

## REPORT SUMMARY

<b>REFERENCE NO -</b> 16/500889/FULL		
<b>APPLICATION PROPOSAL</b>		
Variation of Condition (02) of planning permission MA/13/1348 - Demolition of redundant cattle shed and other structures and conversion of traditional courtyard buildings to provide 2 dwellings with access, parking and landscaping (to allow the use of hand-made clay tiles in place of Kent peg tiles).		
<b>ADDRESS</b> Street Farm The Street Boxley Kent ME14 3DR		
<b>RECOMMENDATION</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b>		
The details of the reserved matters are considered to comply with the policies of the Development Plan, where relevant, and the National Planning Policy Framework, and there are no overriding material considerations to indicate a refusal of planning consent.		
<b>REASON FOR REFERRAL TO COMMITTEE</b>		
- Boxley Parish Council wish to see the application refused and reported to planning committee		
<b>WARD</b> Boxley	<b>PARISH COUNCIL</b> Boxley	<b>APPLICANT</b> Mr Kevin Done
<b>DECISION DUE DATE</b> 11/04/16	<b>PUBLICITY EXPIRY DATE</b> 11/03/16	<b>OFFICER SITE VISIT DATE</b> 19/02/16
<b>RELEVANT PLANNING HISTORY:</b>		

14/501511 – Conversion of redundant farm building to dwelling - Approved

MA/14/0682 - An application to discharge conditions relating to MA/13/1348 (Demolition of redundant cattle shed and other structures and conversion of traditional courtyard buildings to provide 2 no. dwellings) being conditions 3 (materials), 6 (landscaping), 8 (fencing), 9 (drainage), and 12 (lighting). - Approved

MA/13/1348 - Demolition of redundant cattle shed and other structures and conversion of traditional courtyard buildings to provide 2 dwellings with access, parking and landscaping - Approved

MA/10/1732 - Demolition of redundant cattle shed and other structures and conversion of disused traditional courtyard buildings to provide 4 dwellings with access, parking and landscaping - Approved

## MAIN REPORT

### 1.0 Site description

1.01 'Street Farm' is located on the western edge of Boxley village, and for the purposes of the development plan it is within the countryside that falls within the Kent Downs Area of Outstanding Natural Beauty (AONB) and the North Downs Special Landscape Area (SLA). Within the complex of 'Street Farm', the 2 southernmost single storey buildings have been converted into 3 residential properties and the farm building to the north of these is in a state of disrepair. The site is accessed from 'The Street' some 90m to the south via the farm access. To the south and west of the site is a large open arable field and immediately west is a large modern agricultural building. To the north are semi-detached dwellings 2 & 3 Street Farm Cottages and their gardens; and to the east are the dwellings 'Malthouse Cottage' (Grade II listed), 'Yew Tree House' (Grade II

listed) and 'Boxley Oast' and their gardens. The Boxley Conservation Area abuts the eastern boundary of 'Street Farm'.

## 2.0 Background history

- 2.01 Planning permission was granted under MA/10/1732 for the conversion of 3 of the buildings into 4 houses. Subsequent to this, permission under MA/13/1348 was granted for a number of changes to units 3 and 4 (to the south-east of the site); and permission under 14/501511 was granted for a number of changes to unit 2 (to the south-west of the site).

## 3.0 Proposal

- 3.01 This application now seeks to vary condition 2 of MA/13/1348, which states:

*Within 3 months of the date of this permission written details and samples of the materials to be used for the conversion works to the building to include handmade clay bricks, clay Kent-peg roof tiles and black stained featheredge weatherboarding and details of new hard surfacing shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;*

*Reason: To ensure the appearance and the character of the buildings, the setting of the listed buildings and Conservation Area is maintained.*

- 3.02 The applicant has installed hand made clay tiles instead of Kent-peg roof tiles from the beginning, despite fully discharging the condition in August 2014 under MA/14/0682 (which was never carried out).
- 3.03 Currently on site, units 3 and have been finished with the alternative hand made clay tiles.

## 4.0 Policies and other considerations

- Maidstone Borough-Wide Local Plan 2000: ENV28, ENV33, ENV34, ENV45
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Draft Maidstone Borough Local Plan (Regulation 19)

## 5.0 Consultee responses

- 5.01 **Boxley Parish Council:** Wish to see the application refused;

*"Permission for the traditional farmyard buildings to be converted to residential dwellings was granted in 2013 with the condition that handmade Kent peg tiles were used. MBC identified that this, and other condition, was needed, "to ensure the appearance and character of the buildings, the setting of the listed buildings and the conservation area is maintained". This development is immediately adjacent to the Boxley Village Conservation area and is on the edge of the village which is within the AONB. Street Farm is a prominent site and is visible from the North Downs and also as you approach/enter the village from the south; with its traditional courtyard layout and the large roofed structures the parish council considers that the original condition should be upheld. The original planning application made much of the need to ensure a traditional look and to have a specific design with high grade materials. To now compromise on the roofing*

*materials will make a mockery of the original permission and adversely impact on the visual amenity of the AONB, the conservation area and the appearance and character of the buildings. A quick search of the internet has found numerous sites that offer handmade and reclaimed Kent Peg Tiles and so the argument that they are difficult to source is not accepted."*

**5.05 Conservation Officer:** Raises no objection on heritage grounds;

*"The alternative tiles have already been installed. Bearing in mind that the buildings are not listed and lie outside the conservation area, and that we have approved the use of similar Tudor roof tiles on other agricultural conversions, I consider that it would be difficult to resist their use here. In my view they are of acceptable appearance and do no harm to the significance of the conservation area or nearby listed buildings."*

**6.0 Neighbour responses**

- 6.01 3 representations received objecting to the change of roof tiles as they are not in keeping with the character and appearance of the buildings or the surrounding area and that Kent peg tiles are readily available.

**7.0 Principle of development**

- 7.01 The principle for the residential conversion of the building has already been accepted under MA/13/1348; and this application is only concerned with the impact of the alternative roof tiles.

**8.0 Visual impact**

- 8.01 Under previous planning applications for the residential conversion of the buildings on 'Street Farm', it was specified that Kent peg roof tiles were used to ensure the appearance and the character of the buildings, the setting of the near-by listed buildings and the adjacent Conservation Area are maintained.
- 8.02 On balance, and after viewing the hand-made clay tiles in situ and taking into account the Conservation Officer raising no objection, it is considered that the roof tiles in place do not cause harm to the integrity of the building or its farmstead setting, or to the character and appearance of the countryside hereabouts that falls within an AONB and SLA, or to the significance and setting of the near-by listed buildings and adjacent conservation area to warrant refusal.

**9.0 Other considerations**

- 9.01 In accordance with National planning policy, the issue of intentional unauthorised development is a material consideration in the determination of this retrospective application. In this instance the development is not considered to cause harm and so this is not grounds to object to this application.

## **10.0 Conclusion**

10.01 It is considered on balance that the proposal is acceptable with regard to the relevant provisions of the Development Plan, the National Planning Policy Framework, and all other material considerations such as are relevant. I therefore recommend conditional approval of the application on this basis subject to a legal agreement as set out below.

### **RECOMMENDATION – APPROVE**

- (1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order, with or without modification), no development within Schedule 2, Part 1, Class(es) A, B, C, D, E, F, G, Part 2, Class A and Part 14 Class(es) A and B to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To ensure the appearance and the character of the buildings, the setting of the listed buildings and Conservation Area is maintained.

- (2) The development shall be carried out in accordance with the approved materials of handmade clay bricks, hand-made clay tiles and black stained featheredge weatherboarding and details of new hard surfacing shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure the appearance and the character of the buildings, the setting of the listed buildings and Conservation Area is maintained.

- (3) All rainwater or wastewater pipes shall be constructed of black-painted cast iron or aluminium;

Reason: To ensure the appearance and the character of the buildings, the setting of the listed buildings and Conservation Area is maintained.

- (4) New internal and external joinery shall be carried out in accordance with the details as approved under MA/13/1348;

Reason: To ensure the appearance and the character of the buildings, the setting of the listed buildings and Conservation Area is maintained.

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

- (6) The development hereby approved shall be carried out in accordance with the landscaping scheme as approved under MA/14/0682 and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory visual appearance and setting to the development.

- (7) The development hereby approved shall be carried out in accordance with the boundary treatments as approved under MA/14/0682 and maintained thereafter unless otherwise agreed in writing by the local planning authority;

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

- (8) The development hereby approved shall be carried out in accordance with the surface and foul water drainage details as approved under MA/14/0682;

Reason: In the interest of pollution prevention.

- (9) The recommendations set out in the 'Ecological Survey' carried out by 'Roger L Jones' (received on 5th October 2010) and the 'Letter of Opinion' carried out by 'Wildthing Consultants' (received on 5th October 2010) shall be followed where relevant unless otherwise agreed in writing by the Local Planning Authority;

Reason: In the interests of biodiversity and ecology.

- (10) The dwellings shall achieve a BREEAM Ecohomes 'Very Good' Level. No dwelling shall be occupied until a Certificate has been issued for it certifying that a 'Very Good' Level has been achieved.

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

- (11) The development hereby approved shall be carried out in accordance with the boundary treatments as approved under MA/14/0682 and no additional lighting shall be installed unless agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory visual appearance and setting to the development.

- (12) If during the works contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Reason: To prevent harm to human health and pollution of the environment.

- (13) Upon completion of the building works, a contaminated land closure report shall be submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

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

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

Reason: To prevent harm to human health and pollution of the environment.

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

Drawing nos. SF/SP/3-4, SF/L1/3-4, SF/L2/3-4, SF/EE/3-4, SF/PP/3-4, SF/ER/3-4, SF/J1/3-4, SF/J2/3-4, SF/J3/3-4, SF/J4/3-4 received on 31st July 2013, SF/L/3-4, received on 8th August 2013, and SF/PE/3-4/a received on 25th September 2013.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

Case Officer: Kathryn Altieri

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 conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.