

## REPORT SUMMARY

<b>REFERENCE NUMBER:</b> 23/505157/FULL		
<b>APPLICATION PROPOSAL:</b> Demolition of workshop to west and erection of detached 4 bedroom dwelling. Conversion of workshop to east to detached 2 bedroom bungalow with use of existing vehicular access on to Lower Road, provision of footway and associated parking and landscaping.		
<b>ADDRESS:</b> Farleigh Forge Garage Lower Road East Farleigh Maidstone Kent ME15 0JS		
<b>RECOMMENDATION:</b> GRANT PLANNING PERMISSION subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> East Farleigh Parish Council have requested for application to be considered by Planning Committee if officers are minded to recommend approval. This request is made for the reasons outlined in the consultation section below.		
<b>WARD:</b> Coxheath & Hunton	<b>PARISH:</b> East Farleigh	<b>APPLICANT:</b> Mr D. McAfee <b>AGENT:</b> Graham Simpkin Ltd
<b>CASE OFFICER:</b> Kate Altieri	<b>VALID DATE:</b> 16/11/23	<b>DECISION DUE:</b> 19/02/24
<b>ADVERTISED AS A DEPARTURE:</b> NO		

## RELEVANT PLANNING HISTORY

- 22/503292 – Pre-app (Planning & Conservation; July 2022): Demolition of western building and erection of dwelling; and conversion of building to bungalow - Officer advice: Subject to any future application demonstrating development accords with policy DM31, proposal could be supported.
- 21/502450 – Pre-app (June 2021): Demolition of western-most building and erection of 2 dwellings and conversion of remaining building to office – Officer advice: LPA is unlikely to support proposal as submitted layout would adversely harm character and appearance of area.

## MAIN REPORT

### 1.0 SITE DESCRIPTION

- 1.01 The application site, that falls within East Farleigh Conservation Area, relates to a previously developed parcel of land that is currently occupied by Farleigh Forge Garage, a vehicle repair business. There are two main workshop buildings on the site, with the larger building having a small office extension. The smaller building is built of Kentish ragstone with brick quoins, it has timber casement windows with brick surrounds and also a plain tiled roof. Although this building is not listed, it does make a positive contribution to the character of the conservation area and is of some historic and architectural interest. On this basis it can be considered as a non-designated heritage asset (NDHA).
- 1.02 The application site fronts onto Lower Road, with an access road running along the site's eastern boundary that leads up to Hartridge Farm (mobile home) Park. The property to the west of the site, known as The Limes, is Grade II listed; to the immediate north of the site is a property known as Langdale, with a property beyond known as Thatchers which is also Grade II listed. There are other listed buildings to the east of the site; there are a number of trees in proximity of the site's western boundary; and the site is dominated by buildings and hardstanding.
- 1.03 For the purposes of the adopted Local Plan the site is located in the countryside that falls within the Medway Valley Landscape of Local Value. The site is also within an area of archaeological potential, Flood Zone 1 and a KCC Minerals Safeguarding Area.

### 2.0 PROPOSAL

- 2.01 This proposal is described as: *Demolition of existing workshop to west and erection of 1(no) detached 4 bedroom dwelling. Conversion of existing workshop to east to 1(no) detached 2 bedroom bungalow with use of existing vehicular access on to Lower Road, provision of footway and associated parking and landscaping.*

2.02 The existing site is dominated by buildings, hardsurfacing and parked cars, as can be seen below:



2.03 For ease of reference, the submitted CGI below gives an impression of the proposal:



2.04 Other key points to highlight are:

- For new dwelling, London stock brick and plain clay tiles would be used; and there would be soldier coursing above windows and timber bargeboards.
- Both dwellings would have dark grey timber sash windows.
- There would be minimal alterations to the building to be converted, with Heritage sash windows and doors inserted in the existing window/door openings; and the Garage door will be replaced with full height window.

2.05 The table below compares some key details for the existing building to be demolished, compared to the new build dwelling:

	<b>BUILDING TO BE DEMOLISHED (APPROX.)</b>	<b>NEW BUILD DWELLING (APPROX.)</b>
<b>RIDGE HEIGHT</b>	7.1m	7.5m
<b>MAIN EAVES HEIGHT</b>	3.2m	5m
<b>FOOTPRINT</b>	111m <sup>2</sup>	111m <sup>2</sup>
<b>VOLUME</b>	543m <sup>3</sup>	723m <sup>3</sup>

2.06 The proposal largely reflects the scheme submitted under pre-app submission 22/503292.

### **POLICY & GUIDANCE**

- Local Plan (2017): SS1, SP17, SP18, SP19, DM1, DM2, DM3, DM4, DM5, DM6, DM8, DM12, DM21, DM23, DM30, DM31
- Landscape Character Assessment (2012 amended July 2013) & Capacity Study (2015)
- National Planning Policy Framework (2023) & National Planning Practice Guidance
- Paragraph 99 of Government Circular (ODPM 06/2005)
- Natural England Standing Advice
- Regulation 22 Local Plan
- The Planning (Listed Buildings and Conservations Areas) Act 1990
- There is no Appraisal nor Management Plan for East Farleigh Conservation Area.

### **Local Plan**

2.07 The application site is within the designated countryside and policy SP17 states that new development will not be permitted unless it accords with other policies in this Plan and it will not result in harm to the character and appearance of the area. Exceptionally, proposals for residential development on brownfield sites in rural areas will be considered where policy DM5 states:

*1. Proposals on PDL in Maidstone urban area, RSCs and larger villages that make effective and efficient use of land and which meet following criteria will be permitted:*

- i. Site is not of high environmental value; and*
- ii. Density of housing proposals reflects character and appearance of individual localities, and is consistent with policy DM12 unless there are justifiable planning reasons for change in density.*

*2. Exceptionally, residential redevelopment of brownfield sites in countryside...and which meet above criteria will be permitted provided redevelopment will also result in a significant environmental improvement and site is, or can reasonably be made, accessible by sustainable modes to urban area, a RSC or larger village.*

2.08 Policy DM31 also relates to the conversion of existing rural buildings. Both of these policies have their own criteria for a development to adhere to, and these policies will be discussed in more detail further on in the report.

2.09 Furthermore, policies seek for new development in the countryside to (inter alia): Respect the amenity local residents; to be acceptable in highway safety, heritage and arboricultural terms; to protect and enhance any on-site biodiversity features where appropriate, or provide sufficient mitigation measures; and to be acceptable in flood risk terms. The distinctive landscape character of Landscapes of Local Value should also be conserved and enhanced.

### **Landscape Character Assessment**

2.10 The Maidstone Landscape Character Assessment identifies the site as falling within Farleigh Greensand Fruitbelt (Area 27-2: East Farleigh Slopes). The landscape guidelines for this area are to 'CONSERVE AND IMPROVE' and a summary of actions are as follows:

- *Consider generic guidelines for Greensand Orchards and Mixed Farmlands*
- *Retain views across River Medway Valley to north*
- *Conserve rural setting of East Farleigh Conservation Area*
- *Encourage building styles/materials sensitive to, and do not detract from, historic core of East Farleigh*
- *Improve boundary methods through promoting shelterbelts and ragstone walling*

2.11 Within the Council's Landscape Capacity Study: Sensitivity Assessment (Jan 2015), the overall landscape sensitivity of Farleigh Greensand Fruitbelt Landscape Character Area is *HIGH*.

### **NPPF**

2.12 The NPPF is clear that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve; and that planning decisions should ensure that developments in summary (para 135):

- a) will function well and add to overall quality of area, not just for short term but over lifetime of development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including surrounding built environment and landscape setting;*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise potential of site to accommodate & sustain appropriate amount and mix of development (inc. green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with high standard of amenity for existing/future users.*

2.13 Paragraph 180 of the NPPF also states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. Section 16 sets out what should be considered in terms of conserving and enhancing the historic environment.

### **Regulation 22 Local Plan**

- 2.14 The Council's Regulation 22 Local Plan, whilst a material planning consideration, at this time apportioned moderate weight. Here is a list of some of the emerging policies that are considered relevant to this proposal: LPRSS1 (Spatial strategy); LPRSP7 (Larger villages); LPRSP7(A) East Farleigh); LPRS9 (Development in countryside); LPRSP10(A) (Housing mix); LPRSP12 (Sustainable transport); LPRSP14 (Environment); LPRSP14(A) (Natural environment); LPRSP14(B) (Historic environment); LPRSP15 (Design); LPRHOU1 (Development on Brownfield Land); LPRHOU1 (Development on Brownfield Land); LPRHOU5 (Density); LPRTRA4 (Parking); LPRENV1 (Historic environment); LPRQ&D1 (Sustainable design); LPRQ&D2 (External lighting); LPRQ&D4 (Design principles in countryside); LPRQ&D5 (Conversion of rural buildings); LPRQ&D6 (Technical standards); LPRQ&D7 (Private amenity space standards).
- 2.15 It is noted within the emerging Local Plan that the proposal site is within the defined village boundary of East Farleigh and policy LPRSP7 accepts the principle of such development being proposed, subject to certain criteria.

### **Five year housing land supply**

- 2.16 The Council's position is that it can demonstrate more than a 5yr housing land supply.

## **3.0 LOCAL REPRESENTATIONS**

- 3.01 **Local residents:** 7 representations received raising concerns over: Residential amenity, including loss of light and privacy; highway safety/parking provision; unsure what will happen to post box on site; impact upon character and appearance of area; heritage impact; development is cramped and not suitable in design terms; and potential property damage risk.

## **4.0 CONSULTATION RESPONSES**

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

- 4.01 **East Farleigh Parish Council:** Wish to see application refused and reported to Planning Committee if officers are minded to recommend approval. Their comments are summarised below:

*Object on grounds of loss of privacy and light to neighbouring properties; over shadowing of neighbouring properties; impact on access to side road for 60/70 properties including Hartridge Farm Residential Park; and design is not in keeping with conservation area and new building will be out of character. Parish seek assurances that any building design approved will use local brick and tiles that will complement the conservation area.*

- 4.02 **MBC Tree Officer:** Raises no objection (see main report).
- 4.03 **MBC Conservation Officer:** Raises no objection in heritage terms (see main report).
- 4.04 **MBC Environmental Protection Team:** Raises no objection (see main report).
- 4.05 **KCC Highways:** Raises no objection (see main report).
- 4.06 **KCC Archaeological Officer:** Raises no objection (see main report).
- 4.07 **KCC Minerals Safeguarding Officer:** Raise no objection.

## **5.0 MAIN ISSUES**

- 5.01 The loss of this small employment use, that is not within an Economic Development Area (as defined within the Local Plan), is not objectionable. There are effectively two main policy considerations related to this proposal. Firstly, the conversion of the existing building to a dwelling shall be largely assessed against Local Plan policy DM31; and the demolition of the larger building, with it to be replaced by a new dwelling, shall largely be considered under Local Plan policy DM5. The report will then go on to assess all other planning considerations.

5.02 On this basis, the key issues for consideration relate to:

- Assessment of building conversion against Local Plan policy DM31;
- Assessment of new dwelling against Local Plan policy DM5;
- Highway safety;
- Residential amenity;
- Arboricultural implications; and
- Other planning matters.

5.03 The details of the submission will now be considered.

### **Assessment against policy DM31**

5.04 It is not necessary to consider the location of the site, in sustainability terms, as Local Plan policy DM31 is an exception policy that allows for the re-use and adaptation of existing rural buildings subject to certain criteria. Please note that Part 2 of policy DM31 is not relevant to this assessment. So, within the designated countryside, proposals for the re-use and adaptation of existing rural buildings which meet the following criteria will be permitted:

**PART 1(i):** *Building is of form, bulk, scale, design which takes account of & reinforces landscape character*

5.05 The building to be converted is built of Kentish ragstone with brick quoins, it has timber casement windows with brick surrounds and also has a plain tiled roof. Although this building is not listed, it does make a positive contribution to the character of the conservation area and is of some historic and architectural interest. On this basis it can be considered as a non-designated heritage asset (NDHA), as agreed by the Council's Conservation Officer. On this basis, it is considered that the building is of form, bulk, scale, design which takes account of and reinforces landscape character. There is a significant set back from the public highway which reduces its apparent scale further.

**PART 1(ii):** *Building is of permanent, substantial & sound construction & capable of conversion without major or complete reconstruction*

5.06 The main external changes to the building relate to fenestration alterations and these works are not considered to represent major or complete reconstruction. With this considered and after a site visit and reviewing the submission details, there is also no reason to believe that the building is not of permanent, substantial and sound construction.

**PART 1(iii):** *Alterations in keeping with landscape & building character in terms of materials, design & form*

5.07 As established above (PART 1[i]), it is considered that the building is of a form, bulk, scale, and design which takes account of and reinforces landscape character.

5.08 The Council's Conservation Officer has also made the following comments in terms of the proposed conversion's impact upon the building's character and upon the character and setting of surrounding heritage assets:

*Reuse of workshop is welcomed given it is a NDHA. Alterations include replacement of existing doors with casement windows and infilling with ragstone. Existing door openings are of no architectural interest and providing new windows are timber framed with either single or slimline double glazing I do not object to this. It will be necessary to add conditions to cover joinery details and materials. Proposed reuse of NDHA would result in some alterations but these are sympathetic and would not result in significant harm to its character.*

5.09 Furthermore, the boundary treatment for the private garden will be a ragstone wall, in keeping with the converted building and the wall on the opposite side of the access road. So whilst the loss of some public views of the building would be unfortunate, this would only be for a short distance and the high quality finish to the garden boundary wall would ensure the scheme would still positively integrate with the historic character of the area. With everything considered, the view is taken that the proposed alterations would be in keeping with landscape and building character in terms of materials, design and form.

**PART 1(iv):** *Sufficient room in curtilage to park vehicles without detriment to visual amenity of countryside*

- 5.10 The submission provides sufficient room within the curtilage of the site to park cars; and as set out above, the proposal would see a significant reduction in the amount of hardstanding on the site, with the tarmac also being replaced with a more appropriate surfacing. On this basis, it is considered that there is sufficient room within the curtilage of the building to park vehicles without detriment to the visual amenity of the countryside.

**PART 1(v):** *No associated hard boundary treatments would harm landscape character & visual amenity*

- 5.11 As set out above, the proposed walling for the converted building would positively integrate with the historic character of the area; and a condition will be imposed to remove permitted development rights for any new hard boundary treatments. On this basis, there is no objection to the proposal in this respect.

**Subsequent to this, proposals for re-use and adaptation of rural buildings for residential purposes will not be permitted unless following additional criteria is met:**

**PART 3(i):** *Every reasonable attempt has been made to secure suitable business re-use for building*

- 5.12 The submission is accompanied by a letter from Sibley Pares (Chartered surveyors and estate agents), giving their opinion into potential alternative uses of the proposal site. In summary, the following views have been given:

*Existing Use/Alternative Uses*

*Property has been used for many years as vehicle workshop servicing local area for servicing, MOTs and tyres. In terms of alternative use options, property could potentially be an office but significant external/internal alterations would be required to add more windows, remove shutter doors, complete internal reconfiguration and fit-out to bring up to modern office standard. There is also limited demand for office space in current market with many businesses opting to close/reduce traditional offices with more flexible home working arrangements.*

*In terms of other options, it would require significant expenditure which would not necessarily be reflected in its end use value (GDV). There is also likely to be inadequate car parking provision for any leisure type operations especially as there is no additional car parking provisions in the area to supplement this. I am not aware of any other alternative uses outside of existing industrial/workshop type operations that would be viable largely due to high conversion costs which after you have added building/site value to refurbishment costs would make redevelopment/repurposing of buildings unviable. To my mind only cost viable alternative option would be either conversion/redevelopment of site to residential, as that will provide a higher gross development value once the property is completed, which justifies high cost of conversion to that type of use.*

- 5.13 The submission also sets out the following (in summary):

*Current owners are retiring but new rules in car industry mean that when a new director or change of ownership occurs, workshops must be upgraded to current requirements, which will cost tens of thousands of pounds making continuation of garage use an unviable business proposition due to its relatively small size.*

- 5.14 Whilst there are no marketing details to support the application, it would appear unlikely that a future suitable business re-use for the site could be secured, given the likely financial costs to upgrade the site along with the site's location and constraints, in terms of size and parking provision and site. On this basis, it is considered that every reasonable attempt has been made to secure a suitable business re-use for building.

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

- 5.15 Whilst the building is not listed, as set out above, it is considered to be a NDHA that positively contributes to the character of the area that falls within a conservation area. The proposal is therefore seen to accord with this criteria.

**PART 3(iii):** *There is sufficient land to provide reasonable level of outdoor space for occupants, and outdoor space provided is in harmony with character of its setting*

- 5.16 As can be seen on the approved plans, the submission would provide a reasonable level of outdoor amenity space; the proposal, as set out above, would be acceptable in heritage terms; it would provide an overall environmental improvement (including new appropriate hard boundary treatment); and the new garden area would be seen in the context of existing surrounding gardens. On this basis, it is considered that the proposal would be in harmony with the character of the land's setting in this respect.

### **Assessment against policy DM5**

- 5.17 The application site is within countryside and in accordance with Local Plan policy DM5, it needs to be assessed whether or not the density of the proposal would reflect the character and appearance of the locality, and whether or not it would result in a significant environmental improvement. The site's location will also be addressed.
- 5.18 The application site is found within a prominent location within East Farleigh Conservation Area, albeit that public views would be very much at short range; the smaller (ragstone) workshop building is considered to be a NDHA; and there are listed properties in the locality of the site.
- 5.19 In terms of the pattern and grain of development in the locality, the proposal would create two residential plots that would not appear so out of keeping with the area, given that the plot sizes of surrounding neighbours noticeably varies; and the proposed domestic arrangement, with the welcomed replacement of the largest workshop building that makes a neutral contribution to the character of conservation area, and the retention of the NDHA, would not appear incongruous when the immediate surrounding area is predominantly characterised by residential properties of differing scale, design and age. Furthermore, whilst the proposal would retain a building presence onto Lower Road, it would also retain a set-back of built form from the road; and the new build plot would retain a sense of space around the dwelling, where it would sit comfortably within the middle of the plot. Each dwelling would have reasonably sized private garden and front garden areas, helping to further achieve a sense of space on the site; and the proposal would significantly reduce the level of hardstanding on the site and in part improve the quality of the hardsurfacing, through the removal of tarmac. On this basis, it is considered that the general scale of the proposal would not appear unacceptably out of keeping with that of existing surrounding development; and the view is taken that the proposed layout would not be cramped and nor would it represent overdevelopment of the site.
- 5.20 It is acknowledged that the new dwelling would be larger than the workshop building it would replace. However, the proposed ridge height is not significantly different to the existing workshop; the footprint of the two buildings is largely the same; the increase in the volume of building would be a modest 33% (approximately); the dwelling would be of a traditional design, with architectural details such as catslide roof elements, sash timber windows, brick soldier coursing above windows, brick plinth, chimney, and timber bargeboards; and high quality external materials would be used. In terms of appearance, the conversion of the NDHA is acceptable (with minor external works necessary); and the new dwelling would positively reflect the high quality local vernacular of materials. It is noted here that existing properties in the locality of the site do vary in terms of scale, design and age; and there is a mixture of external finishes such as yellow and red brick; ragstone; white weatherboarding, render; tile hanging, concrete and clay roof tiles, and thatched roofing. Furthermore, although the new dwelling would be set closer to the road than the existing building (by some 4m), the proposed layout would still allow for an open frontage with the dwelling being set back more than 5m from the road. It is also noted that existing properties in the locality are sited close to the road. For example, the properties immediately opposite the site (Hopelands Cottage and Coalbrookdale) immediately abut onto Lower Road; and the main building for The Limes to the west of the site, is only set back from Lower Road by some 4m. With this all considered, the view is taken that the increase in built form and the design approach would not be out of keeping within its countryside and conservation area setting.

5.21 To further ensure the quality of the development, conditions will be imposed to secure the proposed external materials and hard boundary treatments; and conditions will be imposed to seek hardsurfacing details, to control external lighting, and to remove permitted development rights for property extensions and future hard boundary treatments. The submission does include a landscaping scheme, however, it is thought that this could be improved further by including mixed native hedging to the front of the site and so a condition is recommended to seek more details in this respect. This would be seen as an environmental improvement when compared to the existing situation of tarmac and parked cars all along the front of the site.

5.22 In heritage terms, the Council's Conservation Officer has also taken the view that the proposed development would not cause any harm to the significance or setting of the conservation area; the onsite NDHA to be converted; and any listed building, subject to securing external joinery details. In summary, they have commented:

*Reuse of workshop: This is welcomed given it is a NDHA. Alterations include replacement of existing doors with casement windows and infilling with ragstone. Existing door openings are of no architectural interest and providing new windows are timber framed with either single or slimline double glazing I do not object to this. It will be necessary to add conditions to cover joinery details and materials. Proposed reuse of NDHA would result in some alterations but these are sympathetic and would not result in significant harm to its character.*

*Erection of detached dwelling: Although neighbouring workshop contributes to special character of conservation area, rest of site makes a neutral contribution. Nevertheless, increase in size over existing building will have some impact. Overall scale in terms of height and bulk has been reduced from original proposal and architectural details such as sash windows would add to its traditional appearance. Dwelling appears to be of traditional materials and design and would not look out of place in conservation area nor detract from character of conservation area. Due to substantial distance between new building and Thatcher's and The Limes, it's unlikely to harm setting of these listed buildings.*

5.23 On this basis, it is accepted that the proposal would cause no harm to any heritage asset within the vicinity of the site and as such, no objections are raised on heritage grounds.

5.24 The last part of policy DM5 states: *...and site is, or can reasonably be made, accessible by sustainable modes to urban area, a RSC or larger village.* The proposal site is in the proximity of bus stops on Lower Road (accessible by pavement), and East Farleigh train station is less than 1km from the site. It is also possible to make provision for other sustainable travel modes, such as imposing a suitable condition to secure the provision of secure bicycle storage; electric vehicles charging points for each dwelling are likely to be required under Building Regulations; and it is also noted that working from home is becoming more practical and there is scope within each property to provide a work station.

5.25 In applying DM5, the supporting text also refers to a comparison between existing and proposed uses in terms of traffic movements. The submitted Transport Technical Note sets out (inter alia):

*- For TRICS database, derived trip rate data suggests traffic flows would be circa 5-10 vehicle movements during network peak hours (with up to 18 vehicles during inter-peak periods) and circa 96 movements over a typical weekday. For proposed dwellings, they would likely generate a total of just 12 vehicular movements over a typical weekday, with 1-2 vehicle movements taking place during both morning and evening peak hours.*

5.26 It is clear that even with some leeway either side, the proposal would result in noticeably less vehicle movements to and from the site when compared to the existing use as a vehicle repair garage; and this should be seen as more environmental uplift. On this basis, the view is taken that the site is not in a wholly unsustainable location, in terms of reliance on the use of the private car for their day to day living, and the proposal would accord with this part of the policy.

5.27 In conclusion, it is considered that the proposal would result in a significant environmental improvement when compared to the current situation given: The retention of a NDHA and the design approach taken to its conversion (as discussed in detail under policy DM31 assessment); the significant reduction in tarmac and the introduction of new planting and biodiversity enhancements; the acceptable scale, design and appearance of the new dwelling that would replace an unremarkable building; the use of high quality materials; the reduction in the number of vehicle movements to and from the site; and the removal of a use that is more likely to harm the living conditions of local residents in terms of general noise and disturbance.

- 5.28 Overall, the development would not therefore harmfully impact the important qualities of the Medway Valley Landscape of Local Value but instead conserve and enhance its distinctive landscape character; and nor would it harm the key characteristics of the Farleigh Greensand Fruitbelt, defined within the Council's Landscape Character Assessment, whilst according with this area's 'summary of actions' (as set out above). On this basis, the proposal would be seen to positively integrate with the surrounding area and would not cause unacceptable harm to the character and appearance of the countryside hereabouts, in accordance with Local Plan policies SP17, SP18, DM1, DM4, DM5 and DM30; and the aims of the NPPF.

### **CONTINUED APPRAISAL**

- 5.29 Other relevant planning matters not specifically addressed in the assessment above will now be considered.

#### **Highway safety**

- 5.30 Paragraph 115 of the revised NPPF states: *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*
- 5.31 The submission is accompanied by a Transport Technical Note. The Highways Authority have reviewed the submission and have commented as follows (in summary):

*Each dwelling will have its own vehicle access from Lower Rd. Lower Rd has posted speeds of 30mph. Proposal offers access to public transport, as bus stops are in walking distance from site. Each dwelling offers 2 parking bays in accordance with Kent Design Guide Interim Guidance Note 3. Site will not generate significant levels of traffic onto highway network. Refuse will be collected at roadside, and swept path diagrams demonstrates sufficient space for vehicles to enter, turn, and egress onto highway in forward gear from each dwelling. Consequently no objection is raised provided following requirements are secured by condition:*

- *Provision and permanent retention of vehicle parking spaces and garages prior to use of site commencing.*
- *Provision of measures to prevent the discharge of surface water onto the highway.*
- *Provision and permanent retention of cycle parking facilities prior to use of site commencing.*
- *Provision and permanent retention of the electric vehicle charging points.*

- 5.32 KCC have also made no specific objection in terms of visibility splays; the onsite parking provision is not objectionable; and the refuse storage and collection approach is also not objectionable and likely to be a similar arrangement as other existing properties in the locality. A condition requiring the permanent retention of the shown parking/turning areas and bicycle storage would be secured by way of appropriate conditions, but the issues of surface water discharge onto the highway and electric vehicle charging points are not considered necessary to make the application acceptable in planning terms. It should also be noted that whilst vehicles coming and going from the residential park and the dwellings behind the site have benefited from driving over part of the site, this land is privately owned, and there is no obligation for the site owners to retain this arrangement. With everything considered, the development would not therefore have a severe impact on the road network and would not have an unacceptable impact in highway safety terms.

#### **Residential amenity**

##### **Future occupants**

- 5.33 Given the site's location, the main concern would be in terms of noise from the road. The submission is accompanied by a Noise Assessment and the Council's Environmental Protection Team have commented as follows (in summary):

*Site is in semi-rural area, but traffic noise from fairly busy adjacent road is potentially significant. A Noise Assessment concludes mitigation measures should be included in order to protect future residents of proposal from dominant noise sources (traffic). Mitigation measures should include use of appropriate windows/glazed coupled with trickle ventilation.*

- 5.34 On the basis of this specialist advice, it is accepted that it is possible to suitably mitigate against traffic noise and a condition will be imposed to seek further details of this mitigation, in the interests of residential amenity. The Noise Assessment also concludes that the proposal is acceptable in terms of noise levels to outdoor amenity areas.
- 5.35 Further to this, it is considered that both plots would provide acceptable living conditions for future occupants in terms of privacy, outlook and light (internally and externally); and there is also an element of buyer beware here, as the properties are yet to be built. The dwellings would also adhere to the Government's national space standards; and it appears that the new gardens would generally adhere to the private open space standards set out within emerging policy LPRQ&D7.

#### Langdale

- 5.36 Given the set back of the proposed dwelling from the shared boundary with Langdale (by some 5m or more), it is considered that the proposal would not have an unacceptable impact upon this neighbour when they are trying to enjoy their own property in terms of outlook, light and being overbearing. It is also noted that the proposal would move built form further away from the southern boundary of this neighbour. In terms of privacy, the only first floor opening directly facing this property's private garden would serve a bathroom and can be conditioned to be obscure glazed and fixed shut (except of a high fan light). No other first floor openings would directly overlook this building or its private outdoor space. Appropriate boundary treatments can safeguard privacy at ground floor level; and the existing building to be converted will not be altered in any way to cause unacceptable harm to the living conditions of this neighbour.

#### The Limes

- 5.37 This neighbouring property is more than 21m from the shared boundary with the application site. Given this separation distance, the proposal would not have an unacceptable impact upon this neighbour when they are trying to enjoy their own property in terms of privacy, outlook, light and being overbearing. The proposal would also not harmfully overlook the immediate private outdoor amenity space of this property. The existing boundary fencing and planting also provides further screening of the development.

#### General noise and disturbance

- 5.38 Relevant to all neighbouring properties, the replacement of a vehicle repair garage with a residential use should improve the living environment in terms of general noise and disturbance (including vehicle movements to and from the site).

#### Other residents

- 5.39 Given the scale and nature of the proposal, together with the separation distances involved, no other neighbour (when trying to enjoy their own property both internally and externally), would be adversely impacted upon as a result of this proposal.
- 5.40 With everything considered, the proposal would therefore be acceptable in residential amenity terms, in accordance with Local Plan policy DM1 and the aims of the NPPF.

### **Arboricultural implications**

- 5.41 The submission is accompanied by an amended Arboricultural Report. The Council's Landscape Officer has reviewed the submission and has raised no objection provided that the development is carried out in accordance with this Arboricultural Report. It is considered reasonable to secure this by way of condition to safeguard the longevity of existing trees to be retained and subsequently to ensure a high quality appearance to the development that is within East Farleigh Conservation Area and within the proximity of listed buildings. On the basis of this specialist advice, there are considered to be no reasonable grounds to refuse the application from an arboricultural perspective.

### **Other planning matters**

- 5.42 Given the current use/condition of the site and buildings, it is accepted that there is unlikely to be sufficient ecological interest on the site to warrant further information at this stage. Notwithstanding this, one of the principles of the NPPF is that (para 186): *Opportunities to improve biodiversity in and around developments should be integrated as part of their design.* With this considered, and if the application were to be approved, a suitable condition would be imposed requesting details of

biodiversity enhancements on the site, including details of enhancements through integrated methods into the design and fabric of the building and landscaping. It is noted that the submitted plans show the installation of bat tubes; swift bricks and bee bricks. There is no biodiversity habitat on the site and so it is not possible to provide a biodiversity net gain.

- 5.43 The KCC Archaeological Officer confirms that the site is located on the site of a former 19<sup>th</sup> century or earlier smithy with an associated residential building; and that there are indications of post medieval community, with a number of post medieval designated buildings nearby and to the north Thatchers (probably 2 early 16<sup>th</sup> century cottages). In view of this archaeological potential, KCC have recommended a pre-commencement condition for archaeological field evaluation works; further archaeological investigation, recording and reporting; and a programme of post excavation assessment and publication. To ensure features of archaeological interest are properly examined, recorded, reported and disseminated, this condition is considered reasonable. The agent has agreed to this condition.
- 5.44 The Council's Environmental Protection Team has raised no objection to the proposal in terms of: Amenity; air quality; land contamination; asbestos; radon; lighting; odour; accumulations; sewage; and private water supplies. This is subject to a pre-commencement land contamination condition, given the historical use of the site as a commercial garage and given the information from the contaminated land and historic maps databases where there is an indication of land contamination. It is also noted that a Meadow Environmental Consulting Phase 1 report has been submitted in support of the current application and this concludes that from the investigations carried out for this desk study it is possible/likely that the site has been impacted to unacceptable levels for residential uses from its former uses and to a lesser extent, its current uses. It will therefore be necessary to carry out a phase II intrusive investigation of the site and a contaminated land condition should be attached to any permission granted. The agent has agreed to this condition.
- 5.45 The submission states that surface water will be disposed of via soakaway, and this is considered acceptable and no further details are required on this matter. The method of disposing foul sewage is unknown and such details could be secured by way of condition if the application were to be approved.
- 5.46 If the application were to be approved and in accordance with Local Plan policy and in the interests of sustainability, a suitable condition would be imposed for the use of renewable energies, and it is noted that the submission states that each dwelling would have air source heat pumps installed; external lighting can be controlled by way of condition; and the requirement for electric vehicle charging points is dealt with under building regulations. The KCC Minerals Safeguarding Officer confirms they have no minerals or waste management capacity safeguarding objections or comments to make regarding this proposal.
- 5.47 The issues raised by East Farleigh Parish Council and local residents have been considered in the assessment of this application. Please note here that property damage risk at the construction phase and the potential loss of a post box are not planning considerations. This said, the agent has confirmed that the post box is to be retained (albeit likely to be relocated on the site). Due regard has also been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010; and it is considered that the development would not undermine the objectives of the Duty. The development is CIL liable. The Council adopted a Community Infrastructure Levy in October 2017 and began charging on all CIL liable applications approved on and from 1<sup>st</sup> 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 if planning permission is granted or shortly after.

## **6.0 CONCLUSION**

- 6.01 For the reasons set out above, the proposal would accord with Local Plan policies DM5 and DM31, and all other relevant Local Plan policies and the aims of the NPPF; and it would be acceptable in all other planning respects. On this basis, a recommendation of approval is made.

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

**CONDITIONS:**

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

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

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

- BDS-FF-P01; BDS-FF-P02; BDS-FF-P03; BDS-FF-P04 Rev A (black and white proposed site plan); BDS-FF-P04 Rev A (colour proposed site plan); BDS-FF-P05 Rev A (black and white plan); BDS-FF-P05 Rev A (colour plan); BDS-FF-P06; BDS-FF-P07; and BDS-FF-P08.
- Planning Statement (dated Nov 2023);
- Design and Access Statement (dated Sept 2023);
- Transport Technical Note (By Crosby Transport Planning, dated: Sept 2023), including plan references: P22131 TRK01(1) and P22131 TRK01(2);
- Arboricultural Report (by GRS Ltd, dated: Jan 2024, Ref: GRS.132.22 Rev A), including plan reference: 'Arboricultural Integration Report Rev A: Proposed Site Plan';
- Heritage Statement (dated: Nov 2023);
- Archaeological Desk-Based Assessment (by Swale & Thames Survey Company, Aug 2023); and
- Phase I Environmental Assessment – Desk Study and Walkover Survey (LCRM Stage 1 Tier 1 Risk Assessment) (by Meadow Environmental Consulting, dated: June 2022).

Reason: To clarify which plans have been approved and in the interests of proper planning.

3. Prior to the commencement of development the applicant, or their agents or successors in title, will secure:

- (i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- (ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority; and
- (iii) programme of post excavation assessment and publication.

Reason: To ensure features of archaeological interest are properly examined, recorded, reported and disseminated.

4. The development hereby permitted shall not commence until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- (i) A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
- (ii) A site investigation, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (iii) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (ii). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and

identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall thereafter be implemented as approved.

Reason: In the interests of public health.

5. Prior to the first use of the development hereby permitted, a Land Contamination Closure Report shall be submitted to and approved in writing by the local planning authority that shall include full verification details as set out in the approved Remediation Method Statement. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean and the scheme shall thereafter be implemented as approved.

Reason: In the interests of public health.

6. Prior to the commencement of the development above damp-proof course level, details of a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and longterm management, which shall be for a minimum of 10 years, shall be submitted to and approved in writing by the local planning authority. The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment (2012) and shall include:

- (i) A planting schedule for application site (including location, planting species, amounts and sizes);
- (ii) 100% mixed native hedgerow planting along front (roadside) boundaries of both dwellings; and
- (iii) Details of porous hard surfacing for parking and turning areas.

Only non-plastic plant guards shall be used and the implementation and longterm management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details.

Reason: To ensure a high quality appearance to the development that is within East Farleigh Conservation Area and within the proximity of listed buildings.

7. The approved landscaping associated with the individual dwellings shall be in place at the end of the first planting and seeding season following completion of the relevant individual dwelling. Any other communal, shared or street landscaping shall be in place at the end of the first planting and seeding season following completion of the final unit. Any trees or plants, which, until a period of 10 years from the completion of the development has passed die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of same size and species.

Reason: To ensure a high quality appearance to the development that is within East Farleigh Conservation Area and within the proximity of listed buildings.

8. In accordance with the submitted details hereby approved and prior to the commencement of the new dwelling above damp-proof course level, written details of the materials to be used in the construction of the external finishes of this building shall be submitted to and approved in writing by the local planning authority. These details shall be:

- (i) London stock brick, with soldier coursing above windows;
- (ii) Plain clay roof tiling;
- (iii) Ragstone plinths; and
- (iv) Timber bargeboards.

The approved dwelling shall be constructed using the approved materials and shall be maintained as such thereafter.

Reason: To ensure a high quality appearance to the development that is within East Farleigh Conservation Area and within the proximity of listed buildings.

9. The external finishes to the workshop building to be converted into a dwelling are of ragstone; brick quoining/window detailing; and clay roof tiles (as shown in submitted plans/documents and site photographs), and the building shall only be finished in these materials hereafter.

Reason: To ensure a high quality appearance to the development that is within East Farleigh Conservation Area and within the proximity of listed buildings.

10. The development hereby approved shall be carried out in accordance with the submitted hard boundary treatment details as shown on submitted drawing references: BDS-FF-P04 A (both colour and black and white proposed site plans), with the proposed ragstone walling and the separate brick walling to be a minimum of 1.5m in height from ground level. The approved brick walling shall be in place prior to the first occupation of the new dwelling and maintained as such thereafter; and prior to the erection of the ragstone walling, written details and photographs of a sample panel of this walling (including mortar details), shall be submitted to and approved in writing by the local planning authority. The approved details of the ragstone walling shall be in place prior to the first occupation of the converted dwelling and shall be maintained as such thereafter.

Reason: To ensure a high quality appearance to the development that is within East Farleigh Conservation Area and within the proximity of listed buildings.

11. Prior to the commencement of the new dwelling above damp-proof course level and prior to the first occupation of the converted building hereby approved, written details of the materials to be used in the construction of the hardsurfacing on the site shall be submitted to and approved in writing by the local planning authority. The development shall be constructed using the approved materials and shall be maintained as such thereafter.

Reason: To ensure a high quality appearance to the development that is within East Farleigh Conservation Area and within the proximity of listed buildings.

12. Prior to any external alterations being carried out on the building hereby approved to be converted, details of the following matters shall be submitted to and approved in writing by the local planning authority:

(i) New external joinery details for the building to be converted, in the form of large-scale drawings.

The development shall be carried out in accordance with approved details and shall be maintained as such thereafter.

Reason: To ensure a high quality finish to a non-designated heritage asset, and to subsequently ensure a high quality appearance to the development that is within East Farleigh Conservation Area and within the proximity of listed buildings.

13. The new build dwelling hereby approved shall be constructed in full accordance with the external joinery, window finishing, eaves and plinth details, as shown on submitted plan ref: BDS-FF-P08, and shall be maintained as such thereafter.

Reason: To ensure a high quality appearance to the development that is within East Farleigh Conservation Area and within the proximity of listed buildings.

14. In accordance with submitted drawing reference: BDS-FF-P04 and prior to the commencement of the new dwelling above damp-proof course level and prior to the first occupation of the converted building hereby approved, details of ecological enhancements integrated into the design and fabric of each of the dwellings hereby approved, to include swift bricks, bat tubes and bee bricks, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of the relevant dwelling and all features shall be maintained as such thereafter.

Reason: In the interests of biodiversity enhancement.

15. Prior to the commencement of the new dwelling above damp-proof course level and prior to the first occupation of the converted building hereby approved, details of how decentralised and renewable or low-carbon sources of energy (to include air source heat pumps for each dwelling) will be incorporated into the approved development shall be submitted to and approved in writing by the local planning authority. The approved details shall be installed and operational prior to the first occupation of the relevant dwelling and shall be maintained as such thereafter.

Reason: To ensure an energy efficient form of development.

16. The development hereby approved shall not commence until, details of the method of disposal of sewage have been submitted to and approved in writing by the local planning authority and these works shall be completed in accordance with the approved details before the first occupation of the building(s) or land.

Reason: To ensure adequate sewage disposal arrangements.

17. Prior to the first occupation of the new build dwelling hereby approved, the first floor ensuite and bathroom windows shall be obscure glazed and be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level. The obscure glazed windows shall be to not less than the equivalent of Pilkington Glass Privacy Level 3 and this shall be maintained as such thereafter.

Reason: In the interests of residential amenity.

18. Prior to the first occupation of the relevant dwelling hereby approved and in accordance with the submitted Noise Assessment (by PaceConsult, ref: PC-23-0137-RP1, dated: July 2023), details of the noise mitigation measures to be implemented into the dwelling (that accord with BS8233:2014 Guidance on sound insulation and noise reduction for buildings), shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be maintained as such thereafter.

Reason: In the interests of residential amenity.

19. The development hereby approved shall at no time interfere with the visibility splay shown on the submitted plans for the adjacent access road (leading to Hartridge Farm Park), with no obstructions (including planting), to exceed 600mm in height within this visibility splay.

Reason: In the interests of highway safety.

20. The development hereby approved (including demolition and ground works) shall be carried out in strict accordance with the submitted Arboricultural Report and plan reference: 'Arboricultural Integration Report Rev A: Proposed Site Plan' (by GRS Ltd, dated: Jan 2024, Ref: GRS.132.22 Rev A); and the shown tree protection details shall be in place before any machinery is brought onto the site to commence demolition, and shall remain in place until the development is complete (with the exception of Arboricultural Supervision when necessary).

Reason: To safeguard the longevity of existing trees to be retained and subsequently to ensure a high quality appearance to the development that is within East Farleigh Conservation Area and within the proximity of listed buildings.

21. No external lighting, whether temporary or permanent, shall be placed or erected within the site unless details are submitted to and approved in writing by the local planning authority. Any details to be submitted shall be in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions), and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interest of visual and residential amenity.

22. The approved details of the parking and turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

23. No dwelling hereby approved shall be occupied until secure and useable bicycle storage has been provided on the site, and this bicycle storage shall be maintained as such thereafter.

Reason: In the interests of sustainable development.

24. Notwithstanding the provisions of the Town and Country Planning General Permitted Development (Amendment) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) and except for what has been hereby approved on the submitted plans, no development within Schedule 2, Part 1 Classes A, B, C and D; and Schedule 2, Part 2, Class A, shall be carried out on the site.

Reason: To ensure a high quality appearance to the development that is within East Farleigh Conservation Area and within the proximity of listed buildings.

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