

**REPORT SUMMARY**

<b>REFERENCE NO:</b> 23/503252/FULL		
<b>APPLICATION PROPOSAL:</b> Demolition of existing buildings. Erection of 2no. barn-type dwellings with ancillary development, landscape enhancement and repairs to rear elevation of listed barn.		
<b>ADDRESS:</b> Salts Farm, Salts Lane Loose Kent ME15 0BD		
<b>RECOMMENDATION: GRANT PLANNING PERMISSION-</b> subject to the planning conditions set out in Section 8 of this report.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> <ul style="list-style-type: none"> <li>• High quality development that would cause less than significant harm to designated heritage assets. The public benefits of the proposal outweighing the identified harm.</li> <li>• Earlier approval gave permission for residential use on the site and the current proposal offers improved appearance and landscaping.</li> <li>• Acceptable in relation to the minimal level of harm to character and appearance and brings a vacant site back into beneficial use.</li> <li>• Acceptable in relation to neighbour amenity and access and parking arrangements</li> <li>• Whilst a departure from the Local Plan with reference to The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004 material considerations indicate that planning permission should be approved.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> <ul style="list-style-type: none"> <li>• Call in from Loose Parish Council for the reasons set out in section 4 of this report.</li> <li>• Departure from the Local Plan</li> </ul>		
<b>WARD:</b> Loose	<b>PARISH COUNCIL:</b> Loose	<b>APPLICANT:</b> Mr K Tremain  <b>AGENT:</b> Patrick Durr Associates
<b>CASE OFFICER:</b> Joanna Russell	<b>VALIDATION DATE:</b> 21/07/23	<b>DECISION DUE DATE:</b> 21/12/23
<b>ADVERTISED AS A DEPARTURE:</b> Yes		

**Relevant planning history**

Application site

- 18/503663/FULL - Demolition of steel framed building and other structures. Conversion of two agricultural buildings to create two residential dwellings. Removal of hardstanding and replacement with comprehensive landscape scheme. Retention and restoration of historic wall. Access via existing lane to A229. Approved.
- 19/500499/SUB - Submission of Details to Discharge Condition 3- Written details and samples of materials, Condition 4 and 5-Turning/Parking and Electric charging, Condition 7- Lighting design strategy for biodiversity- a) Areas/features particularly sensitive for bats, b) External lighting, Condition 8- Ecology - 1) Preliminary Risk Assessment, 2) Site investigation, 3) Remediation method statement, 4) Closure report, Condition 11- refuse bin collection and Condition 12- Landscape scheme subject to 18/503663/FULL. Approved.

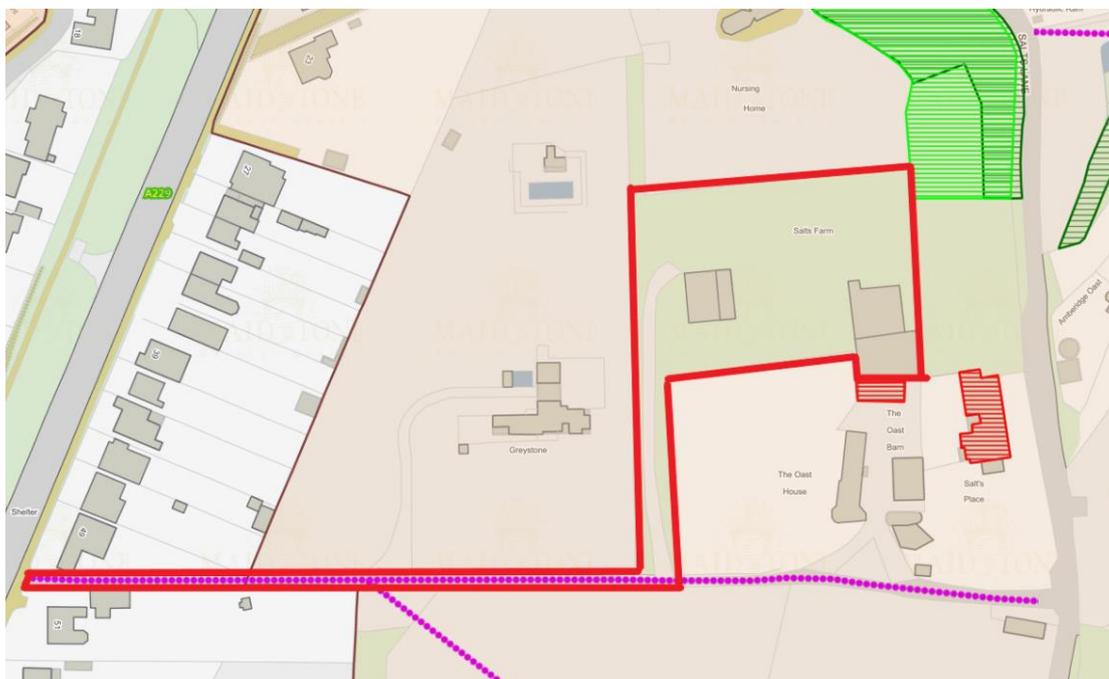
- 21/500430/FULL - Demolition of existing buildings and construction of 3(no) dwellings, together with gardens, parking and access to A229 via existing lane. Retention of ragstone wallings and strategic landscape and ecology benefit. Refused for the following reasons:
  1. *"The proposed development by virtue of its scale and layout, would cause less than substantial harm to the significance of the adjacent Grade II listed building barn, The Oast House (a non-designated heritage asset), and the Loose Valley Conservation Area; and would cause adverse harm to the character and appearance of the countryside hereabouts. The public benefits of the proposal do not outweigh the identified harm and the proposal would represent poor design, contrary to policies SS1, SP17, SP18, DM1, DM4, and DM30 of the Maidstone Local Plan (2017); the Loose Neighbourhood Plan (2018-2031); and the aims of the National Planning Policy Framework (2019)".*
  2. *"The submission has failed to demonstrate that protected species would not be adversely impacted upon as a result of the proposed development. This would be contrary to the aims of policies DM1 and DM3 of the Maidstone Local Plan (2017); the Loose Neighbourhood Plan (2018-2031); Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System; Natural England Standing Advice; and the aims of the National Planning Policy Framework (2019)".*
- 21/503702/SUB - Submission of details pursuant to Condition 9 (contamination), and 13 (demolition method statement), of application 18/503663/FULL. Approved.
- 21/504511/FULL Demolition of existing barns and erection of 2(no) detached dwellings, with rear balconies, external staircases and associated access, parking, fencing and landscaping. Refused for the following reasons:
  1. *"The proposed development by virtue of its scale, design and layout, would cause less than substantial harm to the significance of the adjacent listed buildings and the Loose Valley Conservation Area; and would consolidate sporadic and urbanising development in the landscape, causing adverse harm to the character and appearance of the countryside hereabouts. The public benefits of the proposal do not outweigh the identified harm and the proposal would represent poor design, contrary to policies SS1, SP17, SP18, DM1, DM4, and DM30 of the Maidstone Local Plan (2017); policies LP3, DQ1 and DQ2 of the Loose Neighbourhood Plan (2018-2031); and paragraphs 130, 134, 174, 189, 197, 199, 200 and 202 of the National Planning Policy Framework (2021).*
  2. *"The application, including the submitted Heritage Statement, has failed to appropriately assess the historic value of the existing buildings on the site, contrary to policies DM1, DM4 and SP18 of the Maidstone Local Plan (2017); policies LP3 and DQ2 of the Loose Neighbourhood Plan (2018-2031); and paragraphs 189, 194, 195 and 197 of the National Planning Policy Framework (2021)".*
  3. *The submission has failed to demonstrate that protected species would not be adversely impacted upon as a result of the proposed development. This would be contrary to policies DM1 and DM3 of the Maidstone Local Plan (2017); policies LP3 and LP4 of the Loose Neighbourhood Plan (2018-2031); Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System; Natural England Standing Advice; and paragraphs 174 and 180 of the National Planning Policy Framework (2021).*

- 23/503253/LBC Listed Building Consent for demolition of existing buildings. Erection of 2no. barn-type dwellings with ancillary development, landscape enhancement and repairs to rear elevation of listed barn. Decision pending.

#### Adjacent building to the south

- 18/504069/FULL -Restoration and conversion of existing Grade 2 listed barn (Salts Oast Barn) to form two bedroom accommodation. Permission granted.

#### Site boundaries (statutory listed buildings and public right of way highlighted)



## **MAIN REPORT**

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

- 1.01 The site covering 0.53ha for the purposes of the Local Plan is located outside of a built settlement and in the countryside. The site is located between Linton Road (A229) to the west and Salts Lane to the east.
- 1.02 Adjoining the application site to the west is a residential property set within a relatively large plot called Greystone. A residential nursing home (Loose Valley Care Home) is to the north. A public right of way (KM68) and byway runs east to west to the south the application site. The public right of way follows the surfaced vehicle access route that is shared with Greystone and existing dwellings to the south (Oast House, Oast Barn, and Salts Place).
- 1.03 The application site contains two buildings, a detached Dutch barn (Building 1) to the west and a former cold store building (Building 2) in the south east corner. These semi derelict vacant buildings are brick and blockwork with a steel frame. Salts Oast Barn is immediately adjacent to the south east site corner, but outside the red line application site boundary, this building has been converted to residential accommodation (18/504069/FULL).
- 1.04 The open areas of the site are a mix of overgrown brambles, grassland, and hardstanding. The site boundaries are screened by conifer and deciduous trees and vegetation with the northern boundary with Greystone more open.

- 1.05 The site is in the Loose Valley Conservation Area. To the south of the site are a group of buildings that include two grade II listed buildings 'Salts Place' (formally Salts Farmhouse) and Salts Oast Barn (listing description 'Barn about 12 metres west of Salts Place') and The Oast House a non-designated heritage asset. Further heritage assets are located to the south east (closest circa 200 metres from the site).
- 1.06 Adjacent to the north-east site corner is woodland protected under TPO no.11 of 1996. Part of this adjacent area is designated as Ancient Semi Natural Woodland. The site is in an Area of Archaeological Potential and Flood Zone 1.

Dutch barn (Building 1)



Former cold store building (Building 2)



## **2. PROPOSAL**

- 2.01 Permission is sought for the demolition of the existing buildings along with the erection of 2no. barn-type dwellings with ancillary development, landscape enhancement and repairs to rear elevation of the adjacent listed barn.

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

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

SS1 Maidstone borough spatial strategy  
SP17 Countryside  
SP18 Historic environment  
DM1 Principles of good design  
DM3 Natural environment  
DM4 Development affecting designated and non-designated heritage assets  
DM6 Air Quality  
DM8 External lighting  
DM21 Assessing the transport impacts of development  
DM23 Parking standards  
DM30 Design principles in the countryside

Loose Neighbourhood Plan

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

The Regulation 22 Local Plan Review (LPR) submission comprises the draft plan for submission (Regulation 19) dated October 2023, the representations and proposed main modifications. It is therefore a material consideration and attracts some weight. The LPR has been through Stage 1 and 2 Hearings and the main modifications the Inspector considers are required to make it sound are out to public consultation, so it is at an advanced stage. However, responses to the

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

The relevant policies in the Maidstone Draft Local Plan are as follows:

LPRSS1– Maidstone Borough Spatial Strategy

LPRSP9 – Development in the Countryside

LPRSP15 – Principles of Good Design

LPRQ & D4 – Design principles in the Countryside

LPRTA4 – Parking

#### Supplementary Planning Documents

Ministry of Housing, Communities and Local Government: National Design Guide.  
Government's Technical Housing Standards: Nationally Described Space Standards (March 2015).

Maidstone Landscape Character Assessment

The National Planning Policy Framework -NPPF (2023)

National Planning Policy Guidelines (NPPG).

## **4. LOCAL REPRESENTATIONS**

### **Loose Parish Council**

4.01 Object on the following grounds:

- Scale, design, and layout, would cause less than substantial harm to the significance of the adjacent listed buildings and the Loose Valley Conservation Area
- Harm to the character and appearance of the countryside
- Poor design.
- Impact on protected species
- Insufficient access for 2 cars to pass
- Access would cause harm to highway safety
- Large lorries would be unable to access the site
- The access forms part of a public way. Its use would cause harm to pedestrian safety.

4.02 2 objections received from local residents raising the following (summarised) issues:

- Does not preserve historic farm buildings
- If permission is granted, the roofs should be clay not slate.

## **5. CONSULTATIONS**

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

### **Maidstone Conservation Officer**

5.01 No objection for the following reasons

- Demolition of existing buildings - The cold store and modern agricultural building are modern additions, and they have no architectural interest. The demolition would result in a small degree of harm, at the lower end of less than substantial.
- Impact on setting - The proposed planting to the southeast is intended to provide a visual screen for the development and mitigate its impact on the listed buildings' surroundings. The applicant asserts. There is agreement with the applicant that there is no line of sight between Salts Place and the proposed dwellings, thus no negative effect on Salts Place's setting.

- Proposed works to the barn have already been accepted in principle and the repair works will enhance the character of the listed building.
- Adherence to traditional forms and materials is deemed appropriate. Nonetheless, the expansion of development beyond the existing, will lead to a minor level of harm to the Loose Conservation Area's setting but this harm falls within the lower range of less than substantial harm.

### **KCC Ecology**

5.02 No objection subject to conditions.

## **6. APPRAISAL**

The key issues are:

- Countryside location and policy SP17
- Landscape and visual impact on the countryside
- Heritage
- Sustainability of the location
- Residential amenity
- Highways
- Biodiversity

### **Countryside location and policy SP17**

- 6.02 The application site is in the countryside and the starting point for assessing all applications in the countryside is Local Plan policy SP17. Policy SP17 states that development proposals in the countryside will only be permitted where:
- a) there is no harm to local character and appearance, and
  - b) they accord with other Local Plan policies
- 6.03 Policy SP17 does not specify an acceptable level of harm to local character and appearance and all proposals in the countryside are likely to result in some degree of harm. In this context all development outside the designated settlements does not accord with this part of SP17.
- 6.04 In certain circumstances where there is locational need for development (equestrian, rural worker dwelling agricultural buildings etc) other Local Plan policies permit development in the countryside subject to listed criteria. If development accords with one of these other Local Plan policies, this compliance generally outweighs the harm caused to character and appearance with a proposal found in accordance with policy SP17 overall. In this case, there are no other policies in the Local Plan that would permit new dwellings in this location.
- 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 To this extent and in principle, the proposal would conflict with policy SP17 of the Local Plan in so far as it seeks to resist development outside defined settlement boundaries and to protect the countryside. This report will consider whether there are material considerations that justify granting of planning permission contrary to the Local Plan.

### **Landscape and visual impact on the countryside**

- 6.07 The NPPF states that 'the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good

design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

- 6.08 Local Plan policies DM1 and DM30 promote high quality design. Development is encouraged which accords with the countryside in terms of bulk, scale, massing, visual amenity, and landscape character.
- 6.09 The Loose Neighbourhood Plan (LNP) Policy LP3(2) promotes high quality design and respect for character, setting and landscape. LNP policy DQ1 states that design, form, and detail should be principally informed by the traditional form, layout, character, and style of the parish's vernacular architecture.
- 6.10 The Maidstone Landscape Character Assessment identifies the application site as falling within the Farleigh Greensand Fruit Belt (27) and Boughton Green Farmland (27-13). The landscape guidelines for this area are to '*conserve and reinforce*' the special landscape quality provided by the rural valley location; and to conserve the existing pattern of development. The Landscape Capacity Study (Jan 2015) has the overall landscape sensitivity as *HIGH*.
- 6.11 The current buildings on the site are modern additions, added in the 20th century when the farmstead expanded its pig rearing and fruit storage activities. The current proposal involves removal of existing buildings and hard surfacing and replacement with two dwellings and car ports, along with a buffer of landscaping to its eastern side where it adjoins protected woodland.
- 6.12 While the application site is located outside of a designated built settlement, the site is not in an open landscape and is enclosed on all sides by built form. The site has residential properties to the west, south and east of Salts Lane, and a residential care home to the north. The site benefits from extensive established planting to its eastern boundary and other boundary landscaping. The ground level on the site is also slightly lower than neighbouring land.
- 6.13 Along with the appearance of existing buildings, and the surrounding built form, the site does not contribute to any wider landscape character. It is almost entirely invisible from wider views and seen from close views within the backdrop of existing built form both in and around the site.
- 6.14 The higher quality historic buildings to the south of the site which were part of the original farmstead remain and have been designated where relevant for their historic value. The poorly designed buildings on the application site are not of a high architectural value. The buildings along with the extensive hard surfacing do not provide any visual benefit to countryside character. The appearance of the site is not of high value, with large existing modern buildings and hardstanding.
- 6.15 The proposal would result in a reduction in built footprint and volume. The existing buildings have a combined footprint of circa 527 square metres and combined volume of circa 2788 cubic metres. The application proposes two detached dwellings each provided with a carport and a cycle store. The proposed buildings, carport and cycle store have a combined footprint of circa 380 square metres and combined volume of circa 2001 cubic metres.
- 6.16 In accordance with the Maidstone Landscape Character Assessment guidelines for the Farleigh Greensand Fruit Belt (27) and Boughton Green Farmland (27-13), the proposal would conserve, and reinforce the appearance of the existing pattern of development in the immediate locality.

- 6.17 In summary,
- a) Any contribution made by the existing site to landscape character is negligible as the site is only visible in shorter views and these views would be against a backdrop of existing poor quality built form.
  - b) Proposal will result in a reduction of built form, and an improvement to layout so that it relates more appropriately to surrounding land uses and development,
  - c) With increased landscaping particularly to the eastern boundary the proposal would not result in any harm to the character and appearance of the area and would provide positive benefit.
  - d) The proposal is visually acceptable.
  - e) The proposal will conserve and reinforce the appearance of the existing pattern of development in the immediate locality in accordance with the Maidstone Landscape Character Assessment guidelines.
- 6.18 Policy SP17 states that development proposals in the countryside will only be permitted where there is no harm to local character and appearance. The current application will result in harm to local character and appearance, however as set out in this section of the report the level of harm has been found to be minimal for the outlined reasons. This identified level of harm needs to be balanced against the other material planning considerations considered in this report.

### **Heritage**

- 6.19 The local planning authority has a statutory duty to have special regard to the desirability of preserving listed buildings and their settings under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.20 Policy DM 4 of the local plan requires that the significance of designated heritage assets and their settings are conserved, and, where possible, enhanced, and policy SP 18 similarly seeks to protect and enhance the quality of heritage assets. Neighbourhood Plan policy DQ2 seeks the protection and enhancement of Loose Conservation Area.
- 6.21 The NPPF states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. When considering the impact on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be); and that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 6.22 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, NPPF paragraph 202 requires that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.23 NPPF Paragraph 203 states that the effect of an application on the significance of a non-designated heritage asset should be considered in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.24 The site is in the Loose Valley Conservation Area. To the south of the site are a group of buildings that include two grade II listed buildings 'Salts Place' (formally Salts Farmhouse) and Salts Oast Barn (listing description 'Barn about 12 metres west of Salts Place') and The Oast House a non-designated heritage asset. Further

heritage assets are located to the south east (closest circa 200 metres from the site).

- 6.25 The submitted heritage statement provides an analysis of the historic development of the site, advising:

*'Salts Place is recorded as a Regular courtyard multi-yard (Here) which establishes the form of farmstead appropriate for the proposal site. Much of the historic farmstead was remodelled in the 20th century when the farmstead expanded its pig rearing and fruit storage activities with the construction of steel framed buildings on the proposal site. The proposals offer an opportunity to replace these poorly designed and located buildings with dwellings in keeping with the historic farmstead group, that will also enhance the setting and appearance of the adjacent listed barn and this isolated part of the conservation area.'*

- 6.26 The existing layout includes a spread of development across the site from east to west. The Dutch barn is located within the west part of the site, whilst the cold store is situated in the south-east corner. There is a large area of hardstanding in between which has largely become covered with moss and breakthrough grass.

- 6.27 The two buildings due to be demolished are low quality, modern structures constructed of brick and steel Dutch barn, and steel frame and the concrete block cold store. The proposal includes removal of existing hardstanding and remnants of other structures, such as dwarf walls and raised concrete details. The demolition would result in a small degree of harm, at the lower end of less than substantial. This harm would be mitigated through improved relationship with the surrounding heritage assets, the removal of extensive hard surfacing on site and the enhanced openness to the east of the site.

- 6.28 The existing former cold store obscures the rear wall of the listed building and the planning permission for the retention and conversion of buildings (under 18/503663/FULL) would have maintained this situation. The current application includes the removal of the unsympathetic existing former cold store that is currently immediately adjacent to the listed building.

- 6.29 The removal of the former cold store will allow full views of the rear of the Oast Barn ('Barn about 12 metres west of Salts Place'). This change will enhance the character and appearance of this grade II listed building and return to its historic setting prior to the erection of the modern barn. The proposal shows this newly exposed rear elevation reclad in weatherboarding to match the existing. A planning condition is recommended to ensure appropriate locally sensitive materials, and this approach is supported by the conservation officer.

#### Internal site photographs



- 6.30 The proposed site layout addresses the historic multi yard farm character by creating a courtyard with a pair of hay barns and cart sheds orientated in line with Salts Place. It concentrates the built form to the west of the site, away from the Ancient Woodland (to the north east corner) and built heritage assets (to the south-east corner).
- 6.31 The proposed planting to the southeast would provide a visual screen for the development and mitigate its impact on the listed buildings. The applicant asserts that there is no line of sight between Salts Place (grade II listed) and the proposed dwellings, thus no negative effect on Salts Place's setting. The conservation officer agrees with this and considers that as a considerable distance separates the proposed development and Salts Place, there would be no detriment to its setting.
- 6.32 Orientation and massing of proposed buildings create a loose courtyard with garaging being housed in cart sheds. The proposed dwellings seek to reflect heritage Kentish barns. The buildings are designed around a traditional three bay barn with central, double-height cart door openings. To the front, the cart door space is glazed and bordered by barn doors, whilst to the rear the cart door space is glazed. The design includes limited fenestration across the dwelling.
- 6.33 The dwellings are shown as feather edged black stained weatherboarding under a half-hipped roof with traditional doors and two single storey cart sheds. The proposed materials include black painted timber boarding with ragstone plinths, clay tile roofs and timber windows and doors.
- 6.34 The proposed outbuilding for each of the dwellings are low buildings with shallow pitched roofs and reflect the same finishes of the dwellings. The buildings include two open car parking bays and a garden store secured by timber double doors.
- 6.35 The proportions and scale of the proposal would not overwhelm the site. The siting and layout of the proposal would allow for extensive landscaping (particularly to the east) and would maintain generous gaps around its edges.
- 6.36 In assessing the setting of the conservation area, the modern outbuildings, while not architecturally significant, possesses a small degree of historical value. It is noted however that the modern farm buildings on the site were all constructed after July 1948 (the first Planning Act) and were not built before Salts Place was listed in 1952.
- 6.37 The adherence to traditional forms and materials in the design of the proposal is supported. The proposal will lead to a minor level of harm to the Loose Conservation Area's setting, although with the slightly lower land levels when compared with neighbouring land, landscaping and existing buildings, the development would not be widely visible. This minor level of harm is outweighed by the high quality and detailing of the proposal when compared with the previously approved scheme, the enhanced landscaping provision and the addition of two dwellings on a plot (reduced in number from earlier refused applications) which has previously been established as acceptable for residential development.
- 6.38 The proposal includes new landscaping to soften the boundary edges with native planting. To the rear of the dwellings (to the east), the proposed Landscape Plan shows a soft native planted buffer with meadow grass. This buffer seeks to protect the natural character to this side of the site where it adjoins protected woodland. The proposed hard landscaped areas are kept to a minimum and are mainly concentrated to the front of the site (west) where access, parking and turning areas seek to reflect a converted farmyard.

- 6.39 In summary, the proposal would have an acceptable visual and heritage impact in accordance with national, local and neighbourhood plan policies. The proposal offers high quality development that would cause less than significant harm to designated heritage assets. The public benefits of the proposal outweighing the identified harm.
- 6.40 The conversion of the existing buildings as granted under application ref 18/503663/FULL provide a fallback position and establishes the principle of residential development on this site . The current proposal provides improvements to the earlier approved development and there would be no merit in planning terms in refusing an alternative. There has been no material change to either the site or the planning policy framework in the period since the earlier approval was given and it would be unreasonable to conclude that the principle is objectionable.
- 6.41 The Parish Council have commented that they consider the design of the proposal to be poor. In contrast, an analysis of the wider context of the site shows that the proposed buildings are reflective of the historic agricultural use of the site and the character of the adjacent remaining buildings from the farmstead. The tight group of buildings is located above the historic farmhouse and separated by a ragstone retaining wall. The proposed materials and proportions of the buildings, including the detail of the fenestration, and simple layout and form are reflective of these.

#### **Sustainability of location**

- 6.42 Local Plan Policy SS1 relates to the provision of the Borough's housing supply. It demonstrates that local housing targets can be met from within the existing settlements and on sites with the least constraints on the edge of settlements. It describes the most sustainable locations for the provision for new housing within the urban area of Maidstone, with Rural Service Centres as the secondary focus.
- 6.43 For the purposes of the Local Plan the proposal site is in the countryside, and therefore last in the hierarchy for new residential development. In consideration of application 21/500430/FULL, it was concluded that the site is close to the built confines of the defined urban area and within easy walking distance of bus stops that serve regular services in and out of Maidstone; and there are basic amenities/services within relatively short distances.
- 6.44 The assessment considered that the proposal site is also to a group of existing buildings, and not isolated development. It was concluded that it would be difficult to reasonably argue that future occupants of the site would be over reliant on the private car for their day to day living. Although application 21/500430/FULL, was refused on grounds of visual impact and ecology impact, there was no objection on the grounds of location and sustainability.

#### **Residential amenity**

- 6.45 Local Plan policy DM 1 states that proposals will be permitted where they respect the amenities of occupiers of neighbouring properties. Development should not result in, excessive noise, vibration, odour, air pollution, activity, or vehicular movements, overlooking or visual intrusion. Built form should not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.46 The proposed dwellings would be separated from neighbouring occupiers and this separation is sufficient to ensure that there is no detriment to neighbours amenity through overbearing impact or loss of daylight or sunlight.
- 6.47 The flank elevation of the proposed plot 2 (southern proposed dwelling) faces towards the shared boundary with the Oast House to the South. This elevation

contains one upper floor secondary window to the master bedroom. This would sit approx. 5.3m from the shared boundary and approx. 30m to the corner of the Oast House. This separation distance is acceptable in terms of protecting neighbour amenity.

- 6.48 Views towards Salts Place to the south east would be at an oblique angle and through proposed tree planting. The distance between the rear elevation of proposed plot 2 and Salts Place would be a minimum of 47m (from closest corner to closest corner). This separation distance is acceptable in terms of protecting neighbour amenities.
- 6.49 The property called 'Greystone' is to the south west of the application site. The proposed dwelling is 33 metres from the shared boundary with this site, with Greystones also located further within its plot. This separation distance is acceptable in terms of protecting neighbour amenities.
- 6.50 In summary, the proposal is acceptable in terms of potential harm to neighbouring amenity through loss of daylight, sunlight or privacy.

### **Highways**

- 6.51 Local Plan policy DM 1 states that proposals should safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access. Local Plan policy DM21 seeks to ensure that the vehicle trips generated by a use can be adequately accommodated on the road network.
- 6.52 The access to the application site from the public highway is in two parts, firstly by a hard surfaced single track access road from Linton Road (A229) to the west with this access shared with nearby residential properties (byway and Public Right of Way reference KM68). Whilst this access road runs from Linton Road (A229) in the west, access to Salts Lane in the east is restricted by a gate. Salts Lane is a byway under Public Right of Way reference KM68.
- 6.53 The second part of the access is a grassed drive running north providing access from the hard surfaced single track access road to the rear of the Loose Valley Care Home. It is noted that the care home's main access is from Linton Road to the northwest, and this accommodates parking and service areas too. The applicant retains a legal right of way across the grassed drive to the application site.
- 6.54 Paragraph 11 of the NPPF is clear that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. The impact of two dwellings, is not sufficient to conclude that there would be a severe highways impact or an unacceptable impact on highway safety, or to justify refusal on this ground.
- 6.55 In terms of parking provision, Local Plan policy DM23 advises that a minimum of two independently accessible parking spaces should be provided for 3 bed houses. This is provided for each dwelling along with additional car port accommodation. Each carport includes an electric vehicle charger and each plot provides bicycle storage to the rear of the dwellings.
- 6.56 Objections have been received from neighbours and the parish about the narrow width of the access, the potential for highways safety issues at the entrance on to the main public highway and previous application refusals in the vicinity of the site. In consideration of applications 18/503663/FULL and 21/500430/FUL, no objection was raised in relation to highway impact and no objection raised by the highway's

authority. The proposal is no different in this regard as it continues to serve two dwellings, and there is no material change in circumstance which would lead to a different conclusion.

### **Biodiversity**

- 6.57 LNP policy LP4 states that proposals should seek to protect and enhance the natural environment. Local Plan policy DM3 states: *'To enable Maidstone borough to retain a high quality of living and to be able to respond to the effects of climate change, developers will ensure that new development protects and enhances the natural environment ...where appropriate development proposals will be expected to appraise the value of the borough's natural environment through the provision of...an ecological evaluation of development sites...to take full account of the biodiversity present including the potential for the retention and provision of native plant species'*.
- 6.58 A Preliminary Ecological Assessment has been submitted with the application which concludes limited potential for protected species to occur within the habitats and structures on site. The KCC Ecology team have assessed this information and advised that they are satisfied with the conclusions.
- 6.59 Conditions are recommended relating to nesting birds, impact on a badger sett, precautionary working measures, approval of lighting details and biodiversity enhancement measures.
- 6.60 An area of Priority Habitat Deciduous Woodland which is protected by a woodland TPO lies immediately beyond the eastern site boundary. The woodland lies in private ownership outside of the site and there will be no loss of the woodland under the proposals. Part of the woodland is also designated as ancient, replanted woodland (PAWS).
- 6.61 The eastern side of the site is shown as a planted area outside of the curtilage of the two dwellings and the development boundary lies 20 metres from the edge of the ancient woodland area. The belt of planting is an appropriate and sensitive treatment of the land adjacent to the protected woodland and a condition is suggested to ensure the protection of trees during development.

### **PUBLIC SECTOR EQUALITY DUTY**

- 6.62 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.

### **CIL**

- 6.63 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 is a high quality scheme that would respond appropriately in terms of layout, scale and detailing to the heritage and setting of the site. The loss of the existing modern buildings would cause less than substantial harm to the setting of the conservation area. This harm is mitigated and justified by the provision of an alternative redevelopment of the site to that approved, being a higher design quality, with improved landscaping and sensitive relationship to the protected woodland.
- 7.03 There would be no difference in terms of highways impact to the scheme already consented. Sufficient distances are maintained with neighbouring occupiers that there would not be such a detrimental impact on neighboring amenity to warrant refusal on this basis.
- 7.04 The proposal would protect the adjacent area of protected woodland and provide a sensitive response to this in terms of the additional woodland planting to the east of the site. Any impact on the ecological value of the site can be mitigated against through the imposition of conditions, including to require biodiversity enhancements.
- 7.05 The principle of the development of the site has already been established. The current proposal is for an improved scheme in terms of its visual and heritage impact, reduced volume of built development and its relationship to the adjacent protected woodland.
- 7.06 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 subject to the imposition of conditions, on balance the proposal is acceptable, and it is recommended that planning permission is granted.

## **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 hereby permitted shall be carried out in accordance with the following approved plans:  
2022-780 (P)-001 Site location plan  
2022-780 (P)-005 Proposed site plan  
2022-780 (P)-200 Plot 1 proposed plans and elevations  
2022-780 (P)-201 Plot 2 proposed plans and elevations  
2022-780 (P)-202 Proposed garage and garden store plan  
2022-780 (P)-500 proposed bike and refuse store  
2022-780 (P)800 Rev P01 Proposed elevations of the Oast Barn  
2361-DUR003A-L101 Landscape plan  
Preliminary Ecological Appraisal Report  
Heritage Statement  
Reason: To clarify which plans have been approved.
- (3) The development hereby approved shall not commence (including site clearance), until tree and hedgerow protection in accordance with the current edition of BS 5837 have been installed on site. All trees to be retained must be protected by

barriers and/or ground protection. No equipment, plant, machinery, or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development

- (4) The development hereby approved shall not commence (including site clearance), until the following precautionary measures have been implemented to avoid capture of reptiles and S41/priority species hedgehog and construction work shall only proceed in accordance with these measures:
- Continued regular vegetation management to avoid areas becoming more suitable for reptiles.
  - Backfilling of trenches and other excavations before nightfall, or a ramp left to allow any animals to easily exit.
  - Checking of all excavations and trenches each morning throughout the construction period and prior to infilling.
  - All temporarily stored building materials (that might act as temporary resting places) will be kept isolated from boundary vegetation and raised off the ground, e.g. on pallets. Reason: To protect the ecological value of the site.
- (5) Any works (including site clearance) taking place within 30 metres of the location of the badger sett will be undertaken in accordance with the badger mitigation strategy included within paragraph 4.4.15 and Figure 3 of the Preliminary Ecological Appraisal, Corylus Ecology, July 2023. These works will be overseen by a suitably qualified ecologist and will include a pre commencement works Toolbox Talk to all site staff. If the pre commencement surveys identify additional badger setts with potential to be impacted by the proposals (i.e. located within 20 metres of excavation and construction areas for the new properties) or evidence is found on site during construction, works will stop while the site ecologist and/or Natural England are consulted to ensure that all works are undertaken in accordance with the Protection of Badgers Act, 1992. Reason: To protect the ecological value of the site.
- (6) Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season, mitigation measures need to be implemented. This includes examination by a suitably qualified and experienced ecologist immediately prior to starting work. If any nesting birds are found, works must cease until after the birds have finished nesting. Reason: To protect the ecological value of the site and as habitats are present on and around the site that provide opportunities for breeding birds.
- (7) The development hereby approved shall not commence until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. Reason: To ensure that features of archaeological interest are properly examined and recorded.

- (8) Notwithstanding what is shown on the submitted plans, the development hereby approved shall not commence above ground level until a landscape scheme has been submitted to and approved in writing by the local planning authority. The scheme shall
- (a) be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012).
  - (b) follow the detailed guidance on planting and maintenance as set out in the 'Maidstone Landscape Character Assessment Supplement 2012' - <https://localplan.maidstone.gov.uk/home/documents/attachments-master-evidence/landscape-character-assessment-2012/Maidstone-Landscape-Character-Assessment-2012-Supplement-September-2013.pdf>
  - (c) show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed,
  - (d) provide details of new on-site planting in a planting specification (location, spacing, species, quantity, maturity).
  - (e) include a *double staggered hedgerow along the frontage of the main part of the application site 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.*
  - (f) provide landscape implementation details and timetable.
  - (g) provide a [10] 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. *The reason for the longer 10 year period is to mitigate the intensification of use of the site by strengthening the landscaping*
- (9) All planting, seeding and turfing specified in the approved landscape details associated with individual dwellings (including private gardens) shall be completed by the end of the first planting season (October to February) following first occupation of the individual dwelling hereby approved. All planting, seeding, and turfing specified in the approved landscape details associated with communal or shared areas or areas outside individual plots shall be completed by the end of the first planting season (October to February) following occupation of the final dwelling. Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, are removed, die or become so seriously damaged or diseased that their long-term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme. Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.
- (10) No development above floor slab level shall take place until written details and samples of the materials to be used in the construction of the external surfaces of all buildings have been submitted to and approved in writing by the local planning authority. The materials shall consist of the following:
- a) Kentish ragstone plinths in place of the brick plinths for all buildings.
  - b) Natural slate tiles for all buildings.
  - c) Hardwood timber weatherboarding for all buildings.
  - d) Hardwood timber fenestration for all buildings.
  - e) Metal rainwater goods for all buildings.
  - f) Oak posts for the garages.
- The development shall be constructed using the approved materials, implemented prior to first occupation of the approved dwellings, and shall be maintained as such thereafter. Reason: To ensure a high-quality development.

- (11) No development above floor slab level shall take place until written details and samples of hard surfaces have been submitted to and approved in writing by the local planning authority. The hard surface details shall consist of the following:
- a) Loose stone and granite setts for the driveways and stone for the patios as shown on drawing no. P005 RevP01 (Proposed Site Plan).
  - b) Details of sensitive kerb edges.
- The development shall be constructed using the approved materials, implemented prior to first occupation of the approved dwellings, and shall be maintained as such thereafter. Reason: To ensure a high-quality development.
- (12) No development above floor slab level shall take place until photographs of a sample panel of the Kentish ragstone for the buildings (which has been constructed on site) have been submitted to and approved in writing by the Local Planning Authority including written details of the mortar mix. The development shall be constructed using the approved materials, implemented prior to first occupation of the approved dwellings, and shall be maintained as such thereafter. Reason: To ensure a high-quality design and finish.
- (13) No development above floor slab level shall take place until details of any external utility pipes and paraphernalia on the elevations of buildings have been submitted to and approved in writing by the local planning authority for that phase. Any external features shall be positioned and coloured to minimise their impact. The development shall be constructed using the approved materials and details, implemented prior to first occupation of the approved dwellings, and shall be maintained as such thereafter. Reason: To ensure a high-quality design and finish.
- (14) No development above floor slab level shall take place 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.
- (15) 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) include measures to ensure existing woodland and tree lines, and proposed areas of tree-planting, are maintained as dark corridors.
  - e) provide a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).
  - f) 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.
- (16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, AA, B, C, D, E and F to that Order shall be carried out to the new dwelling hereby approved without first obtaining the permission of the Local

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

- (17) Prior to first occupation of the relevant dwellings hereby approved, the approved details of the parking/turning areas shall be completed and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them. Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.
- (18) Prior to first occupation of either of the dwellings hereby approved, a Biodiversity Enhancement and Management Plan (BEMP) will be submitted to and approved in writing by the local planning authority. Landscaping and enhancements will be as detailed on the Landscape Plan, JP Design, July 2023. The BEMP will include the following:
- a) Description and evaluation of features to be managed.
  - b) Aims and objectives of management.
  - c) Appropriate management prescriptions for achieving aims and objectives.
  - d) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period.
  - e) Details of the persons responsible for implementation of the plan, and
  - f) Ongoing monitoring and remedial measures.
- The Plan will be worded in a way that facilitates interpretation by non-ecology specialists and will include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the persons / management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details. Reason: To ensure the maintenance and enhancement of biodiversity.
- (19) Prior to first occupation of the relevant dwellings hereby permitted foul and surface water drainage for the site and measures for the future servicing and maintenance of this drainage 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, with the approved measures maintained thereafter. Reason: To ensure that adequate drainage is provided for the development and reduce the potential for flooding, protect the water environment and prevent contamination of the land.
- (20) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the LPA. The remediation strategy shall be implemented as approved. Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with the National Planning Policy Framework (NPPF).

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