

# ADJOURNED PLANNING COMMITTEE MEETING

Date: Thursday 22 February 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.*

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## **AGENDA**

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
6. Disclosures by Members and Officers
7. Disclosures of lobbying
8. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
9. 23/504980/FULL Maidstone Innovation Centre, Gidds Pond Way, Weaving, Kent 1 - 6
10. 23/504118/FULL Hook Farm, Kings Lane, Marden, Kent 7 - 18
11. 23/503936/FULL The Old Stable, Dunn Street Road, Bredhurst, Gillingham, Kent 19 - 31
12. 23/501635/FULL Chickenden Barn, Chickenden Lane, Staplehurst, Tonbridge, Kent 32 - 86

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**Issued on Friday 16 February 2024**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

**PLEASE NOTE**

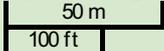
**The order in which items are taken at the meeting may be subject to change.**

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

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

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

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Ordnance Survey - data derived from OS Premium

23/504980/FULL Maidstone Innovation Centre, Gidds Pond Way, Weaving, Kent, ME14 5FY

Scale: 1:2500

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**REPORT SUMMARY**

<b>REFERENCE NUMBER:</b> 23/504980/FULL		
<b>APPLICATION PROPOSAL:</b> 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)).		
<b>ADDRESS:</b> Maidstone Innovation Centre Gidds Pond Way Weaving Kent ME14 5FY		
<b>RECOMMENDATION:</b> GRANT- subject to planning Conditions set out in Section 8.0 of Report		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> For the reasons set out below it is considered that the proposed change of use of the Innovation Centre building- to include 'medical or health services' would be acceptable as it is consistent with the site allocation set out in Policy RMX1(1).  The proposals would not cause any harm to residential amenity or highway safety.  The proposal is therefore considered to be in accordance with the Development Plan.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> This application was submitted by Maidstone Borough Council.		
<b>WARD:</b> Boxley	<b>PARISH/TOWN COUNCIL:</b> Boxley	<b>APPLICANT:</b> Maidstone Borough Council <b>AGENT:</b> WSP UK Ltd
<b>CASE OFFICER:</b> Sam Cowdry	<b>VALIDATION DATE:</b> 23/11/23	<b>DECISION DUE DATE:</b> 22/02/24
<b>ADVERTISED AS A DEPARTURE:</b> No		

**Relevant Planning History**

16/507292/OUT

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

Approved 16.06.2017

18/506658/REM

Reserved Matters of appearance, landscaping, layout and scale pursuant to outline application 16/507292/OUT (outline application with access sought for development of medical campus) for construction of proposed four storey Innovation Centre office building (Class B1) and associated external works.

Approved 17.04.2019

23/503883/PAMEET

Pre-Application Phone or Office Meeting - Planning Officer + Senior Planning Officer + Head of Service - The proposals seek to expand the approved uses within the existing building to facilitate to occupation of part of the first floor of the building as a visitor health service, specifically providing consultation space.

## **MAIN REPORT**

### **1. DESCRIPTION OF SITE**

- 1.01 Maidstone Innovation Centre is located on the corner plot abutting both Newnham Court Way and Gidds Pond Way, within Maidstone's urban boundary.
- 1.02 The application site is located within Newnham Park, a larger site allocation designated to medical and associated uses. An outline permission for such uses exists and under which the Innovation Centre was built. Within the wider site is the KIMs Hospital, Cygnet Hospital, and a care home. The application site forms part of a growth area, which aims to create a specialist knowledge cluster to attract skilled workers.
- 1.03 The building itself is 4 storeys', which provide 3561 sqm floorspace and possesses a use as offices and research and development space (Use Class E(g) (i) and (ii)).

### **2. PROPOSAL**

- 2.01 The proposal is for a change of use of the existing building from use as offices and research and development to also include 'medical services' Use Class E(e). Currently, if a chiropodist or physiotherapist, as examples, wish to rent space, they cannot unless these are used as offices or research and development as opposed to health/medical support. However, all uses on the entire campus have to be 'medically related' but for the Innovation Centre the uses have to be both i.e medically related AND office/R & D. This was the applicant's chosen approach with regard to the original application.
- 2.02 Planning permission is required, as whilst uses now falling under Class E (such as offices and research and development) can switch between a variety of uses including 'medical or health services', condition 37 (associated with wider outline permission 16/507292/OUT) restricts the use of the building to offices and research and development only. The medical uses would likely involve serving of patients and would cover a variety of functions such as preventative, rehabilitative, long-term and diagnostic care. This care would be delivered by healthcare professionals.
- 2.03 The building is currently 54% occupied, although could rise to potentially 65% with demand from the health services businesses wishing to take up occupancy.

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

Maidstone Borough Local Plan 2017

- SS1- Maidstone Borough Spatial Strategy
- SP1- Maidstone Urban Area
- RMX1
- RMX1(1) – Newnham Park, Bearsted Road, Maidstone
- DM1 – Principles of Good Design

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Supplementary Planning Documents: N/A

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

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

##### Local Residents:

- 4.01 No comments received

#### **5. CONSULTATIONS**

##### Boxley Parish Council

- 5.01 Boxley Parish Council have no material planning reasons to object to this application.

#### **6. APPRAISAL**

- 6.01 The key issues are:

- Site Allocation
- Residential amenity
- Parking/ Highway Safety
- Other Matters

##### **Principle of Development/ Policy Context/ Background**

- 6.02 Maidstone Innovation Centre is located within Newnham Park, which is allocated for a medical campus of up to 100,000m<sup>2</sup>, as per Policy RMX1 (1). Part 1 of the policy states the following:

*"Phased provision of a maximum of 100,000m<sup>2</sup> of specialist medical facilities set within an enhanced landscape structure of which 25,000m<sup>2</sup> will provide for associated offices and research and development."*

- 6.03 *This extent of floorspace allocated to medical use is also supported by Policy SP1 and SS1.*
- 6.04 Paragraph 4.206 of the Local Plan states that the appropriate uses on the site will include hospital and healthcare facilities, specialist rehabilitation services, medical related research and development, central laboratory facilities and medical training.
- 6.05 Within the preamble for policy SP21, paragraph 4.141 highlights that this site is a particular opportunity to create a hub for medical related businesses, to attract high level, knowledge intensive employment and business to contribute to the local economy.
- 6.06 Under the draft Local Plan Review the allocation is in effect rolled forward and remains in place with no changes.

- 6.07 It is considered that incorporation of medical or health services would be in accordance with the site allocation set forth within RMX1(1) of the Local Plan as the allocation permits hospital or healthcare facilities. This use is therefore consistent with the wider use and objectives of the Newnham Park site, and so does not deviate from the uses deemed acceptable by the site allocation.
- 6.08 Moreover, the Innovation Centre is not functionally related to the KIMS Hospital but functions independently and this has always been the case. Therefore, there is no planning reason to prevent healthcare services operating from the Innovation Centre. This complies with the general policy for this 'campus'.
- 6.09 There remains a need for a condition to restrict the office and research and development uses to those directly associated with the life science, health care and medical service sectors as per the existing permission. This ensures that these uses of the building would not be for general business use and remains consistent with Policy RMX1(1).

### **Highways**

- 6.10 Policy DM1 outlines that planning proposals should "*Safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access*"
- 6.11 The applicant considers that the inclusion of medical uses within this building would not generate further traffic movements beyond the permitted use. Whilst the frequency of trips may increase due to increased visitation associated with the medical and health services, it is considered on balance that this would not be of such a level or have any significant impact in the context of the scale of the development permitted under the wider outline consent.

### **Other Matters**

- 6.12 It is not considered that there will be any significant impact upon residential amenity which would be extensively dissimilar in terms of the use of the existing building or the overall site.

### **PUBLIC SECTOR EQUALITY DUTY**

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

## **7. CONCLUSION**

- 7.01 In conclusion, it is considered that the proposal to include 'medical or health uses' conforms with the allocation associated with the wider site in that it would align with uses expected within a medical campus. The proposal would not harm amenity on site, nor would it significantly alter the existing transport situation. The proposal would not be unacceptable in terms of any other material planning considerations. As such, the proposed change of use is considered to be in accordance with the Development Plan.

## **8. RECOMMENDATION**

### **GRANT PLANNING PERMISSION subject to the following conditions**

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

CONDITIONS:

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

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

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

Site Location

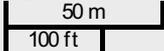
Drawing No. KMCIC-BBA-00-01-DR-A-2001 (Existing First Floor GA Plan)  
Drawing No. KMCIC-BBA-00-02-DR-A-2001 (Existing Second Floor GA Plan)  
Drawing No. KMCIC-BBA-00-03-DR-A-2001 (Existing Third Floor GA Plan)  
Drawing No. KMCIC-BBA-00-GF-DR-A-2001 (Existing Ground Floor GA Plan)  
Drawing No. KMCIC-BBA-00-RF-DR-A-2001 (Existing Roof GA Plan)

all received 16.11.2023

Reason: To clarify which plans have been approved.

3. The building shall only be used for Use Classes E(g)(i), E(g)(ii) and E(e) and for no other purpose, including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or permitted under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any statutory instrument revoking and re-enacting those Orders with or without modification. The occupation of the building for Use Classes E(g)(i), E(g)(ii) shall be limited only to those occupiers directly associated with the life science, health care and medical service sectors.

Reason: To ensure the development remains a medical based development in accordance with draft policy RMX1(1) of the Maidstone Borough Local Plan 2017.



Ordnance Survey - data derived from OS Premium

23/504118/FULL Hook Farm, Kings Lane, Marden, Kent, TN12 9PP  
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**REPORT SUMMARY**

<b>REFERENCE NUMBER:</b> 23/504118/FULL		
<b>APPLICATION PROPOSAL:</b> 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, gates, and parking.		
<b>ADDRESS:</b> Hook Farm Kings Lane Marden Kent TN12 9PP		
<b>RECOMMENDATION:</b> <b>GRANT PLANNING PERMISSION</b> subject to planning conditions in Section 8 of this report.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> <ul style="list-style-type: none"> <li>• Minimal level of harm to the character and appearance of this rural area.</li> <li>• Acceptable in relation to neighbour amenity and access and parking arrangements.</li> <li>• Whilst a departure from the Local Plan, material considerations indicate that planning permission should be approved.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The application is a departure from the development plan.		
<b>WARD:</b> Marden And Yalding	<b>PARISH COUNCIL:</b> Collier Street	<b>APPLICANT:</b> Wood & Wedgwood <b>AGENT:</b> BTF Partnership
<b>CASE OFFICER:</b> Chloe Berkhauer-Smith	<b>VALIDATION DATE:</b> 02/10/23	<b>DECISION DUE DATE:</b> 23/02/24
<b>ADVERTISED AS A DEPARTURE:</b> Yes		

**Relevant planning history**

No relevant planning history.

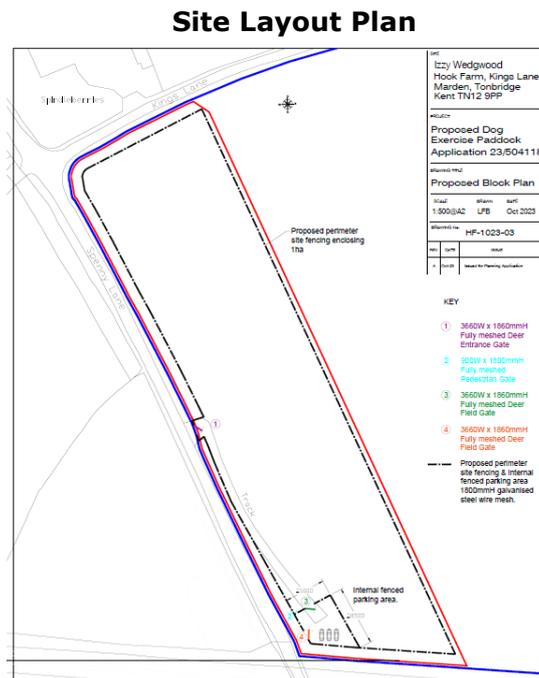
**MAIN REPORT**

**1. DESCRIPTION OF SITE**

- 1.01 The application site is rectangular covering approximately 1.1 hectares of agricultural land located within the countryside as defined by the Local Plan. The site lies approximately 2.7km west of the Marden settlement boundary. The site has no special landscape designation.
- 1.02 The site has an existing vehicular access to Spenny Lane in the centre of the western boundary. There is an existing internal track leading to the south-west corner of the site that is proposed to be a parking area. The rest of the site is open land.
- 1.03 Kings Lane is to the north and Spenny Lane to the west with boundary treatments consisting of hedgerows. A short boundary hedgerow separates the site from the railway track to the south.
- 1.04 The wider area is characterised by open countryside with varying field patterns and sporadic built development. To the north there is an existing large polytunnel development.

## 2. PROPOSAL

2.01 This application seeks the change of use of 1 hectare (2.5 acres) of agricultural land to use as a dog walking paddock with associated 1.8metre high fencing, gate, and parking.



2.02 The proposed 1.8 metre high fencing would be situated around the perimeter of the site and constructed of galvanised steel wire mesh. The posts would be round timber stakes, 2.5m in height and 0.75m in diameter, placed approximately 10m apart. There would be straining posts every 400m and on every corner which are proposed to be 2.8m in height and 1.25m in diameter.

2.03 There would be 3 fully mesh deer gates, one located at the entrance along Spenny Lane, and two field gates adjacent to the proposed parking area.

2.04 The applicant states:

- *The field will be available for pre-booked sessions (typically 1 hour long) during daylight hours 8am – 6pm with variation to these hours during winter months.*
- *The facility will generally be single occupancy for up to 4 dogs (more than 4 dogs would require prior permission).*
- *As an upper limit 10 dogs may use the site to enable group training and lessons, however this would be infrequent.*
- *The proposed Acuity Scheduling booking system would 55-minute sessions to start on the hour. The final 5 minutes of the booking slot is to provide enough time for you to retrieve your dog, to put them on lead and to return to your vehicle and vacate the car park prior to the next appointment. Dogs must be back in the car to allow for the next dog to enter at their allotted time.*

## 3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017  
 SS1: Maidstone Borough spatial strategy  
 SP17: Countryside  
 SP21: Economic development  
 DM1: Principles of good design  
 DM3: Natural environment  
 DM23: Parking standards  
 DM30: Design principles in the countryside

Emerging Draft Policy: Maidstone Draft Local Plan:

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

LPRSP9 Development in the Countryside  
LPRSP11 - Economic development  
LPRSP12 - Sustainable transport  
LPRSP14 - Environment  
LPRSP14(A) - Natural environment  
LPRSP15 - Principles of good design  
LPRTRA2 - Assessing transport impacts  
LPRTRA4 - Parking  
LPRQ&D 4 Design principles in the countryside

The National Planning Policy Framework (NPPF):

Maidstone Landscape Character Assessment 2012 (Updated 2013)

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

**Local residents:**

- 4.01 8 representations received objecting to the application for the following (summarised) reasons:
- Visual impact of the proposed fence
  - Location
  - Noise
  - Increase in traffic.
  - Parking concerns
  - No local need for the facility
  - Wildlife impact
- 4.02 9 representations received in support of the application for the following (summarised) reasons:
- Ideal location
  - Improving local amenities by providing a safe and secure environment
  - Local need

**Collier Street Parish Council**

- 4.03 Wish to see the application refused but do not request the application is reported to the Planning Committee (NB: reported as a departure from the plan)
- Highways
  - Location or entrance and exit
  - Visual impact of the proposed fencing

#### **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)

**Environment Agency**

5.01 No objection

**Environmental Health**

5.02 No objection subject to a condition requiring noise management of plant.

**Kent Police**

5.03 No objection

**KCC Highways**

5.04 Does not meet the criteria to warrant involvement from the highway authority.

**KCC Flood and Water Management**

5.05 No objection

**Southern Water**

5.06 No objection

**Upper Medway Internal Drainage Board**

5.07 No objection

**6. APPRAISAL**

- 6.01 The relevant material considerations in this case include assessing the impact of the proposal in the following areas:
- Countryside location and policy SP17.
  - Character and appearance
  - Residential amenity
  - Site location, access, parking and highways
  - Rural economy
  - Other matters

**Countryside location and policy SP17.**

- 6.02 The starting point for assessment of all applications in the countryside is Local Plan Policy SP17. Policy SP17 states that development proposals in the countryside will only be permitted where:
- a) there is no harm to local character and appearance, and
  - b) they accord with other Local Plan policies
- 6.03 Policy SP17 does not specify an acceptable level of harm and all proposals in the countryside are likely to result in some harm to local character and appearance. In this context all development outside the designated settlements does not accord with this part of SP17.
- 6.04 Other Local Plan policies permit development in the countryside in certain circumstances and subject to listed criteria. If development accords with one of these other Local Plan policies, this compliance is weighed against the harm caused to character and appearance with a proposal assessed against policy SP17 overall.

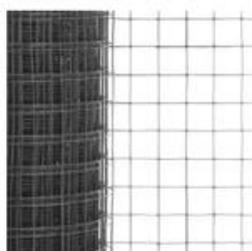
- 6.05 The application does not involve the conversion of agricultural land to domestic garden so DM33 is not relevant. The application does not involve the expansion of an existing business on the application site so policy DM37 is not relevant.
- 6.06 The proposal will result in harm to the character and appearance of the countryside and there are no Local Plan policies that support the application. The recommendation to grant planning permission would as a result be a departure from the adopted Local Plan.
- 6.07 The National Planning Policy Framework (NPPF) highlights that the planning system is plan-led. The NPPF reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which require by law that planning applications "must be determined in accordance with the development plan, unless material considerations indicate otherwise".
- 6.08 The following assessment considers the material considerations that are present that justify permission being granted contrary to the Local Plan.

### **Character and appearance**

- 6.09 Policies SP17 and SP21 state that development in the countryside should not result in harm to the character and appearance of the area. DM30 requires new development to be located adjacent to existing buildings or unobtrusively located and well screened with appropriate vegetation. It also states that account should be taken of the Maidstone Borough Landscape Character Guidelines SPD.
- 6.10 In the council's published Landscape Character Assessment, the application site is just within the boundary of the Laddingford Low Weald which is part of the wider Lower Weald Landscape. The key characteristics of this area are:
- Low lying landform
  - Intricate network of ditches, ponds and reservoirs
  - Small and mostly broadleaf woodland blocks
  - Orchards, hops and pasture surround settlements
  - More expansive arable land within surrounding landscape
  - Much linear settlement with clusters of development at road junctions
- 6.11 The summary of actions within this area are as follows:
- Consider the generic guidelines for the Low Weald which include conserving the intimate small scale Medieval field pattern, and species rich hedgerow boundaries.
  - Conserve the network of ponds and improve habitat connectivity with native vegetation corridors
  - Reinstate traditional hedgerow boundaries and gap up existing hedgerows where they are in poor condition
  - Conserve and where possible extend native woodland blocks
  - Soften the visual impact of large agricultural barns and silos with native planting
- 6.12 The application seeks to largely maintain the open character of the site, although a new boundary will be created to the east through the proposed division of the existing large open field. Whilst the proposal seeks to divide the field, the proposed dog walking area would be contained to one end of the field (closest to Spenny Lane), and this would minimise visual impact.
- 6.13 Galvanised steel wire mesh fencing (with timber posts) is proposed around the perimeter of the site which would be 1.8m tall. The open, mesh design ensures that the proposed fencing would not be visually intrusive or visually prominent.

6.14 A hedgerow is to the north (Kings Lane) and west (Spenny Lane) boundaries as shown in the site photos below. The existing hedgerow would therefore partially screen the proposed fencing from Spenny Lane (to the west) and Kings Lane (to the north). The south-west corner of the site is further screened from the road due to the ground level difference, with the Spenny Lane carriageway increasing in height to pass over the railway track.

6.15 The site has an existing access from Spenny Lane located in the centre of the western boundary. This access would be retained, and an existing track would be used which leads to an existing area of hardstanding located in the south-west corner of the site that would be used for parking provision. There would be no visual impact in this regard and the parking area would be further screened due to the ground level difference between the site and Spenny Lane. A planning condition is recommended seeking details of landscaping to gap up and strengthen existing hedgerow boundaries.



AT A GLANCE

Technical Specification	
Material & Finish	Galvanised Steel
Construction	Square Apertures
Colour	Silver/Grey
Height	90cm (3ft) - 1.8m (6ft)
Length	6m (20ft) - 30m (98ft)
Wire Diameter	23g (0.6mm) - 14g (2mm)
Manufactured In	Far East



**Proposed fence material specification and indicative fence image**

6.16 The change of use of the land to allow for dog walking would not significantly alter the appearance of the existing agricultural field, which is already grassland. Subject to the retention of the existing hedgerows, the proposal would sit acceptably within the rural landscape and therefore accord with Local Plan Policies SP17 and DM30.



**West boundary (Spenny Lane)**



**North boundary (Kings Lane)**

### **Residential amenity**

- 6.17 The site is an existing agricultural field, the closest neighbour to the application site is Spindleberries, Kings Lane. Spindleberries is approximately 37m away from the edge of the proposed site. Given this distance, I am satisfied that there would be no resulting loss of privacy or overlooking.
- 6.18 The parking area would be set away from the closest residential dwelling by approximately 83m. This is sufficient distance to ensure that the movements to and from the site would not have a detrimental impact. This is considered against the existing agricultural use of the site and the potential movements that this could generate.
- 6.19 The application has also proposed the following:
- Hours of use – the proposal would only be used during daylight hours and between the hours of 8am and 6pm at a maximum.
  - The proposal does not include any lighting which prevents light spill and disturbance to the neighbouring residential properties.
  - The proposed use would be low intensity with a maximum of 10 dogs at any one time which would be controlled by an online booking system.
- 6.20 To ensure that the field is not used to an excessive degree, it would be appropriate to require further detail of its operation so that the number of dogs using it at any one time can be controlled and to control the booking mechanism / crossover of customers, and the number / length of session that would take place each day. Provided these measures are understood and managed, the site could be used acceptably without detriment to neighbouring amenity.
- 6.21 Neighbouring concerns regarding the impact of the use have been considered, however the impact of 10 dogs must be considered against the impact of the activities that could lawfully be undertaken on the site, including as agricultural land. Based on the details listed above, which can be controlled by condition, the proposal would not cause an unacceptable impact on local residential amenity.

### **Site location, access, parking and highways**

- 6.22 The NPPF states that planning decisions "...should recognise that sites to meet local business...needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development does not have an unacceptable impact on local roads..."
- 6.23 Whilst outside the settlement, the site is a 9 minute drive from Marden. In addition, due to the nature of the use it would be difficult to find a site in a settlement with the benefit of the large area of open space for dog exercising that this site offers.
- 6.24 There is an existing access located in the centre of the western boundary that would be retained. The proposed 1.8m mesh deer entrance gate would replace an existing 5-bar gate which is set back from the road and allows a car to pull off the road to open the gate. Furthermore, the access has good visibility onto Spenny Lane. It is therefore concluded that the proposed access would be of an adequate design to accommodate the proposed use.
- 6.25 The application includes a parking area (3 cars) and turning area in the south-west corner of the site. The applicant has stated that the parking area would make use of an existing area of hardstanding and the parking area will use the existing site entrance from Spenny Lane and the existing internal access track that runs alongside the western boundary. The proposed parking area would allow users of

the facility to park off the road and would enable vehicles to leave the site in a forward gear.

- 6.26 As discussed above, the use of the site would be low intensity and controlled via a booking system which would limit the number of visitors to the site at any given point. Sufficient parking is provided for the limited number of visitors. Further details of the booking system and the turnover of customers will be required by condition to ensure there is sufficient time between one group leaving and another arriving and to ensure there is no overspill onto the highway.
- 6.27 The existing site access can accommodate the traffic generated by the proposed use and with adequate sightlines the use of the access will not harm highway safety. The parking area and access to it are adequate for the nature of the proposed use.
- 6.28 The NPPF states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (Paragraph 115 NPPF 2023)". It is concluded that the impact of the application on highway safety will be acceptable and the impact on the road network will not be 'severe'. The impact of the proposal is found to be acceptable.

### **Rural economy**

- 6.29 Guidance in the National Planning Policy Framework is a material planning consideration. Under the heading "Supporting a prosperous rural economy" the NPPF states planning decisions "...should enable the sustainable growth and expansion of all types of business in rural areas...through conversion of existing buildings".
- 6.30 Although not directly relevant, Local Plan policies SP21 and DM37 (no existing business) are generally supportive of proposals for economic development in the countryside. With the nature of the use and the space required for dogs to be exercised, it would be difficult to find a suitable site for this use in a settlement.

## **7. CONCLUSION**

- 7.01 The National Planning Policy Framework (NPPF) reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which requires by law that planning applications "must be determined in accordance with the development plan, unless material considerations indicate otherwise".
- 7.02 The proposal will result in harm to the character and appearance of the countryside contrary to policy SP17 and there are no Local Plan policies that directly support dog exercise uses. In this context as the application is not in accordance with the adopted Local Plan, it needs to be determined as to whether there are other material considerations that justify granting planning permission.
- 7.03 The proposal is found to be acceptable in relation to the minimal level of harm that will be caused to the character and appearance of this rural area. The proposal is acceptable in relation to neighbour amenity and the access and parking arrangements are all acceptable. A planning condition will require a further application for the display of any advertisements or signs.
- 7.04 It is concluded that whilst the application is not in accordance with the development plan (a departure) these material considerations that have been outlined and the minimal level of harm indicate that planning permission should be approved.

**PUBLIC SECTOR EQUALITY DUTY**

- 7.05 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. The application proposal does not undermine the objectives of the Duty.

**8. RECOMMENDATION**

**GRANT PLANNING PERMISSION subject to the following conditions**

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

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:  
Application Form – Received 08/09/2023  
Planning Statement – Received 08/09/2023  
Fence Specifications - Proposed Dimensions Highlighted – Received 26/08/2023  
Site Location Plan – Drawing No. HF-1023-01 – Received 02/10/2023  
Proposed Block Plan – Drawing No. HF-1023-03 – Received 02/10/2023  
Proposed Fence and Gate Elevations – Drawing No. HF-1023-04 – Received 02/10/2023  
Reason: To clarify which plans have been approved
- 3) 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 the character and appearance of the countryside, protected species and in the interests of residential amenity.
- 4) No activity in connection with the use hereby permitted shall take place outside the hours of 8am and 6pm and within these 10 hours, no activity in connection with the use hereby permitted shall take place outside of daylight hours.  
Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers and to protect the rural character of the locality.
- 5) Prior to commencement of the approved use, a maintenance and management plan shall be submitted to and approved in writing by the local planning authority. It shall include details of the following:
  - The booking system for use of the dog walking area
  - How access will be restricted to only those with a booking.
  - The booking time intervals / slots including the length of time between them for each session throughout the year.
  - Details of procedures for the disposal of waste

- Policies on the supervision of dogs on site
- Site notices to be secured on site advising of steps to be taken in case of the escape of a dog.
- Schedule of maintenance

The site shall only operate in accordance with the approved plan thereafter.

Reason: To protect neighbouring amenity and highway safety.

- 6) Notwithstanding the provision of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 no advertisements or signage shall be displayed at the site without the consent of the local planning authority.  
Reason: To safeguard the character and appearance of the surrounding area.
- 7) Prior to commencement of the approved use, the approved parking areas shall be provided, kept available for such use, and permanently retained.  
Reason: To ensure that adequate off street car parking space is provided.
- 8) The use shall only accommodate a maximum of 10 dogs at any one time and the land shall be used for as a dog care facility only and for no other purpose (including any other purpose in Classes E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification).  
Reason: Unrestricted use of the land could potentially cause harm to the character, appearance and functioning of the surrounding area and/or the enjoyment of their properties by adjoining residential occupiers.
- 9) Prior to the commencement of the approved use, a noise management plan covering the operation shall be submitted to and approved in writing by the local planning authority. The plan shall include but not be limited to the hours of operation and measures to minimise potential noise nuisance. The plan should include procedures for responding to complaints from residents or the local authority. The noise management plan should include a review mechanism in response to justified complaints. The use shall only be carried out in accordance with the approved details.  
Reason: To protect residential amenity.
- 10) The fencing hereby approved shall be as shown in the approved Proposed Fence and Gate Elevations – Drawing No. HF-1023-04, and retained as such.  
Reason: To ensure a satisfactory appearance to the development.
- 11) At the end of the first planting season (October to February) following the commencement of the approved use, landscaping shall be in place that is in accordance with landscape details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The landscape details shall
- (a) be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012) <https://tinyurl.com/4a7uhhz5>
  - (b) show all existing trees, hedges, and blocks of landscaping on, and immediately adjacent to, the site.
  - (c) provide details of new on-site planting in a planting specification (location, species, spacing, quantity, maturity) and including the gapping up and strengthening of the existing hedgerow consisting of *double staggered hedgerow with approximately 45cm spacing with 30cm between rows and consisting of 70% Hawthorn or Blackthorn, 5% Dogwood, 10% Field Maple, 10% Hazel, 2.5% Holly and 2.5% Wayfaring Tree.*
  - (d) provide landscape implementation details and timetable.
  - (e) provide a [5] year landscape management plan.

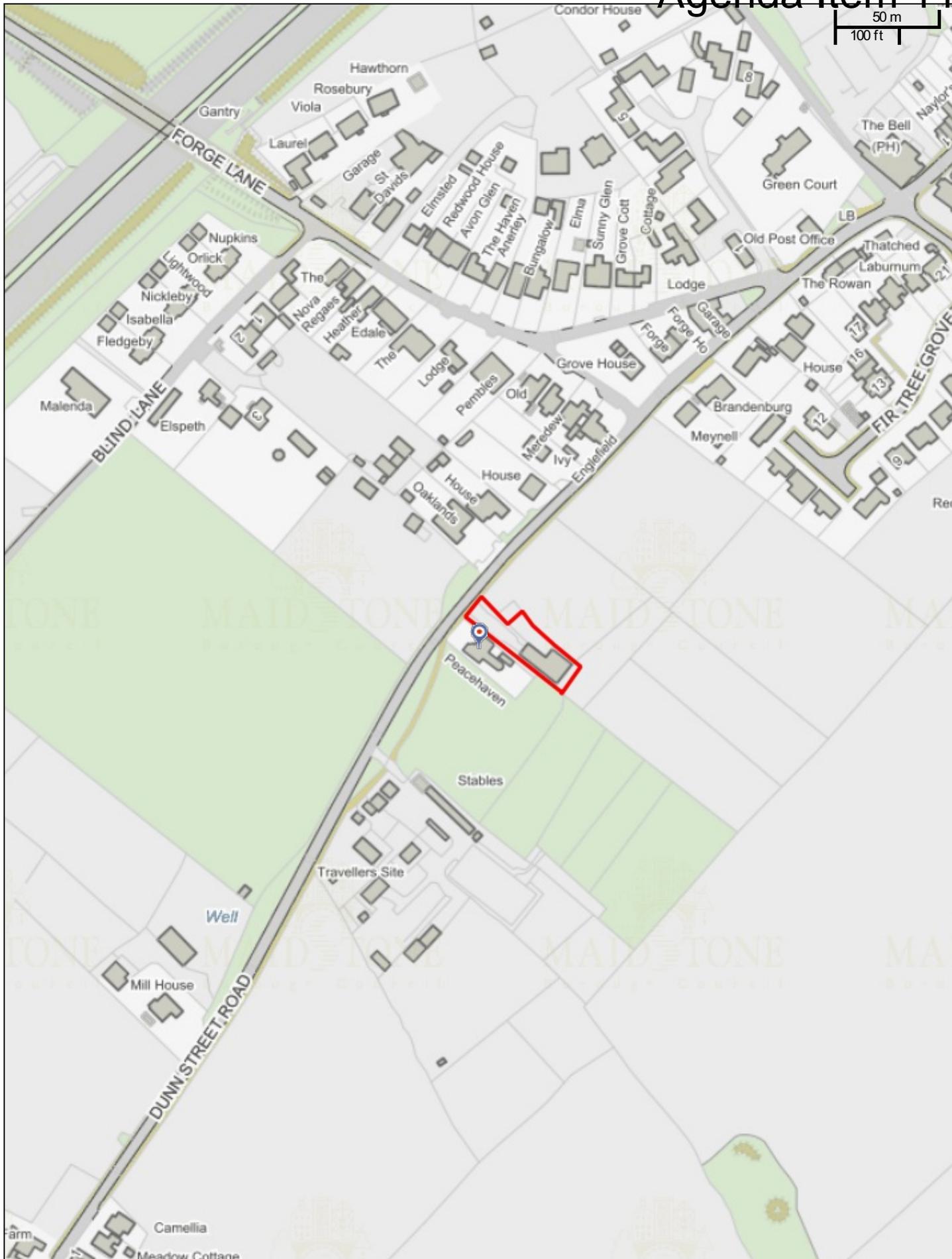
Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.

- 12) Any of the approved landscaping which fails to establish or any trees or plants which, within five years from the commencement of the approved use 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.

**INFORMATIVES**

- 1) The applicant is advised to contact the Upper Medway Internal Drainage Board ([planning@medwayidb.co.uk](mailto:planning@medwayidb.co.uk), 01622 934500) to find out if separate consent is required under separate legislation.
- 2) The applicant is advised to consult Designing out Crime Officers to address Crime Prevention Through Environmental Design and incorporate Secured by Design as appropriate.

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

**REPORT SUMMARY**

<b>REFERENCE NUMBER:</b> 23/503936/FULL		
<b>APPLICATION PROPOSAL:</b> Partial demolition and conversion of existing redundant stable building to a single dwellinghouse with associated parking, ecological enhancements, and landscaping (resubmission of 22/505429/FULL).		
<b>ADDRESS:</b> The Old Stable Dunn Street Road Bredhurst Gillingham Kent ME7 3LY		
<b>RECOMMENDATION: REFUSE PLANNING PERMISSION</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> <ul style="list-style-type: none"> <li>• Domestication of the building with insertion of fenestration and domestic paraphernalia would have an adverse impact on the design and appearance of the building and local character of this open rural landscape causing unacceptable harm to the character and appearance of the countryside and the Kent Downs National Landscape.</li> <li>• Development would neither maintain or enhance the distinctiveness of the countryside and Kent Downs National Landscape, contrary to policies SS1, SP17, DM1, DM30 and DM31 of the Maidstone Borough Local Plan (2017), the National Planning Policy Framework (2023) and the Kent Downs AONB Management Plan 2014 to 2019 (Second Revision) (2014) Policies SD1, SD2, SD7 and SD9.</li> <li>• Fails to demonstrate that an alternative commercial use would not be feasible contrary to policy DM31 of the Maidstone Borough Local Plan (2017), and the National Planning Policy Framework (2023).</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Call in by Bredhurst Parish Council if officer recommendation is to refuse permission. The Parish Council did not give any planning reasons for the committee referral.		
<b>WARD:</b> Boxley	<b>PARISH</b> Bredhurst	<b>COUNCIL:</b> <b>APPLICANT:</b> Ms Deana Foulds <b>AGENT:</b> Bloomfields
<b>CASE OFFICER:</b> Francis Amekor	<b>VALIDATION DATE:</b> 14/09/23	<b>DECISION DUE DATE:</b> 29/02/24
<b>ADVERTISED AS A DEPARTURE:</b> No		

**Relevant planning history**

- a) 22/505429/FULL Partial demolition and conversion of existing stable building to a dwellinghouse with associated parking, ecological enhancements and landscaping including changes to fenestration. Refused 13.01.2023 for the following reasons:
- 1) *The proposal, by reason of the building location in open countryside, the domestication of the building appearance with the insertion of fenestration and hardstanding areas would have an adverse impact on the design and appearance of the building and the site generally, and this impact together with the introduction of domestic paraphernalia into the open landscape would result in urbanising development in this rural landscape, causing unacceptable harm to the character and appearance of the countryside and the Kent Downs Area of Outstanding Natural Beauty. The development would therefore neither maintain or enhance the distinctiveness of the countryside and Kent Downs Area of Outstanding Natural Beauty. This is contrary to policies SS1, SP17, DM1, DM30 and DM31 of the Maidstone Borough Local Plan (2017), the National Planning*

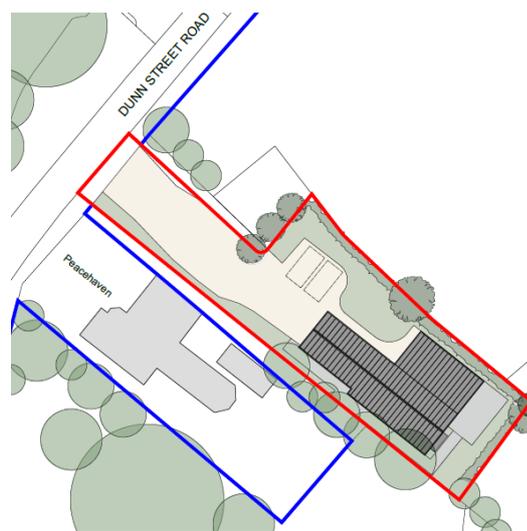
*Policy Framework (2021) and the Kent Downs AONB Management Plan 2014 to 2019 (Second Revision) (2014) Policies SD1, SD2, SD7 and SD9.*

- 2) *The application fails to demonstrate that any attempt has been made at securing an alternative commercial re use of the building, contrary to policy DM31 of the Maidstone Borough Local Plan (2017), and the National Planning Policy Framework (2021).*
- 3) *The proposed development is in an unsustainable location with the proposed dwelling remote from local services and facilities which would result in future occupiers being reliant on the private motor vehicle to travel for their day to day needs and access to facilities. This would be contrary to the aims of sustainable development as set out in Policies SS1, SP17, DM1 and DM5 of the Maidstone Borough Local Plan (2017) and the National Planning Policy Framework (2021).*

## **MAIN REPORT**

### **1. DESCRIPTION OF SITE**

- 1.01 The site is in the countryside and in the Kent Downs National Landscape (previously known as the Kent Downs Area of Outstanding Natural Beauty). The site is occupied by a single storey disused stable building set back from and accessed from Dunn Street Road. The building has a rectangular shape with blockwork external elevations. The shallow pitched roof is covered in fibre cement roof. There is a hardstanding area in front of the building used for parking.
- 1.02 To the south of the site is the residential dwelling known as 'Peacehaven'. To the north and east there are paddocks that form part of the open countryside character. The Maidstone Landscape Character Assessment identifies the wider area as falling within the Bredhurst to Bicknor North Downs Landscape Character Area. The advice is to improve and conserve character where condition is poor.
- 1.03 A public footpath (KH55) runs north south across the open countryside to the east of the application site.



**Proposed Block Plan**

### **2. PROPOSAL**

- 2.01 This application proposes demolition of the south-eastern part of the existing stable building (40m<sup>2</sup> of floorspace equating to 20 percent of the total footprint). It is proposed that the retained part of the building (floor area of 166m<sup>2</sup>) is converted into a four- bedroom dwelling. The building will have a zinc roof and timber cladding to the external elevations of the lean to.

- 2.02 The existing area of hardstanding (circa 234m<sup>2</sup>) will be retained as the setting to the converted building, with an additional car parking area provided (45m<sup>2</sup>). The land to the side of the building provides an amenity area.
- 2.03 Internally, it is proposed to introduce new internal walls to provide an open plan living room, dining area, 4 bedrooms which will include storage space, one ensuite bathroom, and a family bathroom.
- 2.04 The current application is a resubmission of the previously refused planning application under reference number 22/505429/FULL. The changes include the following:
- Introduction of timber cladding, recladding of the roof with zinc.
  - Reduction in the amount of fenestration openings to follow existing stable openings where possible.
  - Structural details of the existing building
  - Financial viability report
  - Reduction in hardstanding with surface material changed from tarmac to grid meshed parking system.

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

#### Maidstone Borough Local Plan (2011-2031):

SS1 Maidstone borough spatial strategy.

SP17 Countryside.

DM1 Principles of good design.

DM3 Natural environment.

DM5 Development on brownfield land.

DM8 External lighting.

DM12 Density of housing development.

DM21 Assessing the transport impacts of development.

DM23 Parking standards.

DM30 Design principles in the countryside.

DM31 Conversion of rural buildings.

#### Emerging Draft Policy: Maidstone Draft Local Plan:

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

SS1 – Maidstone borough spatial strategy

SP9 – Development in the countryside

SP15 – Principles of good design

Q & D4 – Design principles in the Countryside

HOU5 – Density of residential development

TRA4 – Parking standards (Appendix B)

Q&D6 – Technical Standards

Q&D7 – Private open space standards

#### The National Planning Policy Framework -NPPF (2023)

Section 2 – Achieving Sustainable Development

Section 4 – Decision Making

Section 12 – Achieving well-designed places.

Section 15 - Conserving and enhancing the natural environment.

National Planning Policy Guidelines (NPPG).

Supplementary Planning Documents

- Ministry of Housing, Communities and Local Government: National Design Guide.
- Government's Technical Housing Standards: Nationally Described Space Standards (March 2015).
- Kent Downs AONB (National Landscape) Management Plan (2021 – 2026)
- Maidstone Landscape Character Assessment (2013)

**4. LOCAL REPRESENTATIONS**

**Local residents**

- 4.01 1 representation received in support of the application for the following (summarised) reason:
- The proposal would enhance the visual appearance of the site.

**Bredhurst Parish Council**

- 4.02 Support.
- Wish to see the application approved and if officers are minded to refuse permission request that the application is reported to the planning committee. No reasons provided.

**5. CONSULTATIONS**

**KCC Highways**

- 5.01 No objection subject to conditions on:
- provision and permanent retention of secure, covered cycle parking facilities
  - Provision and permanent retention of the vehicle parking spaces and/or garages.
  - Use of a bound surface for the first 5 metres of the access
  - Provision and permanent retention of the vehicle turning facilities.

**6. APPRAISAL**

- 6.01 The key issues are:
- Countryside location and policy SP17.
  - Policy DM31 - Conversion of rural buildings.
  - Policy DM5 and PDL
  - Standard of accommodation
  - Neighbour amenity
  - Highways, access and parking

**Countryside, Kent Downs National Landscape and policy SP17**

- 6.02 The application site is in the countryside and the starting point for assessing all applications in the countryside is Local Plan policy SP17. Policy SP17 states that development proposals in the countryside will only be permitted where:
- a) there is no harm to local character and appearance, and
  - b) they accord with other Local Plan policies.
- 6.03 Policy SP17 does not specify an acceptable level of harm to local character and appearance and all proposals in the countryside are likely to result in some degree of harm. In this context all development outside the designated settlements does not accord with this part of SP17.

- 6.04 In certain circumstances where there is locational need for development (equestrian, rural worker dwelling agricultural buildings etc) other Local Plan policies permit development in the countryside subject to listed criteria. If development accords with one of these other Local Plan policies, this compliance generally outweighs the harm caused to character and appearance with a proposal found in accordance with policy SP17 overall.
- 6.05 On the 22 November 2023 the Kent Downs Area of Outstanding Natural Beauty designation was relaunched and renamed. The new designation the Kent Downs 'National Landscape' brings the designation in line with National Parks. The application site is in the Kent Downs 'National Landscape'.
- 6.06 As part of the relaunch, Parliament passed the Government amendment to the Levelling Up and Regeneration Bill to enhance AONB and National Park Management Plans and the Bill is now an Act. The Kent Downs Management plan states that a threat is "*Loss of and damage to the quality and character... through the cumulative effect of inappropriate, poorly designed general development ....*" (paragraph 4.4).
- 6.07 The changes strengthen the Duty of Regard under section 85 of the Countryside and Rights of Way Act for relevant authorities such as Maidstone Council. The change was from:
- "... a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty" to
  - "a relevant authority ... must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty".
- 6.08 Paragraph 182 of the NPPF (19 December 2023) states "*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and ... [National Landscapes] ...which have the highest status of protection in relation to these issues*".
- 6.09 Local Plan policies DM1 and DM30 promote high quality design. Development is encouraged which accords with the countryside in terms of bulk, scale, massing, visual amenity, and landscape character. Criteria include responding positively to, and where possible enhancing the local character of the area.
- 6.10 In this case, local plan policy DM31 permits the conversion of buildings in the countryside subject to several listed criteria. The submitted proposal is assessed against DM31 below.

#### **Policy DM31 – Conversion of rural buildings**

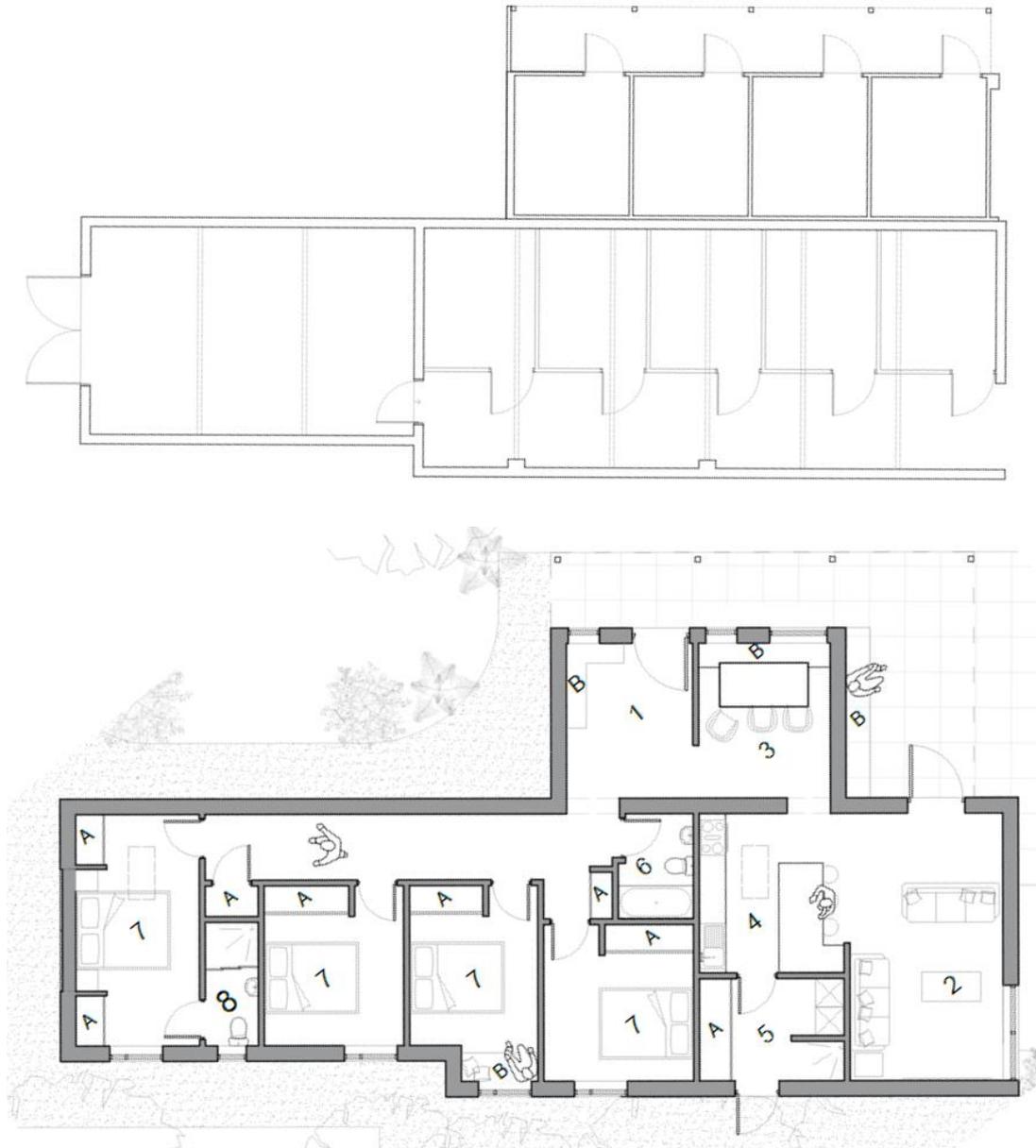
- 6.11 The supporting text to policy DM31 advises that an overarching objective is to only allow conversion of rural buildings where the buildings have sufficient value (such as Oast houses). In pursuant of this objective, the policy sets out several criteria that proposals for the conversion of existing rural buildings must meet and these are assessed below:

The building should be of a form, bulk, scale and design which takes account of and reinforces landscape character DM31-1(i)

- 6.12 With reference to buildings with the quality of Oast Houses, policy DM31 permits the retention and conversion of rural buildings that 'reinforce landscape character'.
- 6.13 The existing building has a utilitarian design and a functional appearance, and the external elevations comprise blockwork, with timber truss and a fibre cement roof.

- 6.14 The building is not of a form, bulk, scale, and design which takes account of and reinforces landscape character and therefore the conversion to residential use would be contrary to policy DM31, 1i).

**Existing and proposed floorplans**



The building is of permanent, substantial, and sound construction and is capable of conversion without major or complete reconstruction. DM31-1(ii)

- 6.15 The submission is supported by a structural assessment prepared by the applicant. The assessment states:
- No indication of any structural movement, distress, or structural failure.
  - Building for its age is sound throughout and maintained reasonably well.
  - Fibre cement roof sheeting has undergone some repair, and if tested in extreme conditions would not be weathertight.
  - Substantial masonry envelope will be capable of carrying the additional loading of proposed internal lining and any changes to the external cladding of the envelope of the structure.

- 6.16 It is concluded from this assessment and the submitted drawings that the existing building is of permanent, substantial, and sound construction and is capable of conversion without major or complete reconstruction. The submitted proposal would not meet the requirement of policy DM31 1 ii).

**Existing and proposed southwest elevations.**



Alterations proposed as part of the conversion should be in keeping with the landscape and building character in terms of materials used design and form. DM31-1(iii)

- 6.17 The proposed changes made as part of the conversion are not in keeping with the existing character of the site, including the number and style of new window and door openings (changes to the southwest elevation highlighted above).
- 6.18 The submitted proposal includes the retention of the significant existing area of hardstanding that provides a poor building setting to Dunn Street Road. The proposal also includes loss of adjacent unmade ground with provision of car parking spaces additional to and adjacent to the existing hardstanding.
- 6.19 The domestication of the building appearance with the new fenestration retention of hardstanding areas and new parking area would have an adverse impact on the design and appearance of the building and the site generally, and this impact together with the introduction of domestic paraphernalia into the open landscape would result in urbanising development in this rural landscape.
- 6.20 In this context the proposal fails to meet the requirement of DM31. 1 iii).

There is sufficient room in the curtilage of the building to park the vehicles of those will live there without detriment to the visual amenity of the countryside DM31-1(iv)

- 6.21 The site layout includes the retention of a large area of hardstanding that provides the building setting. A proposed additional area adjacent to the hardstanding provides two car parking spaces. The existing area of hardstanding has a negative visual appearance on the character and appearance of the area. The submitted application fails to provide any improvement to the existing situation with the harm increased by the additional parking area. The application fails to provide any justification for this large area of hardstanding and why existing hardstanding is not sufficient for car parking.
- 6.22 This layout has a suburban appearance and will be detrimental to the visual amenity of the countryside. The proposal fails to meet the requirements of DM31 1 iv).

No fences, walls or other structures associated with the use of the building or the definition of its curtilage or any sub-division of it are erected which would harm landscape character and visual amenity. DM 1 v).

- 6.23 Although not shown on the submitted drawings, the submitted Planning Statement outlines that the curtilage will have a post and rail fence. This post and rail fencing would in acceptable in landscape terms, but it is questioned whether this style of fencing would provide the necessary security and privacy to future occupants and as a result there is likely to be pressure for more substantial boundary treatments. The proposal would meet the requirements of DM31 1 v).

DM31 3 i). Every reasonable attempt has been made to secure a suitable business reuse for the building.

- 6.24 A viability assessment has been submitted with the current application. The assessment concludes that the use of the building as office accommodation or a holiday let is not financially viable, with conversion to residential use reported to be the only viable option.

- 6.25 The main reasons behind adopted Local Plan policy DM31 include:
- Ensuring that only rural buildings that are of sufficient quality and appearance (DM31-1(i) and DM31 3 (ii)) are retained and reused for other uses.
  - Ensuring that "*Every reasonable attempt has been made to secure a suitable business reuse for the building*". This is due to residential use generally being considered the most valuable and sought after land use in rural areas and to ensure that other uses are considered prior to acceptance of residential.

- 6.26 The financial viability of conversion to non-residential uses is not a policy test in policy DM31. The previous reason for refusal did not refer to viability stating, "*The application fails to demonstrate that any attempt has been made at securing an alternative commercial re use of the building...*".

- 6.27 In situations where financial viability is a policy test (affordable housing or loss of a public house) financial information is subject to independent third-party review. With no viability test here, the submitted information has not been subject to third party review and therefore minimal weight is placed on the conclusions reached. Various points made in the viability assessment are also questioned, including the reported inadequacy of the 10 metre wide existing access from Dunn Street Road and the difference of £415,000 in gross return between a holiday let and residential use.

- 6.28 Policy DM31 (3)i requires that 'every reasonable attempt has been made to secure a suitable business re-use for the building'. No evidence has been submitted to demonstrate any marketing has been carried out as required in policy DM31, and the information provided in the financial viability assessment is insufficient in demonstrating the proposal meets the requirement of policy DM31 (3)i.

DM31 3 ii). Residential conversion is the only means of providing a suitable re-use for a listed building, an unlisted building of quality and traditional construction which is grouped with one or more listed buildings in such a way as to contribute towards the setting of the listed building(s), or other buildings which contribute to landscape character, or which exemplify the historical development of the Kentish landscape.

- 6.29 The application building is a single storey breeze block and brick stable building with a fibre cement roof, as are found on agricultural sites throughout the Kent countryside. It is not listed and does not contribute towards the setting of a listed

building. The building does not contribute to landscape character or exemplify the historical development of the Kentish landscape.

- 6.30 The existing building does not meet the building quality threshold where policy DM31 would support retention and conversion to alternative uses. The proposal does not meet the requirement of DM31 3ii).

DM31 3 iii). There is sufficient land around the building to provide a reasonable level of outdoor space for the occupants, and the outdoor space provided is in harmony with the character of its setting.

- 6.31 The submitted proposal includes a large area of hardstanding that will provide circulation space and two car parking spaces. This layout has a suburban appearance. Land to the side of and around the car parking spaces and to the rear of the building provide external amenity space. The quality of some of the external space is questionable due to its size and location to the north of the building.
- 6.32 In summary on this basis, the proposals would fail to meet all the relevant requirements and would be contrary to policy DM31 of the Maidstone Borough Local Plan (2017). The proposal would also conflict with the objectives of Policy SP17 of the Local Plan in so far as it seeks to resist development that is harmful to the landscape character and visual amenity of the countryside.

#### **Policy DM5 Development on brownfield land**

- 6.33 Policy DM 5 of the local plan states "Exceptionally, the residential redevelopment of brownfield sites in the countryside...." will be permitted where they meet the following criteria:
- a) The site is not of high environmental value.
  - b) The 'redevelopment' will result in a significant environmental improvement.
  - c) The density reflects the character and appearance of the area (DM12).
  - d) the site is, or can reasonably be made, accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village.

#### Consideration of DM5 a) and b) above

- 6.34 The questions here are whether the stable building and the site are currently of high environmental value, and whether the 'redevelopment' will result in a significant environmental improvement to this building.
- 6.35 The application site is in the Kent Downs National Landscape (formally AONB) which falls into the definition of high environmental value. The stable building itself is not listed and has no particular merit as a rural building. The submitted proposal with the changes to the appearance of this building, retention of existing hardstanding and new car parking area are of suburban domestic appearance in this rural location, and they are not considered to represent an improvement to the site. The proposal is contrary to DM5 a) and b).

#### Consideration of DM5 c) above

- 6.36 Policy DM12 advises "All new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Development proposals that fail to make efficient use of land for housing, having regard to the character and location of the area, will be refused permission". The density of the proposal is acceptable in this location and the development is in line with DM5c).

#### Consideration of DM5 d) above.

- 6.37 The previous refusal assessed that the application site is in an 'unsustainable location'. Bredhurst is approximately 0.4 miles and Lordswood is 2 miles from the application site, Bredhurst and Lordswood do not have the services or facilities such

as larger supermarkets, public transport and employment opportunities that are needed to avoid the need to travel by private vehicle. The boundary of Maidstone urban area is approximately 4 miles away to the south of the application site.

- 6.38 It was assessed, that to access Maidstone urban area on foot would require walking a long distance alongside either unlit, single lane roads or roads with high-speed limits. Additionally, the distance itself makes it unreasonable to assume occupants would walk.
- 6.39 Policy DM31 of the Maidstone Local Plan makes provision for the conversion of rural buildings, including to residential use (to which locational sustainability is not a criteria consideration), providing a clear acknowledgement that the principle of residential conversions in rural areas, where there will inevitably be a greater reliance on the private car can be acceptable in the context of the sustainable benefits resulting from re-use development."
- 6.40 Appeals on local sites such as 'Land at Forge Lane' (APP/U2235/W/16/3164561 relating to 16/504798/FULL) and other applications in the vicinity (18/505079/FULL and 18/506630/FULL) have concluded that this is broadly a sustainable location for development, essentially on the basis that Bredhurst has a primary school, village hall, church, public house, recreation facilities and regular bus services.
- 6.41 On this basis it is assessed that this application should benefit from the same considerations and that a refusal based on sustainability would not be appropriate.

#### **Standard of accommodation**

- 6.42 Local Plan policy DM1 advises 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.
- 6.43 The proposed dwelling will provide good levels of daylight and sunlight for a future occupant. All habitable rooms would comply with space standard set out in the emerging draft Maidstone Local Plan. These standards require habitable rooms of a sufficient size for daily activities and with sufficient natural light.
- 6.44 Policy LPRQ&D7 of the Emerging Draft Local Plan sets out the amenity space standards for new houses. Land to the side of and around the car parking spaces and to the rear of the building provide external amenity space. The quality of some of the external space is questionable due to its size and location to the north of the building.

#### **Neighbouring amenity**

- 6.45 Local Plan policy DM 1 states that proposals will be permitted where they respect the amenities of occupiers of neighbouring properties. Development should not result in, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion. Built form should not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.46 The main proposed doors and windows would not overlook any neighbour. The proposed dwelling maintains acceptable separation distances from neighbouring properties, and this will not impose any adverse effect in terms of overshadowing. The development would not create any significant noise issues and is unlikely to be affected by traffic noise.

- 6.47 The proposals are acceptable in terms of maintaining the living conditions of neighbouring occupiers and providing adequate amenities for future occupiers of the proposed dwelling. The current proposal is in accordance with policy DM1 of the Maidstone Borough Local Plan and LPRQ&D7 of the Emerging Draft Local Plan.

#### **Highways, access and parking**

- 6.48 Policy DM23 of the Local Plan sets out the parking standards for the Borough. The policy adopts a flexible approach to minimum and maximum parking standards to reflect local circumstances and the availability of alternative modes of transport to the private car.
- 6.49 The submitted site layout plan indicates provision of 2 car parking spaces for future occupiers of the proposed dwelling. There is sufficient turning space within the site for vehicles to enter and leave the site in a forward gear. The proposals would comply with the standards in policy DM23.
- 6.50 Access to the site is gained via the existing entrance from Dunn Street Road. The access has adequate visibility for drivers and there is no vehicle safety issue. The access would not have any significant impact on the free and safe movement of vehicles and pedestrians along Dunn Street Road and its vicinity.
- 6.51 Paragraph 111 of the NPPF (2023) states that development should only be refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact of the development would be severe. With the existing use and small scale of the development, any increase in car journeys resulting from the proposed scheme would not be significant enough to pose any additional highway safety challenges.
- 6.52 The Maidstone Landscape Character Assessment identifies the wider area as falling within the Bredhurst to Bicknor North Downs Landscape Character Area (area 2) and the relevant advice for this area is to improve and conserve character where condition is poor.

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

- 6.53 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**

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

### **7. CONCLUSION**

- 7.01 The National Planning Policy Framework (NPPF) reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which requires by law that planning applications "must be determined in accordance with the development plan, unless material considerations indicate otherwise".
- 7.02 The proposal, by reason of the building location in open countryside, the domestication of the building appearance with the insertion of fenestration and hardstanding areas would have an adverse impact on the design and appearance

of the building and the site generally, and this impact together with the introduction of domestic paraphernalia into the open landscape would result in urbanising development in this rural landscape, causing unacceptable harm to the character and appearance of the countryside and the Kent Downs National Landscape. The development would therefore neither maintain or enhance the distinctiveness of the countryside and Kent Downs National Landscape. . This is contrary to policies SS1, SP17, DM1, DM30 and DM31 of the Maidstone Borough Local Plan (2017), the National Planning Policy Framework (2023) and the Kent Downs AONB Management Plan 2014 to 2019 (Second Revision) (2014) Policies SD1, SD2, SD7 and SD9.

- 7.03 The application fails to demonstrate that a real attempt has been made at securing an alternative commercial re use of the building such as an alternative stables use or a holiday let, contrary to policy DM31 of the Maidstone Borough Local Plan (2017), and the National Planning Policy Framework (2023).

**8. RECOMMENDATION**

**REFUSE PLANNING PERMISSION for the following reasons:**

- 1) Notwithstanding the changes in this current scheme, the proposal, by reason of the building location in open countryside, the domestication of the building appearance with the insertion of fenestration and hardstanding areas would have an adverse impact on the design and appearance of the building and the site generally, and this impact together with the introduction of domestic paraphernalia into the open landscape would result in urbanising development in this rural landscape, causing unacceptable harm to the character and appearance of the countryside and the Kent Downs National Landscape. . The development would therefore neither maintain or enhance the distinctiveness of the countryside and Kent Downs National Landscape. . This is contrary to policies SS1, SP17, DM1, DM30 and DM31 of the Maidstone Borough Local Plan (2017), the National Planning Policy Framework (2023) and the Kent Downs AONB Management Plan 2014 to 2019 (Second Revision) (2014) Policies SD1, SD2, SD7 and SD9.
- 2) The application fails to demonstrate that a real attempt has been made at securing an alternative commercial re use of the building such as an alternative stables use or a holiday let, contrary to policy DM31 of the Maidstone Borough Local Plan (2017), and the National Planning Policy Framework (2023).

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 12



Ordnance Survey - data derived from OS Premium

**REPORT SUMMARY**

<b>REFERENCE NO:</b> 23/501635/FULL			
<b>APPLICATION PROPOSAL:</b> Conversion of existing barn to residential dwelling, including new entrance and access drive with associated parking (resubmission of 22/501591/FULL).			
<b>ADDRESS:</b> Chickenden Barn Chickenden Lane Staplehurst Tonbridge Kent TN12 0DP			
<b>RECOMMENDATION: GRANT PLANNING PERMISSION</b> subject to planning conditions			
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Report following deferral from Planning Committee of 24 August 2023.			
<b>WARD:</b> Staplehurst	<b>PARISH:</b> Staplehurst	<b>COUNCIL:</b>	<b>APPLICANT:</b> Mr Jarvis <b>AGENT:</b> Jenner Jones LLP
<b>CASE OFFICER:</b> Joanna Russell	<b>VALIDATION DATE:</b> 17/04/23	<b>DECISION DUE DATE:</b> 25/08/23	
<b>ADVERTISED AS A DEPARTURE:</b> No			

**Relevant Planning History**

22/501591/FULL - Conversion of existing barn to residential dwelling, including new entrance and access drive with associated parking. Withdrawn 01.07.2022

**MAIN REPORT**

**1. BACKGROUND**

1.01 The application was reported to Planning Committee of 24 August 2023 with a recommendation for approval. The application was deferred for consideration of the following:

- Seek further arboricultural information on tree removal and the impact of the development on retained trees (if any); and
- Negotiate with the applicant regarding the submission of an ecological method statement for the dredging of the ditch and pond given the potential to affect protected species.

1.02 The original report is appended.

**2. PROPOSAL**

2.01 As per appended August 2023 report.

**3. POLICY AND OTHER CONSIDERATIONS**

3.01 As per appended August 2023 report.

**4. LOCAL REPRESENTATIONS**

4.01 As per appended August 2023 report.

**5. CONSULTATIONS**

5.01 As per appended August 2023 report.

## 6. APPRAISAL

6.01 The key issues are:

- Arboricultural Impact
- Dredging of ditch and pond

### Arboricultural Impact

6.02 Members asked for further arboricultural information on tree removal and the impact of the development on retained trees (if any).

6.03 Arboricultural information is submitted with the application consisting of an initial tree report and an addendum relating to the impact of the proposed driveway. These are appended to this report. They show 20 trees across the site. No trees will be removed to the north of the barn on the line of the ditch. To west side of the pond there are 2 oak trees and a line of willows. None of these are shown for removal. This is shown on plan Plan 110H below:



6.04 The tree report recommends the removal of the two oaks growing in the pond as they are unstable and will otherwise rot and die.

6.05 The report advises that a degree of impact will occur to the trees to the east side of the pond during construction of the access drive. Excavation will disturb surface roots that are growing away from the waterlogged conditions of the pond and as such it is recommended that consideration should be given to the use of a permeable geotextile membrane over the roots underneath a suitable aggregate and a permeable surface finish.

6.06 In addition specific construction precautions should be observed throughout works. A requirement for these has been made through condition 6 which prevents any site clearance until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 is submitted and approved, and that work will be carried out in accordance with the approved details.

- 6.07 Additionally, condition 5 requires tree protection measures in accordance with the current edition of BS 5837 to be installed on site.
- 6.08 Maidstone Arboricultural officer has assessed the submission and advised that they raise no objections to this approach subject to the imposition of conditions as detailed above.
- 6.09 Concern has been raised about the impact of future water run-off from the development on the roots of the trees and therefore their long-term health. The proposal does not result in any additional non permeable surfaces, and it is not a matter that has been raised of concern by the Arboricultural Officer.
- 6.10 The arboricultural consultant for the applicant has advised the following:

*'The tree roots will not be adversely impacted by the proposed development. You state that the roof catchment will no alter in terms of M 2 and as such the run-off will remain the same.*

*The willow and alder trees, to the east and west of the pond benefit from being in close proximity to a water source. The hedgerow species are far enough away on the northern boundary not to be impacted upon.*

*The three oak trees on the southern boundary are in elevated positions and are mature. This indicates that the current growing conditions suit the trees and that as there will be no increase in water run-off to the pond, the trees will continue to survive as indicated in my original Tree Report of September 2022.*

*You have confirmed that there will be additional car parking / drive way constructed during development and this will be constructed oof a porous, natural materials. This should facilitate the gradual percolation of excess water into the ground water system, that will soak into the pond.*

*I note that there is intention to manage the vegetation, surrounding the pond, by cutting back on a three year cycle at 1/3 per cut, invasive species and encouraging natural , riparian zone species to develop. This again will assist with water uptake and gradual filtration into the pond.*

*I further note that there are plans to gradually clear the pond over time to avoid further siltation. This will maintain pond depths and prevent water stagnation. I would suggest that adding marginal plants such as rushes and water iris will improve water quality with the addition of oxygenating plants.*

*It is evident that the pond is well established and that the intended work to the pond will maintain, if not reduce, the possibility of flooding in the future. When water levels increase, I noted that there are ditches to the western and northern boundary of the pond that provides drainage away from the road and into the local network of water catchment.*

*Providing that the water runoff from the development does not increase manageable water levels in the pond, and that the management of the pond siltation and surrounding vegetation is undertaken, I consider that there is no risk to tree longevity on this development.'*

- 6.11 In response, the Council's Arboricultural Officer has advised that the square meterage of the property has not been increased. The applicant is proposing a strategy by excavating the ditches to help alleviate excess water and the materials used in the driveway construction are to be off a porous nature. Viewing the neighbours' comments and attached pictures of the site in times of flood, the native species found on or near the development site are tolerant to excessive water.

- 6.12 They have further advised that excessive water around tree roots can cause damage to root hairs, reduce oxygen uptake, and reduce the root structure's capability of water absorption. If the site had no history of excessive water holding on the land or if there was a substantial increase of water due to the development, then they would be more concerned.
- 6.13 On this basis, subject to the recommended conditions, it is considered that the proposal will not cause harm to existing trees on site.

#### **Dredging of Ditch and Pond**

- 6.14 Ecological survey information by Bakerwell has been submitted with the application. Section 10 of the report assesses 'Pond Enhancement' as follows:

*'The pond will be enhanced to support the species present or potentially present on site. Ponds are visited by grass snakes, amphibians including GCN, invertebrates, birds, and mammals.'*

*Bankside vegetation should be managed through cutting back 1/3 of vegetation on a three year rotation to control vigorous plants. Cutting should be undertaken at a time to avoid disturbance to wildlife especially breeding amphibians, with an optimal time period between November – February.*

*Waterbodies can become clogged with plants or sediment over time, this will reduce their effectiveness as SUDs and as wildlife ponds. Where sediment and aquatic vegetation is removed, no more than a 1/4 of the pond area/ ditch/swale length should be cleared in any one year. Material should be left on the bank for at least 48 hours to allow wildlife time to re-enter the water, before being removed and composted or disposed of properly.*

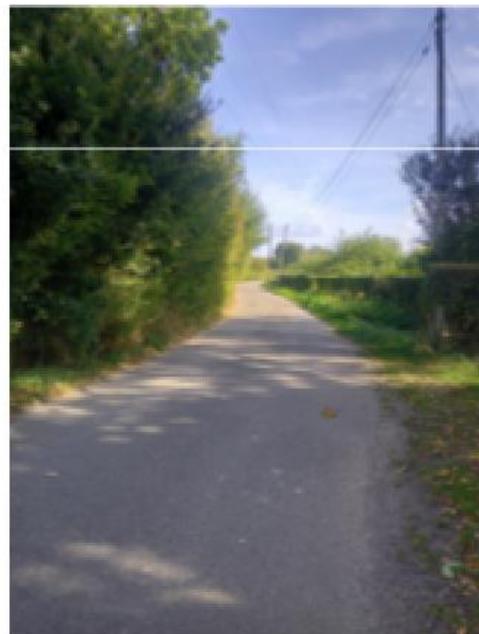
*The presence of invasive alien species should also be monitored and managed if found to be present, with fish being removed humanely. No fertilisers or herbicides should be used within the waterbodies or immediate vicinity.'*

- 6.15 Kent Ecology supported this approach as one of the enhancements on site and this has been conditioned.
- 6.16 With regard to the ditch, it has been observed to be a dry ditch (as detailed in 4.4 and 7.16 of the Bakerwell report). Typical of farm ditches they take flood water away from the area and in this instance run to the north and river. To alleviate concern about the dredging of the ditch and the pond, the enhancement measures as supported by Kent Ecology consultee have been secured by an added condition (No.9).
- 6.17 The additional condition would ensure that the dredging of the ditch and pond would not have an unacceptable impact on protected species and would therefore allay the concerns raised by Members previously.

#### **Other Matters**

- 6.18 While it did not form part of the resolution, an additional representation had been received prior to the committee, raising concerns about the safety of the access.
- 6.19 Plan 211 shows a point 2.5m drawn at the centre of the drive and sightlines marked both ways over land within the control of the owners of the barn to the east and west - 105 and 110m respectively. These lines do not require the removal of any trees. For a country lane, this far exceeds what is required. The applicant has advised that they are happy to agree a condition requiring maintenance of these sightlines and this has been added accordingly (no.16).

- 6.20 Land registry map search documents have been provided which demonstrate that the tarmac road is under private ownership. The verge in front of the paddock and including the new access is in the ownership of the applicant. The small area between the pond and the road is untitled, ie no one owns the verge and like the rest of Chickenden Lane, adjacent owners maintain it as they want or as instructed under a condition.
- 6.21 Two photos are displayed below which look west and east as if one was standing in the middle of the lane at the point of the new access. The hedge will be cut back to provide the site lines. It can be seen that there is a electricity pole but this like all highway furniture this is discounted when calculating sightlines as vehicles can be seen from either side.



### **PUBLIC SECTOR EQUALITY DUTY**

- 6.22 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**

- 6.23 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 Subject to satisfactory detail being submitted to demonstrate that future water run-off will not threaten the long-term health of the trees on site and to the imposition of conditions, there would be no unacceptable impact on the existing trees on site, or on protected species through the dredging of the pond or ditch. Additionally, sufficient sightlines from the access have been demonstrated and their maintenance can be secured by condition.

7.02 All other matters remain as per the committee report dated 24 August 2023.

**EIA Screening**

EIA Development	No
Comments	Development does not meet criteria or thresholds for EIA development

**8 RECOMMENDATION**

**GRANT PLANNING PERMISSION subject to the following conditions**

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

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
  
- 2) The development shall be carried out in accordance with the following approved plans and documents: 10D, 11B, 110H, 111B, 12B, 14C, 15E, 18A, 211, Financial Viability Assessment, Structural and Building Survey, Tree Survey Schedule, Tree Condition Report, Ecological Assessment, Heritage Statement, Flood Risk Assessment.  
Reason: To clarify the approved plans and to ensure the development is carried out to an acceptable visual standard.
  
- 3) The development hereby approved shall not commence until a photographic and descriptive record in accordance with level 2 of Historic England's document entitled "Understanding Historic Buildings A Guide to Good Recording Practice" has been submitted to and approved in writing by, the local planning authority. The approved descriptive record shall also be submitted to the relevant Historic Environment Record.  
Reason: To ensure that any evidence of historic significance is appropriately recorded.
  
- 4) Notwithstanding details on submitted drawings the development hereby approved shall not commence until large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority
  1. Reused and new internal joinery
  2. Reused and new external joinery.
 The development shall be carried out in accordance with the approved details  
Reason: To ensure the appearance and the character of the building are maintained.
  
- 5) Prior to the commencement of development, tree protection in accordance with the current edition of BS 5837 shall have been installed on site. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

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

- 6) No development including site clearance shall take place until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan.  
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 7) Prior to the commencement of development, the ecological mitigation for reptiles, dormouse, hedgehogs, breeding birds and badgers shall have been implemented as detailed within the Ecological Assessment (Bakerwell; April 2023). On completion of the mitigation works a letter must be submitted to the LPA demonstrating it has been completed. The mitigation shall be retained permanently thereafter.  
Reason: To protect the ecological value of the site.

- 8) Prior to the commencement of development, the ecological mitigation for bats shall have been implemented as detailed within Ecological Assessment (Bakerwell; April 2023) with a letter submitted to the LPA demonstrating it has been completed or evidence submitted to demonstrate that mitigation has been subsequently amended by a Natural England EPS licence. The mitigation shall be retained permanently thereafter.  
Reason: To protect the ecological value of the site.

- 9) As detailed in Section 10 of the Ecological Assessment by Bakerwell, bankside vegetation for the pond and the ditch shall be cut back by 1/3 of on a three year rotation to control vigorous plants. Cutting should only be undertaken between November – February.

Where sediment and aquatic vegetation is remove from the pond and the ditch, no more than a 1/4 of the pond area/ ditch/swale length shall be cleared in any one year. After clearance, material shall be left on the bank for at least 48 hours to allow wildlife time to re-enter the water, before being removed and composted or disposed of properly.

The presence of invasive alien species should also be monitored and managed if found to be present, with fish being removed humanely. No fertilisers or herbicides shall be used within the waterbodies or within the application site.

Reason: To protect the ecological value of the site.

- 10) Prior to the commencement of development, the applicant, or their agents or successors in title, shall have secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. Works shall only proceed in accordance with the approved details.  
Reason: To ensure that features of archaeological interest are properly examined and recorded.

- 11) Prior to first occupation of the approved dwelling living accommodation must be raised a minimum of 300mm above the design flood level of 18.64m AODN (i.e.

- above 18.94 AODN). Sleeping accommodation must be raised 600mm above the flood level (i.e. above 19.24m AODN).  
Reason: To mitigate against flooding impact.
- 12) Prior to first occupation of the approved dwelling flood resistance and resilience measures to the existing ground floor shall be in place that are in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The measures shall follow the advice of DEFRA's document Improving the Flood Performance of New Buildings Flood Resilient Construction. These measures shall be retained permanently thereafter.  
Reason: To mitigate against flooding impacts.
- 13) Within the first 3 months following first occupation of the approved dwelling evidence shall be submitted to show that residents of the dwelling have signed up to the EA's Flood Warning Service.  
Reason: To mitigate against flood impact
- 14) Prior to first occupation of the approved dwelling measures taken for the on site enhancement of biodiversity shall be in place that are in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the enhancement of biodiversity including measures integrated into the building structure and on the wider site such as bird boxes, swift bricks bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors. All features shall be maintained permanently thereafter.  
Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development
- 15) Prior to first occupation of the approved dwelling the approved details of the parking/turning areas shall be completed and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.  
Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.
- 16) The development shall not be occupied nor the use commenced until pedestrian visibility splays with no obstruction over 1.0m above the access footway level are provided in accordance with approved drawing number 211. They shall be maintained as such thereafter.  
Reason: In the interests of highway safety.
- 17) Prior to first occupation of the approved dwelling hard landscape works shall be in place that are in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. Plans shall show the finished level of the drive as the same or lower than the existing ground level and show that all hard surfaces are porous or drain onto a porous surface within the site boundaries. All features shall be maintained permanently thereafter  
Reason: To ensure a satisfactory appearance to the development and ensure the protection of existing trees and mitigate against flood impact.
- 18) At the end of the first planting season (October to February) following first occupation of the approved dwelling landscaping shall be in place that is in accordance with a hard and soft landscape scheme that shall have previously been submitted to and approved in writing by the Local Planning Authority. The hard and soft landscape scheme shall be designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012). The scheme shall show all existing trees, hedges and blocks of

landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of new on-site planting and include a planting specification (species, spacing, siting, quantities and maturity) implementation details and a [5] year management plan.

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

- 19) If any of the existing trees or hedges retained on site or trees, hedges or other landscaping in the approved landscape plan within a period of five years from the first occupation of the dwelling are removed, die or become, in the opinion of the local planning authority, so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the same location during the next planting season (October to February), with plants of an appropriate species and size to mitigate the impact of the loss as agreed in writing by the local planning authority.

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

- 20) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, AA, B, C, D, E and F to that Order shall be carried out to the new dwelling hereby approved without first obtaining the permission of the Local Planning Authority.

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

- 21) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light, GN01, dated 2011 (and any subsequent revisions) (Environmental Zone E1), and follow the recommendations within the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting', and shall include a layout plan (demonstrating they will not impact the bat roost) with beam orientation (All lights downward facing and on motion sensors or timers) and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: To safeguard the character and appearance of the countryside, wildlife and in the interests of residential amenity.

- 22) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the LPA. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with the National Planning Policy Framework (NPPF).

- 23) Prior to the first occupation of the approved dwelling decentralised and renewable or low-carbon sources of energy shall be incorporated into the development to provide at least 10% of total annual energy requirements of the development. The decentralised and renewable or low-carbon sources of energy shall be in accordance with details that have previously been submitted to and approved in writing by the

local planning authority and once installed the decentralised and renewable or low carbon sources of energy shall be retained thereafter.

Reason: To ensure an energy efficient form of development.

- 24) The materials to be used in the development hereby approved shall be as indicated on the approved plans.

Reason: To ensure a satisfactory appearance to the development.

### **INFORMATIVES**

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

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

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

**Relevant planning history**

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

**1.0 SITE DESCRIPTION**

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

## 2.0 PROPOSAL

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

### Site location



## 3.0 POLICY AND OTHER CONSIDERATIONS

- 3.01 Local Plan (2017):

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

- 3.02 Supplementary Planning Advice - Maidstone Landscape character assessment

- 3.03 Staplehurst Neighbourhood Plan – policies PW2 and PW4

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

- 3.05 Maidstone Borough Council – Local Plan Review

The Regulation 22 draft is a material consideration however weight is currently limited, as it is the subject of an examination in public that commenced on the 6 September 2022 (Stage 2 concluded on the 9 June 2023).

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

## 4.0 LOCAL REPRESENTATIONS

4.01 8 objections received raising the following points:

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

### **Staplehurst Parish Council**

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

## 5.0 CONSULTATIONS

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

### **Maidstone Conservation Officer**

5.01 No objection subject to conditions

### **Kent Ecology**

5.02 No objection subject to conditions

Existing building



## 6.0 APPRAISAL

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

**Countryside location**

- 6.02 The starting point for assessment of all applications in the countryside is Local Plan Policy SP17. Policy SP17 states that development proposals in the countryside will only be permitted where:
- a) there is no harm to local character and appearance, and
  - b) they accord with other Local Plan policies
- 6.03 Policy SP17 does not specify an acceptable level of harm to local character and appearance and all proposals in the countryside are likely to result in some harm. In this context all development outside the designated settlements does not accord with this part of SP17.
- 6.04 Other Local Plan policies permit development in the countryside in certain circumstances (equestrian, rural worker dwelling etc) and subject to listed criteria. If development accords with one of these other Local Plan policies, this compliance generally outweighs the harm caused to character and appearance with a proposal found in accordance with policy SP17 overall.
- 6.05 The current proposal will result in harm to the character and appearance of the countryside, however Local Plan policy DM31 permits the conversion of countryside buildings subject to a list of defined criteria. This list of criteria are considered below (DM31 paragraphs 1 and 3 are relevant).

**Acceptability of rural building conversion**

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

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

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

### **Character, appearance and heritage impact**

- 6.15 The local planning authority has a statutory duty to have special regard to the desirability of preserving listed buildings and their settings under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.16 Local Plan Policy SP17, which deals with development in the countryside, states that 'Development proposals in the countryside will not be permitted unless they accord with other policies in this plan, and they will not result in harm to the character and appearance of the area.'
- 6.17 Policy DM1 of the Local Plan states that proposals which would create high quality design and meet a set of criteria will be permitted. Policy DM30 encourages development proposals which accord with the surrounding countryside in terms of bulk, scale, massing, visual amenity and landscape character.
- 6.18 Policy DM 4 of the local plan requires that the significance of designated heritage assets and their settings are conserved, and, where possible, enhanced and policy SP 18 similarly seeks to protect and enhance the quality of heritage assets.
- 6.19 The NPPF sets out government planning policy. Chapter 16 sets out policies for conserving and enhancing the historic environment. Paragraph 194 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.
- 6.20 Paragraph 197 states that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraph 199 requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
- 6.21 Paragraph 200 continues that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 6.22 Staplehurst Neighbourhood Plan policy PW2 states that proposals for new development in the countryside beyond the extended village envelope will be assessed in terms of the potential impact of the development upon the visual setting and landscape features of the site and its surroundings, the potential impact upon the biodiversity of the area and other relevant planning considerations, such as the impact of traffic and noise. proposals which fail to demonstrate these impacts can be satisfactorily addressed will not be supported. Staplehurst

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

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

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

#### **Amenity impact**

- 6.37 Local Plan policy DM 1 states that proposals will be permitted where they respect the amenities of occupiers of neighbouring properties. Local Plan policy DM1 and paragraph 130 of the NPPF emphasise that proposals should provide adequate residential amenities for future occupiers of new development. Development should not result in, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion. Built form should not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.38 The proposed floorplans submitted accord with the nationally described space standards and as per criteria 3iii of DM31, the plans demonstrate that there is sufficient land around the buildings to provide a reasonable level of outdoor space for occupants. The outdoor space provided is in harmony with the character of its setting.
- 6.39 The building is located a sufficient distance from adjoining occupiers that there would be no loss of privacy, or impact on overlooking, daylight or sunlight.

#### **Highway and parking**

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

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

### **Biodiversity**

- 6.44 Local Plan policy DM3 states: *"To enable Maidstone borough to retain a high quality of living and to be able to respond to the effects of climate change, developers will ensure that new development protects and enhances the natural environment ...where appropriate development proposals will be expected to appraise the value of the borough's natural environment through the provision of...an ecological evaluation of development sites...to take full account of the biodiversity present, including the potential for the retention and provision of native plant species"*.
- 6.45 Given the condition of buildings and land, the number of trees in and around the site and its connectivity with the surrounding countryside, the proposal has the potential to affect protected species. Ecological survey information has been submitted and the Ecology consultee have advised that they are satisfied that this is sufficient to assess the impact of the proposal.
- 6.46 The submitted ecology report has detailed the following:
- Day roost for common pipistrelle and soprano pipistrelle.
  - Day and feeding roost for brown long-eared bat and Natterers bat.
  - 3 species of reptiles.
  - Suitable habitat for breeding birds, dormouse, badgers and hedgehogs.
  - GCN expect to be present in the ponds on site/surrounding the site.
- 6.47 In addition to the survey information, a detailed mitigation strategy and proposed enhancements have been submitted. The ecology consultee is satisfied that these measures are acceptable and that subject to the imposition of conditions, the ecological impact of the proposal can be sufficiently mitigated against. In this regard therefore, the proposal would accord with local plan policy DM3.

### **Flooding**

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

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

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

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

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

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

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

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

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

d) any residual risk can be safely managed.

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

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

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

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

### **Other considerations**

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

**PUBLIC SECTOR EQUALITY DUTY**

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

**7.0 CONCLUSION**

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

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

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

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

**8.0 RECOMMENDATION: GRANT PLANNING PERMISSION** subject to the following conditions

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

- must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 6) No development including site clearance shall take place until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
  - 7) Prior to the commencement of development, the ecological mitigation for reptiles, dormouse, hedgehogs, breeding birds and badgers shall have been implemented as detailed within the Ecological Assessment (Bakerwell; April 2023). On completion of the mitigation works a letter must be submitted to the LPA demonstrating it has been completed. The mitigation shall be retained permanently thereafter. Reason: To protect the ecological value of the site.
  - 8) Prior to the commencement of development, the ecological mitigation for bats shall have been implemented as detailed within Ecological Assessment (Bakerwell; April 2023) with a letter submitted to the LPA demonstrating it has been completed or evidence submitted to demonstrate that mitigation has been subsequently amended by a Natural England EPS licence. The mitigation shall be retained permanently thereafter. Reason: To protect the ecological value of the site.
  - 9) Prior to the commencement of development, the applicant, or their agents or successors in title, shall have secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. Works shall only proceed in accordance with the approved details. Reason: To ensure that features of archaeological interest are properly examined and recorded.
  - 10) Prior to first occupation of the approved dwelling living accommodation must be raised a minimum of 300mm above the design flood level of 18.64m AODN (i.e. above 18.94 AODN). Sleeping accommodation must be raised 600mm above the flood level (i.e. above 19.24m AODN). Reason: To mitigate against flooding impact.
  - 11) Prior to first occupation of the approved dwelling flood resistance and resilience measures to the existing ground floor shall be in place that are in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The measures shall follow the advice of DEFRA's document Improving the Flood Performance of New Buildings Flood Resilient Construction. These measures shall be retained permanently thereafter. Reason: To mitigate against flooding impacts.

- 12) Within the first 3 months following first occupation of the approved dwelling evidence shall be submitted to show that residents of the dwelling have signed up to the EA's Flood Warning Service. Reason: To mitigate against flood impact
- 13) Prior to first occupation of the approved dwelling measures taken for the on site enhancement of biodiversity shall be in place that are in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the enhancement of biodiversity including measures integrated into the building structure and on the wider site such as bird boxes, swift bricks bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors. All features shall be maintained permanently thereafter. Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development
- 14) Prior to first occupation of the approved dwelling the approved details of the parking/turning areas shall be completed and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them. Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.
- 15) Prior to first occupation of the approved dwelling hard landscape works shall be in place that are in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. Plans shall show the finished level of the drive as the same or lower than the existing ground level and show that all hard surfaces are porous or drain onto a porous surface within the site boundaries. All features shall be maintained permanently thereafter Reason: To ensure a satisfactory appearance to the development and ensure the protection of existing trees and mitigate against flood impact.
- 16) At the end of the first planting season (October to February) following first occupation of the approved dwelling landscaping shall be in place that is in accordance with a hard and soft landscape scheme that shall have previously been submitted to and approved in writing by the Local Planning Authority. The hard and soft landscape scheme shall be designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012). The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of new on-site planting and include a planting specification (species, spacing, siting, quantities and maturity) implementation details and a [5] year management plan. Reason: In the interests of landscape, visual amenity and to ensure a satisfactory appearance to the development.
- 17) If any of the existing trees or hedges retained on site or trees, hedges or other landscaping in the approved landscape plan within a period of five years from the first occupation of the dwelling are removed, die or become, in the opinion of the local planning authority, so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the same location during the next planting season (October to February), with plants of an appropriate species and size to mitigate the impact of the loss as agreed in writing by the local planning authority. Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.

- 18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, AA, B, C, D, E and F to that Order shall be carried out to the new dwelling hereby approved without first obtaining the permission of the Local Planning Authority. Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by prospective occupiers.
- 19) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light, GN01, dated 2011 (and any subsequent revisions) (Environmental Zone E1), and follow the recommendations within the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting', and shall include a layout plan (demonstrating they will not impact the bat roost) with beam orientation (All lights downward facing and on motion sensors or timers) and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter. Reason: To safeguard the character and appearance of the countryside, wildlife and in the interests of residential amenity.
- 20) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the LPA. The remediation strategy shall be implemented as approved. Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with the National Planning Policy Framework (NPPF).
- 21) Prior to the first occupation of the approved dwelling decentralised and renewable or low-carbon sources of energy shall be incorporated into the development to provide at least 10% of total annual energy requirements of the development. The decentralised and renewable or low-carbon sources of energy shall be in accordance with details that have previously been submitted to and approved in writing by the local planning authority and once installed the decentralised and renewable or low-carbon sources of energy shall be retained thereafter. Reason: To ensure an energy efficient form of development.
- 22) The materials to be used in the development hereby approved shall be as indicated on the approved plans. Reason: To ensure a satisfactory appearance to the development.

**INFORMATIVES**

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

**Urgent Update: Planning Committee 15 February 2024**

**Item 22: Pages 140 – 164 Chickenden Barn Chickenden Lane Staplehurst  
Tonbridge Kent TN12 0DP**

**APPLICATION: 23/501635/FULL**

Page 142, Para 6.03 of the main officer report states that the tree report and addendum were appended. These reports were not included with the main agenda and so are attached to this update.

Appended:

- Tree Condition Report (Amendment September 2022)
- Tree Condition Report (August 2021)

**No change to the officer recommendation**

**Tree Condition Report**  
**on Behalf of**  
**Mr and Mrs Jarvis**

**Barry Carter BSc M.I.C For**

**In Relation To:**  
***Trees Located at Land Known as Chickenden Barn, Staplehurst Kent. TN12 0DP***



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## **1: Summary**

At the request of Mr and Mrs Jarvis and Andrew Jenner of Peach Land and Homes, a Tree Condition Report and associated tree protection plan has been conducted for trees and hedgerows in the vicinity of proposed work for the development of an existing old barn into a new residential dwelling and outbuildings at land at Chickenden Barn, Chickenden Land , Staplehurst Kent. TN12 0DP

Barry J Carter, of Independent Woodland Services, conducted a visual inspection and survey on 24 August 2021. The following report is based on the findings and conclusions of the site survey.

The objective of this report is to determine the condition of several trees within hedgerows and surrounding a large pond number that are located on the site. It is unlikely that the proposed development of the barn and location of a proposed store area and car port will not impact significantly on any tree. This report focuses on the current conditions of the trees and remedial tree management work that will improve and or maintain tree longevity.

This report follows the guideline detailed in BS 5837: 2012 Trees in Relation to Construction.

Large shrubs, hedgerows (not containing trees) and ground cover species have not been surveyed as these do not impact on structures or pose risk to personnel or property. Small individual fruit trees are also not included in this report.

## **2: Report Limitations**

Trees and shrubs are living organisms whose health and condition can change rapidly. The health, safety and condition of trees should be checked on a routine basis, preferably at least once yearly, and conclusions and recommendations are only valid for a period of 1 year. Checks on trees close to structures and high usage areas must be checked when high winds, heavy snow or inclement is experienced as these factors affect stability and safety in the most extreme instances.

All trees are surveyed and inspected from ground level using non invasive methods, unless otherwise stated.

Sub-terrain roots have not been inspected and therefore the condition and or structure and extent cannot be commented upon.

Should a more detailed arboreal inspection be required, this is highlighted in the preliminary management recommendations section of the tree survey sheet.

### 3: General Observations

Due to the location of the trees being either close to a deep ditch running through the middle of the property or those that surround a large pond to the southern end of the property, trees have had average diameter and height assessments measured from a distance using a digital hypsometer.

As individually assessment is impaired the trees on this site have been grouped and recorded as:

1. Hedgerow 1 : Tress in a continuous line running from south to north along the central line on the west side of the existing barn.
2. East Side of the pond
3. West Side of the pond
4. Southern Side of the pond adjacent Chickenden Lane

The location of the tree groups is identified in the tree location plan in section 9 of this report.

It is evident that most of the trees have had little or no management for many years. The exception to this being on the southern boundary of the property where the trees border Chickenden Lane. Here, there has been a high degree of pruning to prevent damage or interference to the low voltage power line that supplies all houses along the private Lane.

Tree species are a mix of oak, ash , thorn withing the hedgerows and willow species , alder and ash around the pond area where ground conditions favour water tolerant species. Trees are uniform in age class , size and structural condition with no real hazards observed.

#### A. Hedgerow 1.(HR1)

The hedgerow runs north along the western side of the barn between what will be a garden and the existing paddock. All trees are stable and structurally sound showing no external signs of diseases or pathogens. The hedgerow contains 10 individual trees with a degree of hedgerow scrub. These being , from the south, 3 No Field Maple,4No Oak, 1 No Ash ad a furth 2 No Oak.

The trees range in height from 15 -22 m and between 150 -550 mm diameter at 1.5 m above ground level. There is a degree of deadwood through the oak trees and ash which is indicative of species type and age class.

The spread of the trees is east to west rather than north to south with most of the overhang being on the paddock and garden side of the hedgerow. The overhang of boughs into the garden extends to 5 m in places which is shading a significant are of the garden. This can be alleviated by sympathetically reducing (pruning back) the overhang on both the east and west sides of the hedgerow. It is important to ensure that the hedgerow trees remain balanced and symmetrical where possible to ensure that

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instability, weight distribution bias. Height reduction is not required however, any large deadwood can be removed during the tree management work.

#### B. Pond Trees, Eastern Side

Trees locate on the eastern side of the pond and predominantly Grey and Crack Willow and Grey Alder. These species are indicatively found in wet ground and high-water table areas and survive for many years even during dry periods.

In the far southern corner, there is a large Oak tree with a height of 15.3m and diameter at 1.5m of 690mm. This tree over-hangs Chickenden Lane and the low voltage power cables that run parallel to the lane. The powerline spurs in the corner of the pond and heads north along the eastern boundary of the property to feed the barn with power, running through the alder and willow trees inside the boundary of the neighbouring property.

Around the pond on the eastern side the willow and alder are in clumps of mature trees , some coppice form , interspersed with younger and varying age natural regeneration.

Height of the tees in this area is between 15- 25m with average diameter of between 150 – 500mm at 1.5m above ground.

The trees have received no management for many years and are in need of pollarding or coppicing. This will rejuvenate the trees, clear the low voltage power line, and prevent interference and possible damage. The work will also remove the risk of damage to neighbouring structures as some of the willow structurally weak due to the height and upper crown weight distribution.

There is a small ash tree in amongst the willow in this area which is structurally in good condition showing no signs of Ash dieback which impacts many trees throughout the UK.

#### C. Pond Trees , Western Side

On the western boundary of the pond are several scrubby, poorly formed and, in pats, damages willow trees. Most of the willows are showing signs of instability and structural damage. The below image details a structurally poor tree that has continued to survive for many years.



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There are a small group of willow immediately to the rear of the barn which are leaning and in need of management.

In the southwest corner of the pond there are 2 Oak trees similar in size and shape to those in hedgerow 1. Height of the trees is 15 – 22m with a dbh of 450cm. Neither will be impacted upon during the development of the barn. The Oak will benefit from lateral side and overhang reduction by 30 % of the total spread and width of the tree.

#### D . Pond Trees, Southern Boundary

There are several scrubby trees along the boundary of Chickenden Lane. Except for a large veteran oak tree with a height of 29m and dbh of 810mm , all trees have been excessively cut back to prevent interference with the low voltage power line that runs along the boundary of the pond area. The management work has created weight imbalance favouring the pond and north side of the trees. The trees appear structurally stable at point of inspection.

#### General :

Many of the oak and willow trees show signs of potential roost for both bats and owls with large natural cavities. As the trees have been largely under-managed and undisturbed for many years there are clear indications that site is ecologically rich in numerous fauna species. The large overgrown garden is a habitat for lepidoptera , reptiles and bird life. It is highly recommended that a habitat survey and protection plan is undertaken by appropriately qualified ecologist to record species and mitigate any potential disturbance the development may cause.

#### **4: Specific Precautions During Construction for Trees**

- Method Statements for working in close proximity to retained trees must be provided prior to work commencement
- Installation of tree protection fencing as described in Appendix 1
- Avoid disturbance to major tree root structures
- Avoid damage to tree stem and bark by plant and lifting equipment
- Conduct necessary remedial tree work prior to construction process
- In sensitive areas within the RPA, carry out digging or piling operations by hand methods especially where large roots are evident
- Protect the ground within the RPA with suitable ground protection designed to withstand heavy weights.
- Avoid ground compaction within the RPA

## 5: Schedule of recommended Tree Work

**Table 1.**

<b>Tree Group</b>	<b>Species</b>	<b>Recommended Work</b>
Hedgerow 1	Field Maple, Oak and Ask	Reduce lateral growth and overhang to garden side and paddock side of all trees by 30%. Remove larger deadwood throughout trees.
Trees East Side of Pond	Willow and Alder	Coppice / pollard trees closest to neighbouring property to alleviate risk of damage to structures in case of structural failure
Trees West Side of Pond	Willow	Coppice all leaning and falling trees to rejuvenate. Allow to re-coppice and keep managed every 10 yrs
Pond Trees , southern boundary	Oak and Willow	No work Required

## 6: Root Protection Area (RPA)

Table 2 below provides details of RPA in relation to tree diameter. Where trees are multi-stemmed, the average stem diameter, taken at 1.5m, has been used for calculation. Although individual RPA measurements have been given, it may not be practical to protect all trees individually. In this case, the methods of protection described in section 7, must be installed around the perimeter of the trees on the outer most limits of edge tree RPA radiuses. This will ensure that the trees are protected during the construction process.

Although no surface roots from the surveyed trees was seen, machinery should not cross surface roots without root protection. The level of protection is directly proportional to weight and ground pressure exerted by specific machinery. Therefore, the level, type and structural composition of ground protection should be designs by a qualified engineer to ensure that ground pressure does not exceed 30 psi.

**Table 2: Root Protection Area in Relation to Tree Diameter**

<b>Tree Ref</b>	<b>Ave Diameter at Breast Height mm</b>	<b>Root Protection Area Radius M</b>	<b>Root Protection AreaM<sup>2</sup></b>
Hedgerow 1	400	4.80	72
Trees East Side of Pond	450	5.40	92
Trees West Side of Pond	500	6.00	113
Pond Trees , southern boundary	550	6.60	137

RPA is calculated using the following equation:-

$$\text{RPA(m}^2\text{)} = \frac{(\text{stem diameter (mm) @ 1.5m x 12})^2 \times \pi}{1000}$$

## 7: Tree Protection During Construction

The extract **Appendix 1** details tree protection according to BS5837 and details the design and specification of tree protection. Alternative fencing may be used if it is authorised by the local planning authority. This can take the form of panelled Heras fencing supported with base plates and secured with clamps or paling type fencing attached to scaffold framework.

It is therefore recommended that any work within the RPA is carried out using techniques agreed with the DPA during the planning approval process. Where possible, manual working techniques should be adopted to avoid unnecessary damage or disturbance to roots or the integrity of the tree. During the work every care must be taken not to cut through roots that have a significant stabilising impact on any tree. Tree roots are robust and will tolerate a degree of disturbance and pruning if conducted in a sympathetic manner.

The authors of this report are not qualified to provide engineering specification for construction techniques, and it will therefore be the architect's responsibility to design and submit suitable systems to the planning authority.

A driveway is proposed to provide access into the development. The drive may be positioned very close to trees in hedgerow 1 and trees on the western boundary of the pond. It is suggested that rather than use tarmac, block type or other nonporous type surfacing, alternatives should be considered. This will minimise root disturbance and maintain a porous surface that will not impact on moisture or nutrient availability to the trees.

When working with the RPA of any tree, all work must take place promptly to minimise the exposure to any severed root regardless of size. Once the work is complete all tree roots must be covered immediately to avoid infection from airborne disease and pathogens.

## **8 : Tree Survey Schedule**

The following tree survey schedule details specification and species of trees and indicates the retentive vale in years and by BS 5837 categorisation.

**Tree Survey Schedule**

Survey Ref & No: Chickenden Barn , TN12 0DP

Location Chickenden Lane , Staplehurst. TN12 0DP

Year of Survey : Aug-21

Client Mr and Mrs Jarvis

Surveyed by: IWS, Barry Carter



Tree Reference	Species	Height M	DBH MM	Spread M N, E S W	Height M Crown Clearance	Age Class	Physiological Condition	Structural Condition	Root Protection Radius M Area M <sup>2</sup>	Estimated Remaining Contribution Yrs	BS Category Grading
Hedgerow 1	Oak, Field Maple, Ash	15-22	150-550	5,5,5,5,	2	Mature	Good	Good	4.80 72	≥ 40	B
East Side of Pond	Willow, Alder, Ash	15-22	150-550	4,4,4,4	05-Jan	Maure	Good	Good	5.4 92	≥ 40	B
West Side of Pond	Willow , Oak	15-22	450-550	6,5,6,6	2.5	Mature	Fair / Poor	Fair / Poor	6.0 113	≥ 15	B
Pond Trees Southern Boundary	Willow, Oak	15-29	450- 810	5,3,3,2	3	Mature / Veteran	Good / Fair	Fair	6.60 137	≥ 40	B

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**9 :  
Tree Location Plan**



**Independent Woodland Services**

Chicken Barn TN12 ODP  
Tree Location Plan  
Mr and Mrs Jarvis  
IWS Tree Report August 2021

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GENERAL NOTES  
1. This plan was prepared in accordance with BS5838:2012  
2. All measurements are in metres unless otherwise stated  
3. The plan is based on a site visit on 12/08/2021

Tree	Code	Species	Height (m)	DBH (cm)	Notes
T1	1	Oak	17.39	12.5	
T2	2	Oak	17.34	12.5	
T3	3	Ash	17.35	12.5	
T4	4	Oak	17.37	12.5	
T5	5	Oak	17.35	12.5	
T6	6	Oak	17.36	12.5	
T7	7	Oak	17.43	12.5	
T8	8	Field Maple	17.37	12.5	
T9	9	Field Maple	17.42	12.5	
T10	10	Field Maple	17.46	12.5	
T11	11	Willows	17.43	12.5	
T12	12	Willow	17.79	12.5	
T13	13	Willow	17.79	12.5	
T14	14	Willow	17.79	12.5	
T15	15	Oaks x 2	17.85	12.5	
T16	16	Oak	17.87	12.5	
T17	17	Oak	17.87	12.5	
T18	18	Alder	17.61	12.5	
T19	19	Willows	17.61	12.5	
T20	20	Oak	17.61	12.5	
T21	21	Oak	17.61	12.5	

Symbol	Description
[Symbol]	Boundary
[Symbol]	Concrete
[Symbol]	Grass
[Symbol]	Path
[Symbol]	Water
[Symbol]	Wood

**EMP CHARTERED SURVEYORS**

11 Green Lane, Staplehurst, Kent TN12 0DP  
Tel: 01892 819174 Email: info@emp-surveyors.co.uk

Client: **Mr & Mrs Jarvis**

Address: **Benge Barn, Chickenden Lane, Staplehurst, Kent TN12 ODP**

Site: **A1** Drawing No: **091120\_SH** No: **A**

Scale: **1:200** Date: **08/08/2021** Sheet: **1 of 1**

## 10. Survey Methodology

This survey has been prepared in accordance with BS 5837 2012, Trees in Relation to Construction.

These are identified on plan numerically using the suffix 'T'.

The survey schedules provided in section 5 are understood with consideration of the following explanation of scoring and categorisation.

**Table 2**

### Tree Survey Sections

Survey Section	Detail
• Tree Reference	Reference No detailed-on survey plan i.e., T1, T2 G1, G2
• Species	Common or scientific name of tree
• Height	In Metres
• Stem diameter mm	Diameter taken at 1.5m above adjacent ground level. Above root flare for multi-stemmed trees. Shown in mm
• Branch Spread	In metres taken at minimum and maximum spread
• Height of crown	Height in metres of lower crown above adjacent ground level
• Age Class	Young (Y) Semi-mature (SM), Mature (M), Over Mature (OM), Veteran (V)
• Physiological condition	Good, Fair, Poor, Dead
• Structural condition	Collapsing, presence of decay and physical defect
• Preliminary management recommendations	Further investigations / work required of suspected defects that require more detailed assessment and potential for wildlife habitat
• Estimated remaining contribution in years	Less than 5, 10, 10 – 20, 20 – 40, more than 40
• R or A-C BS Category	See table 2 - 4 below

**Table 3**

**Category Classification and Criteria**

Category	Criteria
<b>Trees for Removal</b>	
R	Those that are in such a condition that any existing value would be lost within 10 years, and which should, in the current context, be removed for reasons of sound arboriculture management
<b>Trees To Be Considered for Retention</b>	
A	Those of high quality and value; in such a condition as to be able to make a substantial contribution (minimum value of 40 years)
B	Those of moderate quality and value: those is such a condition as to make a significant contribution (minimum value of 20 years)
C	Those of low quality and value: currently in adequate condition to remain until new planting could be established (minimum value of 10 years)

**Table 4**

**Tree Group Criteria - Subcategories**

Category	Criteria		
	1 Mainly arboricultural values	2 Mainly landscape values	3 Mainly cultural values, including conservation
A	Trees that are good examples of their species, especially if rare or unusual, or essential components of groups	Tree groups or woodlands which provide a definite screening or softening to the locality in relation to views into or out of the site, or those of visual importance	Trees or groups of trees of significant conservation, historical, commemorative, or other value

B	Trees that may be included in the high category but have been downgraded due to impaired condition	Trees in groups or significant numbers such that they form a distinct landscape feature, therefore attracting a higher collective value than they might have had as a single specimen	Trees with clearly identifiable conservation or other cultural benefits
C	Trees not qualifying in higher categories	Trees in groups but without this conferring on them significantly greater landscape value and/or trees offering low or only temporary screening benefit	Tree with very limited conservation or other cultural benefits

**Table 5**

**Tree and Tree Group Location Plan Colour Coding**

<b>Category Class</b>	<b>Colour Identification on Plan</b>
Category R	Dark Red
Category A	Light Green
Category B	Mid Blue
Category C	Grey

## 11 : Appendix 1

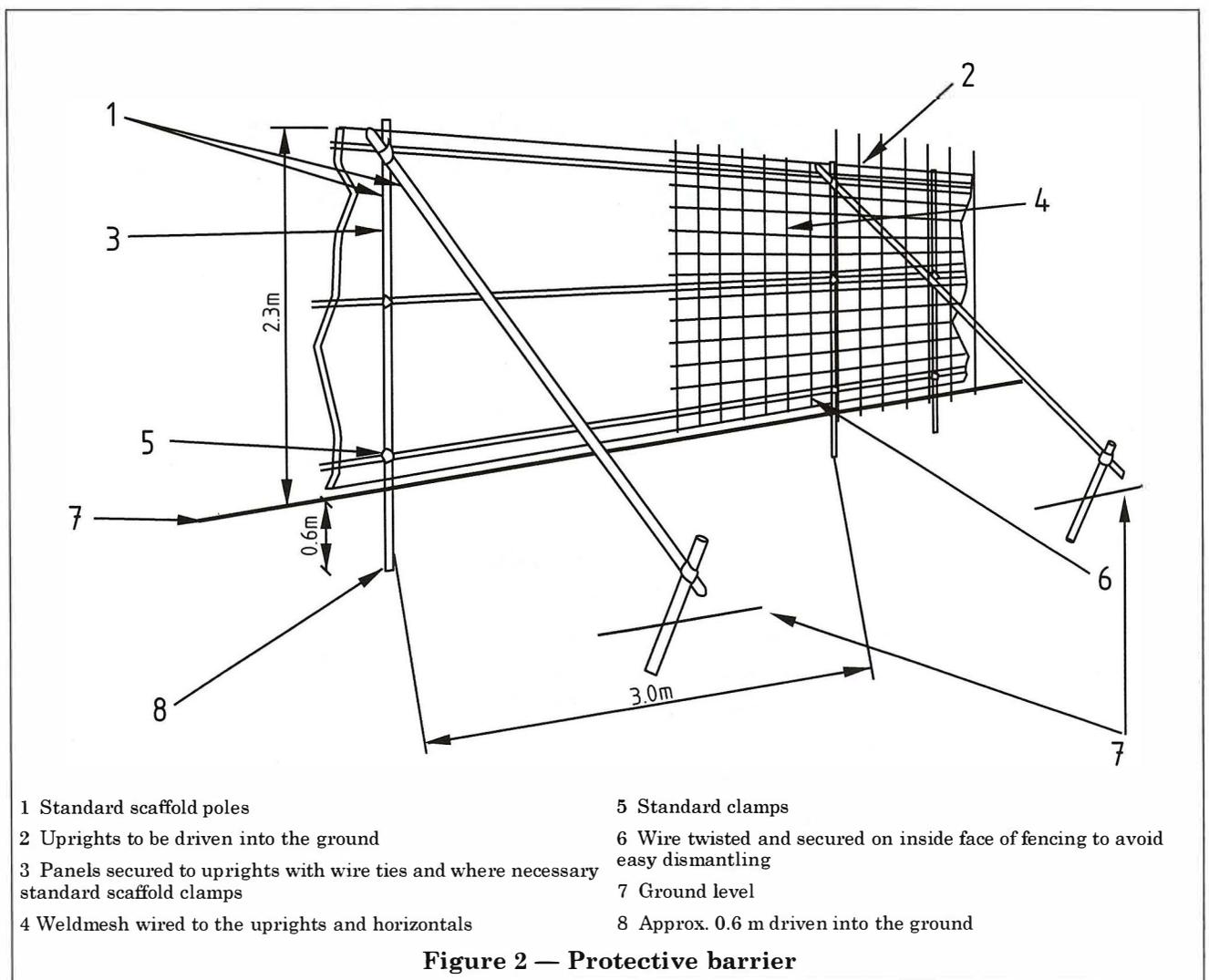
### Tree Protection Barrier and Root Protection

### 9.3 Ground protection

**9.3.1** Where it has been agreed during the design stage, and shown on the tree protection plan, that vehicular or pedestrian access for the construction operation may take place within the root protection area (RPA), the possible effects of construction activity should be addressed by a combination of barriers and ground protection. The position of the barrier may be shown within the RPA at the edge of the agreed working zone but the soil structure beyond the barrier to the edge of the RPA should be protected with ground protection.

**9.3.2** For pedestrian movements within the RPA the installation of ground protection in the form of a single thickness of scaffold boards on top of a compressible layer laid onto a geotextile, or supported by scaffold, may be acceptable (see Figure 3).

**9.3.3** For wheeled or tracked construction traffic movements within the RPA the ground protection should be designed by an engineer to accommodate the likely loading and may involve the use of proprietary systems or reinforced concrete slabs (see 11.8 and 11.9).



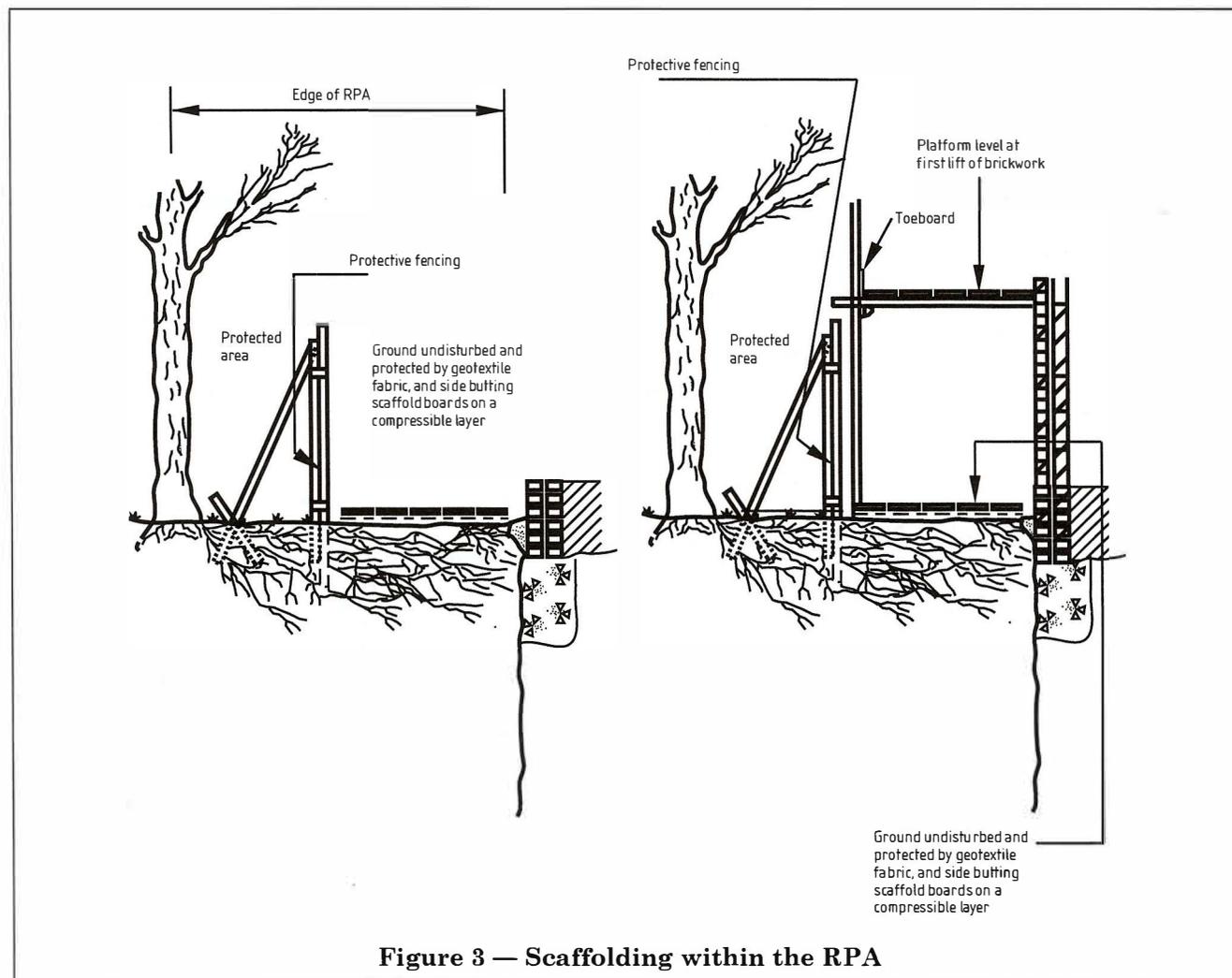


Figure 3 — Scaffolding within the RPA

#### 9.4 Additional precautions outside the exclusion zone

9.4.1 Once the exclusion zone has been protected by barriers and/or ground protection, construction work can commence. All weather notices should be erected on the barrier with words such as:

“Construction exclusion zone — Keep out”.

9.4.2 In addition the following should be addressed or avoided.

- a) Care should be taken when planning site operations to ensure that wide or tall loads, or plant with booms, jibs and counterweights can operate without coming into contact with retained trees. Such contact can result in serious damage to them and might make their safe retention impossible. Consequently, any transit or traverse of plant in close proximity to trees should be conducted under the supervision of a banksman to ensure that adequate clearance from trees is maintained at all times. In some circumstances it may be impossible to maintain adequate clearance thus necessitating access facilitation pruning (see 11.2.1).
- b) Material which will contaminate the soil, e.g. concrete mixings, diesel oil and vehicle washings, should not be discharged within 10 m of the tree stem.
- c) Fires should not be lit in a position where their flames can extend to within 5 m of foliage, branches of trunk. This will depend on the size of the fire and the wind direction.
- d) Notice boards, telephone cables or other services should not be attached to any part of the tree.

**Tree Condition Report**  
**on Behalf of**  
**Mr and Mrs Jarvis**

**Barry Carter BSc M.I.C For**

**In Relation To:**  
***Trees Located at Land Known as Chickenden Barn, Staplehurst Kent. TN12 0DP***



<b>Section</b>	<b>Page</b>
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## 1: Summary

At the request of Mr Andrew Jenner of Jenner Jones LLP, an amendment and addition information has been requested to the report submitted in August 2021.

Consideration must now be given to the trees classified as Trees to the East Side of the Pond where a proposed access to the property is to be located. This will be the principal access point to the development during the construction process and as such a degree of impact will occur to the trees in this area when excavation and placing of material occurs.

## 2: General Observations

The trees in the are details as Trees to the East Side of the Pond are detailed in the attached tree schedule in this report.

I have estimated, in my report, that a root protection area of 5.4m radius should be imposed to avoid causing root disturbance and stress to any of the trees. The willows and alder in this area are less susceptible to disturbance but the oak tree in this area will have root compensation morphology meaning that the roots will seek out dryer ground away from the waterlogged fringes of the pond. In essence this means there will be more surface root spread and balance towards the proposed drive.

## 3: Specific Precautions During Construction for Trees

Excavation in close proximity to the trees will undoubtedly disturbed surface roots that are growing away from the waterlogged conditions of the pond. It will be necessary to avoid damage to the surface roots as a degree of root growth compensation will have occurred during the trees life as suitable ground is restricted due to the position of the pond.

To avoid damage to the roots, consideration should be given to placing a permeable geotextile membrane, such as Terram, over the roots. This can then be covered with aggregate suitable to support machinery and vehicles during the construction process whilst allowing the roots to maintain access to air and moisture.

A maximum depth of 250mm above the roots should be imposed. This will comprise of the geotextile, suitable type 1 or similar aggregate, surface scalping's and a suitable permeable surface finish such as gravel or porous bonded gravel.

In addition to the above, the below considerations should be adopted.

- Method Statements for working near to retained trees must be provided prior to work commencement
- Installation of tree protection fencing as described in Appendix 1
- Avoid disturbance to major tree root structures
- Avoid damage to tree stem and bark by plant and lifting equipment
- Conduct necessary remedial tree work prior to construction process
- In sensitive areas within the RPA, carry out digging or piling operations by hand methods especially where large roots are evident
- Protect the ground within the RPA with suitable ground protection designed to withstand heavy weights.
- Avoid ground compaction within the RPA

The extract **Appendix 1** details tree protection according to BS5837 and details the design and specification of tree protection. Alternative fencing may be used if it is authorised by the local planning authority. This can take the form of paneled Heras fencing supported with base plates and secured with clamps or paling type fencing attached to scaffold framework.

It is therefore recommended that any work within the RPA is carried out using techniques agreed with the DPA during the planning approval process. Where possible, manual working techniques should be adopted to avoid unnecessary damage or disturbance to roots or the integrity of the tree. During the work every care must be taken not to cut through roots that have a significant stabilising impact on any tree. Tree roots are robust and will tolerate a degree of disturbance and pruning if conducted in a sympathetic manner.

The authors of this report are not qualified to provide engineering specification for construction techniques, and it will therefore be the architect's responsibility to design and submit suitable systems to the planning authority.

A driveway is proposed to provide access into the development. The drive may be position very close to trees in hedgerow 1 and trees on the western boundary of the pond. It is suggested that rather than use tarmac, block type or other nonporous type surfacing, alternatives should be considered. This will minimise root disturbance and maintain a porous surface that will not impact on moisture or nutrient availability to the trees

When working with the RPA of any tree, all work must take place promptly to minimise the exposure to any severed root regardless of size. Once the work is complete all tree roots must be covered immediately to avoid infection from airborne disease and pathogens.

#### **4 : Tree Survey Schedule**

The following tree survey schedule details specification and species of trees and indicates the retentive vale in years and by BS 5837 categorisation.

**Tree Survey Schedule**

Survey Ref & No: Chickenden Barn , TN12 0DP

Location

Chickenden Lane, Staplehurst, TN12 0DP

Year of Survey : Aug-21

Client

Mr and Mrs Jarvis

Surveyed by: IWS, Barry Carter



Tree Reference	Species	Height M	DBH MM	Spread M N, E S W	Height M Crown Clearance	Age Class	Physiological Condition	Structural Condition	Root Protection Radius M Area M <sup>2</sup>	Estimated Remaining Contribution Yrs	BS Category Grading
East Side of Pond	Willow, Alder, Oak	15-22	150-550	4,4,4,4	05-Jan	Maure	Good	Good	5.4 92	≥ 40	B

## 5: Tree Location Plan



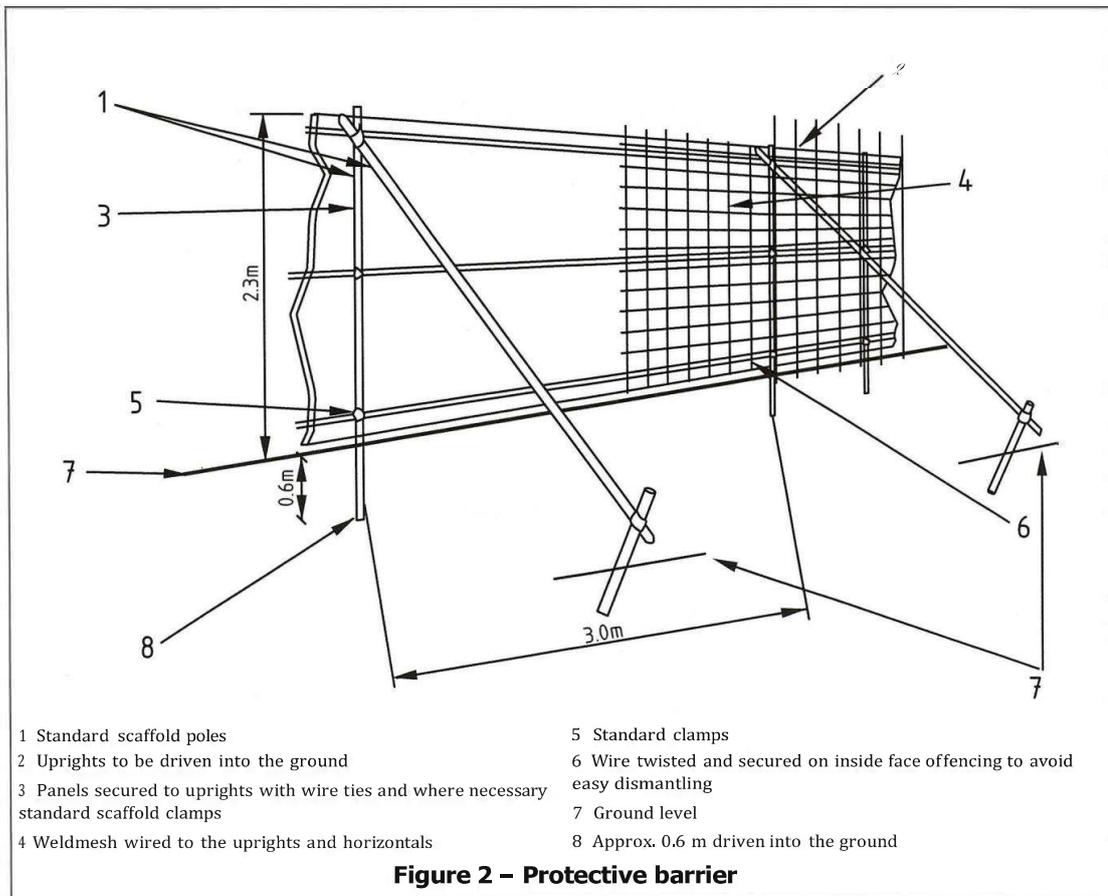
**Appendix 1 :**  
**Tree Protection Barrier and Root Protection**

### 9.3 Ground protection

**9.3.1** Where it has been agreed during the design stage, and shown on the tree protection plan, that vehicular or pedestrian access for the construction operation may take place within the root protection area (RPA), the possible effects of construction activity should be addressed by a combination of barriers and ground protection. The position of the barrier may be shown within the RPA at the edge of the agreed working zone but the soil structure beyond the barrier to the edge of the RPA should be protected with ground protection.

**9.3.2** For pedestrian movements within the RPA the installation of ground protection in the form of a single thickness of scaffold boards on top of a compressible layer laid onto a geotextile, or supported by scaffold, may be acceptable (see Figure 3).

**9.3.3** For wheeled or tracked construction traffic movements within the RPA the ground protection should be designed by an engineer to accommodate the likely loading and may involve the use of proprietary systems or reinforced concrete slabs (see **11.8** and **11.9**).



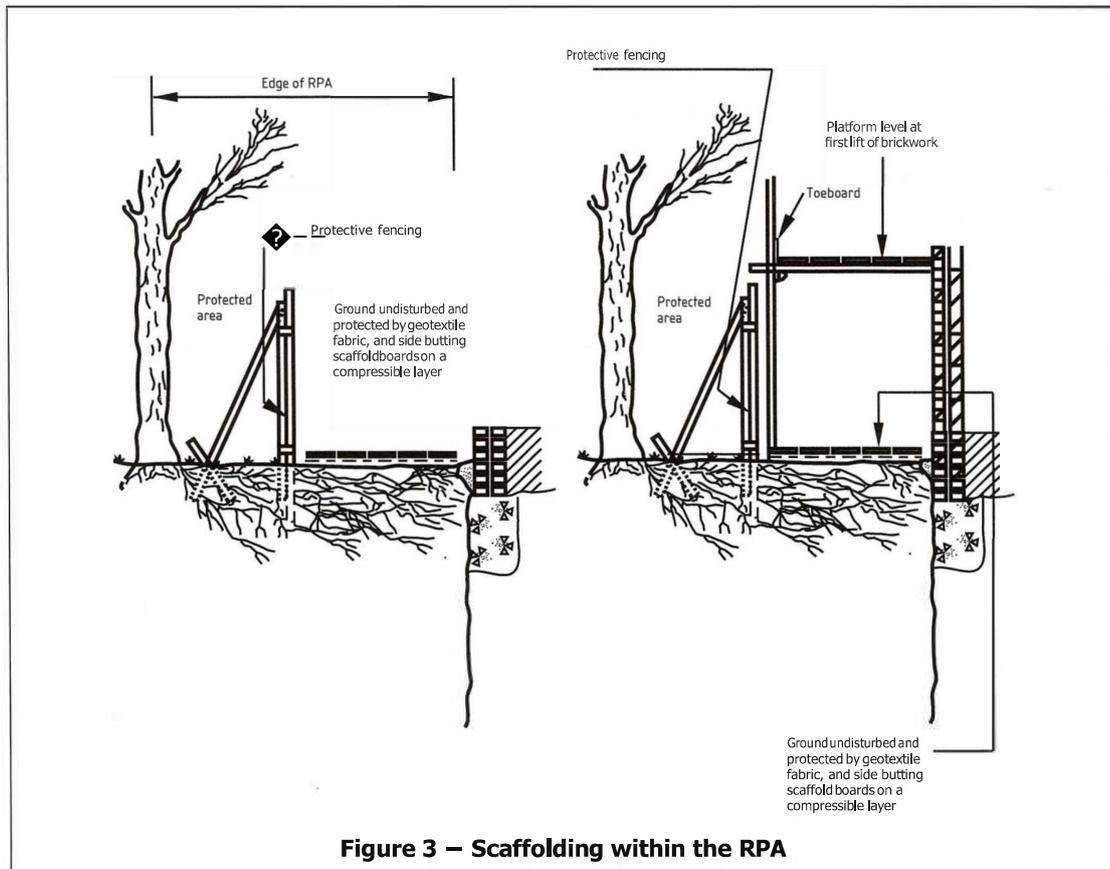


Figure 3 – Scaffolding within the RPA

#### 9.4 Additional precautions outside the exclusion zone

9.4.1 Once the exclusion zone has been protected by barriers and/or ground protection, construction work can commence. All weather notices should be erected on the barrier with words such as:

"Construction exclusion zone - Keep out".

9.4.2 In addition the following should be addressed or avoided.

- a) Care should be taken when planning site operations to ensure that wide or tall loads, or plant with booms, jibs and counterweights can operate without coming into contact with retained trees. Such contact can result in serious damage to them and might make their safe retention impossible. Consequently, any transit or traverse of plant in close proximity to trees should be conducted under the supervision of a banksman to ensure that adequate clearance from trees is maintained at all times. In some circumstances it may be impossible to maintain adequate clearance thus necessitating access facilitation pruning (see **11.2.1**).
- b) Material which will contaminate the soil, e.g. concrete mixings, diesel oil and vehicle washings, should not be discharged within 10 m of the tree stem.
- c) Fires should not be lit in a position where their flames can extend to within 5 m of foliage, branches or trunk. This will depend on the size of the fire and the wind direction.
- d) Notice boards, telephone cables or other services should not be attached to any part of the tree.