505064/FULL

Demolition of existing stable building and change of use of existing barn to a residential dwelling, including erection of a single storey side extension, with associated shed/cycle store and parking.

APPEAL: DISMISSED

Land North Of Timbers
Boarley Lane
Sandling
Kent
ME14 3DE

(Delegated)

6. 23/501591/FULL

Retrospective change of use of site to contractor depot and erection of new workshop and office buildings, together with removal of unauthorised hardstanding, new hard and soft landscaping and ecological enhancements (resubmission of 22/503709/FULL).

APPEAL: DISMISSED

Windy Bottom
Sittingbourne Road
Detling
Kent
ME14 3ES

(Delegated)

7. 22/505206/FULL

Change of use from Class C4 6 Bedroom HMO to Sui-Generis 8 bedroom HMO to include erection of a single storey rear extension and loft conversion with a rear dormer and 1no. front rooflight (Resubmission of 22/503713/FULL).

APPEAL: ALLOWED
COSTS: AWARDED

14 Charles Street
Maidstone
Kent
ME16 8ET

(Committee – against officer recommendation)

8. 23/500899/OUT

Outline application for the erection a building for storage and distribution (Class B8 use) with a floorspace up to 10,788sqm (Gross External Area), ancillary offices, associated car parking, HGV parking, landscaping and infrastructure (All matters reserved except for access).

APPEAL: DISMISSED

Land North Of The A20
Ashford Road
Hollingbourne
Kent

(Delegated)

9. 22/504216/FULL

Demolition of 3(no) existing garages and greenhouse, reconfiguration of garden land, and erection of 3(no) terraced dwellings, 2(no) carports and store, with associated access and parking.

APPEAL: DISMISSED

Land At Carman's Close
Loose
Kent
ME15 0AT

(Delegated)

10. 23/502968/FULL

Change of use from 6-person HMO (Use Class C4) to 11-person HMO (Sui-Generis).

APPEAL: DISMISSED

COSTS: REFUSED

7 Upper Fant Road
Maidstone
Kent
ME16 8BP

(Delegated)



Appeal Decision

Site visit made on 15 August 2023

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2023

Appeal Ref: APP/U2235/W/23/3315823

Glenrowan House, Roundwell, Bearsted, Maidstone ME14 4HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ms Emma Homewood against the decision of Maidstone Borough Council.
 - The application Ref 21/506239/OUT, dated 29 November 2021, was refused by notice dated 1 August 2022.
 - The development proposed is an outline application for the erection of 2no. residential units with all matters reserved for future consideration aside from access.
-

Decision

1. The appeal is allowed and planning permission is granted for an outline application for the erection of 2no. residential units with all matters reserved for future consideration aside from access at Glenrowan House, Roundwell, Bearsted, Maidstone ME14 4HL in accordance with the terms of the application, Ref 21/506239/OUT, dated 29 November 2021, and the conditions in the attached schedule.

Preliminary Matters

2. The application has been made in outline with access for consideration at this stage. Matters of appearance, landscaping, layout and scale have been reserved for consideration at the reserved matters stage. Plans showing the possible layout of the proposed two dwellings have been included in the submissions and I have treated them as indicative as to what the appellant has in mind for the development.

Main Issues

3. The main issues are:
 - whether or not the development plan would support the proposed residential development in this location, and
 - the effect of the development on the character and appearance of the area, having regard to the location in relation to the Kent Downs Area of Outstanding Natural Beauty (AONB).

Reasons

Location

4. Policy SS1 of the Maidstone Borough Local Plan 2017 (the Local Plan) establishes the spatial strategy and settlement hierarchy for the delivery of development across the plan area. The principal focus is to be an expanded Maidstone urban area, then Rural Service Centres and then the identified

Larger Villages. Beyond those areas the land is designated as countryside and the Local Plan explains that it is important that the quality and character of the countryside outside of settlements in the hierarchy is protected and enhanced.

5. Policy SP17 of the Local Plan concerns development within the countryside and that the countryside is defined as all those parts of the plan area outside the settlement boundaries, in this case, of the Maidstone urban area. Criterion 1 of the policy is that development proposals in the countryside will not be permitted unless they accord with other policies in the plan, and they will not result in harm to the character and appearance of the area.
6. In this case, the appeal site is an irregularly shaped section of garden land at Glenrowan House. It lies to the broadly south west of this residential building and would be accessed from the unmade driveway that serves Glenrowan House and the other residential properties at the end of this cul-de-sac.
7. The west and south west boundaries of the appeal site adjoin the Barty Farm new housing estate. This is a fairly sizeable residential development on a site that was previously open farm land but was identified as a housing allocation in the Local Plan. This development appears to have been completed. The housing allocation extended the urban settlement boundary of Maidstone up to the western and south western boundaries of the appeal site.
8. The appeal site is contiguous with, but outside, the settlement boundary of Maidstone. Consequently, in planning terms, the appeal site is located within the countryside. The scheme for two open market dwellings would not meet with any of the allowances for development in the countryside within the Local Plan.
9. In the light of the above analysis, I conclude that, with the location of the appeal site outside the settlement boundary, the development plan would not support the proposed residential development in this location. The scheme would conflict, in this respect, with Policies SS1 and SP17 of the Local Plan which set the settlement strategy and approach for the distribution of development across the plan area.

Character and appearance

10. While once Glenrowan House and the nearby farm house and other buildings, including dwellings, were somewhat separated from the edge of Maidstone, the Barty Farm housing development has brought the settlement edge up close. The new development has created a clearly defined built edge along its south east boundary with the drive to Glenrowan House and along the north east edge with the adjoining open countryside.
11. The housing allocation, and now the edge of the settlement, followed the previous field boundaries. However, the appeal site was not included as this was outside this field area and this has resulted in an irregular boundary line to the settlement adjoining the garden to Glenrowan House.
12. Within the appeal site, and adjoining the drive, there is an informal line of reasonably mature and established trees. These trees largely screen the appeal site when viewed from the open countryside to the very broadly east. When I walked the public right of way across the adjoining field, a section of the housing at Barty Farm is quite apparent. However, the effect of the trees largely screen the appeal site from this location. From this open land to the

very broadly east of the site, the drive provides an effective division within the landscape such that the appeal site, because of the informal line of trees and the adjoining new housing, appears to be visually separated from this part of the open countryside.

13. When viewed from within the appeal site, the trees along the eastern section of the site effectively screen views of the open countryside to the broadly east. The new housing immediately adjoins the site to the largely west and the sizeable Glenrowan House bounds part of the north east part of the appeal site. This provides a built context within this space. Furthermore, from within the site there are bushes and some trees that extend across the gap between the new housing and Glenrowan House that largely obscures views when looking towards the countryside to the broadly north. The result is that the appeal site is quite self-contained with it positioned between the built form of the Barty Farm estate and Glenrowan House. With the screening provided by the trees along the boundary with the drive, the appeal site does not visually or functionally link with the open countryside, and it has a much greater affinity with the adjoining built development.
14. In terms of the proposed development, some modest sized trees would be removed to accommodate the likely position of the dwellings. However, the most important trees would remain and, in all likelihood, with a sensitively designed development the proposed dwellings would be substantially screened from the locations beyond the wider site, even when the leaves were off the trees. The indicative plans show that it should be possible to accommodate two dwellings with acceptable spacing around them to retain trees and also provide amenity spaces for the future occupants. The Council's Landscape Officer/Arboriculturist, after receiving an updated Arboricultural Report, did not object to the scheme in relation to its effect on trees.
15. Car parking and the related domestic paraphernalia, which would commonly result from a residential use, should be able to be adequately screened within the site because of the extent of boundary planting. With an appropriate design and layout at the reserved matters stage, the provision of two dwellings on the site should not cause any undue harm to the adjoining rural surroundings and the development would merge visually with the existing built form.
16. The AONB boundary lies about 500m to the north east. The National Planning Policy Framework (the Framework) requires that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues. Furthermore, the Framework explains that the development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on AONBs.
17. The Council's Landscape Character Assessment identifies the general area which the appeal site falls as within the Leeds Castle Parklands (Caring Pastures) Landscape Character Area (LCA); and that this LCA is a highly sensitive location that is indicated to provide the setting to the Kent Downs AONB.
18. In the broad direction of the AONB, in the intervening countryside, there is the railway line which is bound by a line of mature trees, and which provides to a large extent a visual barrier that prevents longer distance views to and from the AONB from the appeal site. Coupled with the vegetation around the appeal

site and the screening effect of Glenrowan House, and with the surroundings of the adjoining Barty Farm development, the appeal development with suitably designed dwellings, would have no discernible effect or harmful impact on the special qualities of the AONB.

19. I appreciate that setting is more than simply a direct visual relationship. However, in this case, the additional two dwellings on the appeal site would be experienced in the context of the existing and quite sizeable Barty Farm development which is fairly apparent in the wider landscape and where this housing is visible from the countryside to the north, in the direction of the AONB. With the contained nature of the appeal site, the character of the landscape and the surroundings in which the AONB is appreciated and experienced would not be adversely affected by the addition of two appropriately designed dwellings on this site.
20. To conclude on this issue, with a suitable scheme at the reserved matters stage, I am satisfied that the development would not harm the setting to the AONB and would not adversely affect its landscape and scenic beauty.
21. Additionally, the appellant has drawn my attention to the assessment of the wider area which formed part of the Local Plan considerations for the allocation of the Barty Farm development site. It is explained that within the 2016 SHEDLAA¹ it states that the area is "screened from the AONB by the Maidstone East railway line and is screened from the south and west by a mixture of topography and existing development". It was on this basis that the Council, and I assume the Local Plan Inspector, recognised that this site was acceptable for the allocation of residential development. Given this assessment and the resulting development, which provide the context for this appeal proposal, I am satisfied that the scheme, with appropriate details at the reserved matters stage, would not have an adverse effect on the setting of the AONB or the intrinsic character and beauty of the countryside, including this part of the LCA.
22. The Council draw attention to the appeal decision at Hockers Lane². That was a housing proposal further from the AONB boundary than the present scheme and the Hockers Lane scheme was dismissed because of the harm to the setting of the AONB. There are some similarities in principle with the present proposal, with it being a housing scheme outside the settlement and where the AONB setting was an issue. However, while I have carefully considered all the evidence, including that from the Council and Parish Council on this matter, each site will have its own landscape, topographical situation and relationship to adjoining countryside and the AONB. While I have taken into account the Hockers Lane appeal decision, I am satisfied that this situation is different, particularly because of the effect of the adjoining and recently agreed housing scheme. That development exerts an influence on the character of the area, and was found acceptable in relation to the AONB. I have found in this case, that the appeal site would be largely screened and would not be harmful in its setting and general surroundings. I therefore attribute the Hockers Lane appeal limited weight in my assessment of the effects of the present scheme on the area.

¹ Strategic Housing and Economic Development Land Availability Assessment.

² Appeal Ref APP/U2235/W/21/3266433 – 127 Hockers Lane, Thurnham, Maidstone ME14 5JY – dismissed 1 November 2021.

23. Drawing these matters together, I conclude that the scheme, with suitable details at the reserved matters stage, would not harm the character and appearance of the area and, in particular, would not adversely affect the setting to or the landscape and scenic beauty of the AONB. In these respects, the scheme would comply with the requirements of Policies SP17, DM1 and DM30 of the Local Plan and the Framework which seeks, amongst other things, that proposals should not have a significant adverse impact on the setting of the Kent Downs AONB.

Other Matters

24. I have carefully considered all the representations and objections to the scheme made at the application and appeal stages, including those from local residents, Councillors and Thurnham Parish Council. I have examined the main issues raised in respect of the policy situation and the effects on landscape character above.

25. In terms of the relationship to other properties, the site is a satisfactory size to ensure, at the reserved matters stage, the windows of the proposed dwellings could be positioned to prevent any material level of overlooking of the adjoining dwellings. These adjoining residents in the new estate would be aware of the new dwellings on the other side of the boundary, and it would change the character from a garden area to a development with two dwellings. However, with appropriate details at the reserved matters stage, the bulk, position and design of the scheme should not adversely affect the living conditions of the occupants of neighbouring houses.

26. The scheme has been the subject of ecological investigations and, with suitable conditions attached to any approval, there should not be an adverse effect on biodiversity resulting from the development.

27. Concerns have also been raised with the highway access, in particular the junction with Barty Way. I saw this road layout at my site visit, and while care is needed at this junction, the Highway Authority has not raised any road safety objections and I have found no reason to believe that there would be any unacceptable impact on highway safety that would result from the scheme. In terms of access, which is being considered at this stage, the proposal would be acceptable.

28. Residents raise concerns that the building works would cause disruption and be noisy and would thereby adversely affect their amenities. While there would inevitably be some impact from building works, if there was any undue noise or disturbance, this could be addressed by the Council's Environmental Health Department under other legislation. To construct the development, the site could be accessed via the drive and construction traffic would not need to directly pass by the front of the dwellings on the new estate. Furthermore, the works would be temporary and of a nature in proportion to the construction of two dwellings. It is not considered that any potential harm to neighbouring amenity whilst works took place could form a reason for refusal or should necessarily be unreasonable.

29. The Council consider that Glenrowan House should be judged a non-designated heritage asset, but do not believe that the scheme would harm its setting or significance. I have found no reason to disagree. Barty Farm Barn is a listed building that is located within the group of buildings broadly to the east of the

site. The barn is fairly well separated from the appeal site, with intervening buildings, such that there would be no direct intervisibility and the proposal would not result in any adverse impact on the setting of the listed barn.

Planning Balance

30. The development of the two dwellings would be located outside the settlement area in land designated as countryside. The location for the proposal would, therefore, fail the policies for the distribution and location of residential development set out in the Local Plan. The Council is able to demonstrate a Framework compliant supply and delivery of housing land. Consequently, policies that restrict the location of housing would not appear to hinder the delivery of the identified supply. I therefore attach the relevant policies, SS1 and SP17 of the Local Plan, full weight in the circumstances of this appeal. The scheme's conflict with these policies is such that there would be conflict with the development plan when considered as a whole.
31. The indications are that the Emerging Local Plan will be able to demonstrate a sound strategy to deliver the identified housing in the future and this supports the present position in relation to the approach to housing delivery.
32. On the other hand, the scheme is sited in a location which the Council accept has good access to services and facilities. Indeed, the adjoining site was allocated in the Local Plan and then a fairly sizeable housing scheme was permitted and built. Occupants of the proposed two dwellings would be able to access the services and facilities in Bearsted by foot and bicycle and they would be reasonably close to public transport, including the railway station at Bearsted, and the wider services and facilities in Maidstone.
33. Furthermore, the location is sited adjoining the settlement boundary of the urban area of Maidstone. Policy SS1 of the Local Plan identifies Maidstone as the principal focus for new development, as this is the largest and most sustainable location. Paragraph 4.23 of the Local Plan explains that the town of Maidstone cannot accommodate all of the growth that was then required on existing urban sites, and the most sustainable locations for additional planned development are at the edge of the urban area, expanding the boundary of the settlement in these locations. This helps explain the basis for the allocation of the housing adjoining the site and also provides some of the background that the appellant argues supports the case for the development of this site.
34. I consider that the appeal site is well contained and has a greater affinity with the built up area than with the open countryside. The change of this garden land to accommodate two dwellings would make efficient use of the site and would utilise an existing drive to access the development. The scheme would effectively infill the space between the new housing estate and Glenrowan House on land that does not make a valuable contribution to the openness of the countryside. The proposal, with a suitable design and layout at the reserved matters stage, would not harm the character and appearance of the area and would not, in character or visual terms, be experienced as an encroachment of development into the countryside.
35. The Council can demonstrate a five year housing land supply, but this figure is not a limit in itself to new development and the provision of two dwellings would provide a small boost to the supply of housing. There would be economic

and social benefits to the area during construction and in subsequent occupation. These are all benefits of the scheme.

36. I am conscious that the Framework explains that, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. However, the Framework also states that local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
37. I understand the importance of the plan led system, however there are very specific circumstances in this case, including with the nature of the site, its containment and affinity with the built up area and the relationship to the new housing estate, the good access to local services and facilities, and the lack of harm to the character and appearance of the area in the way that I have identified. When all the benefits of the scheme and the specific circumstances of this site are taken into account, I consider that these benefits and characteristics should afford such weight that they outweigh the conflict with the development plan. In these circumstances, I am satisfied that a decision other than in accordance with the development plan is merited. I wish to make it clear that this is due to the specific circumstances and character of this site which I consider would be unlikely to be replicated by circumstances elsewhere.

Conditions

38. I have had regard to the conditions suggested by the Council and the advice in the Planning Practice Guidance. I have amended the wording where necessary in the interests of clarity or to meet the tests in the Guidance. The statutory time limits are required for an outline proposal and a condition specifying the approved plans is necessary in the interests of certainty.
39. A condition requiring details for the site levels of the development is necessary in the interests of the character and appearance of the area, to protect trees and to provide a satisfactory relationship with adjoining properties. Conditions concerning the protection and mitigation for reptiles and amphibians, method statement for the removal of buildings and vegetation to conserve protected species, as well as ecological enhancements, are necessary in the interests of the biodiversity of the site and protected species. It is necessary that these (with the exception of the ecological enhancement condition) are pre-commencement conditions to ensure that these matters are addressed, agreed and implemented from the outset, including in relation to levels because of the potential impact on trees.
40. Conditions that the Council has requested in terms of the external materials for the development, fencing, walls and other boundary treatments, and hard and soft landscaping, are not required at this outline stage because they would be the subject of the reserved matters submissions. The Council also seek a condition to remove permitted development rights for the erection of fences and other means of enclosure. However, the initial means of enclosure would be agreed at the reserved matters stage, and it is not considered that the case has been made for the removal of such rights subsequently, given the nature and character of the site within its surroundings. Consequently, such removal of permitted development rights would not be reasonable or necessary.

41. A condition requiring the submission and agreement of decentralised and renewable or low-carbon sources of energy to be incorporated into the scheme is necessary in the interests of sustainability and minimising the carbon footprint of the development. A condition requiring the provision of covered and secure cycle parking is needed in the interests of encouraging sustainable transport options for future occupants of the site.
42. The trees are an especially important feature of the site. A condition is necessary to ensure that the trees are protected during work in accordance with the submitted Arboricultural Report and plan details.
43. The Council seek a condition that prior to commencement a scheme to demonstrate that the internal and external noise environment levels are at such a level to meet identified British Standards. The Environmental Health Section explain that this is because there is a railway line to the north of the site, and although it is at some distance away, it suggests a noise condition is attached to any permission for this application, as a precaution. However, the rail route is at times in a cutting, partially screened by trees and some distance from the site. There is no persuasive evidence that rail noise is a particular problem for inhabitants in this locality and the evidence does not demonstrate that the proposed condition would meet the tests of necessity or reasonableness.
44. Details of any external lighting should require prior submission and approval in the interests of ecological protection, the amenities of adjoining residents and the character and appearance of the area.

Conclusion

45. In the light of the above analysis, and taking all matters into account, I conclude that the appeal should succeed, and outline planning permission should be granted.

David Wyborn

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: DHA/15657/01 Rev A and DHA/15657/04 Rev A.
- 5) Prior to the commencement of the development hereby approved, details of existing and proposed site levels; and finished floor levels of the buildings shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels and shall be maintained as such thereafter.
- 6) Prior to the commencement of the development hereby approved (including site clearance), a reptile and amphibian mitigation strategy shall be submitted to and be approved in writing by the Local Planning Authority. The mitigation strategy shall provide the following information:
 - (i) Detailed methodology for the capture and translocation of reptiles and amphibians demonstrating that the methods are in accordance with best practice guidance and are aligned with the proposed phasing of construction;
 - (ii) Detailed locations of the reptile populations and likely amphibian populations proposed for capture and translocation and the proposed receptor site shown on plans of a suitable scale;
 - (iii) Details of the receptor site preparation and ecological enhancements necessary to improve the receptor site and make it suitable for reptiles and amphibians prior to translocation;
 - (iv) Management prescriptions to maintain the receptor site in a suitable condition for reptiles and amphibians in the long term.

The approved strategy and translocation shall be implemented and completed prior to the commencement of the development hereby approved (including site clearance), and any mitigation measures shall be retained throughout the life of the development.
- 7) Prior to the commencement of the development hereby approved (including site clearance), a precautionary method statement for the removal of the buildings and trees and shrubs on the site shall be submitted to and be approved in writing by the Local Planning Authority. The content of the precautionary method statement shall include:
 - (i) Detailed working methods necessary to avoid the killing or injury of breeding birds, and bats;

(ii) Extent and location of proposed works, shown on appropriate scale maps and plans;

(iii) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction and taking into consideration the active and the sensitive periods for these animal groups;

(iv) Persons responsible for implementing the works, including times during site clearance/ construction when specialist ecologists need to be present on site to undertake/oversee works;

(v) Provision for bat 'rescue' if animals are encountered;

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

- 8) Prior to the commencement of development above damp-proof course level, details of ecological enhancements integrated into the design and fabric of each of the dwellings hereby approved, to include swift bricks, bat tubes and bee bricks, shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the first occupation of the relevant dwelling and all features shall be maintained as such thereafter.
- 9) Prior to the commencement of development above damp-proof course level, details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. The approved details shall be installed and be operational prior to the first occupation of each dwelling and shall be maintained as such thereafter.
- 10) Details of covered and secure cycle parking facilities for each dwelling shall be submitted to and be approved in writing by the Local Planning Authority. The approved details shall be in place prior to the occupation of the relevant dwelling and shall be maintained as such thereafter.
- 11) The development hereby approved shall be carried out in accordance with the submitted Arboricultural Impact Assessment and Preliminary Tree Protection Plan (Dated: 22nd Feb 2022) and drawing references: PJC/5913/21/D (Tree Protection Plan); PJC/5913/21/C (Root Protection Area Incursion Plan); and PJC/5913/21/B (Tree Retention Plan).
- 12) No external lighting, whether temporary or permanent, shall be placed or erected within the site unless details have been submitted to and been approved in writing by the Local Planning Authority. Any details to be submitted shall be in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions), and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. Any details to be submitted shall also accord with the measures outlined in the recommendations of Section 4.4 of the submitted Preliminary Ecological Appraisal (Dated: 12th November 2021); and the guidance contained in Guidance Note 08/18 Bats and Artificial Lighting in the UK (Bat Conservation Trust and the Institute of Lighting Professionals). The development shall thereafter be carried out

in accordance with the approved details and maintained as such thereafter.

End of Schedule



Appeal Decision

Site visit made on 22 November 2022

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 JANUARY 2023

Appeal Ref: APP/U2235/W/22/3293651

Land adj. West View, Maidstone Road, Staplehurst TN12 0RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr D Saunders against the decision of Maidstone Borough Council.
 - The application Ref 21/504975/OUT, dated 8 September 2021, was refused by notice dated 20 December 2021.
 - The development proposed is outline application for the erection of up to four detached dwellings including creation of new vehicular and pedestrian access. Means of access and layout to be determined.
-

Decision

1. The appeal is allowed, and outline planning permission is granted for the erection of up to four detached dwellings at land adjoining West View, Maidstone Road, Staplehurst, TN12 0RE in accordance with the terms of the application, Ref: 21/504975/OUT dated 8 September 2021, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. The application was made in outline with all matters except the means of access and layout reserved for subsequent approval. However, the application was accompanied by an indicative plan showing the scale of the houses and landscaping (amongst other things), which I shall treat as being for illustrative purposes only.

Main Issue

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

Reasons

4. The appeal site is approximately 2km from the centre of Staplehurst on Maidstone Road and is located beyond any settlement boundary. The western side of Maidstone Road consists of a variety of two storey and single storey dwellings of differing architectural designs. Their plots are linear, and the dwellings are arranged on a loose building line, with driveways and vehicular accesses. When viewed across the Maidstone Road the site is located to the left-hand side of 'West View'. The built form punctuates either side of the road along this busy transport corridor within an area which provides a transition in character from the more open countryside to the north and the Staplehurst settlement boundary to the south.

a) Layout

5. The previous appeal¹ confirmed that the proposed development would be in a suitable location for housing. The proposal is for the construction of four new dwellings on the site, with parking areas available to each property, and would include an access road onto the main highway. The dwellings would be located in a linear form, directly reflecting the pattern of development on this stretch of Maidstone Road, with dwellings facing the highway and gardens to the area. This layout is a distinct change from the previous “nucleated converted farmstead” approach which was dismissed by a previous appeal.
6. The site has existing built form to the north and south and the proposed development would act as continuation of this ribbon of built form. It would also replicate the existing ribbon development on the opposite side of the road. However, unlike many dwellings on the western side of Maidstone Road the proposed development would maintain the existing dense vegetation screening and landscaping along the site frontage. This would reduce its prominence when viewed from the road and would assist in integrating the development into the local landscape. The depth of the development towards the rear of the site would also be reduced when compared to the dismissed appeal scheme, and it would not appear overly prominent in surrounding views including those from the nearby public footpath. This ensures that the development would not have a domesticating impact on the existing character and spatial quality of the landscape.
7. The development of the appeal site would not result in an erosion in space between settlements along Maidstone Road. A significant gap between the appeal site and the nearest hamlet at Cross at Hand approximately 1.5km to the north would remain.
8. Importantly, a significant proportion of the southern part of the appeal site would remain free from development. This would maintain a development free gap and feeling of spaciousness between the appeal site and the nearest property to the south. Overall, the density of the proposed development would be reflective of the pattern of development of existing dwellings along the road.

b) Access

9. Whilst the vehicular access would introduce hard surfacing, where currently there is none, it would be located within the southern half of the site, within an existing gap in the natural boundary screening. This location avoids the requirement for significant tree loss along the site’s western boundary, thereby minimising the visual impact of the access. The Local Highways Authority has confirmed that the design and siting of the new vehicular access is acceptable. Additional supplementary planting is also proposed and could be secured as part of a future reserved matters application. The proposed access would comprise of a 3m wide surfaced carriageway with additional run-off areas to allow two vehicles to pass. The width is not dissimilar to the width of accesses to neighbouring properties on the opposite side of Maidstone Road and would not appear as an uncharacteristic addition.

¹ APP/U2235/W/20/3246516

10. A separate pedestrian access within the northern half of the site, as a result of its minimal width, would not have a significant impact on character and appearance of the area.
11. For the above reasons, I conclude that the proposed development would not cause harm to the character and appearance of the area. Accordingly, I find no conflict with Policies SP17, DM1 and DM30 of the Maidstone Local Plan 2017 (MLP) and Policy PW2 of the Staplehurst Neighbourhood Plan (2016-2031) (2016) (SNP), which require that development should respond positively to, and where possible enhance, the local, natural or historic character of the area. For similar reasons, the proposal complies with the principles of the National Planning Policy Framework (the Framework) which includes the aim that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Other Matters

12. Interested parties have raised concerns about the impact of the proposed development on Peartrees Cottage, the adjoining Grade II Listed property, the impact on surface water flooding, and the potential for the development to set a poor precedent. Given the separation distance, the retention and proposed further planting on the shared boundary, I do not find that the layout proposed development would have a harmful impact on the setting of the Listed property. With regard concerns about surface water flooding and the impact on a local watercourse the provision of necessary drainage on the site could be assessed and conditioned as part of future reserved matters. As I have found that the proposed development would cause no harm to the character and appearance of the area it would not create a precedent for other developments that would cause harmful effects in this regard.
13. Parties also state that the site is not sustainably located as there is no footpath from the site into Staplehurst. There is a pathway on the opposite side of Maidstone Road which provides a direct route to Staplehurst by foot. Whilst the road is reasonably busy, pedestrians crossing the road from the site entrance would have good visibility in both directions, enabling them to cross safely. In terms of highway safety, an independent Road Safety Audit was submitted, and demonstrated that the proposed development would not have a harmful impact on highway safety. Interested parties have raised concerns about the proposed development's impact on local wildlife. However, I satisfied that the imposition of appropriate planning conditions can mitigate the development's impact on local wildlife.
14. A number of other matters have been raised by interested parties and I have taken them all into account. This includes matters such the impacts on highways safety, sewage services and local infrastructure. However, whilst I take these representations seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters.

Conditions

15. I have imposed standard conditions relating to the submission and timing of reserved matter applications and the commencement of development. I have imposed an approved plans condition in the interests of certainty.

16. I have imposed conditions requiring the submission of a Construction Management Plan in the interests of highway safety. Similarly, I have included conditions related to the provision and retention of off-street parking, electric vehicle charging points and cycle and refuse storage, in the interests of highway safety and to promote low emission vehicles.
17. I have also included conditions requiring a Landscape and Ecological Management Plan and a revised reptile and Great Crested Newt mitigation strategy in order to protect and enhance biodiversity on the site. Conditions requiring further details of external lighting and tree protection measures are also required in the interests of landscape, visual impact and biodiversity.
18. I have included the Council's suggested conditions related to the provision of renewable or low-carbon sources of energy within the development. This is in the interest of ensuring energy efficient development. Conditions relating to further details of boundary treatments and existing site levels and proposed slab levels are included in the interests of character and appearance. The site is located within an area of archaeological potential and consequently a written scheme of investigation condition is imposed.
19. Bearing in mind the PPG's advice that such conditions should only be used in exceptional circumstances, I have not been provided with sufficient evidence as to why it would be reasonable or necessary to restrict several classes of the permitted development rights order. Consequently, I have not imposed the Council's suggested condition which would remove permitted development rights.

Conclusion

20. Overall, I conclude that approval of details of the means of access and layout would amount to an acceptable form of development that would satisfy the policies of the development plan and the Framework when taken as a whole. Therefore, for the reasons given above, taking into account all matters raised, I conclude that the appeal should be allowed.

B Pattison

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby approved shall not commence until approval of the following reserved matters has been obtained in writing from the local planning authority:
 1. Scale
 2. Appearance
 3. Landscaping

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

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

18-083-004_Rev F

716-PL01 - P3

716-PL02 - P4

Tree Location Plan and Tree Constraints Plan (for illustrative purposes only)

- 3) Prior to the commencement of any development on site a Construction Management Plan shall be submitted to and approved in writing by the Local planning Authority. This shall include the following:
 - 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

Development shall only be carried out in accordance with the approved plan.

- 4) The development hereby approved shall not commence until details of the a) the existing site levels and b) the proposed slab levels of the buildings have been submitted to and approved in writing by the local planning authority and the development shall be completed strictly in accordance with the approved levels.
- 5) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy (such as air or ground source heat pumps with no fossil fuels to be used in heating systems) will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter.
- 6) The development hereby approved shall not commence until details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. 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.
- 7) With the first reserved matters application and before any works commence (including site clearance), a revised reptile and Great Crested Newt mitigation strategy will be submitted to, and approved by, the local planning authority. This will be based on the 'Great Crested Newt Survey and Mitigation Strategy Report' and the 'Reptile Survey and Mitigation Strategy' (KB Ecology July 2019). Prior to the first occupation of the development, the

measures will be carried out in accordance with the approved strategy, unless varied by a Natural England licence.

- 8) With the first reserved matters application, a Landscape and Ecological Management Plan (LEMP) will be submitted to, and be approved in writing by, the local planning authority. The LEMP will be based on the 'Ecology Mitigation Plan' (Ubique Architects September 2021) and will include the following:
- a) Description and evaluation of features to be established/maintained
 - b) Ecological trends and constraints on site that might influence management
 - c) Management objectives and appropriate management prescription for achieving these objectives
 - d) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
 - e) Details of the body or organisation responsible for implementation of the plan.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

- 9) The development hereby approved shall not commence above slab level until details of the proposed boundary treatments to the boundaries of the application site have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments (to include gaps at ground level in the boundaries to allow the passage of wildlife) shall be implemented in accordance with such approved details.
- 10) Prior to the first occupation of the development, facilities for the (a) storage and screening of refuse bins (b) collection of refuse bins, and (c) cycle storage shall be in place that are in accordance with details that have previously been submitted to and approved by the Local Planning Authority. These details will be maintained thereafter.
- 11) Prior to first occupation of the dwellings, at least one all Electric Vehicle charger shall be provided for each dwelling. They must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wi-Fi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>
- 12) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors and the sensitive landscape location. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

- 13) The areas shown on the submitted plan as car parking spaces shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not (other than the erection of private garages), shall be carried out on the land shown. The car parking spaces, and access thereto shall be provided prior to the occupation of the dwellings hereby permitted.
- 14) The approved landscaping shall be carried out during the first planting season (October to February) following first occupation. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.
- 15) Prior to commencement of development (including demolition) the applicant shall secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation by an archaeological organisation approved in writing by the Local Planning Authority. Access shall be permitted to the site at all reasonable times for the carrying out of the investigations, including making necessary records of items of interest and finds



Appeal Decision

Site visit made on 12 October 2023

by R Lawrence MRTPI, BSc (Hons), PGDip (TP)

an Inspector appointed by the Secretary of State

Decision date: 4th December 2023

Appeal Ref: APP/U2235/W/23/3321211

Anerley, Forge Lane, Bredhurst, Kent ME7 3JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs M Dorrington against the decision of Maidstone Borough Council.
 - The application Ref 22/505361/FULL, dated 10 November 2022, was refused by notice dated 29 March 2023.
 - The development proposed is for the demolition of existing garage and erection of a single dwellinghouse with associated landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garage and erection of a single dwellinghouse with associated landscaping at Anerley, Forge Lane, Bredhurst, Kent ME7 3JW in accordance with the terms of the application, Ref 22/505361/FULL, dated 10 November 2022, subject to the conditions in the attached schedule.

Preliminary Matter

2. On 22 November 2023, all areas in England and Wales designated as an Area of Outstanding Natural Beauty (AONB) were retitled National Landscapes. There has been no change to the legal designation and policy status of these areas. For the sake of consistency and legibility with the evidence submitted I have referred to the Kent Downs AONB rather than the Kent Downs National Landscape in my decision.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area, including the effect on the Kent Downs Area of Outstanding Natural Beauty.

Reasons

4. The appeal site is part of the residential garden serving Anerley, with its own access from Forge Lane via a track. The site is set behind a row of residential properties which front onto Forge Lane and lies adjacent to two newly constructed two-storey dwellings. The site lies within the village of Bredhurst, within the Countryside. Bredhurst lies outside of the settlement boundary and is not identified as a settlement within the Maidstone Local Plan (LP), as a result it is not a focus for new residential development and a restrictive approach to development applies. The site also falls within the Kent Downs Area of Outstanding Natural Beauty (AONB) and the National Planning Policy Framework (the Framework) states that great weight should be given to

conserving and enhancing its landscape and scenic beauty, which has the highest status of protection. The site forms part of a residential garden and lies within the Bedhurst and Stockbury Downs landscape character area, both parties agree this has moderate sensitivity.

5. There is existing residential development on three sides of the appeal site. This surrounding residential development includes full two storey dwellings. Although the site and its surroundings have a rural feel, it does not form part of an open area of countryside. There is a sporadic, loose knit pattern of residential development to the rear of Forge Lane. The development of the site to provide a new dwelling would not therefore involve an extension to the built envelope associated with the village.
6. The development would involve a large increase in built form on the site in comparison to the existing garage building. The dwelling would contain accommodation over two levels, albeit with the upper floor set within the roof space, thereby resulting in increases in the height, bulk and footprint. However, having regard to the scale of surrounding buildings, which include substantial two storey dwellings, the proposal would appear in keeping with this. A large amount of space would be retained around the dwelling, with good separation to the site boundaries. As such, the siting and footprint of the dwelling within the plot would reflect the rural character and the sporadic pattern and grain of development that exists around the site.
7. The proposal would be of an appropriate design, with its appearance reflecting surrounding architecture. This includes in respect of the roof form, scale and materials. The 1.5 storey form would avoid the dwelling appearing unduly prominent and would ensure it blends in with surrounding built form. It is relevant to have regard to the cumulative effects of the development, particularly given there has been a number of residential developments completed or underway close to/adjacent to the site. As the proposal in isolation would reflect the rural character of the area, and would not be harmful, there is also no evidence to indicate any cumulative harm would result from the appeal proposal.
8. There would be an increase in residential paraphernalia, because of the introduction of an additional dwelling. As the site is already in residential use, the increase in the residential paraphernalia associated with a single dwelling would not represent a significant change compared with the existing position. The proposal would necessitate the removal of a small number of fruit trees on site. There would be sufficient space retained within the site to accommodate a soft landscaping scheme such to mitigate the tree loss and preserve the site's natural features.
9. My attention has been drawn to recommendations contained within the Maidstone Landscape Character Assessment (2013). This document places emphasis on the need to adhere to requirements set out within the AONB management plan and to restore and improve the rural setting through delivery of appropriate architectural and landscape design.
10. The AONB Management Plan, places emphasis on tree retention and highlights the potential cumulative effects from pressure for small scale development and change. Although some tree loss would be required, tree protection measures could be secured by condition, together with a soft landscaping scheme to

provide suitable replacement trees, such to preserve the landscape character of the site and the character and beauty of the AONB.

11. Having regard to the above considerations, the development would be acceptable in respect of its effect on the character and appearance of the area, including in terms of the effect on the AONB. The proposal would accord with Development Plan Policies SP17, DM1 and DM30 of the LP, as well as the Kent Downs AONB Management Plan 2021-2026 and the Framework. These policies and guidance taken together, seek amongst other matters, to ensure that development enhances the local distinctiveness of an area, avoids harm to character and appearance of the area, and requires great weight should be given to the conservation and enhancement of the AONB.

Other Matters

12. My attention has been drawn to a number of appeal decisions by the Council. The Forge Lane decision, is of some relevance as it relates to land adjacent to the appeal site. However, the development to which the decision relates was of a more significant scale than currently proposed, and dates from 2011, so a different policy framework was in place at the time. The Highfield house, Marden decision is much more recent and addresses similar issues to those relevant to this appeal, including confirming the relevance of considering the cumulative effects of development. The site is however, located in a different part of the district and from the block plan the site appears to be in a different context as it is not as enclosed as the appeal site. Given these factors, these decisions do not alter the conclusions above. A further appeal decision has been drawn to my attention, at Firwood Lodge. This decision confirms the Council's housing land supply position, however housing land supply is not a determinative matter in this decision.
13. In addition to concerns about character and appearance, which I have addressed above, third parties have raised concerns about other matters. These include the effect on the living conditions of neighbouring properties having regard to privacy, noise and disturbance and outlook; highway safety including the suitability of the access road and Forge Lane, biodiversity as well as the effects of the construction process.
14. The increase in vehicle numbers associated with one dwelling would be low. Whilst I note that Forge Lane is single track, there is no substantive evidence to suggest that the increase in traffic would lead to adverse effects on highway safety. I also note that the Council and highway authority did not raise objection to the proposal on these grounds.
15. In respect of the effect on the living conditions of neighbouring occupiers, the siting of windows on the proposed dwelling would avoid any direct overlooking at first floor level or above, thereby avoiding any harmful loss of privacy. There would be a good separation between the neighbouring dwellings and the appeal site. Whilst there are some garden areas in relatively close proximity to the site, there would nonetheless be sufficient separation to avoid adverse harm.
16. An interested party has made reference to a potential breach of article 8 of the Human Rights Act, in respect of the effect of the proposal on their enjoyment of their garden which is close to the appeal site. Article 8 deals with the right to respect for family life and the home. I have given consideration to these rights, however, there is no substantive evidence that the proposal would lead to an

unacceptable adverse effect on the living conditions of any neighbouring occupier and no conflict has been identified with the Development Plan.

17. There is no substantiated evidence that the proposal would harm biodiversity. Whilst there would be some tree loss associated with the development there would be sufficient opportunities for soft landscaping within the site to maintain existing ecological interests. As such, there is no clear justification to depart from the Council's position, who raise no objection in respect of the effect of the development on biodiversity.
18. Construction associated with developments such as proposed do inevitably result in some adverse impacts such as noise, dust and disturbance. However, such impacts would be for a temporary period only and would be limited by the scale of the development.
19. Concerns in relation to damage to properties from passing vehicles, the loss of views and the loss of value to property are private matters and as such are of very limited weight and which does not lead me to find otherwise than that the proposed development is acceptable.

Conditions

20. The Council has suggested a number of conditions in the event of my allowing the appeal, I have considered these in accordance with the Planning Practice Guidance and the National Planning Policy Framework. I have edited some of the suggested conditions for clarity and enforceability.
21. Conditions 1 and 2, to limit the timeframe for implementation together with a plan numbers condition, are required in the interests of certainty. Conditions 3-6 which secure details of proposed materials, land levels, landscaping works and refuse protection details are required in the interests of the character and appearance of the area. Condition 7, which secures tree protection details is also necessary in the interests of the landscape character of the area, this, along with condition 8 are necessary to safeguard and enhance biodiversity on site. Condition 9 is required to control the addition of further windows/openings at first floor level or above such to protect the privacy of neighbouring occupiers.
22. A condition to secure details of any external lighting has been suggested to me, however, my attention has not been drawn to any particular reason why this would be necessary to protect amenity, the addition of external lighting associated with a single dwelling would be unlikely to cause material harm. I do not propose to include this condition.

Conclusion

23. For the reasons given above, I conclude that the development would accord with the development plan and there are no other material considerations which would lead to a different decision. The appeal is therefore allowed.

R Lawrence

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL01, PL03 B (Proposed Floor Plans); PL04 B (Proposed Elevations) and PL05 B (Proposed Site Plan).
- 3) No development above damp-proof course level shall take place until samples of all external facing materials and surfacing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 5) The development hereby approved shall not commence above slab level until a scheme of hard and soft landscape works has been submitted to and approved in writing by the local planning authority. The scheme details shall include.
 - i) 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.
 - ii) details of proposed planting to mitigate any loss of amenity and biodiversity value and include a planting specification,
 - iii) means of enclosure, boundary treatments and retaining structures including gaps at ground level to allow the passage of wildlife.
 - iv) a programme of implementation and
 - v) a 5-year management plan.

The approved soft landscaping works shall be carried out in accordance with the approved details and in the first planting and seeding seasons following the first occupation of the development or the completion of the development, whichever is the sooner.

Any trees or plants, which, within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

All approved hard landscaping shall also be carried out in accordance with the approved details prior to the first occupation of the development or the completion of the development, whichever is the sooner.

- 6) The development hereby approved shall not commence above slab level until, details of satisfactory facilities for the storage of refuse on the site and a suitable refuse collection point have been submitted to and approved in writing by the local planning authority and the approved facilities shall be provided before the first occupation of the development and shall be maintained thereafter.
- 7) The development hereby approved shall not commence until details of tree protection in accordance with the current edition of BS 5837: Trees

in relation to design, demolition and construction, have been submitted to and approved in writing by the local planning authority. 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.

- 8) Prior to the first occupation of the development hereby approved, details of biodiversity enhancements including a timetable for provision and management of bird nesting boxes and native species planting, shall be submitted to and approved in writing by the local planning authority. The installation of the bird nesting boxes shall be carried out in accordance with the approved details and they shall be retained thereafter.
- 9) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the elevations at first floor level or above, of the building hereby permitted.



Appeal Decision

Site visit made on 3 May 2022

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th May 2022

Appeal Ref: APP/U2235/W/21/3286695

Cocketts, Bimbury Lane, Stockbury, ME9 7QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Bricani against the decision of Maidstone Borough Council.
 - The application Ref 21/503774/FULL, dated 20 July 2021, was refused by notice dated 22 September 2021.
 - The development proposed is demolition of existing house and outbuildings and construction of new house.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although not a reason for refusal, the effect of the proposal on protected species is potentially a determinative issue. Therefore, I have elevated this matter as a main issue.

Main Issue

3. The main issues in this appeal are the effect of the proposed development on protected species and on the character and appearance of the area, having particular regard to the location of the site within the Kent Downs Area of Outstanding Natural Beauty (AONB).

Reasons

Biodiversity

4. Paragraph 99 of Circular 06/2005¹ states that the presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before any planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

¹ Circular 06/2005: Biodiversity and geological conservation - statutory obligations and their impact within the planning system

5. Paragraph 180 a) of the National Planning Policy Framework (the Framework) advises that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less than harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
6. The appellant has provided a Preliminary Ecological Appraisal Report, which was produced in May 2021. This report recommends further ecological surveys for the presence absence of roosting bats within the buildings to be demolished and reptiles such as common lizard and slow worm. This would inform suitable avoidance, mitigation, compensation and enhancement measures for those species groups.
7. Although the appellant had indicated that these surveys would be carried out in the summer of 2022 and requested that any decision on the appeal is delayed until such surveys are completed, I have had regard to Annex M of the Procedural Guide Appeals – England which advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.
8. In addition, the further survey work for roosting bats requires two dusk emergence/dawn re-entry surveys between May and September with surveys to be spaced at least 2 weeks apart. Furthermore, the survey works required for reptiles requires seven visits to be undertaken on non-consecutive days with artificial cover objects being left for at least 10 days prior to the first survey visit. This leads to a degree of uncertainty of the length of time it would take to complete the survey work and produce a report. Notwithstanding the length of time it may take for the surveys to be submitted, the results of the survey could require a need for mitigation and/or revisions to the scheme. Therefore, I have dealt with the appeal on the basis of the submitted evidence.
9. In conclusion, in the absence of sufficient evidence to the contrary, the proposals would potentially cause unacceptable harm to protected species. This would be contrary to policies DM1 and DM3 of the Maidstone Borough Local Plan 2017 (LP) which together require ecological evaluation of development sites to take full account of the biodiversity present and to protect and enhance any on-site biodiversity and geodiversity features or provide sufficient mitigation measures. For similar reasons, the proposal would not accord with the Framework, including paragraphs 174 and 180.

Character and appearance

10. The appeal site is located on the corner of Bimbury Lane and South Street Road, and comprises a detached bungalow and a number of existing outbuildings. The site is screened from the road by existing landscaping and has no direct frontage access, with the access being located at the far end of the site. All of the buildings on the site are in a state of disrepair. The area is characterised by a sporadic pattern of dwellings in large plots spaced along Bimbury Lane.
11. Policy DM32 of the LP accepts, outside of settlement boundaries, the replacement of a dwelling in the countryside, provided that the mass and volume of the replacement dwelling is no more visually harmful than the original dwelling and would be visually acceptable in the countryside.

12. It has been put to me that the increased height of the proposed two storey dwelling, which would increase significantly from that of the original dwelling, would be visually harmful. The supporting text to the policy indicates that in considering the mass and visual prominence of the resulting building, the volume will be more critical than its footprint. However, the policy does not prevent increases in the mass and volume of replacement dwellings provided that there is no greater visual impact arising from the development.
13. The scale of development would be similar to that of the neighbouring dwelling and as such would not be incongruous when viewed within the immediate context of the site and would be visually acceptable within the wider countryside.
14. Furthermore, the site benefits from extensive screening and the submitted landscape strategy demonstrates how this can be retained and enhanced as part of the redevelopment of the site. The proposed dwelling would be partially screened as a result. The dwelling would also be sited centrally within the plot, whereas the original dwelling is located closer to the junction of Bimbury Lane and South Street Road. This in combination with the existing screening will result in the dwelling being no more visually harmful when viewed from the existing junction.
15. Therefore, having regard to the scale of the surrounding development and the proposed siting of the dwelling, in combination with the existing landscaping, I conclude that the proposed replacement dwelling, despite its increased height, would result in a development which is visually acceptable in the countryside and would not be more visually harmful than the original dwelling.
16. The site is located within the Kent Downs AONB where policy SP17 of the LP states that great weight should be given to its conservation and enhancement. and the National Planning Policy Framework places great weight on protecting and enhancing landscape beauty in AONB's which have the highest status of protection in relation to these issues.
17. I have been referred to the Kent Downs AONB Management Plan (MP) which echoes the requirements of the Framework, in seeking to ensure that AONBs are conserved and enhanced. Policy SD2 of the MP requires the local character, qualities and distinctiveness of the AONB to be conserved and enhanced in the design, scale, setting and materials of new development.
18. The overall design and appearance of the proposed dwelling would incorporate features which are reflective of existing buildings within the locality, including a hipped and tiled roof, weatherboarding and red stock bricks. The development would enhance the appearance of the site as it would result in the clearance of the existing buildings. The replacement with the proposed scheme with materials and a colour palette more appropriate to its rural location, would take into account the local character and its location within the AONB.
19. In addition, the extent of the existing outbuildings are visible, in particular from South Street Road. Whilst I accept that these buildings are single storey, their overall footprint and sprawl across the depth of the site are significant and are detrimental to the appearance of the wider area. Therefore, the replacement of this sprawl of outbuildings with the proposed dwelling would result in a consolidation of the built development on site and lead to a limited enhancement of the AONB.

20. I therefore conclude that the proposed development would not harm the character and appearance of the area or the landscape quality and setting of the AONB. It would not conflict with policies SS1, SP17, DM1, DM5 and DM30 of the LP which together seek to ensure high quality design which is of a type, siting, materials, density and design which reflects the character and appearance of an area, maintaining or where possible enhancing local distinctiveness and requires great weight to be given to the conservation and enhancement of the Kent Downs AONB.

Other Matters

Setting of Listed buildings

21. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be.

22. I have considered the effect on the Grade II Listed Building Beaux Aires Farmhouse which is within the vicinity of the site. Beaux Aires Farmhouse is contained within its own landscaping, as such, even developed, the site would not have a significant impact on how the listed building would be appreciated or the elements that form its setting. Therefore, I conclude that the development would not result in harm to the setting of the listed building Beaux Aires Farmhouse.

Conclusion

23. In conclusion, whilst I have found no demonstrable harm to the character and appearance of the area, in the absence of sufficient evidence to the contrary, the proposal would potentially cause unacceptable harm to protected species.

24. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. For the reasons given above, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR