

ADJOURNED PLANNING COMMITTEE MEETING

Date: Thursday 27 June 2024
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Cleator, Cox, Harwood, Jeffery, M Naghi, Riordan, Spooner, Summersgill (Vice-Chairman), M Thompson, S Thompson, Trzebinski, Wilby (Chairman) and D Wilkinson

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

AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. 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. 22/502027/FULL - Land North of 351 Hermitage Lane, Maidstone, Kent 1 - 13
10. 23/505330/TPOA - 13 Brockman Place, Church Street, Maidstone, Kent, ME14 1BX 14 - 22
11. 23/503247/TPOA - Trees Along River Len Footpath, Spot Lane, Downswood, Kent 23 - 28
12. 5001/2024/TPO - Woodland between Kerry Hill Way and Moncktons Lane, Maidstone, Kent 29 - 36

Issued on Tuesday 25 June 2024

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

13.	5002/2024/TPO - Old Mill House, Loose, Maidstone, Kent, ME15 OBD	37 - 47
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16.	24/500999/FULL - The Masters Tower, College Road, Maidstone, Kent ME15 6YF	69 - 79
17.	24/501069/FULL - 62 Sovereigns Way, Marden, Tonbridge, Kent, TN12 9QF	80 - 91
18.	24/500504/FULL - Lodge Farm, Goudhurst Road, Marden, Tonbridge, Kent TN12 9NW	92 - 103
19.	24/501322/FULL - Container, Cobtree Manor Park, Forstal Road, Aylesford, Kent	104 - 110
20.	Appeals List	111 - 113

PLEASE NOTE

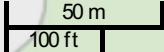
The order in which items are taken at the meeting may be subject to change.

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

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Ordnance Survey - data derived from OS Premium

22/502027/FULL Land North Of 351 Hermitage Lane, Maidstone, Kent

Scale: 1:2500

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22/502027/FULL

Procedural Error on Decision

This application was heard at the first part of the Planning Committee Meeting on 20th June.

The officer recommendation to approve permission was voted upon and did not carry.

Members then discussed grounds to refuse the application (as interpreted by officers below) but there was no vote held.

The application will therefore be brought back for a vote/decision at the second part of the Planning Committee Meeting on 27th June, which has been agreed with the Chair of Planning Committee, Democratic Services, and the Monitoring Officer.

Consideration of the application will continue from the point at which the item closed on 20th June. This means, for example, the application will not be reintroduced, nor will public speakers be able to address the meeting again.

Therefore, please note the decision can only be made by those Members who were present for this item on 20th June.

Planning Committee's Putative Reason for Refusal:

The proposed development within Maidstone Borough would result in significant harm to the rural character and appearance of the area contrary to policy LPRSP9 of the Maidstone Local Plan Review.

Procedural Risk

Whilst officers are confident the procedure to be followed above is the correct one, it is important that the Committee consider that the usual procedure has not been followed given the lack of a vote when this item was initially considered, and that inevitably introduces risk. Therefore, to manage that risk further the options available to the committee are set out below to provide clarity.

Options

All options on the application are open to the committee with the exception of approval as per the papers (as this was voted against). The main options available are therefore:

1. To approve the application, but there must be amendments to the proposed conditions etc.
2. To defer the application to a future meeting, with a reason. Examples of acceptable reasons are:
 - a. For more information to be provided on an area of concern, or,
 - b. To manage procedural risks around the decision given the unusual circumstances and enable the application to be reconsidered in full; or
3. To refuse the application for the putative reason for refusal listed above, or to consider other reasons for refusal.

REFERENCE NO - 22/502027/FULL		
APPLICATION PROPOSAL		
Erection of 42 no. residential dwellings including affordable housing. Enhancement of existing access from Hermitage Lane and provision of associated hardstanding, landscaping, open spaces and infrastructure including drainage and earthworks.		
<i>Note – This is a cross boundary application spanning Tonbridge and Malling and Maidstone Boroughs. The Council is only determining the part of the application that falls within its Borough boundary which is one house, its garage, and garden, and landscaped areas.</i>		
ADDRESS Land North Of 351 Hermitage Lane, Maidstone, Kent		
RECOMMENDATION – APPROVE PERMISSION		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> • The Council is only determining the part of the application that falls within the Maidstone Borough boundary which is one house, its garage, and garden, and landscaped areas in the corner of the existing field. • Tonbridge and Malling Borough Council (TMBC) have approved 41 dwellings on the remainder of the field and so the context for the single dwelling in Maidstone is a housing estate of which it will form part. • Whilst the Local Plan Review does not allow for houses on greenfield land in the countryside, in the context of the development approved by TMBC, the single dwelling is acceptable, and this represents a material consideration to warrant a departure from the Development Plan. • Permission is therefore recommended for the dwelling and development within Maidstone subject to conditions. 		
REASON FOR REFERRAL TO COMMITTEE		
<ul style="list-style-type: none"> • The recommendation is a departure from the Development Plan. • Ward Councillor Forecast has called the application to Planning Committee for the reasons outlined in the report. 		
WARD Palace Wood	PARISH COUNCIL N/A	APPLICANT Esquire Developments AGENT N/A
CASE OFFICER: Richard Timms	VALIDATION DATE: 21/04/22	DECISION DUE DATE: 28/06/24
ADVERTISED AS A DEPARTURE: YES		

Relevant Planning History

22/503850/ADJ (Consultation by Tonbridge and Malling Borough Council)

Consultation on the Erection of 42 dwellings including affordable housing. Enhancement of existing access from Hermitage Lane and provision of associated hardstanding, landscaping, open spaces and infrastructure including drainage and earthworks – MBC RAISED OBJECTIONS 23/08/22

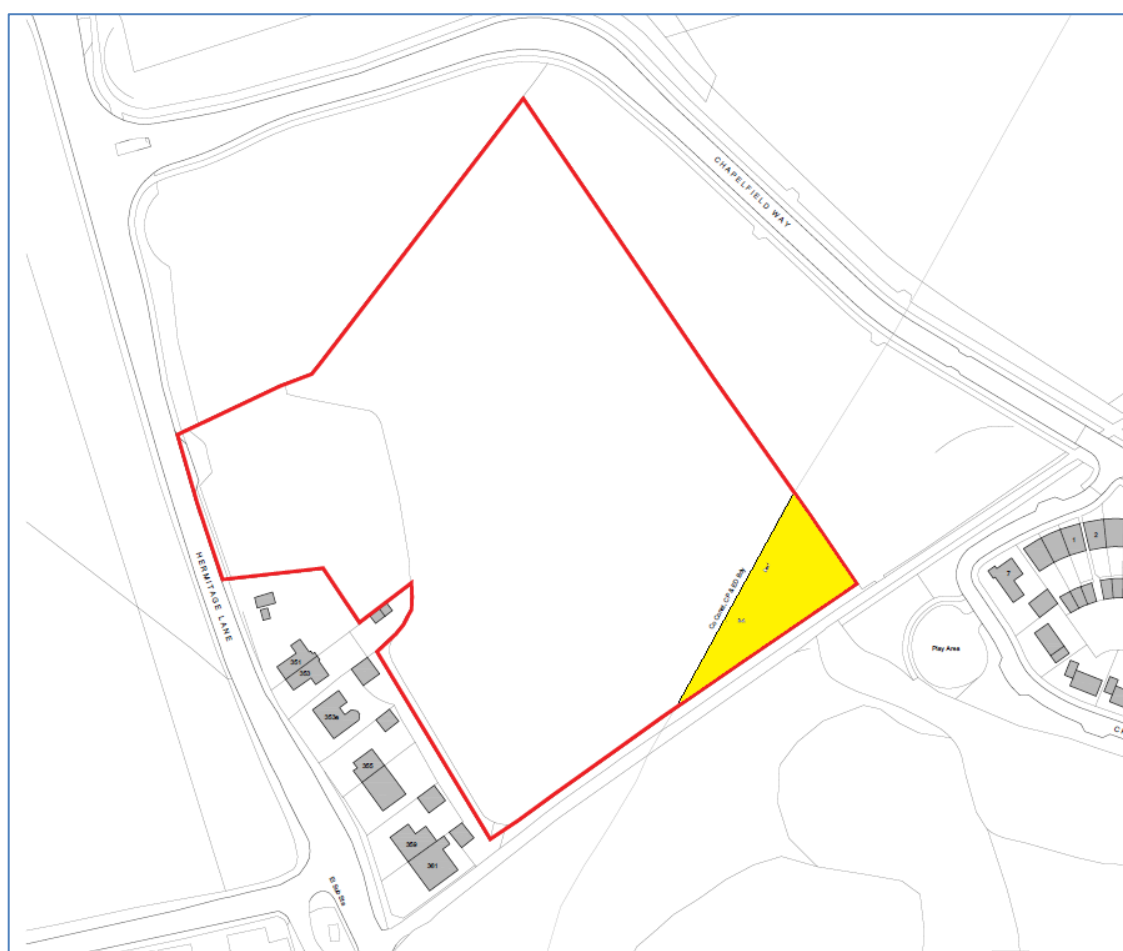
22/00907/FL (Tonbridge and Malling Borough Application)

Erection of 42 dwellings including affordable housing. Enhancement of existing access from Hermitage Lane and provision of associated hardstanding, landscaping, open spaces and infrastructure including drainage and earthworks – APPROVED BY TMBC 19/04/24

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The site is to the east of Hermitage Lane and south of Chapelfield Way. It is an open grassed field which generally rises from west to east. The plan below shows the site and the part that falls within MBC is highlighted in yellow.



1.02 As can be seen, the application site is mainly within TMBC but because part of the site falls within MBC, the applicant is required to make planning applications to both authorities.

1.03 However, MBC can only consider the development which falls upon its land being one house (Plot 18), its garage and garden as shown highlighted below on the layout plan.



- 1.04 The remainder of the housing estate and its access falls within TMBC and was approved by that Council in April 2024. This consists of 41 houses, 29% of which are affordable, a play area, and other areas of open space and landscaping. MBC officers have waited for TMBC to decide their application before making a recommendation on this application as it is fundamental to the assessment/context.
- 1.05 The triangle parcel of land within MBC falls outside the defined urban settlement boundary and so falls within the 'countryside' for policy purposes. As new houses outside settlements on greenfield land are not supported under the Local Plan Review the application has been advertised as a departure from the Development Plan.
- 1.06 Restricted byway KB47 runs alongside the south boundary and there is an area of Ancient Woodland (AW) around 27m to the south of the site.

2.0 PROPOSAL

- 2.01 This is a full application for 42 houses and whilst permission must be sought for the whole development from MBC, it is reiterated that the Council can only consider the part that falls within the Borough boundary.
- 2.02 The house proposed in MBC is a 2 storey 5 bedroom dwelling. It is of 'traditional' appearance with a two storey gable projection to the front set below a part hipped roof. Materials proposed are clay roof tiles, ragstone to the front of the gable, and red bricks. There would also be a single storey pitched roof garage and the garden.
- 2.03 Within MBC, the plans also show a 5m wide landscape buffer along the south and east boundaries (outside of the dwelling's garden), and there is an area of

landscaping with paths which forms part of a public open space area in front of the dwelling.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan Review 2024: LPRSS1, LPRSP9, LPRSP10, LPRSP10(A), LPRSP10(B), LPRSP12, LPRSP14(A), LPRSP15, LPRHOU5, LPRTRA1, LPRTRA2, LPRTRA4, LPRINF1, LPRQD1, LPRQD2, LPRQD4, LPRQD6, LPRQD7

(The Maidstone Borough Local Plan Review (LPR) was adopted by the Council on 20th March 2024. There have been two strategic level challenges to adoption.)

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

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 10 representations received raising the following (summarised) points:

- Local infrastructure cannot cope.
- Pollution and noise.
- Harm to ancient woodland.
- Loss of green space/gap and agricultural land.
- Will join Maidstone up with Tonbridge and Malling.
- Dangerous access onto Hermitage Lane.
- Increased traffic and congestion.
- Will be visible and not in keeping.
- Financial contribution should be made to the Fountain Lane junction.
- Nuisance during construction.
- There is enough housing.

4.02 **Ward Councillor Forecast:** Has called the application to planning committee stating, *"This proposed development threatens the separate identity of Allington contrary to Policy SP17 and is unnecessary with Maidstone already exceeding government set housing targets."*

4.03 **Former Ward Councillor Robertson:** *"I support Councillor Forecast's request for this application to be determined by our Planning Committee."*

4.04 **Teston Parish Council:** Raise objections for the following (summarised) reasons:

- Unsustainable.
- Increased traffic and congestion from this development and cumulatively with others in the area.
- Question the transport evidence.
- Air quality.

5.0 CONSULTATIONS

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

5.01 **KCC Highways: No objections subject to conditions** re. a travel plan, maintenance of access and visibility splays, a construction management plan, and financial contributions towards bus service enhancements and a shared cycleway/footway on Hermitage Lane or links to Maidstone Town Centre.

(Officer comment – These are matters that could only be considered by TMBC and are covered by conditions/the legal agreement on the TMBC permission)

5.02 **KCC Rights of Way:** *"It would be nice to see the development improve the tarmac surface of the restricted byway."*

5.03 **KCC Minerals: No objections.**

5.04 **KCC Ecology: No objections subject to conditions** re. reptiles and bats.

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

(Officer comment - This has been covered by conditions on the TMBC permission)

5.06 **KCC LLFA: No objections subject to conditions** re. fine details of the SUDs scheme.

(Officer comment - This has been covered by conditions on the TMBC permission)

6.0 APPRAISAL

6.01 As stated earlier in the report, MBC can only consider the development within its boundary this being one house, its garage, and garden, and landscaped areas. The wider housing estate and its impacts cannot be considered.

6.02 The part of the site within MBC is on the edge but outside the settlement boundary so in the 'countryside' for planning purposes. Policy LPRSP9 of the Local Plan Review (LPR) does not allow for new dwellings on undeveloped greenfield land and so the development is a departure from the LPR.

6.03 However, a fundamental material consideration is the approval of the rest of the housing estate of 41 dwellings on the remainder of the field by TMBC. The development within MBC would not cause significant harm in this context and for this reason it is considered the principle of the development within MBC is acceptable.

6.04 In this context, key issues are considered to be the following:

- Appearance, Layout and Landscaping
- Residential Amenity
- Ecology and Ancient Woodland
- Other Matters including Parking, Drainage and Representations

Appearance, Layout and Landscaping

6.05 The 'traditional' design of the proposed house is acceptable and obviously matches the approved estate within TMBC. Good quality materials are proposed (clay tiles and ragstone) which can be secured by condition and detailing in the form of brick quoins, projecting plinth, arched brickwork above windows, and corbel detailing on the chimney.

- 6.06 The house is set further forward than the approved houses to the north and so further down the slope which is appropriate as this a high part of the site. It is still set back from the approved road with landscaped areas proposed in front. Sufficient space (around 8m) to the restricted byway is provided such that it would not be imposing from here and the hipped roof is on this side.
- 6.07 The landscaping proposals are illustrative but the plans allow for a 5m wide landscape buffer along the south and east boundaries (outside of the dwelling's garden). This is appropriate to provide a landscaped edge to the development and soften its impact including any internal fencing alongside the rear garden. Along the byway the landscaping would be in addition to the existing hedgerow and along the eastern boundary it would strengthen the existing hedgerow and trees. Conditions can ensure this landscaping is provided along with details to include native species.

Residential Amenity

- 6.08 The dwelling would benefit from sufficient light, outlook and privacy and have an acceptable relationship with the approved dwellings within TMBC.

Ecology and Ancient Woodland

- 6.09 The ecology report/surveys relate to the wider site. Relevant to the MBC part, the field margins are likely to support reptiles and so a precautionary approach to construction is recommended (progressive cutting of the grassland towards the site margins, and searches supervised by ecologists), which can be secured by condition. The field margins will also be improved through the proposed landscaping. KCC Ecology recommend conditions relating to lighting to minimise any impact upon bats which can be attached.
- 6.10 In terms of biodiversity net gain (BNG), LPR policy LPRSP14(A) requires a 20% net gain on 'new residential development'. However, as the application was submitted in April 2022; is for only one house in MBC; and KCC Ecology have advised that across the wider site they are satisfied a net gain can be achieved, (predicted by the applicant to be 18%), it is considered that this is a material consideration such that it would not be reasonable to require 20% on this single plot in this case. The BNG on the TMBC site is secured via a Landscape and Ecological Management Plan condition on their permission. It is also noted the proposals within MBC provide new landscaping areas and hedgerows which would provide gains for biodiversity.
- 6.11 The garden of the dwelling would be 34m from the ancient woodland (AW) to the southeast and Natural England Standing Advice on AW recommends at least a 15m buffer distance as a general guide. With a distance of 34m it is considered the development would not have any unacceptable effects on the AW in this case. It is also noted this is a greater distance than some areas of the approved and built housing estate to the east in MBC.

Other Matters including Parking, Drainage, and Representations

Parking

- 6.12 Four spaces would be provided in addition to the garage which meets the relevant parking standards. Cycles could be stored in the garage.

Drainage

- 6.13 The surface water scheme for the wider site has been accepted by TMBC and KCC subject to conditions requiring the fine details and verification which have been imposed by TMBC. The dwelling within MBC would connect to that system.

Representations

- 6.14 Representations received generally relate to the impact of the wider development and matters relating to traffic, infrastructure, and loss of the field. These are issues that were considered by TMBC and cannot be considered by MBC in relation to one house. For information, the TMBC planning permission secures financial contributions towards primary and secondary education, community learning, libraries, social care, youth services, highway works (Hermitage Lane cycle/footway), bus services, healthcare, and public open space. The house within MBC will be subject to Maidstone's CIL payment.

Public Section Equality Duty

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

7.0 CONCLUSION

- 7.01 The Council is only determining the part of the application that falls within the Maidstone Borough boundary which is one house, its garage, and garden, and landscaped areas in the corner of the existing field.
- 7.02 Tonbridge and Malling Borough Council have approved 41 dwellings on the remainder of the field and so the context for the single dwelling in Maidstone is a housing estate of which it will form part.
- 7.03 Whilst the Local Plan does not allow for houses on greenfield land in the countryside, in the context of the development approved by TMBC, the single dwelling is acceptable and this represents a material consideration to warrant a departure from the Development Plan.
- 7.04 The design, layout and landscaping are acceptable and permission is therefore recommended for the dwelling and development within Maidstone subject to conditions.

8.0 RECOMMENDATION

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

Time Limit

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

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

Approved Plans & Compliance

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

20.223-001 (Site Location Plan)
20.223-102 (Site Layout Plan)
20.223-213 (Plot 18 Plans and Elevations)
20.223-220 (Garages Plans and Elevations)

Reason: For the purposes of clarity and to ensure a satisfactory appearance to the development.

3. The development shall be carried out in accordance with the mitigation measures set out at Section 6 of the Ecological Appraisal (March 2022).

Reason: To protect biodiversity.

Pre-Commencement

4. No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until a tree protection plan in accordance with Section 5.5 and a site specific arboricultural method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To safeguard existing trees.

Pre-Slab Level

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

a) Kentish ragstone.
b) Clay roof tiles.
c) Stock bricks.

The development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

6. No development above slab level shall take place until written details and images of all surface materials have been submitted to and approved in writing by the local planning authority. The development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

7. No development above slab level shall take place until details and evidence of the measures necessary to incorporate at least 10% on-site renewable or low carbon energy production measured as a percentage of overall consumption have been submitted to and approved in writing by the Local Planning Authority. Such details shall include measures for battery energy storage unless this is demonstrated with

evidence to be unfeasible. The approved details shall be implemented prior to the first use/occupation of any unit to which the details relate and thereafter retained.

Reason: To ensure a sustainable form of development

Pre-Occupation

8. The development shall not be occupied until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:
 - a) A scheme designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012).
 - b) Details of the number, size, species, maturity, spacing and position of existing/proposed landscaping.
 - c) A five year landscape management plan.
 - d) A scheme following the landscaping principles shown on the Illustrative Landscape Masterplan to include:
 - i) At least 5m wide landscape buffers along the south and east boundaries to include double staggered native hedging and trees which shall be fenced off from the garden of Plot 18.
 - ii) Native tree and shrub planting in the landscaped area to the front of Plot 18.

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

9. All landscaping specified in the approved landscape details shall be carried out in the first planting season (1st October to the end of February) following the first occupation/use of Plot 18 or in accordance with a timetable previously agreed with the Local Planning Authority. The approved landscaping shall be retained for at least 5 years following its implementation and shall be managed and retained strictly in accordance with the approved specification/management plan, and any approved or retained seeding or turfing which fails to establish or any trees or plants which, before a period of 5 years from the completion of the development has expired, die or become so seriously damaged or diseased that their amenity value has been adversely affected, shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation. No replacement planting or removal of any planting shall take place without the prior written consent of the local planning authority.

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

10. The development shall not be occupied details of the following biodiversity enhancements and their implementation have been submitted to and approved in writing by the local planning authority:
 - a) Bat, bird and bee bricks
 - b) Habitat piles

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

Reason: In the interests of biodiversity enhancement.

11. The development shall not be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

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

12. The development shall not be occupied until details of any external lighting, that shall take into account the site boundaries and any areas/features of importance for bats, has been submitted to and approved in writing by the Local Planning Authority. The approved details will thereafter be implemented and maintained.

Reason: In order to limit the impact of lighting on the local area and upon protected species.

13. The development shall not be occupied until details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the dwelling and maintained thereafter;

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

14. The approved details of the vehicle parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (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.

Restrictions

15. The dwellings hereby approved shall meet the accessible and adaptable dwellings building regulations Part M4(2) standard or any superseding standard. The dwelling shall not be occupied unless this standard has been met and the dwelling shall be thereafter retained as such.

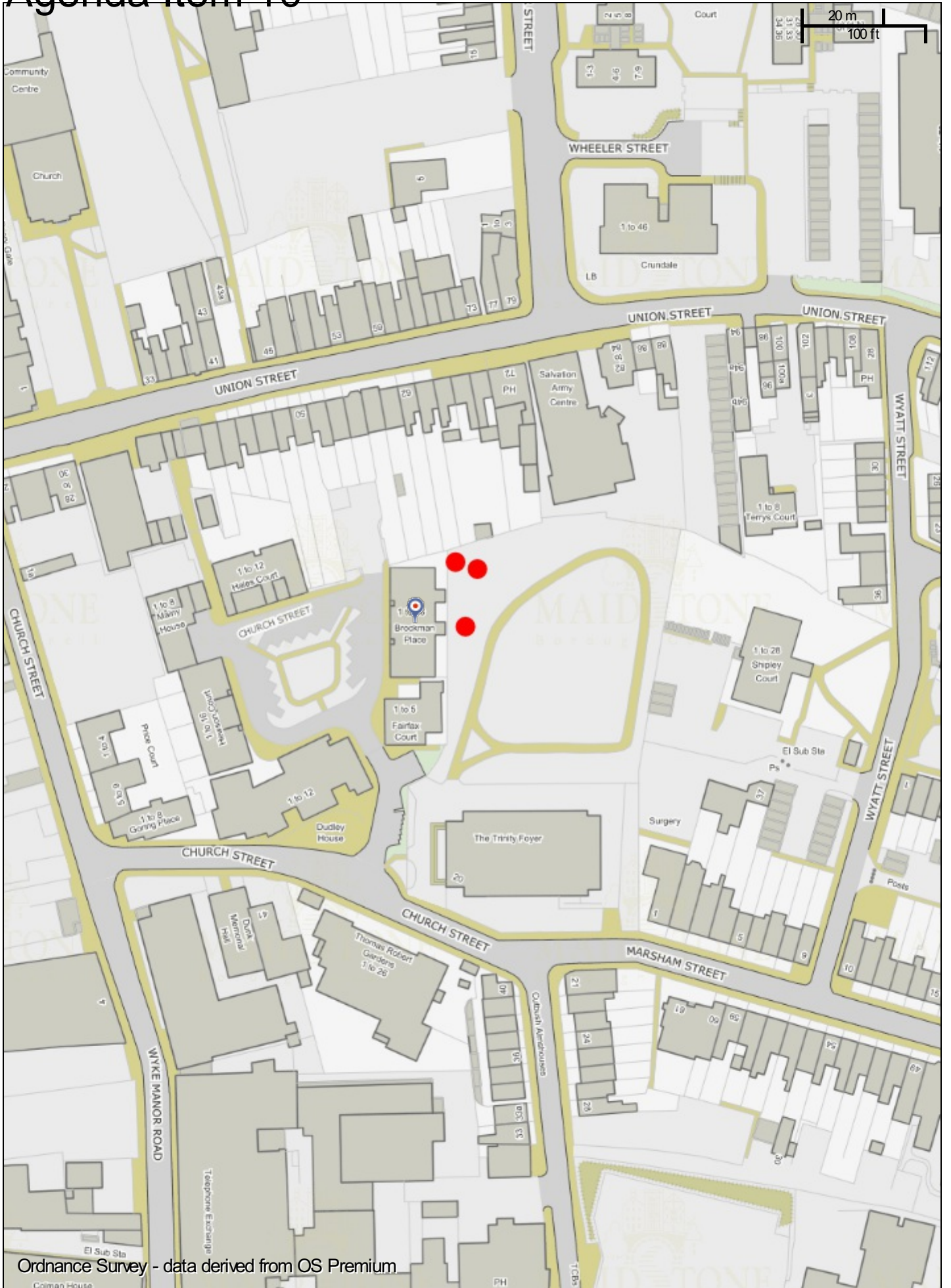
Reason: To ensure the development is in accordance with policy LPRQ&D6 of the draft Local Plan Review.

16. The dwelling hereby approved shall meet the higher level of water efficiency of 110 litres per person, per day as set out under the building regulations Part G2 or any superseding standard. The dwelling shall not be occupied unless this standard has been met for the dwelling.

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

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 10



Ordnance Survey - data derived from OS Premium

23/505330/TPOA 13 Brockman Place, Church Street, Maidstone, Kent, ME14 1BX

Scale: 1:1250

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REPORT SUMMARY

CASE REFERENCE: 23/505330/TPOA		
ADDRESS: 13 Brockman Place, Church Street, Maidstone, Kent. ME14 1BX		
PROPOSAL: Tree Preservation Order Application: T5 Ash, thin crown by 15%, reduce crown from property and clean out crown W10m to 7m. T6 Lime, thin crown by 15%, reduce crown from property and clean out crown W10m to 7m. T8 Prunus, thin crown by 15%, reduce crown from property and clean out crown W5.5m to 3m. All works are to allow light into property and maintenance purposes.		
RECOMMENDATION: TPOA Split Refused/ Lesser – subject to CONDITIONS / REASONS and INFORMATIVES		
SUMMARY OF REASONS FOR RECOMMENDATION: The works proposed in the application are considered excessive and should be refused. However, alternative lesser works are considered more appropriate to help address the reasons put forward for the work.		
REASON FOR REFERRAL TO COMMITTEE: Maidstone Borough Council Parks & Open Spaces Department are the applicant.		
PARISH: Unparished	WARD: High Street	
APPLICANT: Maidstone Borough Council	AGENT: Qualitree Services	
CASE OFFICER: Paul Hegley (MBC)	SITE VISIT DATE: 03.01.2024	
DATE VALID: 22.11.2023	CONSULTATION EXPIRY: 14.12.2023	DECISION DUE: 17.01.2024

RELEVANT PLANNING HISTORY

Planning:

23/505330/TPOA - Tree Preservation Order Application: T5 Ash, thin crown by 15%, reduce crown from property and clean out crown W10m to 7m. T6 Lime, thin crown by 15%, reduce crown from property and clean out crown W10m to 7m. T8 Prunus, thin crown by 15%, reduce crown from property and clean out crown W5.5m to 3m. All works are to allow light into property and maintenance purposes. - **Pending Decision** -

Enforcement:

None

Appeals:

None

MAIN REPORT

1. DESCRIPTION OF TREES

- 1.01 The Ash tree (listed as T5 in the application), Lime (listed T6) and Cherry (Listed T8) are all located in the grounds of Trinity Park towards the north-western corner behind the properties in Brockman Place.

2. PROPOSAL

- 2.01 The works proposed in the application are summarised as follows.
- T5 Ash, thin crown by 15%, reduce crown from property and clean out crown W10m to 7m.
- T6 Lime, thin crown by 15%, reduce crown from property and clean out crown W10m to 7m.
- T8 Prunus, thin crown by 15%, reduce crown from property and clean out crown W5.5m to 3m.

3. PLANNING CONSTRAINTS

- 3.01 Tree Preservation Order No.32 OF 1973:

Individual Tree -T1 Lime (listed as T6 in the application)

Individual Tree -T2 Ash (Listed as T5 in the application)

Conservation Area:

Yes – Holy Trinity Church (Cherry listed as T8)

4. POLICY CONSIDERATIONS

- 4.01 Government Policy:

National Planning Policy Framework (2021)

Planning Practice Guidance Tree Preservation Orders and trees in conservation areas, March 2014.

The Town and Country Planning (Tree Preservation)(England) Regulations 2012

- 4.02 Compensation:

A refusal of consent to carry out works on trees subject to a Tree Preservation Order can potentially result in a claim for compensation for loss or damage arising within 12 months of the date of refusal.

5. LOCAL REPRESENTATION

- 5.01 No representations have been received.

6. CONSULTATIONS

- 6.01 Consultation letters were sent to neighbouring properties in Brockman Place and a site notice was posted on the main gates leading into the park. No subsequent representations have been received.

7. TREE APPRAISAL

Ash T5 in the application (designated as T2 in the TPO)

The Ash is a mature specimen, approximately 24m tall with an average crown spread of 13m and a stem diameter of 850mm (at a height of 1.5m). It is a prominent tree with a large, wide-spreading crown and is clearly visible from Trinity Park.

There is dense ivy on the main stem which prevented a full visual assessment on the tree. There is major deadwood within the crown, otherwise, the tree appeared to be in a healthy condition.

The ash tree is growing in the north-western corner area of the site within dense, unmaintained undergrowth. The crown overhangs the eastern boundary to Brockman Place with the branches some 1.5m from the eastern elevation of the building. Please refer to photograph 1 below.



Photograph 1 – T5 Ash

Lime T6 in the application (designated as T1 in the TPO)

The Lime is semi-mature in age, approximately 16m tall with a crown spread of 6m and a stem diameter of 600mm (at a height of 1.5m). It has previously been pollarded at a

height of approximately 8m and is suppressed on the eastern side by the adjacent ash tree (T6).

There is dense epicormic growth around the stem base which prevented a full visual assessment on this part of the tree. It is of fair condition with a slightly sparse crown for the species and minor deadwood in the crown.

The lime tree is growing in the north-western corner of the site, within an overgrown, unmaintained area. It overhangs the north-eastern corner of Brockman Place, with the tips of the lower branches 1m from the roof of the building. The tree is clearly visible from Trinity Park. Please refer to photograph 2 below.



Photograph 2 – T6 Lime

Cherry T8 in the application (not subject to a TPO but protected under Holy Trinity Church Conservation Area)

The Cherry (Prunus) is semi-mature in age, approximately 13m tall with a crown spread of 7m and a stem diameter of 340mm (at a height of 1.5m). The crown is slightly

weighted to the west, towards Brockwell Place with the branches almost in contact with the eastern elevation of the building.

There is dense ivy on the main stem which prevented a full visual assessment on the tree. The tree appears to be in a healthy condition with no visible defects other than some minor deadwood within the crown.

The cherry tree is growing close to the western boundary of the site, within an unmaintained, overgrown area and is clearly visible from Trinity Park. Please refer to photograph 3 below.



Photograph 3 – T8 Cherry

7.01 Comments/Considerations:

The proposed thinning of the crowns of the three trees is considered acceptable. However, the operation of cleaning out the crown (the removal of dead, diseased and damaged branches) is not warranted in addition to the crown thinning, which will remove

similar branches. Indeed, crown cleaning is not a recognized operation in BS3998; 2010 Tree work – Recommendations.

Regarding T5 Ash, my observations suggest that the crown width of this tree is at least 13m which is considerably larger than the 10m width specified in the application. I believe that a reduction of the western lateral branches growing towards Brockman Place by up to 3m is reasonable. However, because of the discrepancy, the works would remove more foliage than needed, leaving large open pruning wounds contrary to current best practice.

In respect of T6 Lime, my observations suggest the crown width is no more than 6m, which is significantly smaller than the 10m width specified in the application, As such, I am of the view that a reduction by 3m in width is too excessive and will spoil the general appearance of the tree.

Regarding T8 Cherry, my observations suggest that the width of the crown is slightly larger but, not significantly different from that specified in the application. However, I am of the view that a reduction by 2.5m in width is too excessive and will result in a lop-sided crown.

8. CONCLUSION

In view of the above discrepancies and potential severity of the works currently proposed I recommend that the application is refused but, a modified application with lesser works, such as those detailed below, should be allowed subject to conditions and informatives:-

T5 Ash - reduce the western branches growing towards Brockman House, by up to 3m from a crown width of 13m to 10m and thin the crown by 15%.

T6 Lime - reduce the western branches growing towards Brockman House, by up to 1.5m from a crown width of 6m to 4.5m and thin the crown by 15%.

T8 Cherry - reduce the western branches growing towards Brockman House, by up to 2.5m from a crown width of 7m to 5m and thin the crown by 15%.

9. RECOMMENDATION

9.01 **TPOA Split Refused/ Lesser** – Subject to the following CONDITIONS / REASONS and INFORMATIVES.

Refused Works and reasons:

(1) The following works have been refused on the grounds stated below.

T5 Ash, thin crown by 15%, reduce crown from property and clean out crown W10m to 7m.

T6 Lime, thin crown by 15%, reduce crown from property and clean out crown W10m to 7m.

T8 Prunus, thin crown by 15%, reduce crown from property and clean out crown W5.5m to 3m.

The proposed combination of crown cleaning, thinning and reduction works proposed to the three trees (listed T5, T6 & T7 in the application) are considered excessive and unjustified for the reasons stated in the application. The works would therefore be contrary to policies intended to confer protection to trees and tree cover in the borough, Maidstone Borough Local Plan October 2017 - Policy DM 3, Local Plan Review, draft plan for submission (Regulation 22) dated October 2021, Maidstone Landscape Character Assessment (March 2012 amended 19 July 2013) and Supplement

(2012- Saved Sections of the Landscape Character Assessment and Landscape Guidelines 2000) together with Government Policy: Planning Practice Guidance; Tree Preservation Orders and trees in conservation areas

Approved Lesser Works and reasons for lesser works decision:

- (2) The following LESSER works have been approved subject to the conditions and informatives listed in this notice for the reasons stated below.

T5 Ash - reduce the western branches growing towards Brockman House, by up to 3m from a crown width of 13m to 10m and thin the crown by 15%.

T6 Lime - reduce the western branches growing towards Brockman House, by up to 1.5m from a crown width of 6m to 4.5m and thin the crown by 15%.

T8 Cherry - reduce the western branches growing towards Brockman House, by up to 2.5m from a crown width of 7m to 5m and thin the crown by 15%.

Reasons:

To ensure compliance with British Standard 3998:2010 Tree Works and help address the reasons put forward for the works in the application whilst balancing the continued health and amenity of the trees.

Conditions:

- (3) All works hereby permitted shall be carried out in accordance with the provisions of the current edition of BS 3998 by a competent person;

Reason: To ensure the work complies with good arboricultural practice to safeguard the longevity, amenity and nature conservation value of the tree/s and its/their contribution to the character and appearance of the local area

Informatives:

- (1) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.
- (2) All cut timber/wood between 15cm and 60cm in diameter, together with any senescent and rotting wood, should be retained and stacked safely on site for the colonisation of saproxylic organisms, except where an alternative proposal has been submitted to and approved in writing by the local planning authority.

Case Officer: Paul Hegley (MBC)

NB – For full details of all papers submitted with this application, please refer to the relevant Public Access Pages on the Council’s website.

Urgent Update: Planning Committee 27th June 2024

Item 20. Agenda Pages 142 to 149

APPLICATION: 23/505330/TPOA

13 Brookman Place, Church Street, Maidstone, Kent. ME14 1BX

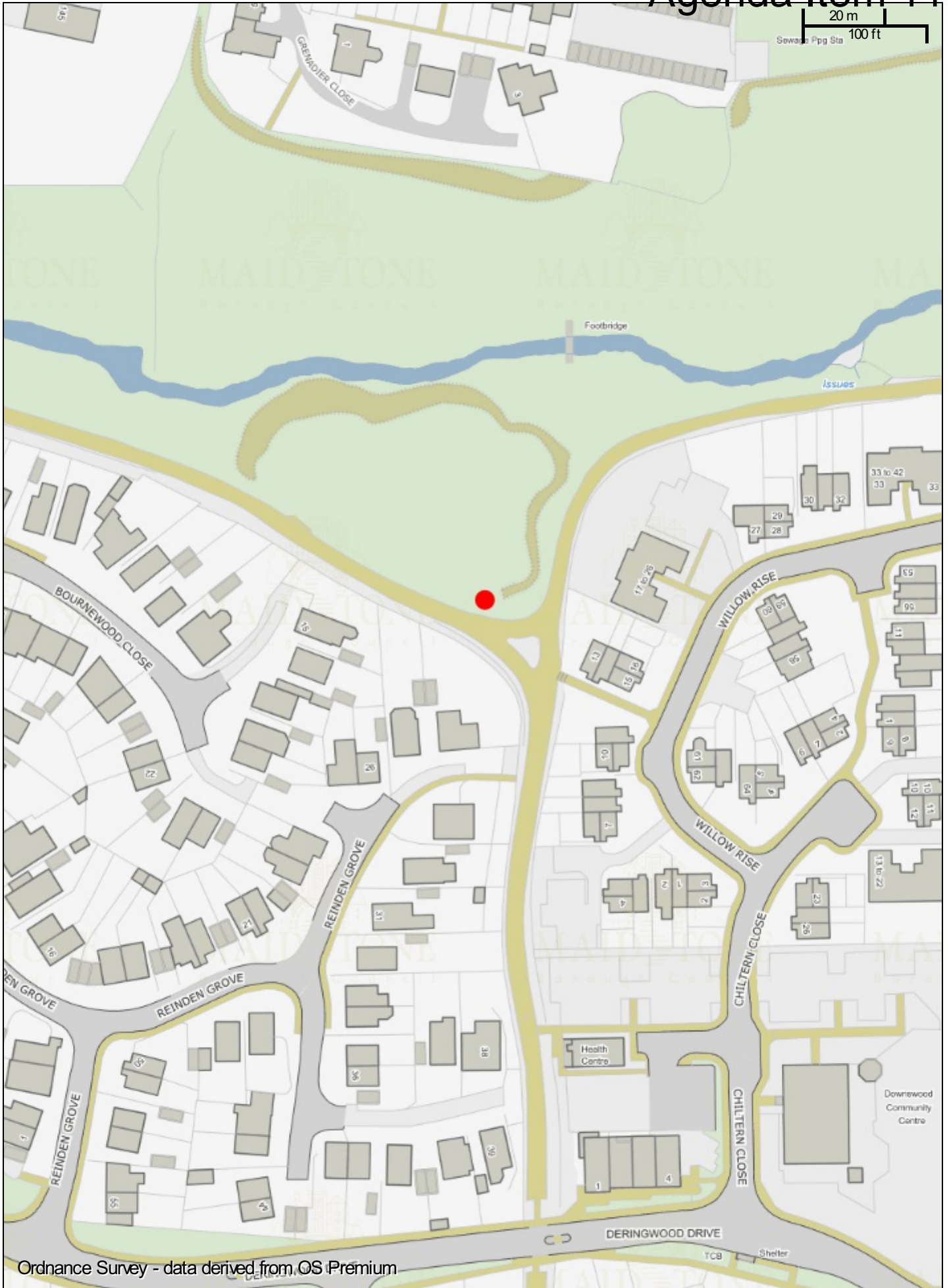
Consultations

Prior to this application being brought to planning committee, the Council was made aware that a number of residents that adjoin the application site had not been formally consulted when the application was made valid.

Therefore, it is recommended that the application be withdrawn from the agenda so these residents can be formally consulted and allowed the opportunity to make representations before it is brought back to planning committee in due course.

AMEND RECOMMENDATION

Application be withdrawn from the agenda



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

CASE REFERENCE: 23/503247/TPOA		
ADDRESS: Trees Along River Len Footpath Spot Lane Downswood Kent		
PROPOSAL: TPO application to remove right hand trunk of one Ash T1 with red paint to 1m above ground level, starting height 19m. Broken limb/poor condition.		
RECOMMENDATION: Lesser Works (Trees) – subject to CONDITIONS / REASONS and INFORMATIVES		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed works are considered excessive and contrary to the current British Standards so lesser works are considered more appropriate to alleviate any safety risk whilst balancing the amenity value of the tree.		
REASON FOR REFERRAL TO COMMITTEE: The application has been submitted by Maidstone Borough Council’s Park and Open Spaces Team.		
PARISH: Downswood	WARD: Downswood And Otham	
APPLICANT: Maidstone Borough Council	AGENT: Qualitree Services	
CASE OFFICER: Paul Hegley (MBC)	SITE VISIT DATE: 07.11.2023	
DATE VALID: 25.07.2023	CONSULTATION EXPIRY: 18.08.2023	DECISION DUE: 19.09.2023

RELEVANT PLANNING HISTORY

Planning:

23/503247/TPOA - TPO application to remove right hand trunk of one Ash T1 with red paint to 1m above ground level, starting height 19m. Broken limb/poor condition. -

Pending Decision -

Enforcement:

None

Appeals:

None

MAIN REPORT

1. DESCRIPTION OF TREES

- 1.01 The Ash tree (listed as T1 in the application) is growing to the south of the River Len close to the road/path edge of Spot Lane.

2. PROPOSAL

- 2.01 Remove right hand trunk of one Ash T1 with red paint to 1m above ground level, starting height 19m. Broken limb/poor condition.

3. PLANNING CONSTRAINTS

- 3.01 Tree Preservation Order No. 9 of 1975:

The Ash listed as T1 in the application falls within woodland W1 of the TPO.

- 3.02 Conservation Area:

No

4. POLICY CONSIDERATIONS

- 4.01 Government Policy:

National Planning Policy Framework (2021)

Planning Practice Guidance Tree Preservation Orders and trees in conservation areas, March 2014.

The Town and Country Planning (Tree Preservation)(England) Regulations 2012

- 4.02 Compensation:

A refusal of consent to carry out works on trees subject to a Tree Preservation Order can potentially result in a claim for compensation for loss or damage arising within 12 months of the date of refusal.

5. LOCAL REPRESENTATION

- 5.01 Having publicised the application on site with a site notice, no local representations have been received.

6. CONSULTATIONS

- 6.01 Downswood Parish Council – No comments have been received.

7. APPRAISAL

Ash trees listed as T1 in the application (designated within W1 of the TPO)

- 7.01 Condition:

Fair – Showing minor signs of deterioration and/or defects consistent with early signs of Ash Dieback Disease (ADD).

7.02 Contribution to public amenity:

Excellent – A prominent natural feature of the area/particularly suited to the location forming part of the wider sylvan character of the woodland flanking south of the River Len (as seen in photo 1 below)

7.03 Retention/Longevity:

Medium – Estimated remaining life expectancy of at least 10 years based on current condition during the site inspection.

Photo 1 – View of Ash tree T1 taken from Spot Lane



7.04 Comments/Considerations:

The Ash tree T1 is a maturing specimen attaining a height of 16 meters, growing towards the edge of scrub/woodland that flanks the southern banks of the River Len. It has an asymmetrical crown towards the south caused by the growth and presence of similar sized trees within the woodland to the north. Dense Ivy growth (as seen in photo 1 above) covers the main trunk and inner scaffold branches.

The application seeks consent to remove the lowest main arterial branch/limb that extends over Spot Lane to the south which can be seen in photo 1 above. The limb to be removed is over 11 meters in length with heavy overweighted outer branches. A similar sized branch extending close to the base of this lower limb recently failed falling and blocking Spot Lane. Consequently, the removal of this similar sized overweighted branch is now proposed to prevent a similar failure and remove any potential danger to users of Spot Lane.

Whilst there is some risk of this limb failing due to its overweighted length, its complete removal back to the main trunk/stem would create a large open pruning that would be open for decay pathogens. Such a large wound close to the trunk

would be contrary to the recommendations of British Standard 3998:2010 Tree Works – Recommendations.

Therefore, taking this into consideration a lesser reduction of the limb by no more than 50% of its current length is recommended, which would result in smaller wounds whilst reducing sufficient branch weight to alleviate the risk of future failure.

8. CONCLUSION

- 8.01 The proposed works are considered excessive for the reasons given in the recommendation below. However, lesser works should be approved that would still address the potential failure of the branch whilst complying with current British Standards and good pruning practices.

9. RECOMMENDATION

- 9.01 **Lesser Works (Trees)** – Subject to the following CONDITIONS / REASONS and INFORMATIVES.

Approved Lesser Works and reasons for lesser works decision:

- (1) The Council considers the proposed removal of the lower main stem/branch of the Ash tree (listed as T1 in the application) is excessive and unacceptable for the reasons stated below.

The Council considers that a maximum reduction of the lower stem/branch of the Ash T1 to no more than 50% of its current length (as indicated by a red lines on the annotated photograph accompanying this notice) is the maximum works that should be allowed. This will help to reduce loading of the stem whilst balancing amenity considerations. A reduction beyond this would be detrimental to visual amenity, create a larger pruning wound back to the main trunk contrary to the recommendations given in British Standard 3998:2010 Tree Works - Recommendations , and would therefore be contrary to policies intended to confer protection to trees and tree cover in the borough, specifically Maidstone Borough Local Plan October 2017 - Policy DM 3, Local Plan Review, draft plan for submission (Regulation 22) dated October 2021, Maidstone Landscape Character Assessment (March 2012 amended 19 July 2013) and Supplement (2012- Saved Sections of the Landscape Character Assessment and Landscape Guidelines 2000) together with Government Policy: Planning Practice Guidance; Tree Preservation Orders and trees in conservation areas.

Conditions:

- (2) All works hereby permitted shall be carried out in accordance with the provisions of the current edition of BS 3998 by a competent person;

Reason: To ensure the work complies with good arboricultural practice to safeguard the longevity, amenity and nature conservation value of the tree/s and its/their contribution to the character and appearance of the local area

Informatives:

- (1) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.
- (2) All cut timber/wood between 15cm and 60cm in diameter, together with any senescent and rotting wood, should be retained and stacked safely on site for the colonisation of saproxylic organisms, except where an alternative proposal has been submitted to and approved in writing by the local planning authority.

Case Officer: Paul Hegley (MBC)

NB – For full details of all papers submitted with this application, please refer to the relevant Public Access Pages on the Council’s website.



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

CASE REFERENCE: 5001/2024/TPO	
ADDRESS: Woodland Between Moncktons Lane And, Kerry Hill Way, Maidstone, Kent	
RECOMMENDATION: CONFIRM Tree Preservation Order No. 5001/2024/TPO WITHOUT MODIFICATION as per the attached Order.	
SUMMARY OF REASONS FOR RECOMMENDATION: The objection received to the making of the TPO does not throw its validity into doubt. Consequently, it is considered expedient to confirm the order to ensure the continued protection of the woodland trees.	
REASON FOR REFERRAL TO COMMITTEE: An objection to the making of the TPO has been received.	
PARISH: North	WARD: North
CASE OFFICER: Paul Hegley (MBC)	SITE VISIT DATE: 30 th November 2023
PROVISIONAL TPO MADE: 03.01.2024	PROVISIONAL TPO EXPIRY: 03.07.2024
PROVISIONAL TPO SERVED: 03.01.2024	TPO OBJECTION EXPIRY: 31.01.2024

RELEVANT PLANNING HISTORY

Planning:

None

Enforcement:

None

Appeals:

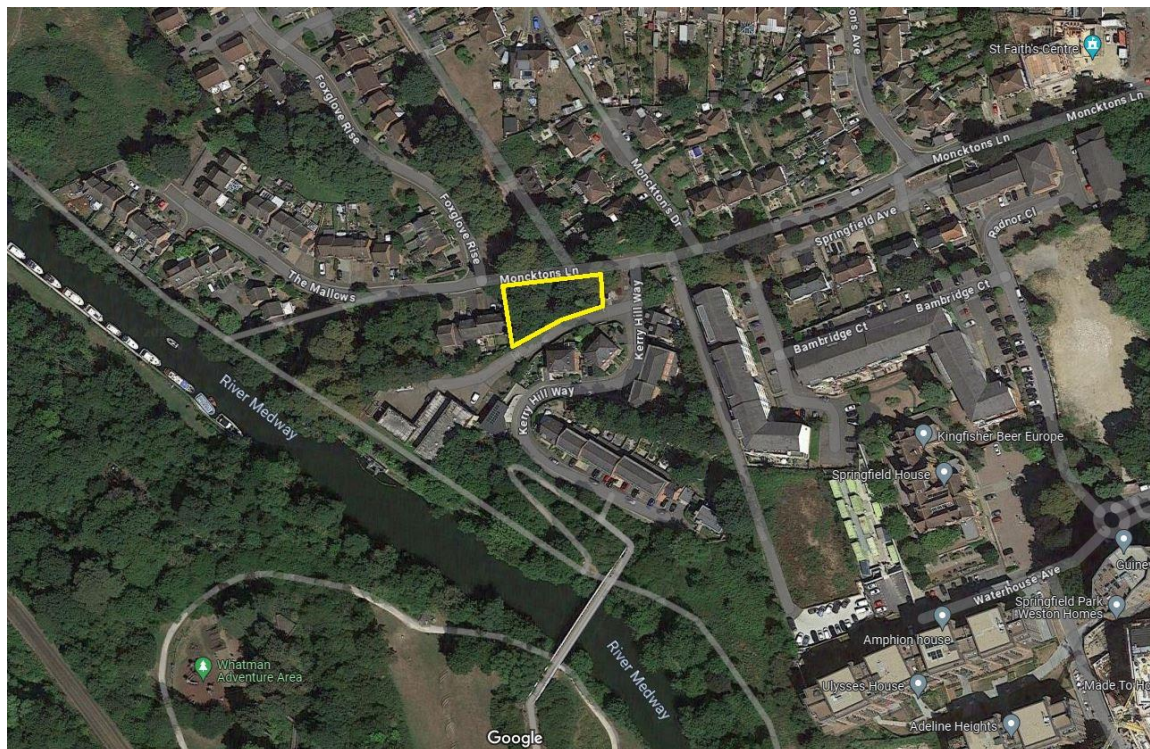
None

MAIN REPORT

1. INTRODUCTION AND BACKGROUND

- 1.01 The Maidstone Borough Council made the provisional Tree Preservation Order No. 5001/2024/TPO on the 03.01.2024, which is attached at Appendix 1.
- 1.02 The site subject to this TPO is a rectangular area of woodland/copse that sits between Moncktons Lane and Kerry Hill Way (as seen in the aerial photograph Image 1 below outlined in yellow). Prior to the making of TPO 5001/2024/TPO, two trees within the copse were already subject to TPO No. 5 of 2002 a Horse Chestnut (designated as T7) and Larch (designated T5). Towards the end of last year the Council became aware that the land had been put up for auction/sale which may put the trees under threat, so woodland TPO No. 5001/2024/TPO was made and served to ensure the trees long-term retention within the wood are secured.

Image 1 – Aerial view of Woodland subject to TPO 5001/2024/TPO outlined in yellow.



2. DESCRIPTION OF TREES

- 2.01 The woodland outlined in yellow on Image 1 above, consists primarily of Sycamores of varying ages and sizes from small saplings to more mature specimens. Smaller individual Elm, Yew and Holly trees have also established as an understory to the larger more dominant Sycamores. Shrubs such as Dogwood and Elder are growing towards the edges of the woodland where daylight is more prevalent.
- 2.02 Overall, the mix of tree species and shrubs within the wood are considered to contribute positively and significantly to the mature and verdant landscape of the area and to its sylvan character, biodiversity and appearance as can be seen in Photo 1 below, taken from Moncktons Lane.



3. OBJECTIONS

3.01 One objection has been received to the making of the TPO, the details of which can be seen summarised below.

3.02 Objections Summary:

1. Trees are in poor condition and some are at risk of falling.
2. Trees are damaging the historic wall forming the original boundary.
3. Easements across the land state no trees are to be planted or be left to grow due to access and southern water pipelines.
4. In 2003 the land was assessed by a tree officer and a TPO was placed on one single larch tree which has since fallen over. It appears that the rest of the trees were not deemed significant then.
5. Trees are on private land and when fences are erected this will limit public amenity value as trees will not be in full view.
6. There is a natural clearing within the trees and trees bordering 1 the mallows should not be there due to easements and risk to building and garden fences.
7. I think it would make sense to form a group of trees TPO at the north east end of the site and TPO's on individual trees as an opposed to a woodland TPO. This would allow the land to be managed and will keep the same view from the public roadway.

4. REPRESENTATIONS

4.01 No other representations were received to the making of the TPO

5. APPRAISAL & RESPONSES TO OBJECTIONS

5.01 In response to the objections summarized in 3.02 above, I would respond as follows:

1. Although dense Ivy growth hindered a full assessment, at the time of a ground level inspection the trees within the wood did not appear to show any significant defects to indicate they pose an abnormal safety risk, and no evidence has been submitted to the Council to prove otherwise.

2. A low double skin stone wall (at approximately 0.5 meters in height) is present along the northern boundary of the woodland running adjacent to the road footpath of Moncktons Lane (as seen in photo 1 at section 2 above). From a laymen's perspective the general condition of the wall is poor with large areas of weathered stone that have crumbled and partly fallen in places. Moss, Lichen, Ferns and Ivy growth has established on the face and top of the wall, although there did not appear to be any evidence to prove that the walls current poor condition is contributable to the growth of the nearby woodland trees.
3. The presence of easements (usually for statutory underground utilities such as Water or gas pipelines) on parcels of land are often commonplace. In this case, there is no historical or current evidence to indicate that the easements necessitate the affected areas to be kept free of vegetation.
4. Prior to the making of this TPO a Larch and Horse Chestnut growing within the woodland were already subject to confirmed tree preservation order 5 of 2002 as individuals numbered T5 and T7 respectively.

The Larch T5 has regrettably been lost in past storms but the Horse Chestnut is still present and deemed a healthy prominent specimen. Looking back at past records TPO 5 of 2002 was made to protect the older historical trees in the area during the development of Kerry Hill Way. Now 22 years later, the trees within the woodland have become a significant feature in their own right and so are considered suitable for inclusion within a TPO.

5. As can be seen in photo 1 at section 2 above, many of the trees within the wood are of maturing age at over 15m in height. Therefore, I do not share the view that the erection of any type of boundary fencing would significantly reduce/limit the trees public amenity.
6. There is no evidence to indicate the trees growing closest to No. 1 The Mallows pose a risk to either the property or boundary fencing. If there were then any works can be controlled by way of a TPO application.
7. In this case, the designation of the trees as a woodland TPO rather than individuals or as groups is considered to be more expedient given the nature of the site and the fact that a woodland classification protects all species of whatever size/age whether the trees are self-seeded or planted.

6. CONCLUSION

- 6.01 The reasons raised in the objection (as listed in section 3.02 of this report) not to confirm TPO 5001/2024/TPO are not considered sufficient to throw its validity into doubt. Therefore, in the interests of good arboricultural practices and in line with current government guidance it is recommended that the TPO be confirmed without modification to ensure long-term protection of the trees.

7. RECOMMENDATION

- 7.01 **CONFIRM** Tree Preservation Order **No. 5001/2024/TPO WITHOUT MODIFICATION** as per the attached Order.

Case Officer: Paul Hegley (MBC)

Date: 16.05.2024

Note: Tree Officer assessments are based on the condition of the trees on the day of inspection. Whilst every effort is made to ensure that the assessments are accurate, it should be noted that the considerations necessary for determining applications/notifications may be able to be made off-site and, in any case, no climbing or internal inspections or excavations of the root areas have been undertaken. As such, these comments should not be considered an indication of safety.

APPENDIX 1 – Copy of tree preservation order No. 5001/2024/TPO

Tree Preservation Order

Town and Country Planning Act 1990

The Tree Preservation Order No. 5001/2024/TPO

Location: Woodland between Moncktons Lane and Kerry Hill Way Maidstone Kent

The **Maidstone Borough Council** in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Maidstone Borough Council Tree Preservation Order No. 5001/2024/TPO- Woodland between Moncktons Lane and Kerry Hill Way Maidstone Kent

Interpretation

2. (1) In this Order “the authority” means the Maidstone Borough Council
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees). This Order takes effect as from the time when the tree is planted.

Dated this 3rd day of January 2024

R. LL. Jarman

Authorised Officer to sign in that behalf
Rob Jarman
Head of Development Management
Maidstone Borough Council

SCHEDULE

Specification of Trees

Tree Preservation Order No.5001/2024/TPO

Woodland between Moncktons Lane and Kerry Hill Way Maidstone Kent

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
NONE		

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
NONE		

Groups of trees

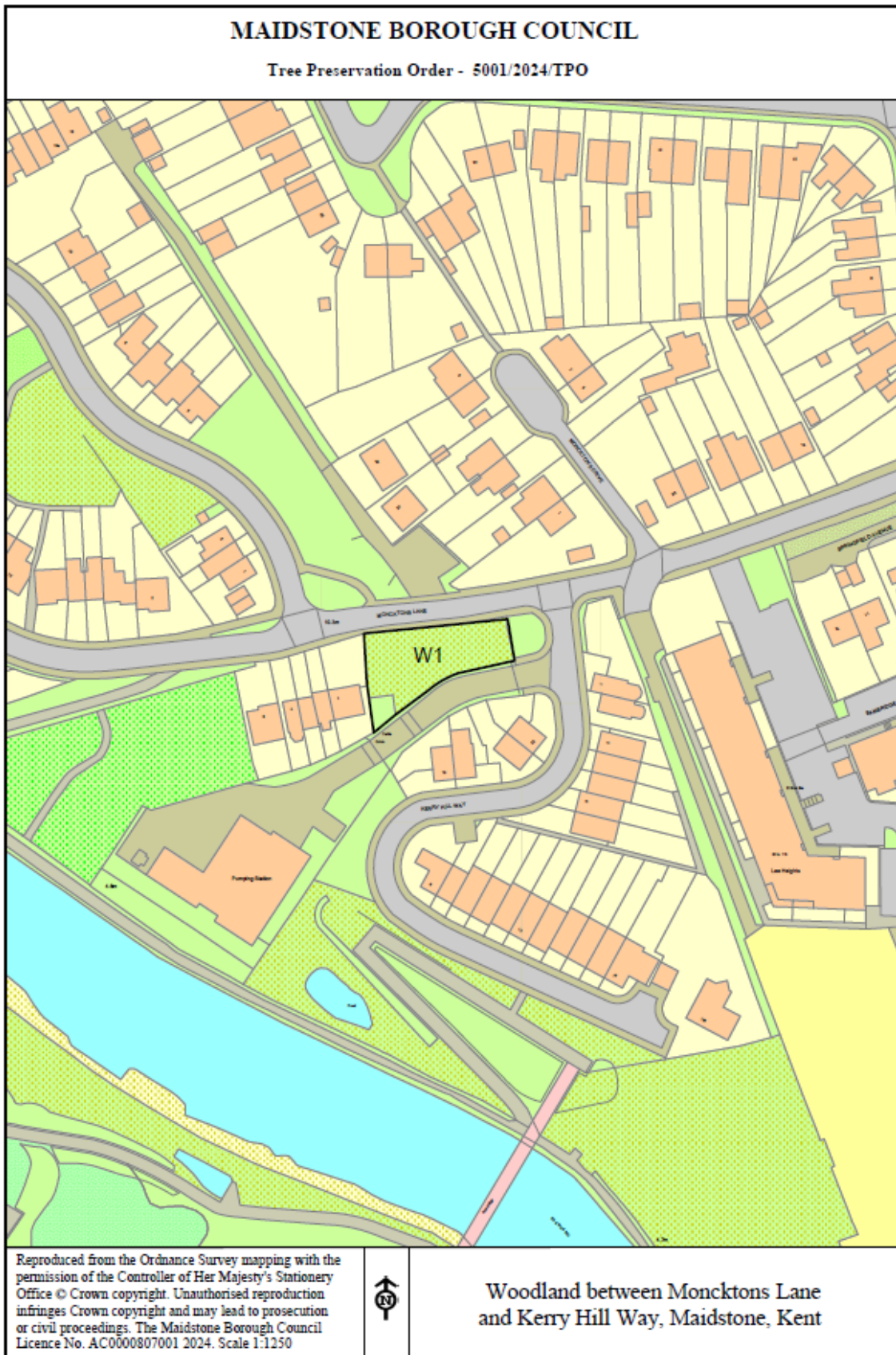
(within a broken black line on the map)

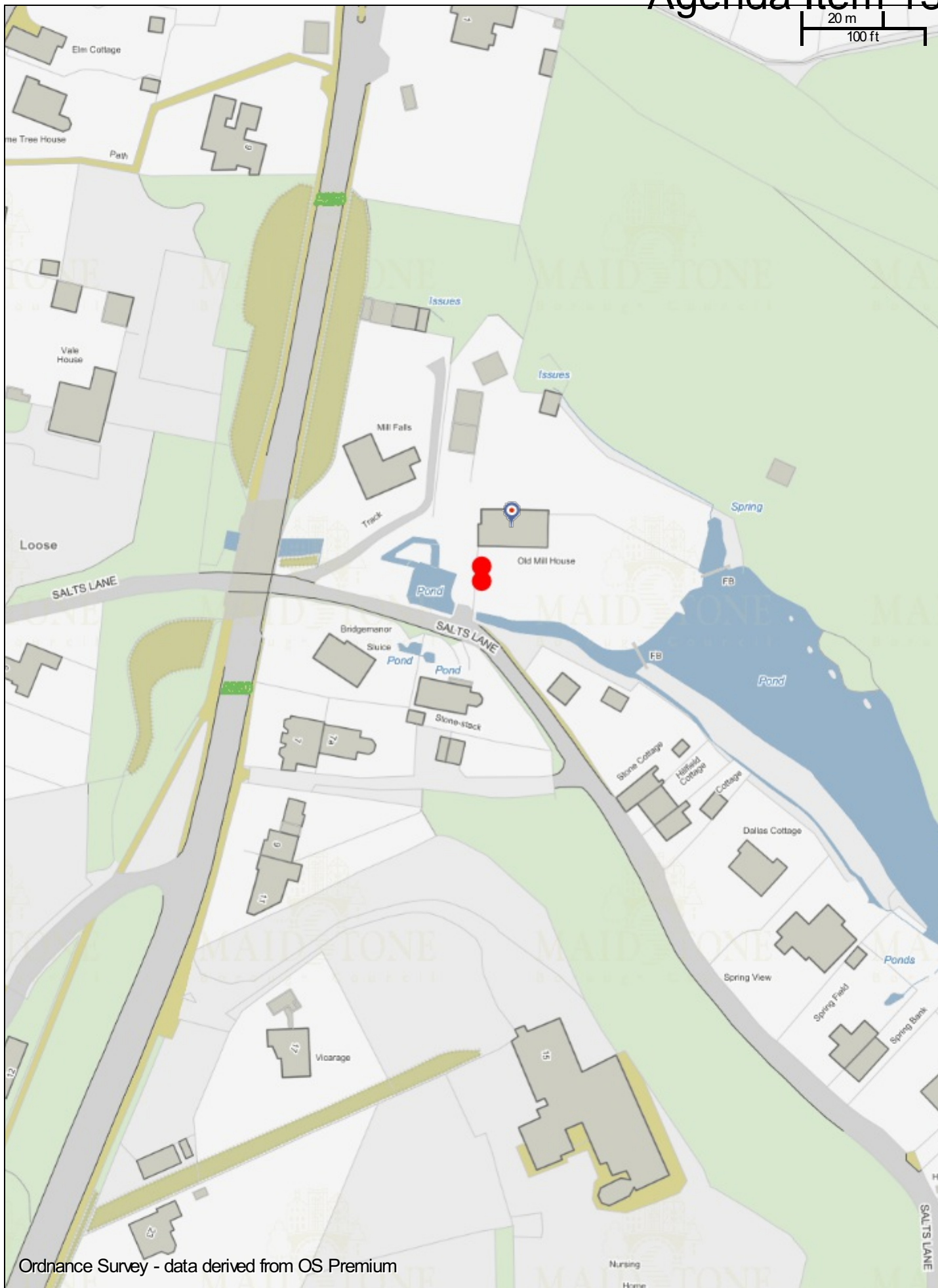
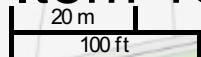
<i>Reference on map</i>	<i>Description including number of trees of each species in the group</i>	<i>Situation</i>
NONE		

Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	mixed deciduous and coniferous trees/species consisting mainly of Sycamore, Holly, Yew, Elm and Hazel	Land between Moncktons Lane and Kerry Hill Way Maidstone Kent





Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

CASE REFERENCE: 5002/2024/TPO	
ADDRESS: The Old Mill House, Salts Lane, Loose, Maidstone Kent	
RECOMMENDATION: CONFIRM Tree Preservation Order No. 5002/2024/TPO WITHOUT MODIFICATION as per the attached Order.	
SUMMARY OF REASONS FOR RECOMMENDATION: The Council considers that the tree or trees contribute to amenity and local landscape character and it is expedient to make a Tree Preservation Order (TPO), due to the submission of a section 211 notice for their removal under application 23/503050/TCA.	
REASON FOR REFERRAL TO COMMITTEE: One objection has been received to the making of the order	
PARISH: Loose	WARD: Loose
CASE OFFICER: Paul Hegley (MBC)	SITE VISIT DATE: 26 th October 2023
PROVISIONAL TPO MADE: 04.01.2024	PROVISIONAL TPO EXPIRY: 04.07.2024
PROVISIONAL TPO SERVED: 04.01.2024	TPO OBJECTION EXPIRY: 01.02.2024

RELEVANT PLANNING HISTORY

Planning:

15/509942/TCA - Trees in conservation area notification - crown lift to six metres one Ash and one Sycamore. Fell - one Elder - **No Objection** - **07.01.2016**

17/506199/TCA - Conservation area notification to fell one Silver Birch. Reduce height of one Weeping Willow to 25 ft . Remove all long thin growth from top of trunk of one Walnut tree. - **No Objection** - **08.01.2018**

18/505377/TCA - Conservation area notification to reduce size of 3 x Willows trees as shown on sketch plan. - **No Objection** - **22.11.2018**

19/505654/TCA - Conservation Area Notification to Fell 1x Ash, 1x Conifer and 1x Sycamore - **No Objection** - **23.12.2019**

23/503050/TCA - Conservation area notification to fell one Weeping Willow (T1), two Lawson Cypress (G1), fifteen Leylandii(G3) and coppice 8 Sycamore (G2). - **Part Permitted Part Refused** - **04.01.2024**

TA/0164/11 - Conservation area notification: Loose Valley conservation area notification of intention to crown reduce 2No: weeping willows by one-third and crown lift them to 5.5m; cut back 3No: willows to previous pollard points; pollard 1No: nut tree to ground level; and fell 11No: conifers, 1No: walnut and 1No: silver birch - **No Objection** - **05.01.2012**

TA/0076/11 - Conservation Area notification: Loose conservation area notification of intention to cut back one large branch growing out over drive and garage. - **No Objection** - **22.07.2011**

TA/0137/13 - Conservation area notification: Loose Conservation Area notification of intention to reduce height of 1No. Weeping Willow to a height of 4.5m above ground level and to Crown reduce 1No. Weeping Willow by 20% - **No Objection** - **31.10.2013**

Enforcement:

23/500734/TREEP2 - Enforcement Enquiry - **Pre Application Advice Closed** - **22.12.2023**

Appeals:

None

MAIN REPORT

1. INTRODUCTION AND BACKGROUND

Following the submission of a 6 week notification (section 211 notice) under application 23/503050/TCA to fell the two Cypress trees within Loose Conservation Area, Maidstone Borough Council made provisional Tree Preservation Order No. 5002/2024/TPO on the 04.01.2024, in order to prevent the felling from taking place. A copy of TPO No. 5002/2024/TPO is attached at Appendix A of this report.

2. DESCRIPTION OF TREES

2.01 Both Lawson Cypress are growing within the front garden of the property of Old Mill House and are visually prominent from Salts Lane. The approximate position of the two trees can be seen circled in yellow on the aerial extract below taken from Google Maps.



3. OBJECTIONS

3.01 One objection has been received from the owner of the trees to the making of the TPO, who commissioned a report from an independent qualified Landscape & Ecology Consultant, the details of which have been summarised below.

3.02 Objections Summary:

I have assessed the two trees in the context of the Tree Evaluation Method (survey data sheet & decision guide) submitted by Maidstone Borough Council, dated 26.10.2023 and in particular with regard to the juxtaposition of the two trees with the adjoining residential property, the historic setting and the adjacent stream.

Part 1: Amenity Assessment

a). Condition and Suitability for TPO

I have assessed the two trees as being of Fair/satisfactory condition (3 points), rather than Good condition (5 points) as assessed by MBC.

The condition of the two trees should be downgraded on account of:

- the occurrence of current and former dieback in T1 in particular (see Photos 4 and 5 attached),
- the excessive growth resulting in the need for the trees to have lateral growth regularly pruned back to prevent interference with the adjacent house, path and driveway,
- the close proximity of the two trees to each other, compromising the structure of each tree, restricting the canopy spread of each tree and increasing suppression of each tree canopy. This suppression will increase with time.

NOTE. The plan accompanying the TPO is diagrammatic and does not accurately indicate the true extent of tree canopy spread of T1 and T2 and their extreme proximity to the house and stream.

The trees were evidently originally planted by the previous owners of the Old Mill House as small specimens, appropriate to the garden setting. It is considered most unlikely that the design intent was ever for the trees to become increasingly dominant over the adjacent house and historic mill setting and to jeopardise the integrity of the building. This exceptionally fast growing and recently introduced coniferous species is considered intrinsically unsuited to an ecologically sensitive and historically valuable riparian setting and should be removed to enhance the visual amenity of the area and the local landscape character, neither of which are enhanced by the presence of these two over-bearing tree specimens.

Timely removal is also necessary before any evident damage to the historic Old Mill House occurs as a result of root penetration, encroaching tree canopy and/or storm damage/wind throw.

b). Retention span (in years) & suitability for TPO

I have assessed the two trees as having a maximum retention span of 10-20 years (1 point) and possibly less (see below, 0 point), rather than the 20-40 years (2 points) as assessed by MBC. MBC have noted that the trees are 'close to the house but thought to be in context'.

I would disagree and consider that due to the high growth rates of Lawson cypress, the fact that the trees are already significantly taller than the adjacent house (see Photos 1 and 2 attached) and are already infringing on the curtilage of the house (see Photo 3), the trees will increasingly conflict with and compromise the integrity of the Grade 2 Mill House. It should be noted that in recent years the dense lower canopy of T1 in particular (closest to the house) has been subject to regular cutting back, with further

cutting back of both trees to permit access to the property along the drive. In the absence of the regime of regular pruning and if the natural growth trajectory of the tree canopy was extended, the tree canopy would already be infringing on the house itself, causing damage and preventing access to the property. It is also likely that the tree root plate is already affecting the house foundations.

The Root Protection Area (RPA) of T1 has been estimated as 800 (trunk diameter at 1.5m above ground level, =800mm) $\times 12 = 9.6\text{m}$. The tree trunk is located some 7m from the house wall and therefore it can be expected that the tree roots are already extending significantly under the foundations of the historic Old Mill House. This is of significant concern.

The trees are thought to have been planted as small specimens some 50 years ago and have already attained a height of some 15-16m and canopy spread in excess of 7m. Lawsons cypress are relatively recently introduced to the UK and are thought to reach heights of 45m, with an annual extension growth of 300-500mm. In this respect it is not considered feasible from a H&S viewpoint regarding proximity to the house, to allow these trees to continue growing beyond 20 years (at which stage the trees might be expected to increase in height and spread by a further 6-10m). Within 20 years it might also be expected that the two adjoining trees would suffer further dieback and suppression, compromising tree health and structural stability. In addition, the root growth would also likely interfere with the house foundations and extend further under the Old Mill House, compromising the structural stability of the historic property and causing potential nuisance and danger.

NOTE. It could also be argued that the retention span should actually be less than 10 years (0 points) as this category '....includes trees that are an existing or near future nuisance, including those clearly outgrowing their context...'

c). Relative public visibility & suitability for TPO

| agree with MBC that the trees are 'Large trees or medium trees clearly visible to the public (4 points)'.

d). Other factors

| have assessed the trees as 'Trees with none of the above additional redeeming features' (1point), rather than the 'Trees of particularly good form, especially if rare or unusual' (2 points) that MBC have attributed to the trees.

The form of the trees is not particularly good as due to their close proximity to each other (approx.. 4m) the canopies of the two trees are interfering with each other causing suppression and unbalanced tree structure. In addition, as noted above, due to the close proximity of the outgrown trees to the house, drive and path, the shape of the lower canopy has already been subject to regular (at least annual) pruning back, compromising the natural form of the trees and causing a 'boxy', unnatural shape.

Lawson cypress is not a 'rare or unusual' variety of tree and is in fact a very common and over-used garden conifer and has the reputation of being a 'nuisance' species (subject to the High Hedges legislation) frequently outgrowing its allotted space and causing problems due to interference with the built environment, including adjacent dwellings. The root plate of this introduced species is also frequently known to interfere with foundations.

Any lack of stability combined with storm damage could cause significant damage to the adjacent house, nearby stream, Salts Lane and any inhabitants of The Old Mill House and/or users of the lane.

Part 2: Expediency assessment

I agree that the expediency criteria is 'Precautionary only' (1 point).

NOTE. However, as qualification for this Part 2 category requires trees to have already accrued at least 10 points, whereas my assessment of the trees totals only 8 or 9 points, they therefore do not actually qualify for this additional point.

Part 3: Decision Guide

The MBC total score is 14 points - ie in the 12-15 category - 'TPO defensible'.

My independent assessment results in a total score of 8-9 points (excluding the additional point for Part 2 as they do not qualify for this, see above) ie the tree evaluation score is within the 7-11 category - 'Does not merit TPO'.

It is therefore concluded that due largely to the extreme proximity of T1 and T2 to the Grade 2 listed house, combined with the high growth rates of this fast growing, visually inappropriate, introduced species of conifer, the necessity for regular pruning back of the tree canopy to prevent physical infringement on the house, the existing evidence of suppression and dieback and the intrusion of the tree RPA under the curtilage of the historic Old Mill House, these trees do not merit TPO. There is concern over current and future nuisance caused by the trees and potential for H&S danger to humans and danger to the adjoining house, stream and lane if the trees are retained in situ in the future.

4. REPRESENTATIONS

4.01 No other representations have been received to the making of the TPO.

5. APPRAISAL

2no. Lawson Cypress listed T1 & T2 in TPO:

5.01 Condition:

Good – No significant defects noted.

5.02 Contribution to public amenity:

Good – Clearly visible to the public.

5.03 Retention/Longevity:

Long – With an estimated remaining life expectancy of at least 20 years.

5.04 Comments/Considerations:

At the time of inspection by the Council's arboricultural consultant on 29th May 2024, the two Lawson Cypress trees did not reveal any significant defects to suggest they are either unhealthy or unsafe. Both trees form a cohesive group that contribute positively and significantly to the mature and verdant landscape of the area and to its character and appearance as seen in photo 1 below.

Photo 1 – View of Lawson Cypress T1 & T2



RESPONSE TO OBJECTIONS

- 5.05 Having considered the points raised in the objection in section 3 of this report and following a further inspection of the trees on the 29th May 2024, I would respond to each point as follows:

Part 1: Amenity Assessment

a). Condition and Suitability for TPO

As detailed in the appraisal at section 5 above, at the time of the Council's most recent inspection of the two Cypress trees on 29th May 2024, no obvious defects were noted to indicate they pose an abnormal safety risk. Therefore, the proposed grading of the two trees condition as a 5 "Good", at the time of making the TPO is considered to be justified.

The former dieback noted on T1 in the objection is in fact where areas of foliage have been trimmed back in the past exposing the inner dead foliage. Should the owner be concerned about the trees' close proximity and the need for the trees to be regularly pruned back then the Council would support ongoing trimming works via the submission of a suitable written TPO application.

b). Retention span (in years) & suitability for TPO

Trees are living dynamic organisms that are subject to change at any time but based on their current age, condition, visual contribution they make to the public realm and location the original retention span of 20-40 years is considered to be appropriate in this instance.

It is accepted that the trees are in close proximity to the property, particularly the crown of T1. However, as previously mentioned above any interfering growth can be addressed by the submission of a pruning application which if applicable the Council is likely to support.

In terms of the trees' impact over the continued structural integrity of the property, to date no evidence has been provided to suggest/indicate the roots of the trees pose a risk. Again, should evidence be provided then such matters can be dealt with via an application.

c). Relative public visibility & suitability for TPO

There is no dispute over the Councils grading that the trees are 'Large trees or medium trees clearly visible to the public (4 points)'.

Part 2: Expediency assessment

There is no dispute over the Councils grading that the expediency criteria is 'Precautionary only' (1 point).

Part 3: Decision Guide

In accordance with the current TPO guidance, the Councils total score of 14 points - ie in the 12-15 category - 'TPO defensible', is considered to give a realistic and balanced view of the two trees current amenity based on the TEMPO system of evaluating a trees suitability for inclusion within a TPO.

6. CONCLUSION

- 6.01 The objections raised by the owner are not considered sufficient reasons not to confirm the TPO or raise sufficient doubt to question its validity or that of the TEMPO a assessment undertaken at the time of the orders making. The two Lawson Cypress trees are considered to have significant amenity value, so their loss would erode the mature and verdant landscape of the area by a marked degree and would thus give rise to significant harm to its character and appearance. Therefore, it is considered expedient to confirm TPO 5002/2024/TPO to secure the two trees long-term retention/protection.

7. RECOMMENDATION

- 7.01 CONFIRM** the Tree Preservation Order **No. 5002/2024/TPO WITHOUT MODIFICATION** as per the attached Order.

Case Officer: Paul Hegley (MBC)

Date: 28.05.2024

Note: Tree Officer assessments are based on the condition of the trees on the day of inspection. Whilst every effort is made to ensure that the assessments are accurate, it should be noted that the considerations necessary for determining applications/notifications may be able to be made off-site and, in any case, no climbing or internal inspections or excavations of the root areas have been undertaken. As such, these comments should not be considered an indication of safety.

COPY OF TPO No 5002/2024/TPO

Tree Preservation Order

Town and Country Planning Act 1990

The Tree Preservation Order No.5002/2024/TPO

Location: The Old Mill House Salts Lane Loose Maidstone Kent ME15 0BD

The Maidstone Borough Council in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Maidstone Borough Council Tree Preservation Order No. 5002/2024/TPO- The Old Mill House Salts Lane Loose Maidstone Kent ME15 0BD.

Interpretation

2. (1) In this Order “the authority” means the Maidstone Borough Council
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees). This Order takes effect as from the time when the tree is planted.

Dated this 4th day of January 2024

R. LL. Jarman

Authorised Officer to sign in that behalf
Rob Jarman
Head of Development Management
Maidstone Borough Council

SCHEDULE

**Specification of Trees
5002/2024/TPO**

The Old Mill House Salts Lane Loose Maidstone Kent ME15 0BD

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Lawson Cypress	Within the garden of Old Mill House
T2	Lawson Cypress	Within the garden of Old Mill House

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
NONE		

Groups of trees

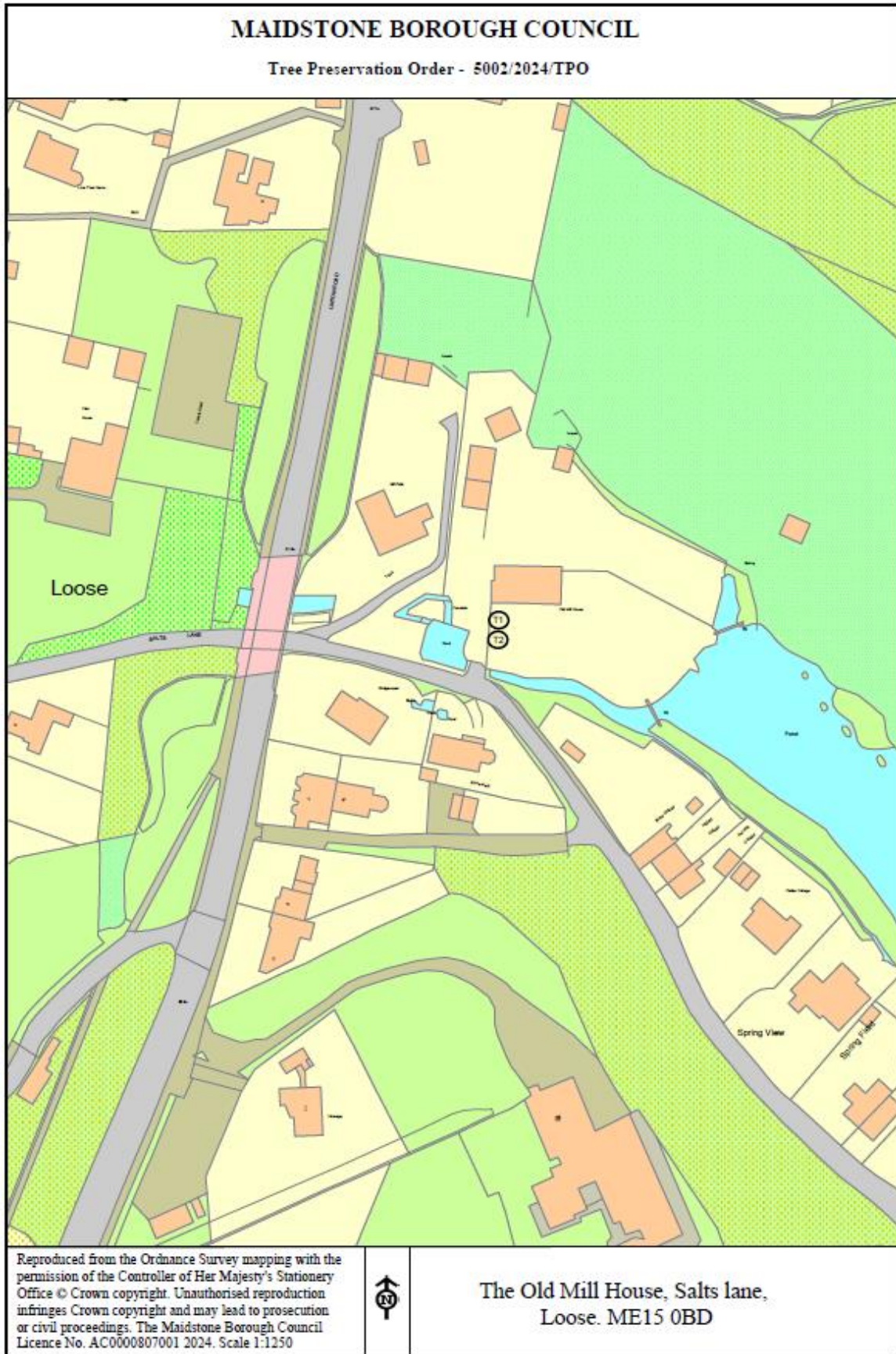
(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
NONE		

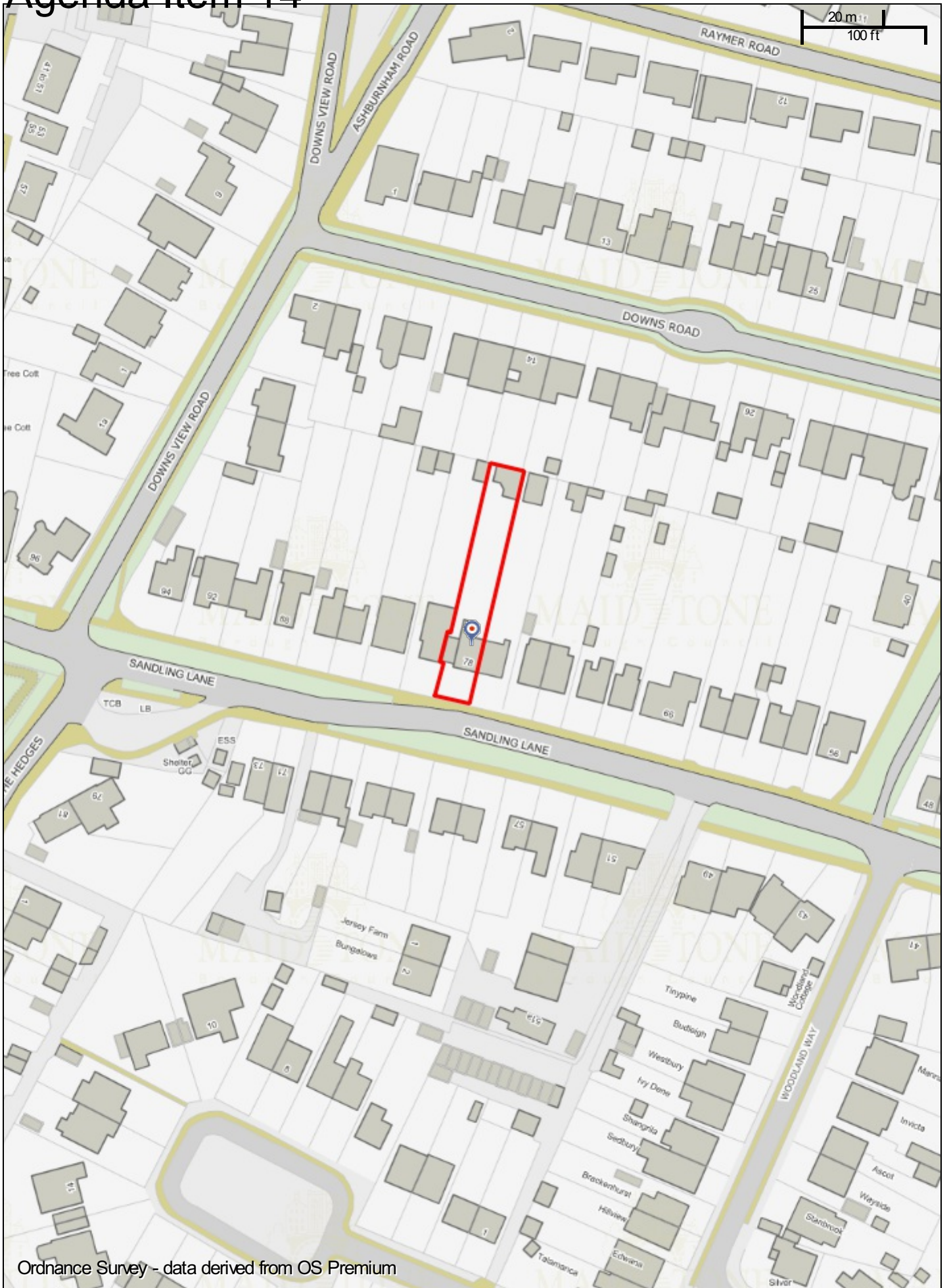
Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
NONE		



Agenda Item 14



Ordnance Survey - data derived from OS Premium

24/501514/FULL 78 Sandling Lane, Penenden Heath, Maidstone, Kent, ME14 2EA

Scale: 1:1250
N

Printed on: 7/6/2024 at 12:41 PM by RebeccaB1

REPORT SUMMARY

REFERENCE NO: - 24/501514/FULL		
APPLICATION PROPOSAL: Erection of single storey rear extension including 1no. rooflight and partial garage conversion.		
ADDRESS: 78 Sandling Lane Penenden Heath, Kent ME14 2EA		
RECOMMENDATION: GRANT – subject to planning conditions set out in Section 8.0 of the report.		
SUMMARY OF REASONS FOR RECOMMENDATION: For the reasons set out below it is considered that the proposed single storey rear extension including 1 no. rooflight and partial garage conversion would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor would it be unacceptable in terms of any other material planning considerations. The proposed development is considered to be in accordance with current policy and guidance.		
REASON FOR REFERRAL TO COMMITTEE: The applicant is an employee of the Council.		
WARD:	PARISH/TOWN COUNCIL:	APPLICANT: Debbie Fallis AGENT: Mr John Tomlin
CASE OFFICER: Sema Yurtman	VALIDATION DATE: 10/04/2024	DECISION DUE DATE: 05/07/2024 (EOT)
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

98/0082 Erection of a single garage with pitched roof to side of dwelling, as shown on drawing no. RET/1/98 received on 21.01.98. Approved.

07/2247 Loft conversion including alterations to the roof form and a rear flat roof dormer as shown on existing drawing and drawing number 2737 received on 31st October 2007. Approved.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 78 Sandling Lane is a semi-detached two-storey dwellinghouse with attached garage to the side and situated to the northern side of the Sandling Lane in the urban area of Maidstone.
- 1.02 The property is a residential dwelling, and the site is not situated within a conservation area, or a national landscape.

2. PROPOSAL

- 2.01 The proposal is for the erection of single storey rear extension including 1no. rooflight and partial garage conversion. The garage has been built under reference 98/0082.
- 2.02 There is existing rear extension which consists of a kitchen with 3.4m depth and 3m width, 2.76m eaves height and 3.8m ridge height. The proposed rear extension would have same depth of the existing rear extension with 3.4m, 3.1m width, 2.76m eaves height and 3.8m ridge height. The proposed extension would consist of kitchen and dining room with a bi-fold door to the rear and a rooflight. It would infill the gap between the existing extension and the boundary.

- 2.03 The proposal also includes partial garage conversion. Part of the existing garage towards the rear would be converted to a utility room. The single door to the rear would be replaced with a double door. The front part of the garage would be remained same.
- 2.04 There is an existing closed boarded timber fence to the boundary neighbouring properties number 76 Sandling Lane and number 80 Sandling Lane. This would not be altered.

3. POLICY AND OTHER CONSIDERATION :

The Maidstone Borough Local Plan Review (LPR) was adopted by the Council on 20th March 2024. There have been two strategic level challenges to adaptation.

Maidstone Borough Council Local Plan Review (2024):

- Policy LPRSP15 – Principles of Good Design
- Policy LPRHOU2 – Residential extensions, conversions, annexes, and redevelopment in the built-up area
- Policy LPRTRA4 – Parking

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

Supplementary Planning Documents: Maidstone Local Development Framework:
Residential Extensions SPD

4.0 LOCAL REPRESENTATIONS

Local Residents:8 neighbours consulted; no comments received.

5.0 CONSULTATIONS

Not applicable

6.0 APPRAISAL

The key issues are:

- Site background/Principles of Development/Policy Context
- Visual Impact
- Residential Amenity
- Parking/Highway Safety
- Other Matters

Site Background/Principle of Development/Policy Context

- 6.01 The application site is located within the Maidstone Urban Area.
- 6.02 Policy LPRSP15 (ii) in terms of design refers to developments responding positively to, and where possible enhance, the local, natural, or historic character of the area, with particular regard should be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage. LPRSP15 (v) re-iterates consideration to be paid to occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development. LPRSP15 (xiv) refers to being flexible towards future adaptation in response to changing life needs.
- 6.03 Policy LPRHOU2 refers to residential extensions, conversions, annexes, and redevelopment within the built-up area. LPRHOU2 states that on land outside of the countryside, proposals

for the extension, conversion and redevelopment of a residential property, design principles set out in this policy must be met. LPRHOU2 states:

- (i) *The scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the street and/or its context;*
- (iii) *Adjoining residents would avoid unacceptable loss of privacy, outlook or light and would avoid unacceptable intrusion from noise or odour; and*
- (iv) *Sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene.*

6.04 The Residential Extensions SPD in relation to this proposal sets out the following:

The scale and form of an extension are important factors in achieving a successful design. The extension should respond sensitively to the positive features of the area which contribute to the local distinctive character and sense of place in terms of scale, proportion, and height.

6.05 The principle of erection of a single storey rear extension including 1 no. rooflight and partial garage conversion within settlements is therefore considered acceptable, provided that the material planning considerations discussed below would be acceptable.

Visual Impact

6.06 As mentioned, the building has an existing rear extension. The proposed extension would be an in fill extension with the same depth and height as the existing extension. As the proposed extension would be located to the rear it would not be visible from the street scene. Therefore, it would not have a detrimental impact on the streetscene and character of the area.

6.07 The proposal would include partial garage conversion, with only rear part of the garage and would be converted to a utility room. This part of the garage also would not be visible from the streetscene.

Figure 1: View from rear garden



6.08 The proposed materials consist of brickwork for the walls, concrete tiles for the roofing with pitched roof design, Upvc windows and doors, all of which would match the host dwelling. Therefore, the overall design and materials proposed are considered to be visually acceptable and be in keeping with host building and existing materials. It would not detrimentally impact the character and appearance of the host dwelling. It would appear as a subservient outbuilding in line with local plan policies and guidance.

- 6.09 Overall, the proposed single storey rear extension including 1no. rooflight and partial garage conversion is not considered to have a detrimental impact on the streetscene or character of the area, as such rear extensions would have least impact on the streetscene.

Residential Amenity

- 6.10 The nearest neighbouring properties are to the east number 76 Sandling Lane and to the west number 80 Sandling Lane. All other neighbouring properties are considered to be a significant distance away and to be unaffected by the proposal.



Figure 2: Neighbouring properties

- 6.11 Number 76 would be the closest neighbouring property to the proposed rear extension. The proposal would protrude further forward than the neighbour. The proposed extension would not include any side window towards number 76 Sandling Lane and there is existing boundary treatment between the two properties. The light test has been done for number 76 and it is considered that the proposed rear extension would have a minimal impact on the neighbour. Therefore, it is considered that no significant impact on neighbouring amenity in terms of loss of light or overshadow would result. The partial garage is located in a reasonable distance from main dwelling and the neighbour would be unaffected by the garage conversion.
- 6.12 Regarding Number 80 Sandling Lane, the proposal would be located to the opposite side of number 80 and the proposal would not be extending further forward than the existing extension. Due to low height of the proposal, separation distance involved, existing boundary treatment and not protruding further forward than the existing extension I do not deem that the proposed extension would result in loss of privacy, overlooking or overbearing impact. As partial conversion of the garage does not include any enlargement in footprint the neighbouring property would not be affected detrimental by the proposal.
- 6.13 Taking the above into consideration, it is considered that the proposal will not cause unacceptable harm to the residential amenity of the adjoining properties that would warrant a refusal.

Parking/Highways

- 6.14 The proposal would add an extension to the rear of the dwellinghouse and would partially convert the existing garage. There will be still enough space for two parked cars to the front driveway. Therefore, there would not be undue impact upon highway safety or parking. As required by the KCC's Interim Guidance Note 3

(IGN3) parking standards the property provides sufficient parking for 2 cars. No harm highway safety/parking provision would result.

Other Matters

- 6.15 Biodiversity/Ecological Enhancements: Due to the nature and relative scale of the development and the existing residential use of the site, it is not considered that any ecological surveys were required.
- 6.16 Policy LPRQD1 Sustainable Design of the Local Plan Review sets out, at point viii, that proposals should 'incorporate into the fabric of the building bird, bat and bee habitats, and shall provide habitats for insects and invertebrates where appropriate.' This is in line with the NPPF and advice in the Residential Extensions SPD. Consequently, it is considered that a condition should be attached requiring biodiversity enhancement measures are provided integral to the proposed rear extension and within the curtilage of the dwellinghouse.
- 6.17 The NPPF, Local Plan and residential extensions SPD all seek to promote the use of renewables and energy/water efficient buildings. The proposals by their nature are extensions to an existing dwelling such that it would be unreasonable to seek to secure such measures which do not accord with the scale of the development. Energy efficiency can be secured through measures such construction, or renewables or water efficient for use of measures such as water butts, as such to secure such measure a condition is considered reasonable to ensure that the development incorporates appropriate measures.

PUBLIC SECTOR EQUALITY DUTY

- 6.18 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 For the reasons set out above it is considered that the proposed erection of single storey rear extension including 1 no. rooflight and partial garage conversion would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor would it be unacceptable in terms of any other material planning considerations. The proposed developments are considered to be in accordance with current policy and guidance.

8.0 RECOMMENDATION

GRANT planning permission subject to the following conditions

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

CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan - Received 08/04/2024.
Drawing number: 7658-P-01 Rev B – Existing and Proposed Plans and Elevations – Received 08/04/2024.
Reason: To clarify which plans have been approved.

- 3) The materials to be used in the development hereby approved shall be as indicated on the application form with brickwork for the walls and concrete tile for the roof.

Reason: To ensure a satisfactory appearance to the development

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

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

- 5) The development shall not commence above slab level until details of how the proposal hereby approved shall be constructed to secure the optimum energy and water efficiency of the extension. have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter; The details shall demonstrate that consideration has been given to incorporating small scale renewable energy generation options have been considered first and shall only be discounted for reasons of amenity, sensitivity of the environment or economies of scale, installing new energy efficient products, such as insulation, energy efficient boilers, low energy lighting shall be considered as a secondary option if the use of renewables has been demonstrated to not be appropriate.

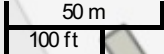
Reason: To ensure an energy efficient form of development.

INFORMATIVES

- 1) It is the responsibility of the developer to ensure, before the development hereby approved is commenced, that approval under the Building Regulations (where required) and any other necessary approvals have been obtained, and that the details shown on the plans hereby approved agree in every aspect with those approved under such legislation.
- 2) The grant of this permission does not convey any rights of encroachment over the boundary with the adjacent property in terms of foundations, eaves, guttering or external cladding, and any persons wishing to implement this permission should satisfy themselves fully in this respect. Regard should also be had to the provisions of the Neighbour Encroachment and Party Wall Act 1995 which may apply to the project.

Case Officer: Sema Yurtman

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

REFERENCE NUMBER: 24/501197/FULL		
APPLICATION PROPOSAL: Retrospective application for the change of use of land for the exercising of dogs, construction of a parking area, erection of a small field shelter and the placing of dog exercise apparatus on the land.		
ADDRESS: Land at Pett Farm Pett Road Stockbury Sittingbourne Kent ME9 7RJ		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions in Section 8 of this report.		
SUMMARY OF REASONS FOR RECOMMENDATION: <ul style="list-style-type: none"> • Minimal level of harm to the character and appearance of this rural area. • Acceptable in relation to neighbour amenity and access and parking arrangements. • Whilst a departure from the Local Plan, material considerations indicate that planning permission should be approved. 		
REASON FOR REFERRAL TO COMMITTEE: The application is a departure from the development plan.		
WARD: North Downs	PARISH/TOWN COUNCIL: Stockbury	APPLICANT: Mr Terry Davis AGENT: DHA Planning
CASE OFFICER: Chloe Berkhauer-Smith	VALIDATION DATE: 21/03/24	DECISION DUE DATE: 28/06/24
ADVERTISED AS A DEPARTURE: Yes		

Relevant Planning History

No relevant planning history.

Enforcement History:

24/500065/ACCESS - Enforcement Enquiry

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The application site is rectangular covering approximately 0.8 hectares of grade 3 agricultural land located within the countryside as defined in the Local Plan. The site is approximately 228m south-west from the borough boundary that adjoins Swale borough boundary. The application site is in the Kent North Downs National Landscape (formally known as AONB) and Gore Wood Ancient Woodland is situated adjacent to the site to the south-east.

1.02 The site is located to the north-west of Pett Road and is accessed from the south-west corner of the site from an existing access track taken from Pett Road. The existing access track runs along the south-west boundary of the site. The site is enclosed with 1.8m high wire and post fencing which is positioned around the perimeter of the site. The south-east boundary treatment where the site adjoins Pett Road consists of mature trees and vegetation meaning the site is well screened from the road.

Aerial photo of the site



1.03 Beyond the site, the area is largely rural in character with areas of open fields/paddocks and woodland. To the north-east of the site there are a number of residential properties including Pett House, Norton Green House, Farriers, Pett Farm Cottages and Paget Cottage and to the south-east lies another residential property Pett Wood Cottage. To the south-west of the site there is a stable block and sand school and other larger agricultural/equestrian buildings and a number of residential properties including Wildwinds, Entangled and Norton Green Bungalow.

2. PROPOSAL

2.01 The application seeks a retrospective application for the change of use of land for the exercising of dogs, construction of a parking area, erection of a small field shelter and the placing of dog exercise apparatus on the land.

Proposed site plan



- 2.02 The proposal makes use of the existing 1.8m high post and wire fencing that defines the field and the proposed plan highlights that a native hedgerow planting with over a thousand tree whips have been planted.
- 2.03 A number of exercise apparatus has been placed on the site for the exercising of dogs, however this apparatus has not been secured to the ground and the submitted planning statement sets out that it is a temporary nature and can easily be removed.



- 2.04 The proposed field shelter would have an approximate width and depth of 1.8m. It would have a mono-pitched roof with an eaves height of approximately 1.9m and maximum height of 2.1m. The submitted planning statement sets out that it is attached to a pallet and therefore not permanently fixed to the ground, and it has been designed so that it can be easily moved or removed if no longer required.
- 2.05 The proposed parking area is situated in the south-west corner of the site adjacent to the access point. It is approximately 10.4m wide and 12.3m deep and accommodate up to three cars. It has been constructed of type 1 roadstone and is enclosed by a post a wire fencing.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan Review 2024
LPRSS1 – Maidstone borough spatial strategy
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
LPRQD 4 Design principles in the countryside

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

Maidstone Landscape Character Assessment 2012 (Updated 2013)
Kent Downs AONB Management Plan 2021-2026 (Third Revision)

4. LOCAL REPRESENTATIONS

Local residents:

- 4.01 No representations received objecting to the application.
- 4.02 48 representations received in support of the application for the following (summarised) reasons:
- Provides a safe and secure environment
 - In keeping with the local area
 - Useful addition to the local community
 - No noise pollution
 - Additional traffic is negligible
 - Proposal does not interfere with traffic, roads or other residents
 - Provides a valuable resource
 - Poses no threat to wildlife and maintains the landscape and a green space

Stockbury Parish Council

- 4.03 Object to the application for the following (summarised) reasons:
- Concerns regarding the sustainability and impact of this proposed development on our rural community. The primary concern is related to the increased in traffic that the proposal would generate.
 - The existing road infrastructure is already heavily congested, this congestion has made the road dangerous for pedestrians, cyclists, horse riders and other motorists. The traffic generated from the proposal would exacerbate these safety issues, particularly given the limited passing places, poor sightlines, and single-track nature of the rural lane.
 - Concerned about the impact on the longstanding stables and horse-riding activities in the area. The increased traffic resulting from existing businesses has significantly heightened safety risks for horse riders attempting to enjoy the rural lanes and surrounding area.
 - We urge Maidstone Borough Council to consider the impact of traffic generated by such developments on the safety and quality of life of our residents, especially those engaged in traditional rural activities like horse riding.
 - In summary, Stockbury Parish Council strongly objects to the proposed development and request Maidstone Borough Council to refuse permission for planning application 24/501197/FULL.

Councillor Stephen Thompson

- 4.04 In support of the application
- The statement of intent meets the criteria within para 8 of the NPPF.
 - Concerned that the width of Pett Road makes access to the site challenging, however confident that users of the site will observe patience and cooperation. The highways situation is therefore not ideal but is acceptable.
 - Note that while pony/horse riding occurs in the vicinity, there are minimal other public users. This business is welcomed as the pressure at other nearby public sited where dog exercise may have been frequent is significant.
 - Note the supportive comments from two immediate neighbours. They are content re security and noise. Note that there is no comment on traffic intensity, so summarise that they do not think this has risen significantly.
 - Note the biodiversity and ecological upgrading measures and welcome that some of them are already in place.
 - In summary, while noting the moderate increased pressure this business will bring to the constrained local roads, and the fact that this application is retrospective, I am happy to recommend approval.

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)

Natural England

5.01 No objections.

Forestry Commission

5.02 Offered their standing advice.

Environmental Health

5.03 No objection subject to conditions.

KCC Ecology

5.04 No objection subject to conditions.

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 LPRSP9
- Character and appearance
- Residential amenity
- Site location, access, parking and highways
- Rural economy
- Biodiversity/Trees

Countryside location and policy LPRSP9

6.02 The starting point assessment for all applications in the countryside is Local Plan policy LPRSP9. Policy LPRSP9 states that development proposals in the countryside will not be permitted unless:

- a) they accord with other policies in this plan and
- b) will not result in significant harm to the rural character and appearance of the area.

6.03 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 LPRSP9 overall.

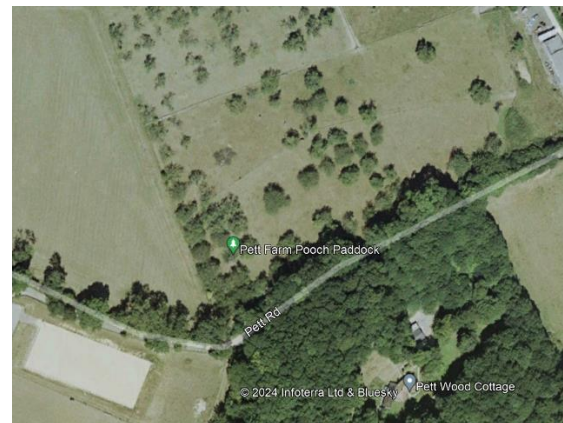
6.04 The application does not involve the conversion of agricultural land to domestic garden so LPRENV2 is not relevant. The application does not involve the expansion of an existing business on the application site so policy LPRCD6 is not relevant. Therefore, there are no Local Plan policies that support the application. The recommendation to grant planning permission would as a result be a departure from the adopted Local Plan.

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

6.06 The following assessment considers the material considerations that are present that justify permission being granted contrary to the Local Plan.

Character and appearance

- 6.07 Policies LPRSP9 and states that development in the countryside should not result in significant harm to the character and appearance of the area. LPRQD4 requires new development to be located adjacent to existing buildings or unobtrusively located and well screened by existing or proposed vegetation. Within the pre-ambles of the policy, it also states that account should be taken of the Maidstone Borough Landscape Character Guidelines SPD and the Kent Downs AONB Management Plan.
- 6.08 In the Council's published Landscape Character Assessment, the application site is within the boundary of the Hucking Dry Valleys, which is part of the wider Dry Valleys and Downs Landscape. The key characteristics of this area are:
- Gently undulating landform
 - Large woodland tracts and block much of which is ancient
 - Parkland trees
 - Post and wire fencing which often follows ridges
 - Narrow, winding and often deeply set lanes that area often lined with hedgerows or enclosed by taller vegetation
 - Paddocks and remnant orchards close to Pett Farm.
- 6.09 The Landscape Character Assessment sets out that the area has a good condition with high sensitivity and the guidelines for this area are to conserve.
- 6.10 The submitted planning statement sets out that historically the land was used as a cherry tree orchard but due to the change in growing methods and agricultural practices traditional cherry orchards are no longer viable. It states that the orchard ceased production in the late 1990's early 2000's and the orchard was cleared but some cherry trees remain.



Application Site 1990 (Google Earth)

Application Site 2003 (Google Earth)

- 6.11 The proposal has largely maintained the existing character of the site, making use of the existing post and wire fencing which is a key characteristic of the area.
- 6.12 The submitted planning statement also sets out that all the existing hedgerows/trees will be retained, and it states that the 1000 no. additional native species have been planted along the north-western, south-eastern and south-western boundaries of the site and 20 no. Oak, Beech and Field Maple trees have recently been planted on site.

- 6.13 The existing boundary treatment along the south-west boundary of the site consists of mature trees and vegetation, the site is therefore well screened from Pett Road ensuring the site is not highly visible from any public vantage points. Furthermore, the additional hedgerow planting noted above will add to this screening.

South-west boundary and proposed field shelter



- 6.14 The proposal also incorporates the erection of field shelter and exercise apparatus for the exercising of dogs. The proposed field shelter is small timber structure and designed to provide shelter for users in the event of poor weather. The submitted planning statement sets out that shelter is attached to a pallet and therefore not permanently fixed to the ground and that it has been designed so it can easily be moved around or removed when no longer required. The scale of the proposed field shelter is modest and considering its simple design it would not result in significant harm to the character and appearance of the area.
- 6.15 In regard to the proposed exercise apparatus, considering they are not permanently fixed to the ground and considering their temporary nature whereby they can be easily removed with minimal work, they would not result in significant harm to the character and appearance of area.
- 6.16 The proposed parking area is situated in the south-west corner of the site adjacent to the access point. It is approximately 10.4m wide and 12.3m deep and accommodate up to three cars. It has been constructed of type 1 roadstone and is enclosed by a post a wire fencing. The additional hardstanding does result in a negative visual impact, however the size of the hardstanding has been kept to a minimum to only accommodate up to 3 cars with enough room to ensure cars are able to turn and leave the site in a forward-facing gear. Furthermore, the parking area has been sited directly next to the entrance of the site ensuring the hard standing does not further encroach into the field. Additionally, the parking area is screened from the road by the existing boundary treatment along the south-east boundary of the site.
- 6.17 Overall, the proposal has not significantly altered the appearance of the site, all existing trees have been retained and the proposal makes use of the existing post and wire fencing which is a key characteristic of the area. The proposal would sit acceptably within the rural landscape and therefore accord with Local Plan policies LPRSP9 and LPRQD4.

Residential amenity

- 6.18 Local Plan policy LPRSP15 states that proposals will be permitted which create high quality design and 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.
- 6.19 The closest neighbouring property to the application site is Pett Wood Cottage, Pett Road which is approximately 76m south-west of the application site. All other neighbouring properties are a significant distance from the site. Given the distance of the application site to any neighbouring properties, the proposal would not impact residential amenity in terms of a loss of light or overshadowing or a loss of privacy or overlooking.
- 6.20 The applicant has proposed the following:
- Booking to be made in advance based on ½ hour or 1 hour time slots;
 - The facility is operated from 7:00am to 4:00pm during winter months and 7:00am to 8:00pm during Spring and Summer months
 - All dogs must be fully up to date with their vaccinations and worming for the safety and welfare of all users.
 - Bins are provided on the site for waste matter. These are emptied and contents collected and disposed of by a licenced waste contractor.
 - Arrival and departure to completed within the time slot and ensuring sufficient time to unload and load your dog/s back into your vehicle. Your slot includes arriving, unloading your dog/s, getting to your booked area, time in the fenced area, exiting the area, loading your dog/s back into your vehicle, and then departing our premises within your slot.
 - Only one person/family/group are allowed on the site at a time and a maximum of two vehicles per person/family/group are allowed at any one time.
 - If the dog walker/owner arrive early at the facilities they are required to STAY in the vehicle and with their dog until the previous user/users have left the site.
- 6.21 To ensure that the field is not used to an excessive degree, it would be appropriate to require by planning condition 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.
- 6.22 Overall, 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

- 6.23 Local Plan policy LPRSP15 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. Local Plan policy LPRTRA2 seeks to ensure that the vehicle trips generated by a use can be adequately accommodated on the road network.
- 6.24 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..."

- 6.25 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.
- 6.26 Access to the site is taken from an existing access along Pett Road. There is a five-bar gate situated at the entrance point of the car park that is set back from the road by approximately 13m. This set back ensures vehicles do not have to wait on the main road to open the gate.
- 6.27 The application includes a parking area to accommodate up to 3 cars which is located in the south-west corner of the site adjacent to the entrance. The size of the parking area has been kept to a minimum to only accommodate the necessary parking requirements and also to enable enough space to ensure vehicles can leave the site in a forward-facing gear.
- 6.28 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.
- 6.29 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

- 6.30 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".
- 6.31 Although not directly relevant, Local Plan policies LPRSP11 and LPRCD6 (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.

Biodiversity/Trees

- 6.32 Local Plan policy LPRSP14(A) 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".
- 6.33 All the existing trees and hedgerows on the external boundaries of the site have been retained. The submitted planning statement outlines that over the course of the last 12 months the applicant has planted approximately 1000 native species hedge plants along the north-western, south-eastern, and south-western boundaries to reinforce and gap-up the existing hedgerows. This is in line with the guidance within the Maidstone Landscape Character Assessment that sets out an action for the area is to gap up hedgerows in the few locations where this is needed.

- 6.34 The planting includes the following species:
- Hawthorn, Blackthorn, Hornbeam, Hazel Dog Rose and Common Dogwood.
- 6.35 Over 20 native trees have also been planted within the site which include Oak, Beech and Field Maple.
- 6.36 KCC Ecology have received the submitted information and provided the following comments:
"No ecological information has been submitted with this retrospective application. As a result of reviewing the data we have available to us, and the information submitted with the retrospective planning application, we advise that the proposed development has limited potential to result in significant ecological impacts. We advise that our comments would not have changed if this application had been submitted prior to works commencing."
- 6.37 KCC Ecology have noted that the field is designated a priority habitat for traditional orchard. They have stated that as a declining habitat, any relict trees should be protected and no further loss to the priority habitat should occur with the usage as a dog exercise area by the applicant. It is unlikely a dog exercise area will have an effect on these relict trees or priority habitat, but this can be safeguarded with sensitive management. They have requested a condition requiring a detailed enhancement and management plan.
- 6.38 In regard to ecological enhancements, KCC Ecology have noted the existing enhancements that have already taken place on site, however they have suggested further enhancements such as seasonal mowing regimes and log piles placed near the hedgerow boundaries. These measures can be requested by way of condition.
- 6.39 The application site is situated adjacent to an Ancient Woodland Gore Wood. KCC Ecology have reviewed the application and provided the following comments:
"An ancient woodland site Gore Wood is within 10m, separated by a road, but is unlikely to be impacted by this small-scale usage. No associated artificial lighting is present, which would disturb bats and other wildlife. The site is to be visited by low numbers of dog walkers in daylight hours with a maximum 2 cars per booking and provision has been made for allocated onsite parking and solid dog waste. The post and wire fencing used is suitable for this situation and will allow free movement of small wildlife species."
- 6.40 Given the distance of the site from the ancient woodland together with the nature of the proposal, the proposal would not impact the adjacent ancient woodland.

PUBLIC SECTOR EQUALITY DUTY

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

7. CONCLUSION

- 7.01 The National Planning Policy Framework (NPPF) reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which requires by law that planning applications "must be determined in accordance with the development plan, unless material considerations indicate otherwise".
- 7.02 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.

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 carried out in accordance with the following approved plans:

Site Location Plan – Drawing No. DHA_33242_01 – Received 18/03/2024

Proposed Site Layout Plan – Drawing No. DHA_33242_03 – Received 18/03/2024

Moveable Field Shelter Details – Drawing No. DHA_33242_05 – Received 18/03/2024

Reason: To clarify which plans have been approved

2) The use hereby permitted shall cease and all structures, equipment, and materials brought onto the land for the purposes of such use shall be removed within 6 weeks of the date of the failure to meet any one of the requirements set out in (i) to (iv) below:

i) Within 6 weeks of the date of this decision a Site Development Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority. The Scheme shall include:

- a) The booking system for use of the dog walking area
- b) How access will be restricted to only those with a booking.
- c) The booking time intervals / slots including the length of time between them for each session throughout the year.
- d) Details of procedures for the disposal of waste
- e) Policies on the supervision of dogs on site
- f) Site notices to be secured on site advising of steps to be taken in case of the escape of a dog.
- g) Schedule of maintenance including a landscaping scheme grass (sward) cutting regime to achieve variation in grass lengths on different parts of the site to maintain a rural appearance.
- h) Details of proposed landscaping (see condition 3)
- i) Measures to minimise noise nuisance
- j) A review mechanism in response to justified complaints.
- k) A timetable for the implementation of points a) to j) above with all details implemented in accordance with the agreed timetable and all details retained for the lifetime of the development.

ii) Within 11 months of the date of this decision the Scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Scheme shall have been approved by the Secretary of State.

iv) The approved Scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.

Reason: To ensure the visual amenity, character, and appearance of the open countryside location.

- 3) At the end of the first planting season (October to February) following the approval of planning permission, 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.

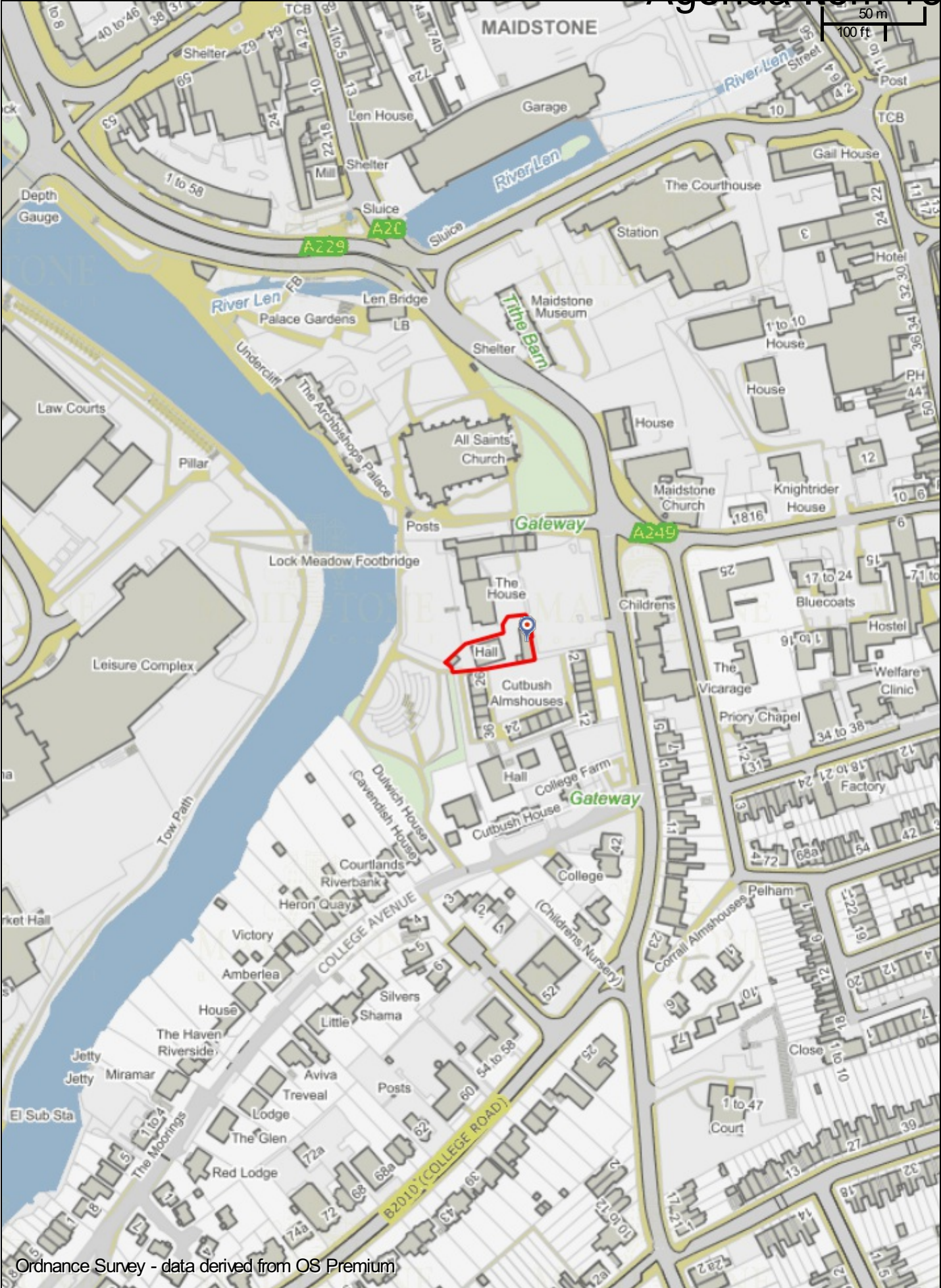
Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.

- 4) 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
- 5) No activity in connection with the use hereby permitted shall take place outside the hours of 7am and 8pm and within these 13 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.
- 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) No external lighting shall be installed on the site.
Reason: In the interests of visual amenity and ecology.
- 8) Within 3 months of the date of this permission, a detailed enhancement and management plan will be submitted to, and approved in writing by, the local planning authority. The plan shall show the relict 'Traditional Orchard' trees and how they will be managed. This will include the completed and future enhancement measures of the site and surroundings to preserve the trees and enhance biodiversity. This will include basic management measures to achieve the proposed habitat target conditions and include native and wildlife-friendly planting and features on, or adjacent to, the application site. The approved measures will be implemented and retained thereafter.
Reason: In the interests of visual amenity and ecology
- 9) The use shall only accommodate a maximum of 4 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.

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

24/500999/FULL The Masters Tower, College Road, Maidstone, Kent, ME15 6YF

Scale: 1:2500
N

Printed on: 7/6/2024 at 14:04 PM by RebeccaB1



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REPORT SUMMARY

REFERENCE NUMBER: 24/500999/FULL		
APPLICATION PROPOSAL: Erection of a temporary timber log cabin for training of sea cadets.		
ADDRESS: The Master’s Tower College Road Maidstone Kent ME15 6YF		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions in Section 8 of this report.		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed temporary timber log cabin for training of sea cadets would be acceptable and would not cause significant visual harm, harm to neighbouring amenity the timber log cabin would be acceptable in terms of any other material planning considerations. The proposed development is in accordance with current policy and guidance.		
REASON FOR REFERRAL TO COMMITTEE: Application submitted by an elected member (Cllr Fay Gooch)		
WARD: High Street	PARISH/TOWN COUNCIL: N/A	APPLICANT: Mrs Fay Gooch
CASE OFFICER: Chloe Berkhauer-Smith	VALIDATION DATE: 02/04/24	DECISION DUE DATE: 28/06/24
ADVERTISED AS A DEPARTURE: No		

Relevant Planning History

75/0964: Extension to existing quarter deck building to provide an additional workshop and classroom involving listed building consent – **Permitted** 12/11/1975

75/1519: Extension to existing quarter-deck building to provide additional workshop and classroom involving listed building consent as amended by the plan received 12/01/76 – **Permitted** 26/02/1974

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The application site is in the Maidstone Town Centre boundary with the River Medway to the west and College Road public car park to the east. The site is the base for Maidstone Sea Cadets.

1.02 The Sea Cadets' ethos is in three parts: values, mindset, and customs and traditions of the Royal Navy. The ethos is underpinned by the Sea Cade values which are: Courage, Commitment, Discipline, Respect, Loyalty, Honesty, and Integrity. These are taught by staff throughout the time cadets are with a unit. Young people can be in the Sea Cadets between 9 and 18 years old. Junior Sea Cadets (9 – 12 years) have their own training programme and uniform. Young people aged 12 to 18-year-olds are Sea Cadets and work their way up through the training programme.

- 1.03 The site is in The College of All Saints Scheduled Monument and in the All-Saints Church Conservation Area. There are listed buildings to the north (The Master's House - grade II*) and to the south (Cutbush Almshouses - grade II) of the site.
- 1.04 The part one, part two-storey The Master's Tower (grade II listed) is located on the application site. The Master's Tower is adjacent to the College Road car park with the building set back from College Road (A229) by approximately 39m. A private car park and storage area for the sea cadets immediately to the rear of The Master's Tower is accessed to the north of the building.
- 1.05 A single storey hall is in the middle of the site (approximately 11m by 14m) with a further small single storey storage building in the open area on the west side of the site. A gate in the west boundary provides pedestrian access to the River Medway (approx. 35m west) via a footpath past The Hermitage Millennium Amphitheatre and across a public right of way (KMX16). The site is situated within flood zone 1.

2. PROPOSAL

- 2.01 The application seeks the erection of a temporary timber log cabin for training of sea cadets.
- 2.02 The proposed log cabin would have an approximate width of 5.5m and depth of 3.5m. It would have a mono-pitched roof with an eaves height of approximately 2m and maximum height of 2.4m. The proposed building would be situated approximately 1m to the rear (west/ River Medway side) of the existing single storey hall. It would be constructed of timber with a green roof material.
- 2.03 The submitted planning statement sets out that the proposed building would provide an additional temporary building for the training needs of the increasing number of sea cadets.
- 2.04 The proposed building would be sited on the existing rear area of gravel finished hardstanding and it would sit on a fully levelled black painted steel channel frame. The building does not require any footings or other intrusion into the existing ground level/finish.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan Review 2024
LPRSS1 – Maidstone borough spatial strategy
LPRSP1 – Maidstone town centre
LPRSP11 – Economic development
LPRSP14(B) – The historic environment
LPRSP15 – Principles of good design
LPRENV1 – Development affecting heritage assets.

All Saints Conservation Area Appraisal

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

4. LOCAL REPRESENTATIONS

Local residents

No representations received.

5. CONSULTATIONS

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

Historic England

- 5.01 No objection There will be no negligible harm to the scheduled monument, and the applicant has made decisions to ensure this. (Concern about the brevity of the submitted heritage statement but Scheduled Monument Consent has been granted)

KCC Archaeology

- 5.02 No objection subject to a pre commencement planning condition requiring methodology of construction and how services are installed (Concern about the brevity of the submitted heritage statement)

MBC Conservation

- 5.03 No objection. No harm to the setting of the listed building or the character of the conservation area.

6. APPRAISAL

- 6.01 The key issues are:
- Heritage and design
 - Residential amenity
 - Parking/highways/access

Heritage and design

- 6.02 Policies LPRSP14(B) and LPRENV1 of the Local Plan Review 2024 relate to the historic environment. These policies require, inter-alia, that *"the characteristics, distinctiveness, diversity and quality of heritage assets are conserved, and where possible, enhanced"* and that *"new development affecting a heritage asset incorporates measures to conserve, and where possible enhance, the significance of the heritage asset and its setting"*.
- 6.03 The NPPF (paragraphs 207 and 208) requires the impact on the significance of a designated heritage asset to be assessed as either *"substantial harm"* or *"less than substantial harm"* with NPPG guidance setting out that *"substantial harm"* has a high threshold *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"*.
- 6.04 NPPF guidance (paragraphs 205 and 206) states that when assessing the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm to significance amounts to substantial harm, total loss or less than substantial harm.

College of All Saints Scheduled Monument and archaeology.

- 6.05 Nationally important sites and monuments are given legal protection by being placed on a monument 'schedule'. Scheduling is the only legal protection specifically for archaeological sites and the preservation of these sites is given priority over other uses. Destroying or damaging a protected monument is a criminal offence.
- 6.06 The application site is within the College of All Saints Scheduled Monument. The Historic England listing states *"The standing structures date mainly from the late*

14th century, with some evidence for 16th and 18th century alterations. The monument lies on the eastern bank of the River Medway, to the south of the parish and collegiate church, which is also dedicated to All Saints, and the medieval archbishop's palace. The standing structures include the college gate tower and associated western range, a return wing running from the west end of this refectory range which joins a two-storeyed building known as the Master's House. To the southeast of these buildings is a free-standing structure known as the Master's Tower, while at the south of the complex of medieval buildings is the ruined gateway".

- 6.07 In addition to the need for planning permission, Scheduled Monument Consent is required from the Secretary of State for Culture, Media, and Sport for any work on a scheduled monument. This Scheduled Monument Consent was granted on the 21 May 2024.
- 6.08 The Scheduled Monument Consent decision letter concludes "...the effect of the proposed works upon the monument..." were found to be "...neutral". The letter sets out "The cabin will not require any foundations and will be installed on a modern gravel surface. Due to this there will be no interventions into the monument to facilitate the installation. The location of the cabin means that it will not be visible from the rest of the monument and will not be detrimental a result of additions within it".
- 6.09 The number and range of buildings associated with this medieval or earlier Minster is not fully understood but it is thought this was also a focus of Anglo-Saxon occupation activity. As such there is potential for sensitive remains to survive both below ground and within current buildings.
- 6.10 In view of this archaeological sensitivity and in line with KCC Archaeology advice, a planning condition is recommended to require submission, approval, and adherence to a log cabin installation method statement. This statement would include arrangements for the delivery and sting of the log cabin and installation of services.
- 6.11 It is concluded that the impact of the proposed log cabin on the College of All Saints Scheduled Monument is acceptable due to the building location and the method of installation. No objection has been received from Historic England, KCC Archaeology or the MBC Conservation Officer.

Listed buildings

- 6.12 Any decision on a planning application that potentially affects a listed building or its setting, must have special regard to the desirability of preserving the building or its setting. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged. This obligation is found in sections 16(LBC) and 66(FULL) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1).
- 6.13 The setting of a listed building is not confined to public land and can include private land and the setting can be in separate ownership. A lack of visual connection does not mean that there is no impact on listed building setting. The setting could form part of a wider estate, or if currently separated by landscaping, this landscaping could be removed or die.
- 6.14 Listed buildings are located outside the application site to the north (i) The Master's House - grade II*, on the eastern part of the application site (ii) The Master's Tower - grade II listed and outside the application site to the south (iii) Cutbush Almshouses - grade II.

Site context



(i) The Master’s House (grade II*)

6.15 The Historic England listing for The Master’s House includes the following description:

"...originally the Master's House to the College. C14 with alterations in C18 and the insertion of modern windows since. Built of Kentish ragstone. Two storeys and attics. Tiled roof with three hipped dormers having casements with small square leaded panes. Moulded wooden eaves cornice and at the south end of the front a gable. On the ground floor there are two windows containing pairs of ogee-headed lights, two narrower single trefoil-headed lancets and one square-headed window containing two obtusely-pointed lights. Modern windows on the first floor. The interior contains a collar-braced roof, a C16 oak staircase, a moulded C16 ceiling and Aumbry cupboard. Some stone fireplaces with spandrels and an early C18 fireplace with ovolo moulding. Plaque to William Grocyn (1446-1519) Master of All Saints College and Renaissance scholar".

6.16 The existing permanent single storey sea cadet’s hall in the middle of the application site and distance of approximately 16m will separate the proposed temporary log cabin from The Master’s House. In these circumstances the proposed log cabin is found to be acceptable in relation to the impact on the setting of The Master’s House. No objection has been received from Historic England or the Council’s Conservation Officer.

Cutbush Almshouses (26 College Road) (view southeast from the application site)



(ii) The Master's Tower (grade II listed)

- 6.17 The Historic England listing for The Master's House includes the following description:

"1396-1398. This was originally the main entrance gateway to the College from the river. Two storeys Kentish ragstone. Pyramidal tiled roof. Pointed archway on the ground floor. Square-headed window on the first floor containing two cinquefoil-headed lights with stone mullion and transom. Small projection on the north side with splayed end, possibly containing the staircase. This front has a single window of one cinquefoil-headed light on the first floor and a gable fronted with weatherboarding, full of pigeon holes".

- 6.18 The proposed timber log cabin is located at the western (River Medway) end of the application site with The Master's Tower located at the opposite eastern (College Road) end. The log cabin will be separated from The Master's Tower by approximately 24m including the permanent single storey sea cadet's hall in the middle of the application site. In these circumstances the proposed log cabin is found to be acceptable in relation to the impact on the setting of The Master's Tower. No objection has been received from Historic England or the Council's Conservation Officer.

(iii) Cutbush Almshouses (grade II listed)

- 6.19 The Historic England listing for Cutbush Almshouses includes the following description:

"Late C19 almshouses arranged in groups of three separate buildings on three sides of a courtyard. Nos 2-12 are of two storeys Kentish ragstone. Tiled roof with five clustered chimney stacks. Six gables having fretted bargeboards and pseudo timber-framing and brick finials. Central stone gable with stone finial and initials and kneelers. Windows are four light mullioned and transomed windows. Central stone archway with hood moulding above. Six other mullioned and transomed

windows with hood moulding and two doorcases set in the arches. Nos 14-24 and Nos 26-36 are similar but without the central stone archway”.

- 6.20 The blank side (south) elevation of the log cabin will be located approximately 4m from blank side elevation of the Cutbush Almshouses. As can be seen by the bench visible in the photograph above, the application site ground level is significantly lower than the ground level to the rear of Cutbush Almshouses. The proposed log cabin has a mono pitch roof eaves height of approximately 2m and maximum height of 2.4m and will be separated from the listed building by the existing ragstone wall.
- 6.21 The impact of the log cabin on the setting of the Cutbush Almshouses is found to be acceptable due to the visual separation between the buildings provided by the respective blank elevations, change in ground level and the existing boundary wall. The temporary nature of the log cabin, allowing the site to easily revert to the current situation also alleviates harm to the setting of the listed building. No objection has been received from Historic England or the Council’s Conservation Officer.

All-Saints Church Conservation Area

- 6.22 The All Saints Conservation Area Appraisal sets out that development first occurred in the area in the *Anglo-Saxon period and that development “...revolves around the founding of the original minster church of St. Mary, which occupied the same site as All Saints Church”.*
- 6.23 The appraisal advises *“Maidstone was an ancient domain of the Archbishop of Canterbury and the prevalence of listed buildings and scheduled ancient monuments within the All Saint’s Conservation Area reflects its archaeological and historical importance. as one of only six palace complexes in Kent used by the Archbishop”.*
- 6.24 *Whilst the existing Sea Cadets Hall (“modern sectional building in unsympathetic materials”) is identified in the appraisal as a negative feature, the appraisal highlights that the hall “...does not from a prominent feature within the Conservation Area”.*
- 6.25 The impact of the log cabin on the All Saints Conservation Area is found to be acceptable due to its relatively small size and the visual separation with the log cabin lower in height and located behind the larger existing Sea Cadets Hall. No objection has been received from Historic England or the Council’s Conservation Officer.

Conclusion

- 6.26 The NPPF advises *“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”* (para 205). Potential impact on a heritage asset is classed as either *“...total loss”, “...substantial harm, or less than substantial harm”.*
- 6.27 It is concluded that the current application will have “less than substantial” harm to the significance of the College of All Saints Scheduled Monument, listed buildings and the All Saints Conservation Area. This conclusion is reached due to the relatively small building footprint and height of the log cabin and the discrete location behind the existing hall and on lower ground to the Cutbush Almshouses.
- 6.28 The NPPF further advises *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”* (para 208).

- 6.29 The purpose of the log cabin is to provide additional training space for the sea cadets that currently use the site. The submitted design and access statement sets out that the proposal would make space for sea cadets *"of varying ages and abilities including disadvantaged local Maidstone children, plus in addition, our enthusiastic adult volunteer training and administration staff"*. The proposal would therefore help a local youth project and the public benefit of the proposal is considered to outweigh the low level of harm.

Residential amenity

- 6.30 The closest residential property is part of Cutbush Almshouses (26 College Road) which is situated approximately 4m to the south of the proposed log cabin. All other residential properties are a significant distance from the site.

Daylight/sunlight

- 6.31 The boundary between the application site and 26 College Road is a 2m high wall. As highlighted earlier, there is also a significant rise in ground level from the application site to the rear of 26 College Road. With the boundary layout, the log cabin being single storey and the orientation of the site, the proposal would not impact the residential amenity of No.26 in terms of a loss of light or overshadowing.

Privacy/outlook

- 6.32 The proposed building would only have windows on the west elevation (facing the river) with no windows facing 26 College Road. The proposal would not impact the residential amenity of No.26 in terms of privacy or overlooking.

Noise/activity

- 6.33 With no change of use (additional indoor training space for the cadets), the modest scale of the building, the enclosure provided by buildings, boundary walls and ground level changes, the intensified use of the site is found to be acceptable in relation to neighbour amenity relating to noise or activity.
- 6.34 Overall, the proposal is found to be acceptable in relation to residential amenity including in terms of loss of light, overshadowing, privacy, overlooking and noise and activity.

Parking/highways/access

- 6.35 Local Plan policy LPRSP15 states that proposals will be permitted, where they can safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access. Local Plan policy LPRTRA2 seeks to ensure that vehicle trips generated by a use can be adequately accommodated on the road network.
- 6.36 The existing access to the site and the existing off street parking provision would be retained. There is sufficient parking on site to accommodate the proposal and the site is in a highly sustainable location with access to a variety of public transport options. The proposal would not impact parking at the site or the wider highway network.

PUBLIC SECTOR EQUALITY DUTY

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

7. CONCLUSION

7.01 For the reasons set out above, the proposed erection of a temporary timber log cabin for training of sea cadets would be acceptable on heritage grounds. The proposal would not cause significant visual harm, harm to neighbouring amenity nor would it be unacceptable in terms of any other material planning considerations. The proposed development is in accordance with current policy and guidance.

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

- 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 21/03/2024
Topographical Survey – Drawing No. 19417_01 – Received 05/03/2024
Cabin Details – Received 05/03/2024
Proposed Elevations – Received 02/04/2024
Proposed Floor Plan and North Elevation – Received 02/04/2024
Reason: To clarify which plans have been approved.
- 3) The materials to be used in the development hereby approved shall be as indicated on the approved plans.
Reason: To ensure a satisfactory appearance to the development.
- 4) The building hereby permitted shall be removed and the land upon which it is sited and restored to its former condition on or before 28th June 2029.
Reason: In the interests of landscape, visual impact, and amenity of the area.
- 5) Prior to commencement of development, an Installation Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Installation Method Statement shall include details of the care and attention taken to ensure no detrimental impact on archaeological structures, fixtures, and fittings. The approved development shall only proceed in accordance with the submitted Installation Method Statement.
Reason: To ensure that features of archaeological interest especially related to the Scheduled Monument of Maidstone Archbishops Palace are properly protected.
- 6) Prior to first use of the approved building measures taken for the on-site enhancement of biodiversity shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the enhancement of biodiversity through provision within the site curtilage of measures such as bird boxes, 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.

- 7) The log cabin hereby approved shall only be used in connection with the activities of the Sea Cadets and the building shall not be used for any other purpose.
Reason: The stated occupants of the building were material in the decision to grant planning permission and in the assessment of potential impact.

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 17



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

REFERENCE NUMBER: 24/501069/FULL		
APPLICATION PROPOSAL: Erection of new dwelling house and erection single storey rear extension to the host dwelling including erection of 2no. cycle sheds.		
ADDRESS: 62 Sovereigns Way Marden Tonbridge Kent TN12 9QF		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions in Section 8 of this report.		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed dwelling and erection of a single storey rear extension would not result in harm to the character and appearance of the street scene or the wider area. The proposal would not impact residential neighbouring amenity, nor would it impact parking or the wider highway network. The proposal is acceptable and in accordance with the Maidstone Borough Local Plan Review 2024 and the NPPF 2023.		
REASON FOR REFERRAL TO COMMITTEE: Call in from Marden Parish Council for the reasons set out in Section 4 of this report.		
WARD: Marden And Yalding	PARISHCOUNCIL: Marden	APPLICANT: Mr G Savov AGENT: Building Design Studio
CASE OFFICER: Chloe Berkhauer-Smith	VALIDATION DATE: 15/03/24	DECISION DUE DATE: 28/06/24
ADVERTISED AS A DEPARTURE: No		

Relevant Planning History

77/0395: Residential development - Approved 29.06.1978

12/1366: Erection of an attached two storey dwelling - Refused 21.11.2012 for the following reasons:

"The proposed development by virtue of its scale, siting and proportions in relation to the application site, would result a cramped form of development which would be out of keeping with the surrounding pattern of development and would result in the erosion of open space which would be harmful to the character and appearance of the area contrary to policies CC1, CC6 and BE1 of the South East Plan and Central Government planning policy as set out in the National Planning Policy Framework 2012".

Appeal decision letter dated 20 March 2013 against refusal of 12/1366 (APP/U2235/A/12/2188947) Appeal decision: dismissed.

The appeal Inspector concluded that the proposal would "...compromise the spaciousness of the area..." making "...the proposed house and the associated terrace seem comparatively 'squeezed in'. The proximity of the flank wall to the road would also introduce an atypical hardness to the street scene".

23/505154/FULL: Erection of two storey side and single storey rear extension - Approved 11.01.2024

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is within the Marden settlement boundary as defined in the Local Plan. The application is not situated within any special land designations; however, it is partially within flood zone 2.
- 1.02 The site is a corner plot with the side (south) site boundary in Meades Close and the front (east) boundary in Sovereigns Way. The property at 25 Meades Close is to the rear (west) separated by a rear pedestrian passageway. The existing two storey property is at the end of a terrace of 5 properties (62-70 Sovereigns Way).
- 1.03 The front elevation of the existing dwelling is set back from the pavement in Sovereigns Way with a front garden approximately 16.6m long. The side elevation is set back from the pavement in Meades Close by approximately 4.9m with the close-boarded fencing approximately 1.8m high on the boundary.
- 1.04 The wider area between the railway line to the north and Goudhurst Road (B2079) to the south is characterised by relatively high-density suburban development. The pattern of development is a series of cul-de-sacs of mainly terraced and semi-detached dwellings with some detached dwellings.

2. PROPOSAL

- 2.01 Construction of a part single, part double storey end of terrace dwelling house with a single storey rear extension to the existing property at 62 Sovereigns Way including 2 cycle sheds.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan Review 2024
LPRSS1 – Maidstone borough spatial strategy
LPRSP6 – Rural service centres
LPRSP6(E) – Marden
LPRSP10(A) – Housing mix
LPRSP12 – Sustainable transport
LPRSP15 – Principles of good design
LPRHOU2 – Residential extensions ... and development within the built-up area
LPRHOU4 – Residential garden land
LPRTRA2 – Assessing the transport impacts of development.
LPRTRA4 – Parking
LPRQD1 – Sustainable design
LPRQD6 – Technical standards
LPRQD7 – Private open space standards

Neighbourhood Plan: Marden, BE1 Local character, BE2 Residential amenity.

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

4. LOCAL REPRESENTATIONS

Local residents

- 4.01 1 representation received objecting to the application for the following (summarised) reasons:
- Parking provision
 - Visual appearance
 - Loss of light

Marden Parish Council

- 4.02 Objection and recommend refusal on the following grounds:
- Porch design should match the existing dwelling.
 - Porch roof line should be continued to match the existing dwelling.
 - Building shouldn't be set back; it should continue the line of the existing terrace.
 - Contrary to Marden Neighbourhood Plan Policy BE1 Local Character.

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. Offered their standing advice.

Environmental Health

- 5.02 No objection subject to conditions.

KCC PROW

- 5.03 No objection.

KCC Highways

- 5.04 No objection. Does not meet the criteria to warrant involvement from the highway authority.

Network Rail

- 5.05 No objection. Offered their standing advice.

6. APPRAISAL

- 6.01 The key issues are:
- LPR spatial strategy
 - Character, appearance
 - Residential amenity
 - Standard of accommodation
 - Parking/highways
 - Flooding
 - Ecology

LPR spatial strategy

- 6.02 The site is located within the Marden settlement, a designated rural service centre. Local Plan policy LPRSS1 (Maidstone Borough spatial strategy) states that the focus for new development in the borough will be Maidstone's urban area (as the largest and most sustainable location) followed by the designated rural service centres, designated larger villages, then smaller villages and hamlets and lastly, the countryside.
- 6.03 Local Plan policy LPRSP6 (Rural Service Centres) sets out that within the designated rural service centres, the council will focus new housing when it is, an allocated site, minor development such as infilling and the redevelopment of previously developed land that is of a scale appropriate to the size of the village. The current application is minor development infilling land to the side of an existing end of terrace property.
- 6.04 Policy LPRSP12 (sustainable transport) encourages development which would have a positive impact in terms of sustainable travel. The proposal site is in a sustainable location, where future occupiers will be able to meet daily needs

without use of a private car. The location is therefore generally suitable for new residential accommodation subject to the consideration of other adopted planning policies.

- 6.05 Policy LPRHOU2 (Residential extensions, conversions, annexes, and redevelopment within the built-up area) permits residential development on land outside the countryside which meet listed criteria. Policy LPRHOU4 (Residential Garden Land) permits development of domestic garden land to create buildings subject to listed criteria. These criteria are considered below:

Character and appearance

- 6.06 Local Plan Review policies LPRHOU2 (i) and LPRHOU4 (5) require scale, height, form, appearance, and siting to fit unobtrusively with the existing building and the character of the street scene. Policy LPRSP15 additionally refers to materials, detailing, mass, bulk, articulation, and site coverage. Policy LPRHOU4 (1) states that the higher density should not result in significant harm to character and appearance. Marden Neighbourhood Plan policy BE1 states "*...proposals should respect and enhance the existing character of the village. Development must be both visually and functionally sympathetic to the existing styles and materials...*"
- 6.07 The character of the area between the railway line to the north and West End Road (B2079) to the south is characterised by relatively high-density suburban development. The pattern of development is a series of cul-de-sacs consisting of mainly terraced and semi-detached dwellings with some detached dwellings.
- 6.08 Most of the residential area between the railway line (to the north) and West End Road (to the south) is split into two by Sovereigns Way, with the main part of Sovereigns Way running east to west from Pattenden Lane. The land between the main part of Sovereigns Way and the railway line provides a series of cul de sacs.
- 6.09 Whilst these cul-de-sacs generally provide semi-detached dwellings and terraces of 3 dwellings, the application site at the western end of this residential area is in a group of two terraces, with each terrace currently providing 5 dwellings. The current application will result in one of these terraces providing 6 dwellings and with the current variation in the size of the terraces this is in keeping with the character of the area. Given that the application site is located at the end of the row of terraces, it would not impact the street scene by closing the gap between properties and consequently there is no terraced effect.
- 6.10 The front elevation of the existing dwelling at 62 Sovereigns Way faces east on to the cul de sac, with the new attached dwelling on garden land adjacent to the south (side) elevation of the dwelling. Whilst other dwellings in the area have similar orientation, there is some variation in the setback of dwellings from the southern boundary (this includes 2 Sovereigns Way approx. 6 metres and 44 Sovereigns Way approx. 3.5 metres). Whilst single storey, the garage to the side of 20 Sovereigns Way is also highlighted. In this context there are no grounds to refuse planning permission for the loss of the garden land to the side of the existing dwelling.
- 6.11 The proposed house has a hipped roof form. Whilst gables are the predominant local style there are examples of other styles including barn hip roofs (Bramley Court) and flat roof (garage at 20 Sovereigns Way). It is concluded that a hipped roof design for the proposal forms a satisfactory composition with the existing dwelling by removing bulk from the proposed roof and ensuring it appears subservient. In this context there is no objection to the hip roof design.
- 6.12 The proposed fenestration and external facing materials for the new house are in keeping with the host dwelling and the character of the other dwellings along

Sovereigns Way. The external facing materials and boundary treatments (Policy LPRHOU2 ii) will also be controlled by planning condition.

- 6.13 In terms of appearance, the proposed dwelling would be visually subservient to the host dwelling with a set back from the front elevation and set down of the roof ridge. Marden Parish Council have objected to this design approach stating that as a house (and not an extension) the proposed building should not be set back from the terrace. The visual benefits of a set back in elevation or height are not restricted to extensions and can also be used for new houses. There are examples of these setbacks locally for existing houses in Meades Close immediately to the west of the application site.
- 6.14 Marden Parish Council have made comments about the proposed porch design. There are many different porch designs locally, and changes to porches can be made without the need for planning permission. The proposed porch design is found to be acceptable, in keeping with proposed dwelling and the area generally.
- 6.15 This current application follows a recent separate approval (23/505154/FULL) for a two storey extension to the application property. The scale, height, form, and choice of materials of the two storey extension permitted under the previous application match that proposed for the new house. Amendments are made to front and rear fenestration to include front and rear entrance doors and the addition of a small bike shelter located in the nearby parking area, which is within the red line boundary.

Elevations approved under 23/505154/FULL for a two-storey side extension.



Elevations currently proposed for a two-storey end of terrace house.



- 6.16 In summary the proposal is in accordance with policies LPRHOU2 and LPRHOU4 that require building scale, height, form, appearance, and siting to fit unobtrusively with the existing building and the character of the street scene. The proposed setbacks of the front elevation and the roof, ensure the proposal appears subservient to the main dwelling, results in a development that fits unobtrusively with the existing dwelling and the character of the street scene.

Residential amenity

- 6.17 Local Plan Review policies LPRHOU2 (iii), LPRHOU4 (2),(4) and LPRSP15 seek to protect neighbours in relation to privacy, outlook, light, noise and activity. Marden

Neighbourhood Plan policy BE2 states "New housing development ...should provide suitable residential amenity for residents...".

- 6.18 The closest residential property is the host dwelling at 62 Sovereigns Way and then 64 Sovereigns Way beyond with both to the north of the proposed dwelling. The property at 25 Meades Close is to the west. A distance of 15 metres will separate 25 Meades Close from the new house including approximately 9m from the proposed house to the boundary of No.25.

Daylight/sunlight.

- 6.19 The proposal includes a two-storey end of terrace dwelling and single storey extension to the rear of the existing dwelling at 62 Sovereigns Way.
- 6.20 The proposed single storey rear extension will extend approximately 3m past the rear (west) elevation of 64 Sovereigns Way. The extension with eaves height of approximately 2.7m and maximum height of approximately 3.7m is acceptable in relation to overshadowing and loss of light and outlook.
- 6.21 Given the orientation of the site and the distance of the proposal from 25 Meades Close, the proposal is acceptable in relation to the residential amenity of the occupants of 25 Meades Close.

Privacy/overlooking.

- 6.22 The first floor window to the front elevation is a bathroom with a bedroom window to the rear (west) elevation. The Council seeks a minimum separation distance of 20m between directly opposing first floor habitable windows. This standard is achieved as 25 Meades Close is not directly opposite the proposed dwelling, and as a result there are no directly opposing windows.
- 6.23 The proposed first floor rear window would look towards the rear amenity space of 25 Meades Close. Existing privacy levels are relevant here and the first floor windows to the rear elevation of the terrace are highlighted. The view from the new window would be more oblique than views currently possible from existing first floor habitable windows in the terrace.
- 6.24 Considering the existing situation at the site, together with the fact there are no proposed directly opposing windows, the proposal is acceptable in relation to overlooking and privacy.

Noise/activity

- 6.25 The application is a conforming residential use in a residential area and the proposal is acceptable in relation to impact from additional noise and activity.
- 6.26 In summary overall, the proposal is acceptable in relation to residential amenity including loss of light, overshadowing, privacy and overlooking and noise and activity.

Standard of accommodation

- 6.27 Local Plan policy LPRSP15 and paragraph 135 of the NPPF state that proposals will be permitted where they create high quality design and provide adequate residential amenities for future occupiers. Adequate residential amenities for future occupiers should be achieved by ensuring that development is not exposed to excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion.

- 6.28 Policy LPRQD6 (technical standards) sets out that a 1-bedroom, 2-storey dwelling with 2 bedspaces should provide a minimum floor area of 58m². The proposed dwelling would have a gross internal area of 61m², which exceeds this minimum requirement.
- 6.29 Policy LPRQD7 (private amenity space) requires all new dwellings to have a private amenity space that is located adjacent to the dwelling, has an external private access and for houses, the rear garden is at least equal to the ground floor footprint and not triangular. The dwelling would have a suitable rear amenity area that meets these criteria.
- 6.30 Overall, in summary the proposed dwelling would meet minimum space standards and the dwelling would provide a good standard of residential amenity for future occupiers.

Parking/highways

- 6.31 Policy LPRHOU2 (iv) states that sufficient parking should be provided within the curtilage of the dwelling without diminishing the character of the street scene. Policy LPRHOU4 (3) states that access of an appropriate standard should be possible to a suitable highway.
- 6.32 Policy LPRSP15 states that proposals 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. Policy LPRTRA2 seeks to ensure that the vehicle trips generated by a use can be adequately accommodated on the road network.
- 6.33 The Kent and Medway Structure Plan 2006 sets out that a 1 bedroom dwelling in this sustainable location should have a maximum of 1 space and a 2 bedroom dwelling should have a maximum of 2 spaces. These standards require a maximum of three off street car parking spaces for existing and proposed dwellings
- 6.34 In a similar arrangement to other nearby properties, the residential parking for the application property is provided in a parking court to the north of the application site. No car parking would be provided within the curtilage of the proposed dwelling or the existing dwelling. This allows the retention of the existing soft landscaped area and the positive visual impact this has on the character of the street scene.
- 6.35 The existing arrangements will provide a total of 2 car parking spaces for the existing and proposed dwellings. This provision is acceptable and in accordance with the above maximum car parking standards. The site is within Marden rural service centre and therefore in a sustainable location, with access to a variety of public transport options and public amenities.
- 6.36 The vehicle access to the car parking and pedestrian access to existing and proposed dwellings is found to be acceptable. The vehicular and pedestrian movement generated by the proposal can be safely accommodated on the local highway network and the proposal is acceptable in relation to highway safety.
- 6.37 In summary, the proposal is acceptable with regard to parking provision, highway safety, pedestrian and vehicle access and trip generation.

Flooding

- 6.38 Local Plan policy LPRSP14(C) requires new development to include a Flood Risk Assessment where the site is located within Flood Zones 2 or 3. The application site is partially within and at the eastern end of flood zone 2 with all of Meades

Close also in flood zone 2. The submitted application includes a flood risk assessment.

- 6.39 The submitted flood risk assessment sets out several measures that will be incorporated into the new house to provide flood resilience. These measures include wall power sockets raised above ground level. A planning condition is recommended to require a full list of flood resistance and resilience measures to be submitted, approved in writing and installed prior to first occupation. A further condition is recommended requiring future occupant to sign up to the EA's Flood Warning Service. With these measures and the site only partially within an area at risk from flooding the proposal is acceptable in relation to flooding.

Ecology

- 6.40 Local Plan policy LPRSP14(A) 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"*.
- 6.41 Biodiversity enhancements can be achieved by placing bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors around the site, and incorporating bat and bee bricks into the building itself. A planning condition is recommended seeking these measures.
- 6.42 In terms of biodiversity net gain (BNG), LPR policy LPRSP14(A) requires a 20% net gain on 'new residential development'. However, it is a material consideration that the current application was submitted prior to the adoption of the Local Plan Review, prior to the implementation date for the national 10% BNG requirement and the development is for only one house; in these circumstances it is concluded that it would be unreasonable to require 20% BNG in this case.

PUBLIC SECTOR EQUALITY DUTY

- 6.43 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

- 6.44 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 For the reasons outlined above, the proposed dwelling and erection of a single storey rear extension to the existing property would not result in harm to the character and appearance of the street scene or the wider area. The proposal would not impact residential neighbouring amenity, nor would it impact parking or the wider highway network. The proposal is found to be acceptable and in accordance with the Maidstone Borough Local Plan Review 2024 and the NPPF 2023.

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 08/03/2024
Proposed House Plans, Elevations And Block Plans – Drawing No. BDS-1798-P11 – Received 08/03/2024
Bike Shelter – Received 15/03/2024
Reason: To clarify which plans have been approved.
- 3) The external facing materials used for the development hereby permitted shall match those used on the existing building at 62 Sovereigns Way.
Reason: To ensure a satisfactory appearance to the development.
- 4) The development shall not commence above slab level until, until a noise report has been submitted to and approved in writing by the Local Planning Authority. The noise report shall demonstrate that the internal noise levels within the dwelling and external noise levels in the back garden will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - The work specified in the noise report to achieve the above standards shall be carried out in accordance with the approved details prior to occupation of the approved dwelling and shall be retained and maintained thereafter.
Reason: To protect the amenity of future occupiers of the site.
- 5) The development hereby approved shall not commence above slab level until details of a scheme for the enhancement of ecology on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of ecology through integrated methods into the fabric of the building by means such as swift bricks, bat tubes and bee bricks, and through the provision within the application site of measures such as bird and bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to first occupation of the approved dwelling, and all features shall be permanently retained and maintained thereafter.
Reason: To enhance the ecology and biodiversity in accordance with national and local planning policy.
- 6) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation of the approved dwelling and maintained thereafter.
Reason: To ensure an energy efficient form of development.
- 7) The development shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority (to include gaps at ground level in the

boundaries to allow the passage of wildlife) and the development shall be carried out in accordance with the approved details before the first occupation of the approved building and retained and maintained as such thereafter.

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

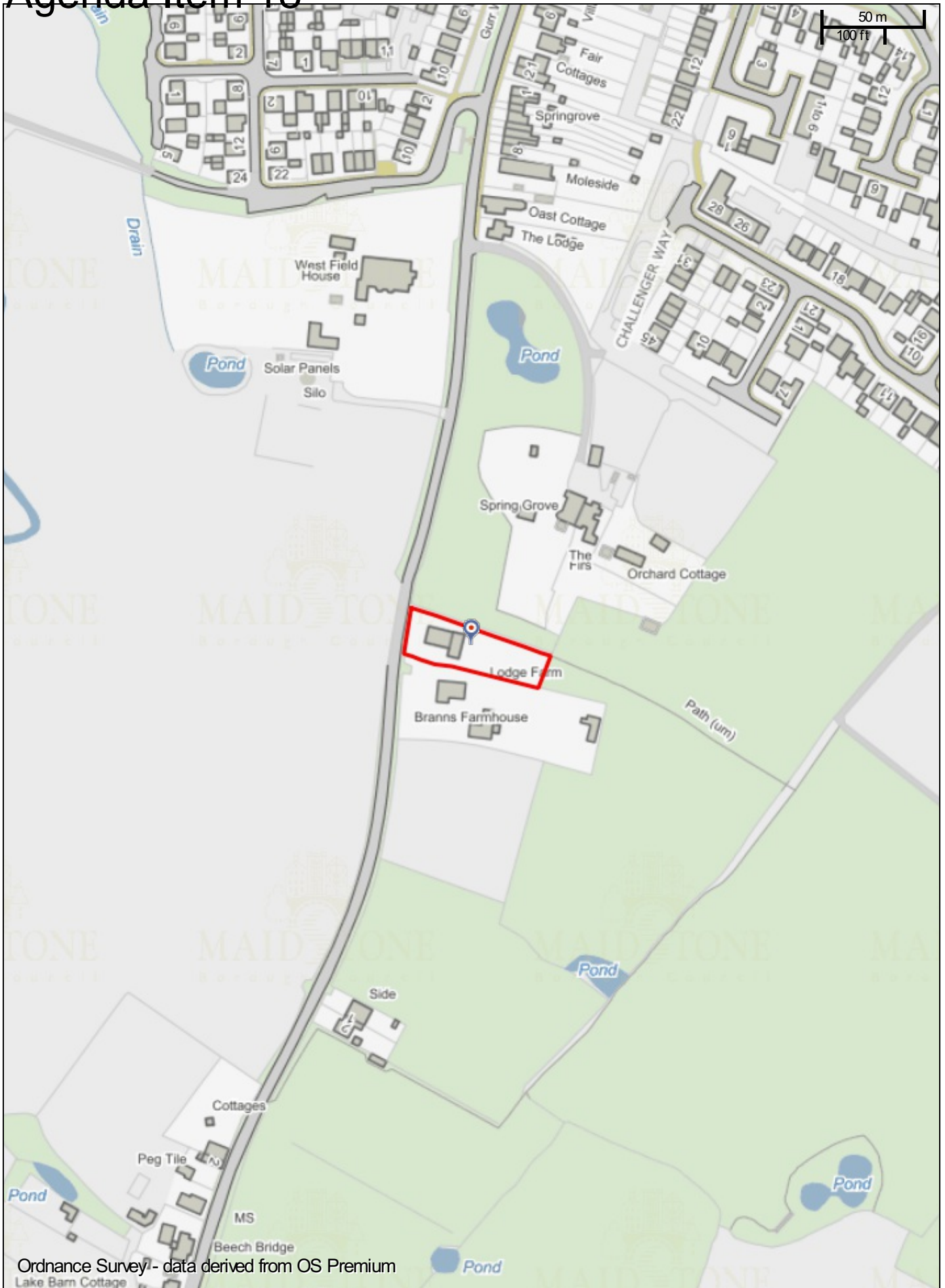
- 8) Prior to first occupation of the approved dwelling flood resistance and resilience measures shall be in place that are in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The measures shall follow the advice of DEFRA's document Improving the Flood Performance of New Buildings Flood Resilient Construction. These measures shall be retained permanently thereafter.
Reason: To mitigate against flooding impacts and to provide an acceptable standard of living accommodation.
- 9) 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.
- 10) Prior to the first occupation of the dwelling hereby approved, facilities for (a) the storage and screening of refuse bins, and (b) the collection of refuse bins, and (c) secure bicycle storage shall be in place that are in accordance with details that have previously been submitted to and approved by the Local Planning Authority including the location of the proposed cycle storage sheds. These details will be maintained as such thereafter.
Reason: In the interests of amenity, to promote sustainable travel choices and the reduction of CO2 emissions.
- 11) At the end of the first planting season (October to February) following first occupation of the approved dwelling landscaping shall be in place, and this landscaping shall be in accordance with a landscape scheme that has previously been submitted to and approved in writing by the Local Planning Authority. The landscaping shall be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012). The landscaping shall include:
 - a) details of all existing trees, and landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed.
 - b) details of the number, size, species, maturity, spacing and position of proposed trees and landscaping. (Including species, spacing, maturity and quantities) *with any new hedging at 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*
 - c) a timetable of implementation of the approved scheme and
 - d) a five [5] year landscape management plan (Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted).

Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.
- 12) Any landscaping which fails to establish or any existing or proposed trees or plants which, within five years from planting 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.

- 13) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The details shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The approved details shall be in accordance with bat conservation trust guidelines and the Institute of Lighting Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E1. The scheme of lighting shall be installed, maintained, and operated thereafter in accordance with the approved scheme.
Reason: To prevent undue light pollution and to protect wildlife.
- 14) The development hereby approved shall meet the higher level of water efficiency of 110 litres per person, per day as set out under the building regulations Part G2 or any superseding standard. The building shall not be occupied unless this standard has been met and this standard shall be maintained thereafter.
Reason: To ensure a sustainable form of development.
- 15) The development hereby approved shall meet the accessible and adaptable dwellings building regulations Part M4(2) standard or any superseding standard. The dwelling shall not be occupied unless this standard has been met and the dwelling shall be thereafter retained as such.
Reason: To ensure the development is in accordance with local and national policy and meets acceptable standards of accessible and adaptable dwellings.
- 16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting 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.

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

Agenda Item 18



Ordnance Survey - data derived from OS Premium

24/500504/FULL Lodge Farm, Goudhurst Road, Marden, Tonbridge, Kent, TN12 9NW
Scale: 1:2500
Printed on: 7/6/2024 at 14:19 PM by RebeccaB1

REPORT SUMMARY

REFERENCE NUMBER: 24/500504/FULL		
APPLICATION PROPOSAL: Demolition of existing agricultural barn and erection of 1no. chalet bungalow with associated access, landscape and biodiversity enhancements (revised scheme to 20/504096/FULL).		
ADDRESS: Lodge Farm Goudhurst Road Marden Tonbridge Kent TN12 9NW		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
<p>SUMMARY OF REASONS FOR RECOMMENDATION:</p> <p>The National Planning Policy Framework (NPPF) reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which requires by law that planning applications “must be determined in accordance with the development plan, unless material considerations indicate otherwise”. The proposal is clearly contrary to the Development Plan and has been advertised as a departure.</p> <p>The proposal will result in harm to the character and appearance of the countryside contrary to Local Plan Review policy SP9 and there are no Local Plan policies that directly support the use. In this context as the application is not in accordance with the adopted Local Plan Review, it needs to be determined as to whether there are other material considerations that justify granting planning permission.</p> <p>Permission has previously been approved for a larger new dwelling on the application site and a certificate of lawful development has confirmed that the previously approved house can be completed on the site at any time in the future. In these circumstances this earlier permission is a viable ‘fall back’ position. Moreover, the scheme proposed is superior to the ‘fall back’ position and therefore there is ‘betterment’.</p> <p>The proposal is found to be acceptable in relation to the minimal level of harm that will be caused to the character and appearance of this rural area. The proposal is acceptable in relation to heritage impacts, neighbour amenity, and biodiversity. The access and parking arrangements are all acceptable.</p> <p>It is concluded that whilst the application is not in accordance with the development plan (a departure) the material considerations that have been outlined and the minimal level of harm indicate that planning permission should be approved.</p>		
REASON FOR REFERRAL TO COMMITTEE: The application seeks an educational building within the countryside, the development does not benefit from an exception to Local Plan Review policy SP9. As such the development would cause some harm to the character and appearance of the countryside and is a departure from the Local Plan Review.		
WARD: Marden And Yalding	PARISH COUNCIL: Marden	APPLICANT: Mr Thijs Bax
CASE OFFICER: William Fletcher	VALIDATION DATE: 12/02/24	DECISION DUE DATE: 26/06/24
ADVERTISED AS A DEPARTURE: Yes		

Relevant Planning History

23/502035/LAWPRO - Lawful development certificate to establish that planning permission 20/504096/FULL has been part implemented, and that the remainder of the development may be lawfully completed. Approved – 30/06/2023 (*Officer Note: This confirms that a dwelling on site has commenced and as detailed below will be given weight when considering a new residential dwelling in this location which in policy terms is within the countryside*).

20/504096/FULL - Demolition of existing agricultural barn and erection of 1no. detached dwelling, to be built to Passivhaus standards. Approved - 26/10/2020.

20/500928/PNQCLA - Prior Notification for a proposed change of use of agricultural building to 1no. dwellinghouse (Class C3) and for associated operational development. For it's prior approval to: - Transport and Highways impacts of the development - Contamination risks on the site - Flooding risks on the site - Noise impacts of the development - Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed - Design and external appearance impacts on the building. Approved – 30/03/2020.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The proposal site is on the eastern side of Goudhurst Road, to the south of the village of Marden. For the purposes of the Local Plan the site is within the designated countryside; and a public right of way (KM282) runs along the northern boundary of the site.
- 1.02 The site contains a low-level timber framed building (apple store) with an asymmetrical flat roof, that is in part open; in part enclosed by corrugated metal sheeting (including to the roof); and in part enclosed by post and wire fencing. This building (pole barn) is dilapidated in appearance and is built up against (but not part of) a concrete block building that is part single storey and part 2-storey, again with an asymmetrical roof. This building is rendered and in a poor state of repair, with noticeable cracks to the walls, and a dilapidated corrugated metal roof with vegetation growing through.

2. PROPOSAL

- 2.01 The application is described as "Demolition of existing agricultural barn and erection of 1no. chalet bungalow with associated access, landscape and biodiversity enhancements (revised scheme to 20/504096/FULL)."

3. POLICY AND OTHER CONSIDERATIONS

The Maidstone Borough Local Plan Review was adopted by the Council on the 20 March 2024. There have been 2 strategic level challenges to adoption. The relevant Maidstone Borough Local Plan Review (March 2024) policies are as follows:

LPRSS1 – Maidstone Borough Spatial Strategy
LPRSP9 – Development in the Countryside
LPRSP14(A) – Natural Environment
LPRSP15 – Principles of good design
LPRQD 4 – Design principles in the countryside
LPRQD6 – Technical standards
LPRQD7 – Private open space standards

Marden Neighbourhood Plan 2020:
NE3 – Landscape integration
NE5 – Landscape planting
BE1 – Local character
BE2 – Residential amenity

Supplementary Documents:
Maidstone Landscape Character Assessment (2013)

23/502035/LAWPRO - Lawful development certificate to establish that planning permission 20/504096/FULL has been part implemented, and that the remainder of the development may be lawfully completed. Approved – 30/06/2023

4. LOCAL REPRESENTATIONS

Local residents

- 4.01 As well as the posted site notice 3 neighbouring properties were consulted. No representations were received.

Marden Parish Council

- 4.02 No objections subject to conditions relating to wastewater management and biodiversity enhancements.

5. CONSULTATIONS

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

KCC Highways

- 5.01 No objection subject to conditions on:
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
 - Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
 - Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.

KCC Public Rights of Way

No objections subject to the following concerns being addressed:

- i) To comply with the Secured by Design recommendations with regard to footpath design (Homes Guide 2024, points 8.8 to 8.18), we would wish to see limited height to the proposed new close boarded fence on the south side of the path (1.4m max). (*This will be conditioned.*)
- ii) Withdrawal of the proposal to install benches along the line of the path. (*Revised plans have been submitted showing these have been removed.*)
- iii) The use of mulch as a one off surface treatment in a setting like this is inappropriate and would increase the maintenance liability of the County Council. In terms of providing a level surface, this should comprise a geotextile mat, 100mm of compacted MOT type 1, finished with a 25mm layer of compacted fines - 3mm to dust. (*Revised Plans have removed the mulch and now indicated the MOT type 1 as requested.*)
- iv) With regards to the inclusion of the enhanced biodiversity area at the rear of the site, which would enhance the visual amenity of the path, is appreciated but we would recommend that public access to the area is excluded. (*Revised drawings show that fencing would be placed around the enhanced biodiversity area, but it still appears that public access would be possible via the footpath, which is situated to the north of the biodiversity area. Conditions will be*

imposed requiring the applicant to submit details of all boundary fencing specifically showing that this location will be fully excluded from public access).

6. APPRAISAL

- 6.01 The key issues are:
- Spatial Strategy
 - Character and Appearance
 - Residential Amenity
 - Standard of Accommodation
 - Highways
 - Ecology
 - Sustainability

Spatial Strategy

- 6.02 The application site is in the countryside and the starting point for assessment of all applications in the countryside is LPR Policy SP9. Strategic Policy 9 states: "Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and will not result in significant harm to the rural character and appearance of the area."
- 6.03 The application is described as a replacement dwelling, and replacement dwellings benefit from consideration under LPR policy HOU11, however, the previously approved house (20/504096/FULL) has not been completed.
- 6.04 The applicant has secured a lawful development certificate which confirms that construction of the approved dwelling on site has 'commenced' and as such there is an extant, implementable permission for a new dwelling on this site.
- 6.05 As will be detailed below, what is proposed is less visually intrusive than the previously approved development. Conditions are recommended to require more extensive landscaping and biodiversity enhancements than the permitted proposal. In this situation, there will be a 'betterment' over the previously permitted proposal, but nevertheless, the dwelling has not been built and as such the application must be assessed as being a new dwelling in the countryside for which there is no policy support.
- 6.06 In relation to SP9 (Development in the Countryside) and considering the impact of development on the character and appearance of the countryside the relevant adopted local plan policies are SP15 and QD4. The impact of the development on local character and appearance is considered against policies SP15 and QD4.

Character and appearance

- 6.07 LPR Policy SP15 states that development must "*Respond positively to, and where possible enhance, the local, natural, or historic character of the area. Particular regard should be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage*" Policy QD4 has similar aims and objectives.
- 6.08 Whilst policy HOU11 is not wholly relevant as this is not strictly a replacement dwelling, policy HOU11 does provide design requirements which are relevant to assessment against SP15 and QD4. The relevant parts of policy HOU11 are considered below.

HOU11 iv. The mass and volume of the replacement dwelling is no more visually harmful than the original dwelling.

- 6.09 In terms of design the permitted dwelling under 20/504096/FULL was a two storey, four-bedroom detached dwelling. The dwelling comprised of two sections, with a maximum depth of 13.7m, a breadth of 10.3m and was depicted as having a maximum height of 7.55m, with eaves of 5.2m and would have a gabled roof form. The building would have a footprint of approximately 130m².
- 6.10 For comparison the existing building on site which is an 'L' shaped building with a maximum depth of 20m, a maximum breadth of 12.5m, and a minimum of 8.25m. The building is depicted as having a maximum height of 6m with the main bulk of the building possessing a height of 3.15m. It has a footprint of 195m².
- 6.11 The proposed dwelling which is part single and part 1.5 storey has a maximum 6.15m ridge height, and a footprint of approximately 200m³.
- 6.12 Whilst the footprint of the proposed dwelling is larger, there would be a reduction in volume over the permitted scheme which had a volume of approximately 850m³ compared to the proposed which has a volume of approximately 800m³. Therefore, the reduction in volume would be 50 cubic metres. By setting the two storey element further from the highway the main bulk of the dwelling is also less imposing on the street scene.
- 6.13 It is concluded that the mass and volume of the proposed dwelling does not cause harm. As set out earlier in this report there is currently no completed dwelling on the site to 'replace' only an implemented permission and a partially complete building. Were the application seeking a larger dwelling than what was originally approved it is likely that this would not be supported.

HOU11 v. The replacement dwelling would result in a development which individually or cumulatively is visually acceptable in the countryside

- 6.14 The supporting text to LPR policy SP9 advises "The countryside has an intrinsic rural character and beauty that should be conserved and protected for its own sake."
- 6.15 LPR policies SP15 and QD4 of the Local Plan Review also seek to achieve high quality design in development proposals, emphasising the need for type, siting, materials and design including mass and scale of development to maintain or enhance the local character.
- 6.16 The application site is located on the eastern side of Goudhurst Road, and is screened by existing vegetation, the most prominent views are immediately to the front of the application. If the surrounding vegetation were to be lost for any reason, the dwelling is set back from the roadside by approximately 20m and as such it is not assessed that the dwelling would be an imposing addition on the application site where surrounding vegetation lost.
- 6.17 The single storey element of the dwelling is located to the 'front' of the application site with the two storey element located to the rear and as such its 'impact' on the street scene is reduced when compared to the permitted dwelling. Whilst there is an increase in footprint this is at ground floor level whereby its nature the built form is less visually intrusive.
- 6.18 In terms of the proposed materials the applicants supporting statement notes "The proposed materials have been chosen to achieve a contemporary barn style aesthetic. The contrast of the metal and natural stone adds visual interest, and the

strategic use of materials draws attention to the different levels and heights - key components of the architectural design.”

- 6.19 This is broadly agreed with, the use of zinc cladding does lend the larger portion an air of 'functionality' which reflects the type of agricultural buildings that are found in the countryside, almost akin to a converted agricultural barn with the more domestic rag stone single storey elements.
- 6.20 Conditions will be imposed requiring the applicant to submit materials samples to ensure the quality of the materials used is high and that the proposed dwelling will be of a satisfactory visual appearance.
- 6.21 Public right of way (KM282) runs along the north of the site, whilst this appears to be quite overgrown, when considering the presence of existing buildings on site the development would not have a detrimental impact on views from the public right of way. On balance the development would have only minimal impact on views from the footpath.
- 6.22 Policy BE1 of the Marden Neighbourhood Plan states "*Development proposals should be designed to protect the fabric and setting of any designated and non-designated heritage asset and respect and enhance the existing character of the village. Development must be both visually and functionally sympathetic to the existing styles and materials – examples of which are illustrated in this plan, in order to maintain and enhance Marden's sense of place*".
- 6.23 It is assessed that the development is in accordance with the Marden Neighbourhood Plan.

Residential amenity

- 6.24 There are no neighbouring properties within the vicinity of the dwelling that could be impacted upon in terms of overshadowing and loss of light.
- 6.25 The closest property to the development is Branns Farmhouse to the south approximately 20m away. Only one proposed first floor window would face this dwelling and this is for a bathroom. With the separation distance, the impact of this window in terms of privacy is acceptable.
- 6.26 In terms of amenity impacts, the development is in accordance with Marden Neighbourhood Plan policy BE2. The development is in accordance with policy HOU11 (ix) which states that the replacement dwelling should not have a negative impact on neighbouring residential amenity in terms of privacy, daylight, sunlight and overshadowing.

Standard of accommodation

- 6.27 The proposed dwelling would be located on a plot with an area of approximately 1500m² and the dwelling would have an internal space of at least 200m². This meets the amenity space standard set out in policy LPRQD7
- 6.28 The dwelling possesses utility rooms and storage cupboards with living areas that are spacious and well lit. This meets the internal space standard set out in policy LPRQD6

Highways

- 6.29 The dwelling would be served by a parking area to its front. The development would not have a detrimental impact upon parking in the area or the wider highway network. There is sufficient space for car parking.

Ecology

- 6.30 The applicant has submitted a preliminary ecological assessment, it indicates that no protected species were discovered on site.
- 6.31 The applicant has submitted a tree survey as part of the application which indicates no trees would need to be felled to facilitate the development. Conditions will be imposed requiring the development to be carried out in accordance with tree protection measures detailed within the report.
- 6.32 In terms of biodiversity net gain (BNG), LPR policy LPRSP14(A) requires a 20% net gain on 'new residential development'. However, it is a material consideration that the current application was submitted prior to the adoption of the Local Plan Review, prior to the implementation date for the national 10% BNG requirement and the development is for only one house. In these circumstances it is concluded that it would be unreasonable to require 20% BNG in this case.

Sustainability

- 6.33 The application site is only 100 metres from the boundary of Marden rural service centre, which is served by a railway station. The site is located approximately 7 miles from the boundary of Maidstone urban area.
- 6.34 Whilst some services are available within Marden, realistically carrying out weekly shopping trips or accessing amenity facilities that are found within Maidstone itself, would require the use of a car. It is considered that occupants would come to rely on private vehicles to access local services to meet their day to day needs.
- 6.35 It is possible to access Marden via the public footpath adjacent to the application site but it is unrealistic to expect occupants to use this footpath in the dark and to carry shopping back and forth. Goudhurst Road is an unlit road with no public footpaths it is unlikely occupants would choose to walk north into Marden using this road.
- 6.36 Despite the above, there is an 'extant' permission for a new dwelling in this location and as such it is not assessed that the above is of significant weight in terms of refusing the application.

PUBLIC SECTOR EQUALITY DUTY

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

Community Infrastructure Levy

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

7. CONCLUSION

- 7.01 The 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 Local Plan Review policy SP9 and there are no Local Plan Review policies that directly support the use. In this context as the application is not in accordance with the adopted Local Plan Review, 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 as a result of the reduction in built form over the previously permitted proposals on site. The proposal is acceptable in relation to neighbour amenity, and biodiversity. The access and parking arrangements are all acceptable. Conditions can be imposed to ensure that the proposal results in a 'betterment' for biodiversity on site.
- 7.04 It is concluded that whilst the application is not in accordance with the development plan (a departure) these material considerations that have been outlined and the minimal level of harm indicate that planning permission should be approved.

8. RECOMMENDATION – GRANT PLANNING PERMISSION Subject to the following conditions - with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development shall be carried out in accordance with the following approved plans:
Application for planning permission
25620A_Walbax_-PL01 Proposed Block Plan
PL02 Rev A Proposed Site Plan
25620A_Walbax-PL03 Proposed Ground Floor Plan
25620A_Walbax-PL04 Proposed First Floor Plan
25620A_Walbax-PL05 Proposed Roof Plan
25620A_Walbax-PL06 Proposed Front and Side Elevations
25620A_Walbax-PL06i Proposed Front and Side Elevations
25620A_Walbax-PL07 Proposed Rear and Side Elevations
25620A_Walbax-PL07i Proposed Rear and Side Elevations
5012179 Existing Plans And Elevations
Cover Letter
Planning Statement
Preliminary Ecological Appraisal
20/36/100 Existing Site Plan
25620_A_EX01 Site Location Plan and Existing Site Plan
25620_A_EX02 Existing Site Plan
Arboricultural Report
25620 Design and Access Statement
Reason: To ensure the development is carried out to an acceptable visual standard.
- 3) No development including site clearance shall take place until tree protection is in place for all trees both within the red line application site boundary, and within falling distance of the red line application site boundary. The tree protection shall be in accordance with BS 5837 and maintained until all equipment, machinery and any surplus materials have been removed from the site. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant,

machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. All construction activities, tree protection, access facilitation pruning and pre-emptive root pruning shall be carried out in accordance with the approved recommendations of the submitted tree protection details contained within document Arboricultural Report produced by The Mayhew Consultancy Ltd unless the local planning authority gives written consent to any variation.

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

- 4) The development hereby approved shall not commence above slab level until, written details and samples of external facing materials have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

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

Details shall specifically show that there is no public access to the proposed 'Enhanced Biodiversity Area' depicted within drawing PL02 Rev A (Proposed Site Plan) and that fencing to the south of Public Right of Way KM282 is no taller than 1.4m in height.

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

- 6) The development shall not be occupied until the enhanced biodiversity area, indicated within drawing PL02 Rev A Proposed Site Plan has been fenced off and secured. The biodiversity area and the fencing of this area shall be maintained to the satisfaction of the local planning authority in perpetuity. No plant/materials/machinery shall be stored in this area during the construction period.

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

- 7) The development hereby approved shall not commence above slab level until details of a scheme for the enhancement of ecology on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of ecology through integrated methods into the fabric of the building by means such as swift bricks, bat tubes and bee bricks, and through the provision within the application site of measures such as bird and bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to the first occupation of the dwelling and all features shall be permanently retained and maintained thereafter.

Reason: In the interests of ecology and wildlife.

- 8) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter.
Reason: To ensure an energy efficient form of development. Details are required prior to commencements as these methods may impact or influence the overall appearance of development.
- 9) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall:
- a) be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021 (and any subsequent revisions) with reference to environmental zone E1.
 - b) be in accordance with the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting'.
 - c) include a layout plan with beam orientation.
 - d) provide a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).
 - e) provide an ISO lux plan showing light spill.
- The scheme of lighting shall be installed, maintained, and operated thereafter in accordance with the approved scheme.
Reason: To safeguard residential amenity, wildlife and to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.
- 10) The development hereby approved shall not commence above slab level until a landscape scheme has been submitted to and approved in writing by the local planning authority. The scheme shall
- (a) be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012)
 - (b) show all existing trees, landscaping on, and immediately adjacent to, the site and indicate whether it is retained or removed,
 - (c) provide details of new on-site landscaping in a planting specification (location, spacing, species, quantity, maturity).
 - (d) provide landscape implementation details and implementation timetable
 - (e) provide a [5] year landscape management plan
- Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.
- 11) All planting, seeding and turfing specified in the approved landscape scheme shall be in place by the end of the first planting season (October to February) following first occupation of the approved dwelling. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation the approved dwelling property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 12) Where the surface finish of the access road or private drive is intended to remain in unbound materials, the first 5m, as measured from the back of the highway, shall be treated with a surface dressing to avoid the displacement of loose materials onto the highway. The development shall not commence above slab level until, details of the proposed surface dressing have been submitted to and approved in

writing by the local planning authority and the approved dressing shall be provided prior to the first occupation of the building(s) or land.

Reason: In the interests of highway safety.

- 13) The dwelling hereby approved shall meet the higher level of water efficiency of 110 litres per person, per day as set out under the building regulations Part G2 or any superseding standard. The dwelling shall be occupied unless this standard has been met.

Reason: In the interests of sustainability.

- 14) The development hereby approved shall meet the accessible and adaptable dwellings building regulations Part M4(2) standard or any superseding standard. The dwelling shall not be occupied unless this standard has been met and the dwelling shall be thereafter retained as such.

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

- 15) No development shall not commence above slab level until a Verification Report, pertaining to the surface water drainage has been submitted to and approved by the Local Planning Authority.

The Report shall contain information, details and locations of the package treatment works and surface water management arrangements including means of collecting and disposal of runoff from the roofs. The development shall be carried out in accordance with the approved details and drainage measures maintained and retained thereafter.

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

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 19



Ordnance Survey - data derived from OS Premium

REFERENCE NUMBER: 24/501322/FULL		
APPLICATION PROPOSAL: Removal and replacement of an existing storage container		
ADDRESS: Container Cobtree Manor Park Forstal Road Aylesford Kent		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions.		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed development is acceptable regarding the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: Maidstone Borough Council is the applicant.		
WARD: Boxley	PARISH/TOWN COUNCIL: Boxley	APPLICANT: Ms. D. Turner AGENT: Andrew Wells Planning & Design
CASE OFFICER: Gautham Jayakumar	VALIDATION DATE: 24/04/24	DECISION DUE DATE: 27/06/24 (EOT)
ADVERTISED AS A DEPARTURE: No		

Relevant Planning History

12/1644: Installation of a new play area as shown on site Location Plans and Block Plans received 6th September 2012, Proposed Elevations numbered A 1/1 received 13th September 2012, Design and Access Statement and Application Form received 6th September 2012.
Permitted. 01/11/2012

06/2266: Formation of a new independent access to the existing disabled toilet facility separating the public toilet from the food kiosk entrance lobby as shown on drawings numbered 7612 / 1a and 1b, site plan and design and access statement received on 13/12/06.
Permitted. 01/02/2007

74/0496: Use of land as leisure/recreation area as amended by agents memorandum of 17/10/75, by memorandum of 12/5/76 and attached layout no. 5, by drawing received on 30/9/76 and by memorandum of 16/5/77.
Permitted. 08/09/1977

Pre-application advice

23/504360/PAMEET: Pre - Application Telephone/Office Meeting - To replace container in disrepair with a new container. Closed.

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The application site lies within the countryside and consists of public park land, known as Cobtree Manor Park, on the east side of the village of Aylesford. The park is positioned to the north side of Forstal Road, with its main entrance and car park accessed directly off the highway.

- 1.02 An existing storage container is located within the grounds of the park, to the west of the main entrance car park area, behind the park's Visitor Centre. This storage container would be removed in favour of the proposed. The storage container is placed on mowed grassland and surrounded by mature trees.
- 1.03 The existing storage container is a green, metal shipping container, with a single, pedestrian entrance door having been fitted into its east elevation, facing the car park. The original, full-height, metal double doors, on the north elevation, are secured by padlock. An electrical power supply has been installed to service the unit.

2. PROPOSAL

- 2.01 The proposal relates to the replacement of the existing storage container within Cobtree Manor Park with a new storage container at the same location as existing.
- 2.02 The existing unit is proposed to be replaced due to corrosion which has led to water seeping through into the unit (Image 1). The new unit will be used as a storage space for the Maidstone Council's Park Rangers, similar to the previous unit before the corrosion began and the container became unusable. The previous unit was also used as part office; however, the new unit would only be used for storage.



Image 1: Visible corrosion on the existing unit.

- 2.03 The proposed new container will be positioned in the same location and oriented in the same direction as the existing unit and will be exactly the same size and height. Double pedestrian doors will be located on the east elevation, with full height doors on the north elevation. The existing electrical power supply will be retained and used to service the new container.
- 2.04 The new container will be clad with horizontal, rough-sawn, natural timber planks, with dark grey metal, vandal-proof, double pedestrian doors on its east elevation and full-height timber clad doors on the north elevation (Image 2).

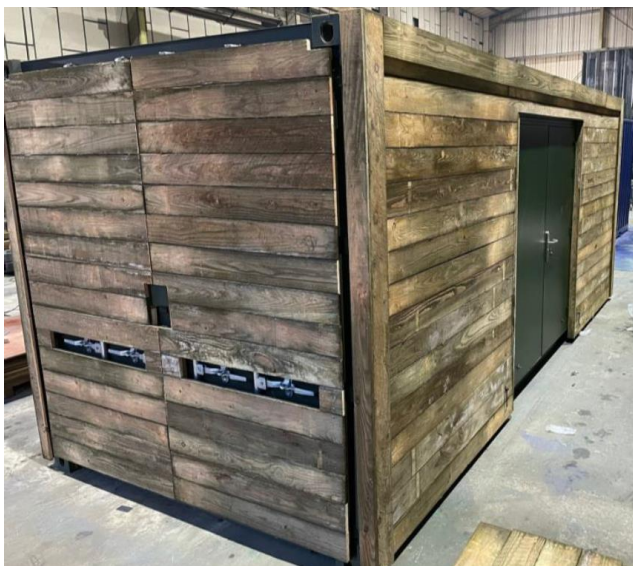


Image 2: Design and materials of the proposed container unit.

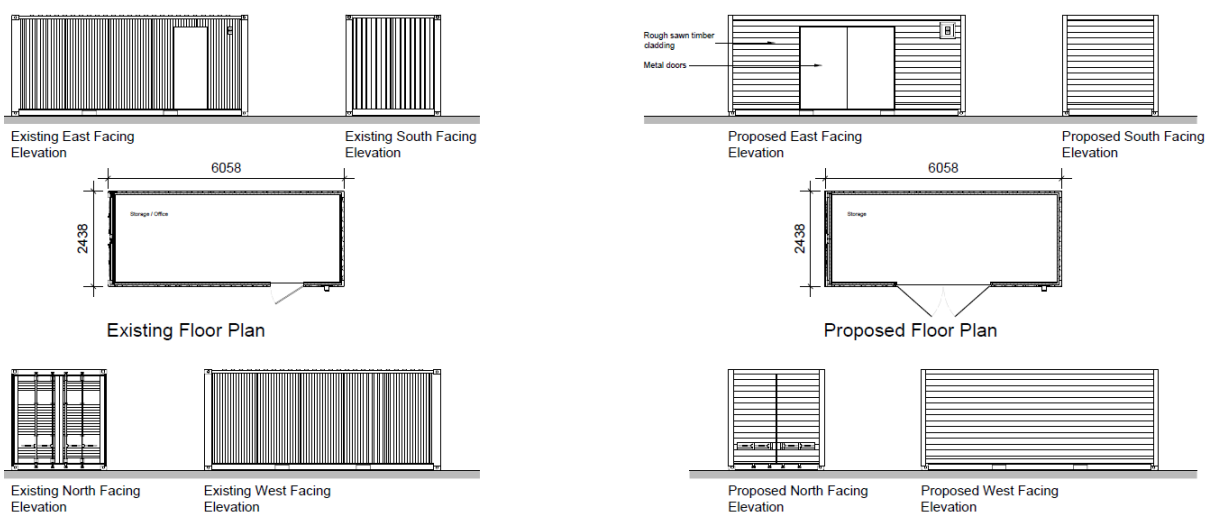


Image 3: Comparison between existing and proposed container

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan Review (2021 – 2038)
Policy LPRSP9 – Development in the Countryside
Policy LPRSP15 – Principles of Good Design
Policy LPRQ&D4 – Design principles in the countryside

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

4. LOCAL REPRESENTATIONS

Local Residents:

4.01 No comments or objections from consulted neighbours or local residents.

5. CONSULTATIONS

Parish Council

Boxley Parish Council were consulted; however, did not provide any comments.

Network Rail Southern

Commented that having reviewed the application they had no comments to make on it.

KCC Minerals

Commented that they had no land-won minerals or waste management capacity safeguarding objections or comments to make regarding this application.

6. APPRAISAL

6.01 The key issues are:

- Impact on character and appearance of the area
- Other

Character and Appearance

6.02 The proposal relates to the replacement of an existing container unit with a new container unit which is of the same dimensions, form, at the same location and orientation as the existing unit. The only visual difference between the existing and the proposed would be its appearance due to the change of material.

6.03 The proposed container unit would be clad with horizontal, rough-sawn, natural timber planks which would pose a similar appearance to the existing material used in the Visitor Centre. The change in material from existing green metal to timber cladding would significantly improve the visual quality of the unit as the new materials would match the materials of the Visitor centre and be in keeping with the character and appearance of the area.

6.04 The proposal would also replace the existing container which is unsightly and somewhat deteriorated with a container that would appear more natural in appearance and appropriate within its surroundings.

6.05 Considering that the scale, form and location of the unit would be same as the existing container with the visual quality improved, the proposal would be acceptable in terms of its impact on the character and appearance of the area.

Other Matters

6.06 The use of the new container would be ancillary to the use of the wider site as public open space.

6.07 Within the pre-application advise letter the case officer had recommended the incorporation of ecological enhancement measures such as bug hotels, bird boxes etc. to be placed upon the container or on the land surrounding it. The submitted plans do not contain any ecological enhancements; therefore, a condition will be imposed requiring ecological enhancements to be provided to compensate for the operational loss of the development.

6.08 The applicant has identified that in relation to the proposal, no underground works would be carried out and the existing electrical supply will be retained for the new

container. Considering this, I am satisfied that no harm would be caused by the proposal on nearby trees.

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 To summarise, the proposed replacement container would be an improvement on the existing container unit in terms of visual quality and better associate with the Visitor Centre due to the materials being proposed. The proposal would not lead to harm to the landscape or surrounding trees.
- 7.02 Overall, the proposed development is considered to accord with the current policy and guidance.

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:

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:

Drawing no. PL 759 01 Proposed Site Plan

Drawing no. PL 759 03 Rev A Existing And Proposed Plans And Elevations

Application Form

All received on 25 Mar 2024

Reason: To clarify which plans have been approved.
- 3) The materials to be used in the construction of the external surfaces of the container hereby permitted shall be as indicated on the approved Application Form;

Reason: To ensure a satisfactory appearance to the development.
- 4) The use of the container hereby approved shall not commence until details of a scheme for the enhancement of ecology on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of ecology through the provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details

prior to first use of the container and all features shall be maintained and retained thereafter.

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

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

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 20TH JUNE 2024**

APPEAL DECISIONS:

- 1. 21/506821/FULL** Residential development comprising 58no. new dwellings with access road to A20 with associated parking, including electric charging points, cycle storage, landscaping, refuse & recycling facilities, and children's play area.

APPEAL: Dismissed

Land South of A20 - Harrietsham
Ashford Road
Harrietsham
Kent
ME17 1BL

(Delegated)

- 2. 23/500209/FULL** Replace existing dwelling with erection of four bedroom dwelling and detached garage with associated landscaping and hardstanding.

APPEAL: Allowed

Coldharbour House
Coldharbour Lane
Hucking
Kent
ME14 3LS

(Delegated)

- 3. 22/505834/FULL** Demolition of existing stables and shed and erection of detached dwelling with associated parking (resubmission of 22/503191/FULL).

APPEAL: Dismissed

Land to the West of Rose Cottage
Charlton Lane
West Farleigh

Kent
ME15 0NT

(Committee – As per officers recommendation)

4. 23/500917/OUT

Outline application with all matters reserved for the erection of 1no. two bedroom bungalow, demolition of existing garage and associated shared access.

APPEAL: Dismissed

24 Mill Bank
Headcorn
Ashford
Kent
TN27 9RD

(Delegated)

5. 23/502978/FULL

Retrospective application to regularise installation of front windows which replaced previous rotten windows, to match previously approved rear windows.

APPEAL: Dismissed

50 Gabriels Hill
Maidstone
Kent
ME15 6JJ

(Delegated)

6. 23/503608/FULL

Demolition of garage. Erection of front porch, single storey rear and two storey side extension with integral garage and rear Juliet balcony.

APPEAL: Allowed

18 Westwood Road
Maidstone
Kent
ME15 6BG

(Delegated)

7. 23/504116/FULL

Erection of a single storey side extension including changes to fenestration.

APPEAL: Dismissed

Bydews Stables
Farleigh Hill
Tovil
Kent
ME15 0JB

(Delegated)
