

APPLICATION: MA/11/0511 Date: 31 March 2011 Received: 4 April 2011

APPLICANT: Wierton Place Homes Ltd

LOCATION: WIERTON PLACE, WIERTON ROAD, BOUGHTON MONCHELSEA, MAIDSTONE, KENT, ME17 4JW

PARISH: Boughton Monchelsea

PROPOSAL: Change of use of existing nightclub and apartments to 1 dwelling and 6 apartments, including extensions and internal works; conversion and extension of the existing ball room to 2 dwellings; demolition of existing garage block and erection of 4 terraced properties; conversion and extension of existing glasshouses to 6 dwellings; and the erection of 5 detached dwellings to the north and south of the access track, together with associated access and landscape works in accordance with plans numbered 09.79.50 Rev A; 09.79.51 Rev A; 09.79.101 Rev B; 09.79.104 Rev A; 09.79.105 Rev A; D132799/1; 09.79.106 Rev A; 09.79.107 Rev A; 09.79.108 Rev A; 09.79.109 Rev A; 09.79.110 Rev A; 09.79.111; 09.79.112; 09.79.113 Rev A; 09.79.114 Rev A; 09.79.115 Rev A; 09.79.116; 09.79.117; 09.79.118; 09.79.119; 09.79.120; 09.79.121; 09.79.122; 2082-01 Tree Survey Drawing; D132799_1-Sheet-2; D132799_1-Sheet_3; D132799_8_R1-A0; D132799_9_r1-A0; D132799_10_A1-Conservatory; D132799_11-A0_Roof Plan; 07.79.100 _Location Plan; 6037 Bat Emergence Report (received 11 October 2011); Valuation Report (received 11 October 2011); Design and Access Statement; and Tree Survey Report as received on the 7 April 2011.

AGENDA DATE: 6th February 2014

CASE OFFICER: Chris Hawkins

The recommendation for this application is being reported to Committee for decision because:

- It is contrary to views expressed by the Parish Council
- It is a departure from the Development Plan

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV49, T13
- Village Design Statement: N/A

- Government Policy: National Planning Policy Framework (2012); Ministerial Letter for Growth.

2. HISTORY

- 2.1 There is a significant level of planning history to this site, and there is also enforcement history, with a case that remains open at present. This (relevant) history is summarised below:

MA/11/1806 Listed building consent for a permanent Memorial Plaque. Approved.

MA/11/1805 Advertisement consent for a Memorial plaque upon internal gateway. Approved.

MA/11/0512 An application for listed building consent for internal alterations and extensions to facilitate the change of use of existing nightclub and apartments to 1 dwelling and 6 apartments, including extensions and internal works; conversion and extension of the existing ball room to 2 dwellings; demolition of existing garage block and erection of 4 terraced properties; conversion and extension of existing glasshouses to 6 dwellings; and the erection of 5 detached dwellings to the north and south of the access track, together with associated access and landscape works. Yet to be determined.

MA/01/0093 An application for listed building consent for the erection of garden implement store. Approved.

MA/01/0092 Erection of garden implement store. Approved.

MA/93/0945 Construction of single storey building comprising garaging and store. Refused.

MA/93/0364 Single Storey garages and storage extension. Refused.

MA/89/1390 Extensions to provide ancillary residential accommodation, external WC, laundry and store rooms. Approved.

MA/88/0168 Extension to Country Club to provide gym lounge bar snooker room and store. Approved.

MA/77/0056 Conversion into 5 residential units of barn, cottage and stable block. Approved.

MA/77/0089 Extension and alteration to form club. Approved.

MA/77/0180 The change of use of premises from office and residential use to part private residence, part country club. Approved.

MA/70/0333 The change of use of premises to part private dwelling, part Country Club. Refused.

MA/67/0184 An outline application for change of use to residential hotel and country club. Approved.

ENF/6694 Untidy site. Breach resolved.

- 2.2 This application has been in for a significant period of time. The applicant had been asked for additional information with regards to viability, and also with regards to ecological issues. However, following on from the submission of this, further delays have taken place whilst the Council fully assessed its position with regards to its five year housing land supply.

3. CONSULTATIONS

- 3.1 **Maidstone Borough Council Conservation Officer** was consulted and raised no objections to the proposal.
- 3.2 **Kent County Council Ecology** were consulted and raised no objections to this proposal subject to the development being carried out in accordance with the submitted information, and proposed mitigation.
- 3.3 **Kent County Council Highways Services** were consulted and raised no objections to this proposal.
- 3.4 **The Environment Agency** were consulted and raised no objections to this proposal.
- 3.5 **Southern Water** were consulted and raised no objection to this proposal.
- 3.6 **UK Power Networks** were consulted and raised no objections to this application.
- 3.7 **Southern Gas** were consulted and raised no objection to this proposal.
- 3.8 **Kent Wildlife Trust** initially objected to this proposal due to the lack of information submitted. This information has now been submitted, and no objections are raised.

4. REPRESENTATIONS

4.1 **Boughton Monchelsea Parish Council** were consulted and objected to the proposal. Their comments are set out below:

4.1.1 'The Boughton Monchelsea Parish Council would like to see the above applications **REFUSED** because :

4.1.2 Adverse Effect on Open Countryside. The proposed development, both in scale and design, would be visually intrusive and harmful to the rural character and appearance of the countryside and cause visual harm to the character and appearance of Wierton Hill. It would be overly conspicuous and too intrusive to be absorbed without detriment in the rural setting. It would effectively double the size of the existing hamlet of Wierton. The very few new buildings which have been permitted within the parish to the south of Heath Road have been justified on agricultural or ecclesiastical grounds. No equivalent justification is shown to exist here. The development would be contrary to Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000, Policy C4 of the South East Plan 2009 and guidance within Planning Policy Statement 7.

4.1.3 To approve these applications would be inconsistent with the decision made on another recent and nearby planning application, namely MA/09/1335 Wierton Hall Farm, East Hall Hill. This application was refused and the subsequent appeal was dismissed. In the appeal, the inspector concluded the following :

- that permitting the proposed development would undermine policies that seek to protect the countryside
- that unacceptable harm would be caused to the character and appearance of the surrounding countryside
- that the proposed development would fail to preserve the setting of the existing listed building

4.1.4 Adverse Effect on Listed Buildings. The development both in scale and design would be visually intrusive and compromise the setting not only of the existing listed buildings within the development site but also of other nearby traditionally constructed buildings. In particular, the design of the 'wings' to the existing house, and the five 'enabling' houses are detrimental to the context of the listed buildings. Without in any way conceding that this scheme does preserve them, the preservation of the listed Victorian greenhouses would not justify the implementation of the remainder of the development. The development as a whole would be contrary to Policy B6 of the South East Plan.

4.1.5 Adverse Effect on Special Landscape Area and the Greensand Way. The development would be inappropriate within the Special Landscape Area of the

Greensand Ridge. It would be visible both from the internationally renowned Greensand Way, so as to affect adversely the enjoyment of those using it, and also from the Weald to the south. Inevitably, the development would be lit and would also be visible by night.

4.1.6 Adverse Effect on Highway Network. Access from the development site to the highway is poor. The development would generate a type of traffic entirely different in nature from that generated by the current permitted use and a vastly increased volume of traffic which the adjacent public highway and the network of lanes leading from this (mainly single track with passing places) could not safely accommodate.

4.1.7 Adverse Effect on Local Infrastructure. Local infrastructure in terms of water pressure, sewerage and drainage is already stretched. Local amenities cannot absorb further development on this scale, particularly the village primary school, which is over subscribed.

4.1.8 Other Matters:

- The development would require the removal of trees with Tree Preservation Orders (ref TPO number 9 of 1982, file reference 406/105/13).
- There is no quota of affordable housing within the proposed development.
- The Borough Council has not acted for many years on enforcement of the Victorian greenhouses. As detailed above, the preservation of the greenhouses does not justify the implementation of the remainder of the development.'

4.2 Neighbouring occupiers were notified and 22 letters of objection have been received (two letters being from the same objector + one from a planning consultant employed by local residents). The concerns raised within these letters are summarised below:

- The proposal would result in a significant level of traffic which would be to the detriment of the highway network and residential amenity of the neighbouring occupiers;
- The provision of a single access into and out of the site is unsafe;
- The proposal would result in more noise and disturbance, and smells by virtue of the increase in people living within the site;
- The proposal would have an unacceptable impact upon the setting of the listed building and conservation area;
- There are not sufficient car parking spaces;
- There is insufficient outside space for future residents;
- The proposal would result in an over-intensification of the site, and would not fit in with the historic pattern of development;
- There is insufficient water supply;

- What will happen with the sewerage?
- How will gas be supplied to these dwellings?
- The bat survey was not of sufficient standard;
- There was insufficient time to respond to the submission;
- The proposed dwellings would be unattractive and out of keeping with the surrounding area;
- It is not clear where the alternative access into the site would be;
- There should be art provision within the development;
- Previous applications have been declined at this site;
- The proposed materials are unacceptable;
- There would be a doubling of residential units within the hamlet of Wierton;
- The impact upon biodiversity has not been fully considered;
- Inspector's decisions elsewhere within the area have seen new dwellings refused;
- The conversion of the greenhouse would in fact be a new build;
- There are a lack of amenities for future occupiers within the area;
- The proposal would have a detrimental impact upon the setting of the Greensand Ridge;
- This would result in a significant precedent;
- The proposal would be contrary not only to ENV28, but also AH1, ENV34, ENV44, T3, T21 and T23 (not all of these remain in force);
- The proposal would undermine the Council's strategic objectives numbered 1, 2, 3, 5 and 6;
- The proposal would be contrary to policies CC1 and NRM5 of the South East Plan (2009);
- The proposal would be contrary to PPS1, PPS5, PPS7 and PPG13;
- The proposal would result in light pollution to existing residents;
- There would be an unacceptable loss of trees within the site;
- There is a lack of storage space within the development;
- The proposal would result in a loss of privacy to neighbouring occupiers;
- The proposal would impact upon the nearby Special Landscape Area;
- The premises has not been operating as a nightclub for a significant period of time, and as such, the application is misleading;
- The plans are not correct;
- There is poor telephone/internet connection within the locality;
- The business model put forward is out of date;
- There would be an unacceptable impact on an existing, and over-subscribed primary school;
- There is no 'planning gain' being offered as a result of this proposal;
- The proposal would result in an increase in crime in what is at present, a very safe area.

4.2.1 A petition has been received containing 1,200 signatures, objecting to this proposal (And to two other proposals) on the basis that it is development within the countryside.

4.3 CPRE Kent have objected to this proposal on the following grounds:

- It would result in additional dwellings within the countryside;
- There is local opposition to the scheme, which should be given weight;
- There are too many new dwellings within the development;
- The new dwellings would compromise the setting of the listed building;
- There is no management plan shown for the grounds.
- The site is unsustainable;
- The increase in traffic would be unacceptable;
- There is no provision for affordable housing within the development.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site is located within the open countryside, to the south of the village of Boughton Moncheslea. It is within land with no specific designation within the Maidstone Borough Wide Local Plan (2000). The site is accessed from Wierton Road by a tree lined private drive of some length (approximately 200m). The main house sits centrally within the application site with a small area of hardstanding to its front. The application site lies approximately 1km from the village of Boughton Monchelsea, which itself is approximately 3 miles from the centre of Maidstone.

5.1.2 As you enter the site, there are two undeveloped areas to the north and the south, one being fenced off, and the other appearing to be used as an overflow car park. These are separated from the main part of the site by two banks of trees that run from north to south.

5.1.3 The main part of the site currently contains a large property, constructed in approximately 1857 (although a property has been recorded at the site from circa 1760) that has a lawful use as a nightclub, and residential apartments. The property is Grade II listed. The property is constructed of red brick in Flemish bond with brick headers, sandstone dressing with a Kentish ragstone plinth to the rear. The property has a tiled roof, with large and relatively ornate chimney stacks, including four tall clustered stacks to the main part. The historical core of the building is two storey, although a three storey, and more recent addition (which currently contains flats) is attached at the western end.

5.1.4 Beyond this building (to the west) is a large detached garage block, which at the time of my site visit appeared to be used, in part, for car repairs. This garage

block was permitted and constructed in the late 20th Century, and is of no merit. It is however adjacent to a small 'garden store' which is of some merit, and is sought to be retained as part of this proposal.

- 5.1.5 Opposite this garage block is a walled garden which contains the listed glasshouses. These glasshouses are in a state of significant disrepair, however, the main frame remains, and some of the glass panels are intact. The glass houses have a brick plinth along the front, a central atrium, and two 'wings' that run to the east and the west of the atrium. This is a particularly interesting building, which is considered to be of significant merit – irrespective of its current condition.
- 5.1.6 The land to the rear of the glasshouses is in an unkempt state, seemingly being used for the storage of building materials, together with cars in varying states of disrepair. There are some containers within the site, as well as some brick/block constructions that do little to respond to the character of the glasshouses.
- 5.1.7 There is an open area of land to the rear of the property, which falls away quite significantly. To the west of this open land are the residential properties 'Barn House' and 'Weald Barn House'. 'Barn House' being the closest of the two properties, is a two storey dwelling constructed of ragstone.

5.2 Proposal

- 5.2.1 This is a full planning application for the change of use of the existing nightclub, to residential, the conversion of the glasshouses to residential, and the construction of new dwellings within the grounds of the listed building, together with enhancements to the landscaping within the site, and the rationalisation of the car parking arrangements.
- 5.2.2 The proposal for the change of use of the existing nightclub (which remains its lawful use) would be into one large property, which would contain five large bedrooms at first floor, living areas at ground floor and cinema/gym within the basement. Access to this property would be from the front of the site, within the existing access to the 'Polo Club'.
- 5.2.3 The existing flats, of which there are currently 11, would be remodelled, and provided with 6 flats. These would all be two bedroom units, with internal floor areas of between 98sqm and 122sqm. These flats would all be served off a new glazed central staircase which would sit between the more historic part of the house, and the more 'recent' three storey addition.
- 5.2.4 The current 'ballroom' at the eastern end of the listed building is proposed to be altered to facilitate the conversion into two dwellings. This work would see the

retention of the existing walls (aside from an element of the existing 'link' which would be narrowed), but with the inclusion of a lightweight, glazed first floor area, and terrace, that would be set in from these walls by approximately 1-3metres. These properties would contain three bedrooms at ground floor level, and living accommodation at first floor. Access into these properties would be created to the front (for plot 2) and from the eastern side (for plot 1). Because of the alterations proposed, a new window would be installed within the side elevation of the main house, upon its eastern elevation.

- 5.2.5 The proposal would also see the erection of five houses within the eastern end of the application site. Two would be located to the north of the access, and three to the south. The properties would be of a contemporary design, and of two storeys in height. The properties to the south of the access would be constructed of brick, render, and timber cladding, and would be provide with a sedum roof. Part of the building would overhang the access that would run to the western side of the proposed dwellings. These properties would all contain four bedrooms and be detached. A newly constructed brick wall would run along the western access road, providing a sense of enclosure.
- 5.2.6 The properties to the north of the access would be set within a courtyard arrangement. Again, these would be two storey properties, constructed of render, brick and timber cladding (and provided with a sedum roof). A brick wall is proposed to the road frontage, which would create a sense of enclosure to the front of these two properties. There would again, be overhanging elements that would project at first floor level, above this wall. Both of these properties would contain four bedrooms, and would be detached. Five car parking spaces are proposed to the front of these properties.
- 5.2.7 It is proposed to refurbish the existing greenhouses within the north western corner of the application site. This would include the refurbishment of the existing glass and steel structure, as well as new construction to their rear. In total, the conversion of these glasshouses would provide six additional dwellings, together with a communal space within the central glass house. The elements behind the (refurbished) glasshouses would be flat roof again, so as not to 'compete' with the form of the glass house, or to compromise the views through. These would be single storey, and timber clad to the rear. Again, these properties would be provided with a sedum roof. A private garden area, and parking space would also be provided to the rear of the properties, with access gained from an existing track that runs from north to south along the western side of the application site. To the front of these properties would be a private walled garden, that would allow for pedestrian access only. This wall is currently in situ, although may need some minor repair work to be undertaken.

- 5.2.8 It is proposed to remove the existing, and relatively unsightly garage block that is sited to the west of the main building. This would be replaced with contemporary, two storey flat roof development, that would consist of four terraced dwellings (and this would also see the retention of an attractive, single storey 'garden building' that forms part of the listing). This element would be seen in direct relation to the main building, and as such, is to be constructed at ground floor level of matching brickwork, with the first floor set back, and of a more lightweight, glazed construction. Again, a sedum roof would be provided, with a significant overhang. This building would sit back from the main frontage of the house, to appear as more subservient, and would project outwards from the rear.
- 5.2.9 It is proposed that the existing car parking areas to the front of the main building, and in front of the walled garden be rationalised, to ensure that suitable parking provision can be made within the site.
- 5.2.10 The applicants have agreed that the new properties would be constructed to a minimum of level 4 of the code for sustainable homes. In addition, it has been agreed that ecological enhancements will be incorporated within the development, such as the provision of swift bricks and bat boxes within suitable locations throughout the development.

5.3 Principle of Development

- 5.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The application site is located within the open countryside where there is a presumption against allowing new residential development, in the interests of sustainability, and impact upon the character and appearance of the countryside. To this effect, Maidstone Borough Wide Local Plan (2000) Policy ENV28 restricts development within the countryside to a small number of criteria. Residential development – without links to agriculture – does not constitute one of these uses.
- 5.3.2 Advice set out within the National Planning Policy Framework (herein referred to as the NPPF) states (Para. 47) that Councils should:
- 5.3.3 *'identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a*

realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.'

5.3.4 The NPPF provides a clear definition of 'deliverable'. This states:

5.3.5 *'To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.'*

5.3.6 The NPPF also refers to a Council's position when there is a lack of a 5 year supply:

5.3.7 'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.'

5.3.8 Of key importance in understanding whether Maidstone Borough Council currently has a five year supply of housing, is the target to which it is working. A very recent Court of Appeal case has clarified that it is not acceptable to use the Regional Spatial Strategy (South East Plan 2009) housing target for assessing a five year land supply. Housing requirements for the purposes of calculating a five year supply should be the full, objectively assessed needs figure for housing which is an unconstrained figure.

5.3.9 The NPPF requires that local authorities have a clear understanding of housing needs in their area, and as such they should prepare a Strategic Housing Market Assessment (SHMA) to assess their full needs; working with neighbouring authorities where housing market areas cross administrative boundaries. Maidstone are currently undertaking this process with Ashford Borough Council and Tonbridge and Malling Borough Council. This SHMA will identify the scale and mix of housing, together with the range of tenures that the local population is likely to need over the plan period which would meet household and population projections. It would also address the needs for all types of housing, including affordable housing, and would cater for housing demand and will identify the scale of housing required to meet this demand.

5.3.10 In addition to the SHMA, local planning authorities should also prepare a Strategic Housing Land Availability Assessment (SHLAA) which will establish realistic assumptions about the availability, suitability, and the likely economic viability of land to meet the identified need for housing over the plan period. This work is currently ongoing, but the early indications are that the housing need for the Borough over the plan period (which is likely to be from 2011-2031) will be

in the region of 19,600 units, which is a marked increase on the RSS figure of 11080 (2006 to 2026).

5.3.11 In April 2013 the Council had a 4.2 year land supply of housing when assessed against the need of 11,080. The supply of housing is likely to be lower than the 4.2 years given the draft SHMA figures and the requirement to use an unconstrained figure (it is estimated the land supply will be approximately 2 years). This lack of a five year supply is part of the justification for departing from the adopted local plan at this point in time – in order to address this shortfall.

5.3.12 Whilst the Council has a shortfall in housing provision, this does not make any site within the Borough acceptable for housing. Matters such as visual harm, sustainability and highway safety (amongst others) continue to be an important consideration for any proposal. As such, the Council has to still weight up the harm caused against the need demonstrated. In this instance the main issue is whether the overall benefits of bring back the listed structures into use, and the housing need, outweigh the relatively remote location of the application site – i.e. its sustainability. These matters are assessed in full within the report below.

5.4. Sustainability

5.4.1 The site is located within the open countryside, and positioned off a narrow country lane (Wierton Road) which is not provided with footpaths on either side. It is however, within a short drive of the local primary school, and shop. The recently constructed 'Cornwallis Academy' is also located within a relatively short journey from the application site. The site is not located upon a bus route (although these do run along Heath Road) and is not in close proximity to any railway station.

5.4.2 The walk to the village of Boughton Monchelsea would prove difficult of an evening, by virtue of the lack of lighting, and footpaths, but I am mindful that the site already has a lawful residential use, and as such, this issue already exists to a certain degree. The creation of additional dwellings does exacerbate this but not to the extent that I consider the development unacceptable.

5.4.3 I am also mindful that the site has a 'lawful' use as a nightclub, There would therefore be the potential for this to have a relatively intensive use at present, which needs to be borne in mind.

5.4.4 Nonetheless, the application site is not within a remote location, and I do not consider it to be so detached from local facilities that it would be possible to defend an argument of it being unsustainable.

5.5 Visual Impact/Architectural Quality

- 5.5.1 As the site lies within the open countryside, the grounds of a listed building, and with land to the south being identified as being of Special Landscape Importance (SLA) – although the application site falls completely outside of this designation. The site is served by a private drive, which has substantial tree planting on either side, restricting views into and out of it. Likewise, to the north of the site is a significant level of tree planting, which restricts views in. The existing building is prominent, being of two and three storey in height, and of a substantial scale. As such, it can be seen from the wider area, in particular from the south, where the land falls.
- 5.5.2 The existing Grade II property is of significant historical and architectural interest. Its setting must therefore be protected, and where possible enhanced through any development being proposed. This proposal does see the erection of a significant level of development around this building, including some alterations to it. A key consideration is therefore whether the proposal is sympathetic to the listed building and its setting.
- 5.5.3 In terms of the alterations to the main building itself, I consider that the proposal would ensure a high quality of design, in so far as the glazed section that would sit centrally would provide a contemporary and lightweight appearance to the structure. At present, it is my opinion that the relationship between the original structure, and the more modern does jar, with the materials, and the floor to ceiling heights, all at odds with the original building. This proposal would provide a division between the two elements that would enhance the appearance of the building as it would give a separation between the two elements, and would provide a cleaner 'break'. To my mind, this is to the benefit of the existing building.
- 5.5.4 The proposal includes alterations to the existing 'ball room' which would include a more substantial link to the main house. A significant level of discussion has taken place with regards to this element, as there was concern that this would prove overbearing on the main house. However, the plans as submitted are shown to utilise much of the existing structure, whilst creating a new point of access into the building. Subject to suitable materials being used, and a bond that matches the existing structures, I raise no objection to this addition.
- 5.5.5 The demolition of the existing garage block, and the erection of a row of terraced properties to the west of the main house (opposite the entrance to the greenhouses) would, I consider enhance the setting of this building. The existing garage is of a significant scale, and is to my mind overbearing in relation to the main house. Its loss, and replacement with a well designed row of residential properties would create more visual interest and would be of an articulated

design, that would respond positively to the appearance of the remainder of the development. The proposals would be low slung, and would be provided with a sedum roof which would provide an overhang of the first floor. This would provide a delicate feature, that would provide a suitable 'top' to the structure. The applicant is seeking to retain the hardstanding to the front, albeit, in a more formalised manner, which again I consider to respond to the setting of the building (I think that front gardens etc would appear as overly domestic in this setting, and it is important that these buildings remain subordinate in both appearance and function).

5.5.6 With regards to the proposed dwellings to the eastern side of the application site, these would be relatively detached from the main house. Nevertheless, careful consideration has been given to the design of these properties, to ensure that they appear as subordinate to the main building, and to not appear as overbearing as one enters the application site. The properties to the north of the access are designed in such a way as to create a small courtyard, albeit of a contemporary form. The provision of a brick wall, with overhanging elements, and contemporary glazing would result in a well proportioned, and subtle building at this point of access. The second of the two units would be set back from the road frontage, and would be of a similarly well designed appearance. Views of this property would however be limited, due to the wall constructed to the front. It is my opinion that neither of these buildings would have a negative impact upon the setting of the listed buildings, by virtue of their location, and their high standard of design.

5.5.7 It is my opinion that this would very much be the case with the properties located to the south of the access, at the eastern end of the application site. The buildings would have a similar 'low slung' design that would provide a horizontal emphasis, and which would also respond to the small change in land levels at this point – the land falls gently to the south. Views of these properties would be limited from outside of the application site due to the level of vegetation that is both within, and adjacent to the properties' boundaries. Again, I consider the architecture of these properties to be of a high standard, with the relatively simple form, punctuated by projecting and recessed elements, and a variety of materials.

5.5.8 With regards to the refurbishment of the glasshouses, to my mind, this is one of the major benefits of this planning application. The glasshouses are a particularly attractive, and relatively unusual feature within the grounds of this property, and form part of the list description. However, in recent years there has been serious neglect of this building, and as a result, they are now in a state of disrepair, and without a viable commercial use, would be likely to be lost should works not be undertaken within the short to medium term. That said; they remain listed, and as such, any works proposed should ensure that their form and elements of

architectural interest are retained. This proposal would see the form of the front elevations of the buildings retained, which and the unsightly rear elevations removed, and replaced with a more subordinate, and simple form. Whilst the character of the buildings would undoubtedly change, by virtue of the domestic paraphernalia both within and outside of the buildings, I do not consider that this would be so intrusive as to be to the detriment of their fabric, nor overall form.

5.5.9 Overall, I consider the conversion works proposed to be of a very high quality of design. The works that would take place to the listed buildings would, to my mind, enhance their appearance – particularly the greenhouses. In addition, the new build element, whilst contemporary in design, would very much compliment the existing buildings, whilst not competing with it. The site is well screened from long distance views, with much of the new development proposed within areas surrounded by tree cover. For these reasons, I do not consider that the proposal would cause any harm to the longer distance views into the application site. I therefore raise no objections on these grounds.

5.5 Residential Amenity

5.5.1 The application site is a significant distance away from any existing residential properties, and there is existing substantial boundary treatment, and landscape buffers. As such, I do not consider that the proposal would result in any significant overlooking or overshadowing of these properties.

5.5.2 The new properties that would be erected closest to the nearest existing property would not have any windows that would overlook this property, nor would there be any new boundary enclosures erected. As such, I do not consider that there would be any significant impact upon these residents in terms of overlooking, or the creation of a sense of enclosure.

5.5.3 The proposal would see an increase in traffic movements, however, these would be confined to the northern side of the application site, and would be bound by the buildings to the south. As such, I do not consider that there would be an unacceptable level of noise and disturbance generated by these proposals.

5.5.4 There would be an increase in lighting within the site, due to the addition, of new properties, and increased fenestration within the existing buildings. However, with the existing buildings already being of a substantial scale – and provided with large amounts of glazing, together with the existing lawful use of the site – that of nightclub – I do not consider that this proposal would result in an unacceptable level of light pollution, or disturbance to the existing neighbouring occupiers.

5.6 Highways

- 5.6.1 Kent County Council Highways Services have raised no objection to this proposal. The site is served by an existing access which would not be altered as a result of this proposal. This access road is relatively narrow, and speeds are restricted by the nature of its width, and also the speed bumps already in place. The access into and out of the site, on to Wierton Road has a low ragstone wall on either side, which provides for suitable visibility splays,
- 5.6.2 The lawful use of this site is for residential as well as a nightclub, and as such, it is not considered that the proposed use would generate a significant increase in traffic movements to the level that could be generated by this lawful use.
- 5.6.3 In terms of the level of parking within the site, this is considered to be sufficient for a development of this scale. In any event, should parking take place upon the internal access roads, as this is a no-through road, I do not consider that this would give rise to any highway safety concerns.

5.7 Landscaping

- 5.7.1 The proposal would not result in significant alterations to the landscaping within the application site. The majority of the existing trees are to be retained, in accordance with the submitted Lloyd Bore tree report. Of the trees that would be removed, it is proposed that replacement planting be provided. The landscaping masterplan proposes new tree planting, hedgerows, and herb gardens within the application site.
- 5.7.2 Within the area for the 'new development' the trees on each flank of the area are to be retained, maintaining a sense of enclosure. Any additional planting here would be restricted to individual garden areas. It is noted, that these areas are currently covered in hardstanding, and as such, the provision of such gardens would be an overall gain to the site.
- 5.7.3 A number of the new build properties would also be provided with sedum roofs, which would again benefit the scheme in terms of ecology.
- 5.7.4 I am therefore satisfied that the proposal would not have a detrimental impact upon the landscape of the locality, subject to the imposition of suitable conditions.

5.8 Other Matters

- 5.8.1 The proposed dwellings are designed to be constructed to a minimum of level 4 of the code for sustainable homes. I consider that this represents a high standard of design quality. Furthermore, due to the location of this development,

I consider that it is necessary for this proposal to achieve this standard as a minimum, to ensure that it is as sustainable as possible – with its location borne in mind.

- 5.8.2 The applicants have submitted a viability appraisal that demonstrates that the cost of this development would result in no contributions being made available for affordable housing provision, or for contributions towards other infrastructure. Whilst the provision of infrastructure is a strong material consideration for developments of this scale, to my mind, the overriding benefits of this development towards the enhancement of the listed building, and in particular the greenhouses, are considered justification from departing from this requirement. It is also noted that the overall increase in residential units would be 14.
- 5.8.3 Nonetheless, it is the viability report submitted that makes it apparent that the reconstruction of the greenhouses, to a high specification, together with the internal alterations to the main house would not allow for any contributions to be made for infrastructure. This assessment has been independently verified.
- 5.8.4 In terms of the impact upon ecology, a bat assessment has been submitted with the application, that concludes that whilst the proposal would result in the loss of potential habitat, being an existing garage, suitable mitigation could be provided on site. Should this be built prior to the loss of the existing garage, the proposal would not result in the loss of any significant habitat, although, it is requested that some additional enhancements be made to the landscaping that would enhance the habitat within the grounds of the building. Should these be implemented, then I raise no objections to the proposal on ecological grounds.

6. CONCLUSION

- 6.1 Whilst the application site lies within the open countryside, where new residential development is ordinarily resisted, due to the fact that the Council does not have a five year land supply, and because the proposal would have significant benefits in terms of enhancing both the setting of the listed house, and bringing the listed greenhouses back into good condition, I consider that there is justification for departing from the Development Plan.
- 6.2 The applicants have submitted a thorough application, that demonstrates that a very high standard of design would be achieved within the site, and this is, in part the justification for allowing such a development. This is not a site where 'standard' house types would be acceptable as 'enabling' development.

- 6.3 Careful consideration has been given to the quality of the architecture proposed, and I am of the opinion that these proposals would not result in any significant visual harm to the locality. Indeed, I consider that the proposal would result in an enhancement of the setting of the buildings due to the works to take place to the listed structures. This is a key consideration in the determination of the applications.
- 6.4 There are no highway objections to this proposal, and I do not consider that there would be any significant impact upon the amenity of the existing residents close to the application site.
- 6.5 The viability work that has been done demonstrates that there is no scope for the provision affordable housing, or contributions to be made. This information will be made available to Members on confidential papers at the end of this report.
- 6.6 It is for this reason that I recommend that these applications be approved, subject to the conditions as set out below.

7. RECOMMENDATION

APPROVE subject to the imposition of suitable safeguarding conditions:

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

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

2. The development shall not commence until details of foul and surface water drainage have been submitted to and approved by the local planning authority. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design features where possible. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution and flood prevention.

3. No development shall take place until the applicant has secured and had implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority;

Reason: To enable the recording of any items of historical or archaeological interest.

4. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation, of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded.

5. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted 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 high quality appearance to the development.

6. No development shall take place until details (in the form of large scale drawings as appropriate) have been submitted to and approved by the local planning authority in respect of the following;

Main House

- (i) Internal and external joinery (all windows to be timber)
- (ii) New plasterwork.
- (ii) Internal and external paint schemes.
- (iii) All works to existing, and proposals for new, fire surrounds.
- (iv) All services, including computer cabling and lift machinery.
- (v) Works of making good.
- (vi) Schedules of repair work and stone/brick-cleaning/replacement.

Outbuildings and works to the garden walls

- (i) Samples of materials, including sample panels of brickwork, stonework and re pointing.
- (ii) Internal and external joinery details at an appropriate scale (all windows to be timber).
- (iii) Window details at an appropriate scale.
- (iv) Repair schedules for the walls
- (v) Details of windows, eaves, ridges, doors and door surrounds, bands, plinth mouldings and quoins
- (vi) The details and design of any gates proposed.

The development shall thereafter be undertaken in accordance with the

subsequently approved details except as agreed in writing by the local planning authority.

Reason: To ensure the appearance and character of the building are maintained and to secure a high quality of new development within the site.

7. The details of materials submitted pursuant to condition 5 above shall include details of the surface treatment of all hardstandings, courtyards, pathways driveways and access ways within the site. The development shall thereafter be undertaken in accordance with the subsequently approved details except as agreed in writing by the local planning authority.

Reason; To ensure the appearance and character of the building and gardens are maintained.

8. No dwelling units within the grounds of Wierton Place hereby permitted shall be occupied until such time as the restoration works to the greenhouses have been completed to the satisfaction of the local planning authority and that such approval has been given in writing by the local planning authority.

Reason: To ensure the appearance and character of the listed building is preserved.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; 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 setting and external appearance to the development.

10. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. If any retained tree is removed, uprooted or destroyed or dies, a replacement tree shall be planted and that tree shall be of such size and species, and shall be planted at such time and in a position to be agreed with the Local Planning Authority, as may be specified in writing by the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

11. 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 1995 (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.

12. Prior to the commencement of the development, details of all fencing, walling and other boundary treatments including gates, together with any vehicle barriers to be erected within the site shall be 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 buildings or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and the character and setting of the listed building and surrounding parkland and to safeguard the enjoyment of their properties by existing and prospective occupiers.

13. The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

14. The development shall not commence until, details of the colour of the external finish of the buildings have been submitted to and approved in writing by the Local Planning Authority. The approved colour scheme shall be fully implemented before the first occupation of the buildings and thereafter maintained;

Reason: In the interests of visual amenity.

15. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and

approved in writing by the Local Planning Authority prior to the occupation of the development for its permitted use and the landscape management shall be carried out in accordance with the approved plan over the period specified;

Reason: To ensure satisfactory maintenance and management of the landscaped area.

16. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

17. The dwellings shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

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

18. The development shall not commence until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To prevent light pollution in the interests of the character and amenity of the area in general.

19. The development shall be carried out in accordance with the submitted ecological reports, with the mitigation proposed provided and thereafter maintained.

Reason: In the interests of providing suitable mitigation for ecology.

20. The open areas within the residential development site shall remain open and available for public access and no fences, gates or other means of enclosure shall be placed or erected to preclude access to these areas at any time without the prior approval of the Local Planning Authority.

Reason: In the interests of permeability throughout the site, and to maintain the character and appearance of the landscaped areas.

21. No external meter cupboards, vents, or flues shall be installed on any external elevation without the prior agreement in writing of the Local Planning Authority.

Reason: To secure a high standard of design.

22. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include:

- The retention of existing tree lines;
- The use of a range of natural flowering and berry bearing species of trees;
- Areas of grassland to be managed as rough grassland;
- The provision of bird and bat boxes within the development;
- Deadwood habitat piles.

together with indications of all existing trees and hedgerows on the land, and details of any to be retained, and measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: To secure a high quality development.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 and H and Part 2 Class A to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the property and the surrounding area, and in acknowledgement of the special circumstances of permitting this development.

Informatives set out below

The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at www.considerateconstructorsscheme.org.uk

No construction vehicles may arrive, depart, be loaded or unloaded within the general site, and plant and machinery shall not be operated, that would generate noise beyond the boundary of the site, except between the hours of 0800 hours and 1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays (and at no time on Sundays or Bank or Public Holidays).

Within any submitted landscape plan, full details of the retention of cordwood within the site shall be submitted.

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

The proposal, whilst a departure from the local plan, is considered to represent a well designed development that would provide housing within a reasonably sustainable location, and that would result in the significant enhancement of the existing listed buildings. This, together with the Council's current lack of a five year supply of housing, results in this departure from the Development Plan being considered acceptable.