

PLANNING COMMITTEE MEETING

Date: Thursday 20 April 2023
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Brindle, Cox, English, Harwood, Holmes, Kimmance, McKenna, Munford (Vice-Chairman), Perry, Spooner (Chairman), Trzebinski, D Wilkinson and Young

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

AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - Monday 24 April 2023
6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 23 March 2023 1 - 6
11. Presentation of Petitions (if any)
12. 22/502529/TPOA - Holtye Cottage, Headcorn Road, Staplehurst, Kent 7 - 23
13. 23/500230/FULL - Land At Forsham House, Forsham Lane, Sutton Valence, Kent 24 - 36

Issued on Wednesday 12 April 2023

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

14.	20/504976/FULL - Little Dene, Lenham Heath Road, Lenham Heath, Kent	37 - 55
15.	23/500195/FULL - 1 Skye Close, Maidstone, Kent	56 - 65
16.	23/500381/FULL - Land Adjacent to The Hawthorns, Pye Corner, Ulcombe, Kent	66 - 77
17.	22/505206/FULL - 14 Charles Street, Maidstone, Kent	78 - 92
18.	22/505414/FULL - 2 Charlton Street, Maidstone, Kent	93 - 109
19.	22/503535/FULL - 101 Milton Street, Maidstone, Kent	110 - 127
20.	22/505747/FULL - Springwood Road Nurses Accommodation, Springwood Road, Barming, Kent	128 - 144
21.	Appeal Decisions	145 - 150

PLEASE NOTE

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

The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.

For full details of all papers relevant to the reports on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection; please follow this link: <https://pa.midkent.gov.uk/online-applications/>

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

In order to speak at the meeting, please call 01622 602899 or email committee@maidstone.gov.uk by 4 p.m. on Wednesday 19 April 2023. You will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated for each application on a first come, first served basis.

If you require this information in an alternative format please contact us, call 01622 602899 or email committee@maidstone.gov.uk

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MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 23 MARCH 2023

Present:

Committee Members:	Councillor Spooner (Chairman) and Councillors Brindle, Cox, English, Harwood, Holmes, Kimmance, Munford, Perry, Round, Trzebinski, D Wilkinson and Young
Visiting Members:	Councillors Cannon, Forecast and Jeffery

237. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillor McKenna.

238. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Round was substituting for Councillor McKenna.

239. NOTIFICATION OF VISITING MEMBERS

Councillors Cannon, Forecast and Jeffery indicated their wish to speak on the report of the Head of Development Management relating to application 23/500212/FULL (2 Trapham Road, Maidstone, Kent).

240. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

241. URGENT ITEMS

The Chairman said that he intended to take the update reports of the Head of Development Management as urgent items as they contained further information relating to the applications to be considered at the meeting.

242. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

243. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

15.	22/505747/FULL - Springwood Road Nurses Accommodation, Springwood Road, Barming, Kent	Councillor Holmes
16.	22/505903/FULL – The Homestead, Gravelly Bottom Road, Kingswood, Kent	Councillors English, Harwood and Perry
17.	23/500212/FULL – 2 Trapham Road, Maidstone, Kent	Councillors Brindle, Holmes and Perry
19.	22/502529/TPOA - Holtye Cottage, Headcorn Road, Staplehurst, Kent	Councillors Perry and Round

244. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

245. MINUTES OF THE MEETING HELD ON 16 FEBRUARY 2023

RESOLVED: That the Minutes of the meeting held on 16 February 2023 be approved as a correct record and signed.

246. MINUTES OF THE MEETING HELD ON 23 FEBRUARY 2023

RESOLVED: That the Minutes of the meeting held on 23 February 2023 be approved as a correct record and signed.

247. PRESENTATION OF PETITIONS

There were no petitions.

248. DEFERRED ITEMS

22/505206/FULL - CHANGE OF USE FROM CLASS C4 6 BEDROOM HMO TO SUI-GENERIS 8 BEDROOM HMO TO INCLUDE ERECTION OF A SINGLE STOREY REAR EXTENSION AND LOFT CONVERSION WITH A REAR DORMER AND 1 NO. FRONT ROOFLIGHT (RE-SUBMISSION OF 22/503713/FULL) - 14 CHARLES STREET, MAIDSTONE, KENT

22/505414/FULL - ERECTION OF AN ATTACHED TWO-BEDROOM DWELLING - 2 CHARLTON STREET, MAIDSTONE, KENT

22/503535/FULL - CONVERSION OF EXISTING FOUR STOREY DWELLING INTO 3 NO. SELF CONTAINED FLATS, INCORPORATING A SINGLE STOREY GROUND FLOOR PITCHED ROOF SIDE EXTENSION AND SINGLE STOREY LOWER GROUND FLOOR FLAT ROOF REAR EXTENSION, AND NEW PEDESTRIAN ACCESS WITHIN BOUNDARY WALL - 101 MILTON STREET, MAIDSTONE, KENT

The Head of Development Management said that:

- He hoped to be able to report these applications back to the next meeting of the Committee. However, KCC Highways would not be commenting as the applications were below their threshold.
- The meeting between the Chairman, Vice-Chairman and Lead Member for Planning and Infrastructure to discuss concerns about policies on HMOs and conversions in high density areas not being nuanced enough was scheduled but was yet to take place.

RESOLVED: That the report be noted.

249. 22/505903/FULL - RENEWAL OF PLANNING PERMISSION 20/500416/FULL FOR DEMOLITION OF EXISTING FIRE DAMAGED BUILDING AND ERECTION OF REPLACEMENT COMMERCIAL/INDUSTRIAL BUILDING FOR CLASSES E (G-I, II AND III), B2 AND B8 USES - THE HOMESTEAD, GRAVELLY BOTTOM ROAD, KINGSWOOD, KENT

The Committee considered the report of the Head of Development Management.

RESOLVED:

1. That permission be granted subject to the conditions and informatives set out in the report.
2. That the Head of Development Management be given delegated powers to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 13 – For 0 – Against 0 – Abstentions

250. 23/500212/FULL - CHANGE OF USE OF EXISTING DWELLINGHOUSE INTO 10 BEDROOM HMO INCLUDING INSTALLATION OF SOLAR PANELS, ELECTRIC VEHICLE CHARGING POINT AND ASSOCIATED PARKING - 2 TRAPHAM ROAD, MAIDSTONE, KENT

The Committee considered the report and the urgent update report of the Head of Development Management.

Mr Parsons, the applicant, and Councillors Jeffery, Cannon and Forecast (Visiting Members) addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions and informatives set out in the report.
2. That the Head of Development Management be given delegated powers to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 6 – For 4 – Against 3 – Abstentions

FURTHER RESOLVED TO RECOMMEND TO THE LEAD MEMBER FOR

PLANNING AND INFRASTRUCTURE: That consideration be given to bringing forward housing mix policies within Development Plan Documents and other policy documents to ensure an appropriate housing mix throughout different areas of the Borough with relevant policies and standards to support them. This to include a more holistic approach to Houses in Multiple Occupation, not just addressing the issues around parking, residential amenity and bins.

251. 22/505347/FULL - DEMOLITION OF EXISTING REAR EXTENSION AND ERECTION OF SINGLE STOREY SIDE AND REAR EXTENSIONS WITH FIRST FLOOR BALCONY ABOVE (REVISION TO PLANNING APPLICATION REF: 22/501459/FULL) - 143 HOCKERS LANE, THURNHAM, KENT

The Committee considered the report of the Head of Development Management.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report with delegated powers given to the Head of Development Management to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 12 – For 0 – Against 0 – Abstentions

Note: Councillor English was not present during determination of this application.

252. 22/505747/FULL - SECTION 73 - APPLICATION FOR VARIATION OF CONDITIONS 4 (TO REMOVE THE REQUIREMENT FOR SOLAR PV PANELS) AND 9 (TO REDUCE THE NUMBER OF ELECTRIC VEHICLE CHARGING POINTS FROM TEN TO FOUR) PURSUANT TO 22/501405/FULL FOR - CHANGE OF USE FROM 4 BLOCKS OF RESIDENTIAL NURSES ACCOMMODATION TO 3 NO. BLOCKS COMPRISING OF 18 X 5 BED HMO UNITS AND 1 NO. BLOCK COMPRISING OF 8 X 3 BEDROOM RESIDENTIAL UNITS - SPRINGWOOD ROAD NURSES ACCOMMODATION, SPRINGWOOD ROAD, BARMING, KENT

The Committee considered the report and the urgent update report of the Head of Development Management.

RESOLVED: That consideration of this application be deferred to seek further information regarding (a) the physical and financial viability of installing solar panels and cavity wall insulation and (b) the default position in respect of the provision of electric vehicle charging points as now required under the Building Regulations.

Voting: 13 – For 0 – Against 0 – Abstentions

253. 5013/2022/TPO - 1-39 QUEENSGATE, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management concerning provisional Tree Preservation Order No. 5013/2022/TPO which was made to protect trees at Queensgate, Maidstone. It was noted that:

- A TPO application was received for works to 10 no. Hornbeams located along the front boundary of Queensgate adjacent to the A20 (London Road) and the reduction of a small Cherry tree located in front of No. 12 Queensgate.

- The works had been applied for under TPO No.24 of 1972, an old “Area TPO” which only protected trees which were present at the time of its making. Very few of the trees now located on site were old enough to have been covered by this Order (including the trees subject to the application). In light of the amenity value of the trees which were assessed to be worthy of protection, the Council made provisional Tree Preservation Order No. 5013/2022/TPO.
- One objection was received during the statutory 28-day objection period. However, it related to the description of the situation of one of the trees, not to the making of the Order itself.

RESOLVED: That Tree Preservation Order No. 5013/2022/TPO be confirmed without modification.

Voting: 13 – For 0 – Against 0 – Abstentions

254. 22/502529/TPOA - TPO APPLICATION TO REDUCE ONE OAK TO 9.0M IN HEIGHT AND REDUCE LATERAL BRANCH SYSTEM BY 1.0M TO 1.5M BALANCING THE CROWN. REMOVE RE-GROWTH TRIENNIALLY; REMOVE ONE OAK (FELL) TO NEAR GROUND LEVEL. OWNER TO PHYSICALLY REMOVE ANY REGROWTH (NO CHEMICAL TREATMENT DUE TO TRANSLOCATION RISK) - HOLTYE COTTAGE, HEADCORN ROAD, STAPLEHURST, KENT

The Committee considered the report of the Head of Development Management concerning application 22/502529/TPOA. It was noted that:

- The two Oak trees subject to the application were growing within the rear garden of Holtye Cottage, a property situated to the north of Headcorn Road at the junction with Hurst Close. The applicant lived at No.2 Hurst Close which flanked the western boundary of Holtye Cottage.
- At the time of inspection, both Oak trees revealed no significant defects to suggest they were either unhealthy or unsafe. Both trees were of early mature size and clearly visible from surrounding public roads. It was considered that the proposed felling of one of the trees and reduction of the other would erode the mature and verdant landscape of the area by a marked degree and thus give rise to significant harm to its character and appearance.
- However, in light of the evidence submitted with the application, the proposed works were considered necessary arboricultural practice to help mitigate subsidence related damage to the property at 2 Hurst Close and were considered acceptable on arboricultural grounds.
- The owner of the trees at Holtye Cottage objected strongly to the proposal emphasising that they had never experienced subsidence issues despite being just as close to the trees as the applicant.
- A refusal of consent to carry out the works on the trees could potentially result in a claim for compensation for loss or damage arising within twelve months of the date of refusal. Based on information provided by the applicant, there could be a potential claim for costs of £66,000 should consent for the works be refused.

- As the applicant was not the owner of the trees, consent from the owner would be required before commencing any works permitted by the Council.

RESOLVED: That consideration of this application be deferred to (a) seek details of the CAVAT value of the two Oak trees which are the subject of the application (Capital Asset Value for Amenity Trees) and (b) consider a more appropriate replacement species such as Hornbeam.

Voting: 12 – For 0 – Against 1 – Abstention

255. APPEAL DECISIONS

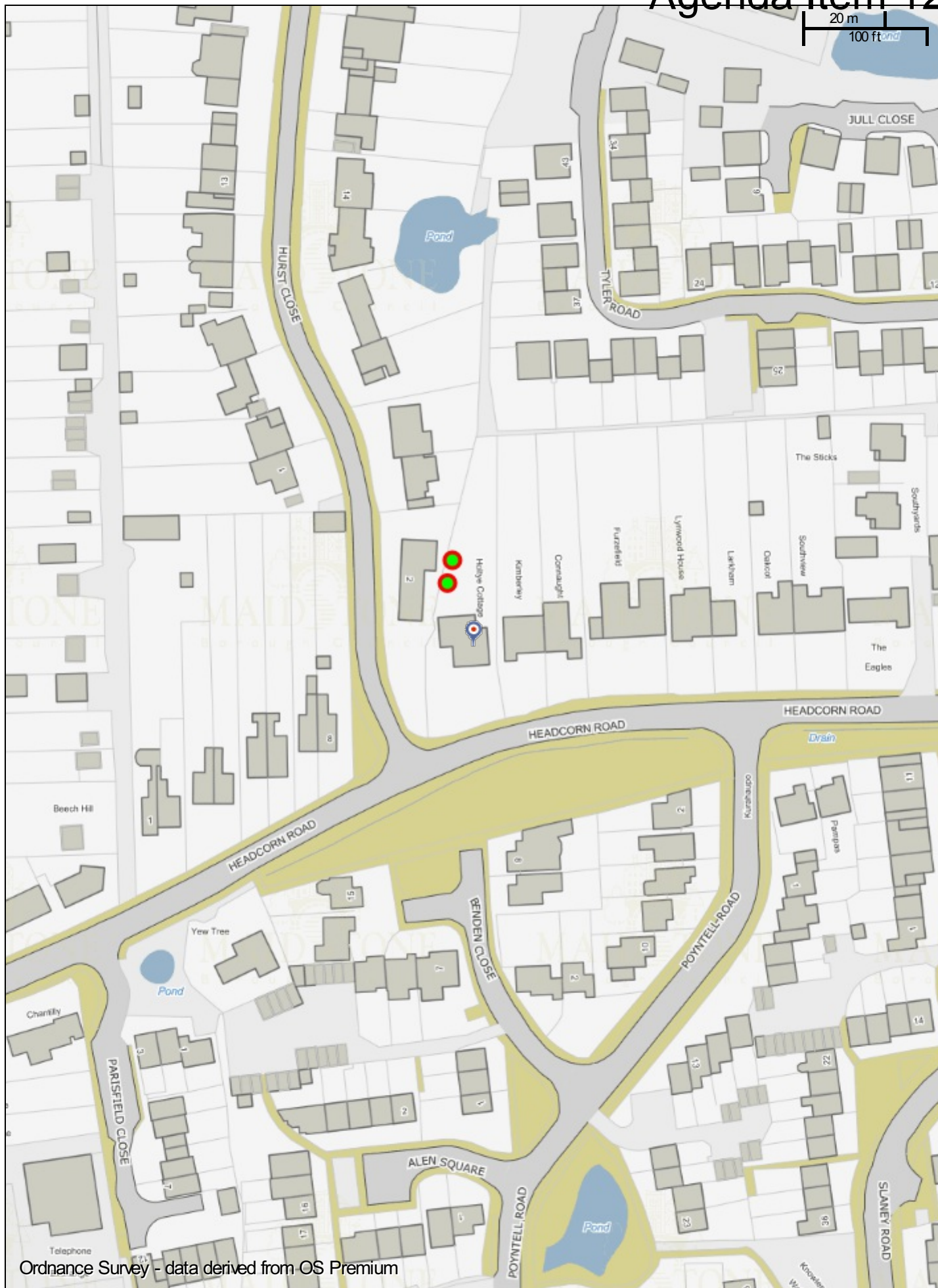
The Committee considered the report of the Head of Development Management setting out details of appeal decisions received since the last meeting. During the discussion on the appeal decisions, Members emphasised the need to (a) update the Maidstone Landscape Character Assessment due to its age and lack of detail and (b) address the need for affordable Gypsy and Traveller accommodation.

RESOLVED: That the report be noted.

256. DURATION OF MEETING

6.00 p.m. to 9.00 p.m.

20 m
100 feet



Ordnance Survey - data derived from OS Premium

22/502529/TPOA Holtze Cottage, Headcorn Road, Staplehurst, Kent, TN12 0BU

Scale: 1:1250

Printed on: 10/3/2023 at 8:55 AM by JoannaW



Holtye Cottage, Staplehurst
Scale: 1:1000
Printed on: 7/3/2023 at 12:18 PM

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REPORT SUMMARY

CASE REFERENCE: 22/502529/TPOA		
ADDRESS: 'Holtye Cottage', Headcorn Road, Staplehurst TN12 0BU		
PROPOSAL: TPO application to reduce one Oak (T2) to 9.0m in height and reduce lateral branch system by 1.0m to 1.5m balancing the crown. Remove re-growth triennially; remove one Oak (T3) (fell) to near ground level. Owner to physically remove any regrowth (no chemical treatment due to translocation risk).		
RECOMMENDATION: Permit – subject to CONDITIONS and INFORMATIVES		
SUMMARY OF REASONS FOR RECOMMENDATION: On the evidence submitted, the proposed works are considered necessary arboricultural operations for the mitigation of subsidence.		
REASON FOR REFERRAL TO COMMITTEE: Cllr John Perry has requested the application be taken to committee due to the sensitivity and complexity of the proposal and its reasons. The application was subsequently reported to the Planning Committee on 23 rd March, who resolved that it should be deferred so officers could evaluate the CAVAT monetary value of the trees involved in order for members to see comparative costs against the potential compensatory values if the application was to be refused.		
PARISH: Staplehurst	WARD: Staplehurst	
APPLICANT: Crawford and Company	AGENT: MWA Arboriculture Ltd	
CASE OFFICER: Paul Hegley	SITE VISIT DATE: 06/07/22 & 02/02/23	
DATE VALID: 18/05/22	CONSULTATION EXPIRY: 14/06/22	DECISION DUE: 13/07/22

MAIN REPORT

1. DESCRIPTION OF TREES

- 1.01 The two Oak trees subject to this application are growing within the rear garden of 'Holtye Cottage' which is a detached property situated to the north of Headcorn Road at the junction with Hurst Close. However, the applicant and property affected by the two trees lives at no 2 Hurst Close which flanks the western boundary of Holtye Cottage.

2. PROPOSAL

2.01 The works proposed are as follows:

2.02 T2 – English Oak:

- Reduce to 9 metres in height and reduce lateral branch system by 1 to 1.5 metres, balancing the crown.
- Remove re-growth triennially.

2.02 T3 – English Oak:

- Remove (fell) to near ground level. Owner to physically remove any regrowth (no chemical treatment due to translocation risk).

3. REASONS FOR WORK

3.01 The above trees are considered to be responsible for root induced clay shrinkage subsidence damage to the neighbouring property of 2 Hurst Close, Staplehurst which adjoins the western boundary of Holtye Cottage.

4. PLANNING CONSTRAINTS

4.01 Tree preservation Order no. 14 of 1997, Oak trees designated as individuals T2 & T3

5. POLICY CONSIDERATIONS

Government Policy:

5.01 National Planning Policy Framework (2021)

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

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

Compensation:

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

6. LOCAL REPRESENTATION

6.01 The owner of the trees at Holtye Cottage strongly objects to the proposal made by the applicant and wishes to express that they have never experienced subsidence issues despite being just as close to the tree as the applicant.

- 6.02 The daughter of the tree owner also objects to the applicant's proposal, but also adds that she feels that the applicant's building alterations (extension) could be the cause of the movement.

7. CONSULTATIONS

- 7.01 Staplehurst Parish Council expresses concern over the loss of a healthy mature Oak.

8. BACKGROUND PAPERS & PLANS

- 8.01 Arboricultural report
- 8.02 Level monitoring survey/Results
- 8.03 Site investigation report
- 8.04 Technical report
- 8.05 Reasons for the works and remedial work costings.
- 8.06 Root Barrier costings

9. APPRAISAL

- 9.01 Oak T2 on application form (T3 in TPO).

Contribution to public visual amenity:

Good – clearly visible to the public

Condition:

Good – no significant defects noted

Useful life expectancy:

Very Long - with an estimated remaining life expectancy of at least 40 Years

- 9.02 Oak T3 on application form (T2 in TPO).

Contribution to public visual amenity:

Good – clearly visible to the public

Condition:

Good – no significant defects noted

Useful life expectancy:

Very Long - with an estimated remaining life expectancy of at least 40 Years

10. CONSIDERATIONS

- 10.01 At the time of inspection both Oak trees revealed no significant defects to suggest they are either unhealthy or unsafe. Both trees are of early mature size and clearly visible from surrounding public roads and as such are considered to contribute positively and significantly to the mature and verdant landscape of the area and to its character and appearance.
- 10.02 The proposed felling of one of the Oak trees and reduction of the other Oak would erode the mature and verdant landscape of the area by a marked degree and would thus give rise to significant harm to its character and appearance. Consequently, the justification needs to be robust.
- 10.03 The evidence provided by the applicant indicates that the damage being caused to their property '2 Hurst Close' is attributed to soil desiccation causing a downward rotational movement of the central rear elevation of the property. This movement has resulted in visible open cracks (up to 10mm wide) both inside and outside the property as replicated in the photos below, taken from the submitted technical report by Crawford Ltd.



Crack above rear door.



Crack on rear wall.

- 10.04 In structural terms the damage falls into Category 3 of Table 1, Building Research Establishment Digest 251, which describes it as **“moderate”**.

Category 0	"negligible"	< 0.1mm
Category 1	"very slight"	0.1 - 1mm
Category 2	"slight"	>1 but < 5mm
Category 3	"moderate"	>5 but < 15mm
Category 4	"severe"	>15 but < 25mm
Category 5	"very severe"	>25 mm

Extract from Table 1, B.R.E. Digest 251
Classification of damage based on crack widths.

10.05 In cases where it is suspected that trees may be the primary cause of the damage there are three pieces of evidence which are essential, these are:

1. Evidence of soil desiccation
2. Proof of seasonal movement
3. Live roots have been found underneath the foundations.

10.06 In this case the submitted site investigation report by Auger Site Investigations Ltd confirms the depth of the house foundations in the area of damage to be 1m, with the underlying subsoil made of Weald Clay that has a high plastic index of 50% or above and suffers volumetric changes in relation to its moisture content. The results of the soil testing appear to indicate a change in moisture content through desiccation and root samples taken during the ground investigations confirms the presence of live Oak roots to a depth of 3m (as seen in the extract below taken from the root sample results from Richardsons Botanical Identifications).

Root ID

The samples you sent in relation to the above have been examined. Their structures were referable as follows:

TH1, 1.0m		
3 no.	Examined root: QUERCUS (Oak).	Alive, recently*.
TH1, 1.5m		
1 no.	Examined root: most referable to QUERCUS (Oak). This was a very IMMATURE sample.	Alive, recently*.
BH1, 1.0m		
2 no.	Examined root: QUERCUS (Oak).	Alive, recently*.
BH1, 1.5m		
2 no.	Examined root: although attempted, it was unfortunately too THIN and decayed to identify.	Dead*.
BH1, 3.0m		
1 no.	Examined root: as above, also too POOR in condition to identify with confidence.	Dead*.

10.07 The property has been monitored at regular intervals since 2020 and the most recent set of crack monitoring and leveling results are attached to this report at Appendix A. These results show the movement of the building to be confined to the central rear elevation of the property in the area that shows the most visible cracking as shown in the photos at section 10.01 above. The results would also

indicate a pattern of seasonal movement consistent with the drying and rehydrating of the underlying clay subsoil soil.

- 10.08 Taking the above site investigations into consideration the submitted results would appear to confirm soil desiccation, seasonal movement and the presence of live Oak roots below the foundations to implicate the subject trees as a contributable cause of the subsidence damage to 2 Hurst Close, Staplehurst. Therefore, it would be difficult to defend the retention of the Oak tree at an appeal, so on balance the proposed works are justified.
- 10.09 In terms of compensation as previously detailed in section 5.04 a refusal of consent to carry out the works on the trees can potentially result in a claim for compensation for loss or damage arising within 12 months of the date of refusal. Only damage caused by the tree roots after the date of deemed refusal would be relevant except in so far as it could be evidenced that the refusal had necessitated more costly works than would have been needed if consent were given. In this case, the applicant has confirmed that the projected revised costs for repairs to the property if consent for the tree works is permitted is estimated to be 15k (including tree works), compared with alternative estimated mitigation costs of 95K for underpinning and 45k for the installation of a root barrier. Consequently, taking the greater mitigation cost into account there could be potential claims for costs of 80K should consent for the works be refused.
- 10.10 As requested by the planning committee on 23rd March 2023, in terms of the trees monitory value both Oak trees have been evaluated in accordance with the CAVAT system the results of which are attached at Appendix B. The CAVAT system, (short for Capital Asset Value for Amenity Trees) provides a basis for managing trees in the UK as public assets rather than liabilities. It is designed not only to be a strategic tool and aid to decision-making in relation to the tree stock as a whole, but also to be applicable to individual cases, where the value of a single tree needs to be expressed in monetary terms. In this case given the current age and size of the two Oak trees the monitory values have been calculated as follows:
- Oak T2 - £35,193
 - Oak T3 - £54,501
- 10.11 In terms of relevance to this application only the monitory figure for Oak T3 would be applicable as Oak T2 is to be retained. Therefore, on this basis the projected compensation costs would outweigh the monitory value of the felled Oak T3, so consequently it is not considered to be a strong enough case to defend at an appeal, should the application be refused.
- 10.12 In any event, in this case as the applicant is not the owner of the subject trees consent from the tree owner will be required before commencing any works permitted by the council.

11. CONCLUSIONS

- 11.01 In light of the evidence submitted with this application the proposed works are considered necessary arboricultural practice to help mitigate subsidence related damage to the property of 2 Hurst Close and taking all other matters into consideration are therefore considered acceptable on arboricultural grounds.

12. RECOMMENDATION

GRANT CONSENT– Subject to the following CONDITIONS / REASONS and INFORMATIVES.

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

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

(2) The re-growth resulting from the permitted reduction works on T2 - Oak, shall be carried out no more frequently than once every 3 years, until the tree no longer exists.

Reason: To allow multiple operations and to remove the two-year time limit on consents, in accordance with section 17(2)(d) of The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

(3) One replacement Common Hornbeam (*Carpinus betulus*) shall be planted on or near the land on which the tree/s stood during the planting season (October to February) in which the tree work hereby permitted is substantially completed or, if the work is undertaken outside of this period, the season immediately following, except where an alternative proposal has been submitted to and approved in writing by the local planning authority one month prior to the end of the relevant planting season. The replacement tree/s shall be of not less than Nursery standard size (8-10cm girth, 2.75-3m height), conforming to the specifications of the current edition of BS 3936, planted in accordance with the current edition of BS 4428 and maintained until securely rooted and able to thrive with minimal intervention;

Reason: To safeguard the amenity and nature conservation value of the tree/s that has/have been removed and to maintain and enhance the character and appearance of the local area

(4) Any tree planted in accordance with the conditions attached to this permission, or in replacement for such a tree, which within a period of five years from the date of the planting is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, shall, in the same location, be replaced during the next planting season (October to February) by another tree of the same species and size as that originally planted, except where an alternative proposal has been submitted to and approved in writing by the local planning authority prior to that planting season;

Reason: To safeguard the amenity and nature conservation value of the tree/s that has/have been removed and to maintain and enhance the character and appearance of the local area

INFORMATIVES

(1) The Council's decision does not override the need to obtain the tree owner's consent for works beyond your boundary.

- (2) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.
- (3) The material generated from the tree work hereby permitted should be disposed of, or processed as necessary, to leave the site in a safe and tidy condition following each phase/ completion of the work.
- (4) The Council's decision does not override the need to seek appropriate professional advice to avoid any potential adverse impacts (such as heave) before commencing permitted tree work.

Case Officer: Paul Hegley **Date:** 30th March 2023

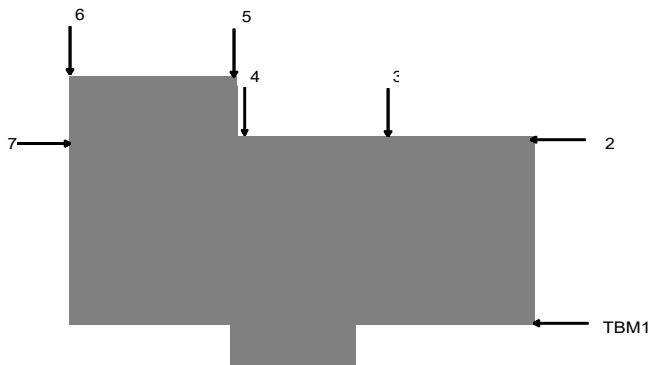
NB – For full details of all papers submitted with this application, please refer to the relevant Public Access Pages on the Council's website.

APPENDIX A – Crack Monitoring and Levelling Results

LEVEL MONITORING - RELATIVE SURVEY READINGS

Provider Details		Client Details			Risk Address	
Name:	Knight Associates Ltd	Insurance Co.:	Axa		Occupier:	
Our Ref:	SU1904933	Client Name:	Crawford		Address:	
		Technical Mgr:	D Knight		Address:	
		Email:			Town:	
		Client Ref:			County:	
		Address:	National Subsidence Unit		Post Code:	
		Address:	4th Floor 30 St Pauls Square		Tel Home:	
		Town:	Birmingham		Tel Work:	
		County:			Mobile:	
		Post Code:	B3 1QZ		Other:	
		Other Email:	subsidence.monitoring@crawco.co.uk		Other:	

		Target Date:													
		Reading Date:		9/11/20	18/1/21	17/3/21	24/5/21	28/7/21	2/10/21	17/11/21	19/1/22	20/6/22	23/8/22	20/2/23	
		Issue Date:		10/11/20	19/1/21	18/3/21	25/5/21	29/7/21	4/10/21	18/11/21	20/1/22	20/6/22	24/8/22	21/2/23	
Row No.	Point Name	X Co-ordinate	Y Co-ordinate	1	2	3	4	5	6	7	8	9	10	11	12
1	TBM1	0.00	0.00	10.0000	10.0000	10.0000	10.0000	10.0000	10.0000	10.0000	10.0000	10.0000	10.0000	10.0000	
2	2	0.00	5.20	9.7620	9.7620	9.7630	9.7630	9.7630	9.7620	9.7630	9.7620	9.7620	9.7610	9.7620	
3	3	-6.00	5.20	9.7120	9.7150	9.7160	9.7170	9.7180	9.7180	9.7180	9.7180	9.7190	9.7190	9.7090	9.7160
4	4	-12.00	5.20	9.7400	9.7460	9.7510	9.7500	9.7520	9.7510	9.7520	9.7530	9.7510	9.7320	9.7480	
5	5	-12.00	8.00	9.6800	9.6870	9.6920	9.6920	9.6920	9.6930	9.6930	9.6940	9.6930	9.6750	9.6890	
6	6	-19.00	8.00	9.4340	9.4360	9.4380	9.4370	9.4380	9.4390	9.4380	9.4390	9.4370	9.4340	9.4370	
7	7	-19.00	5.20	9.5490	9.5510	9.5520	9.5530	9.5530	9.5530	9.5530	9.5530	9.5530	9.5490	9.5510	
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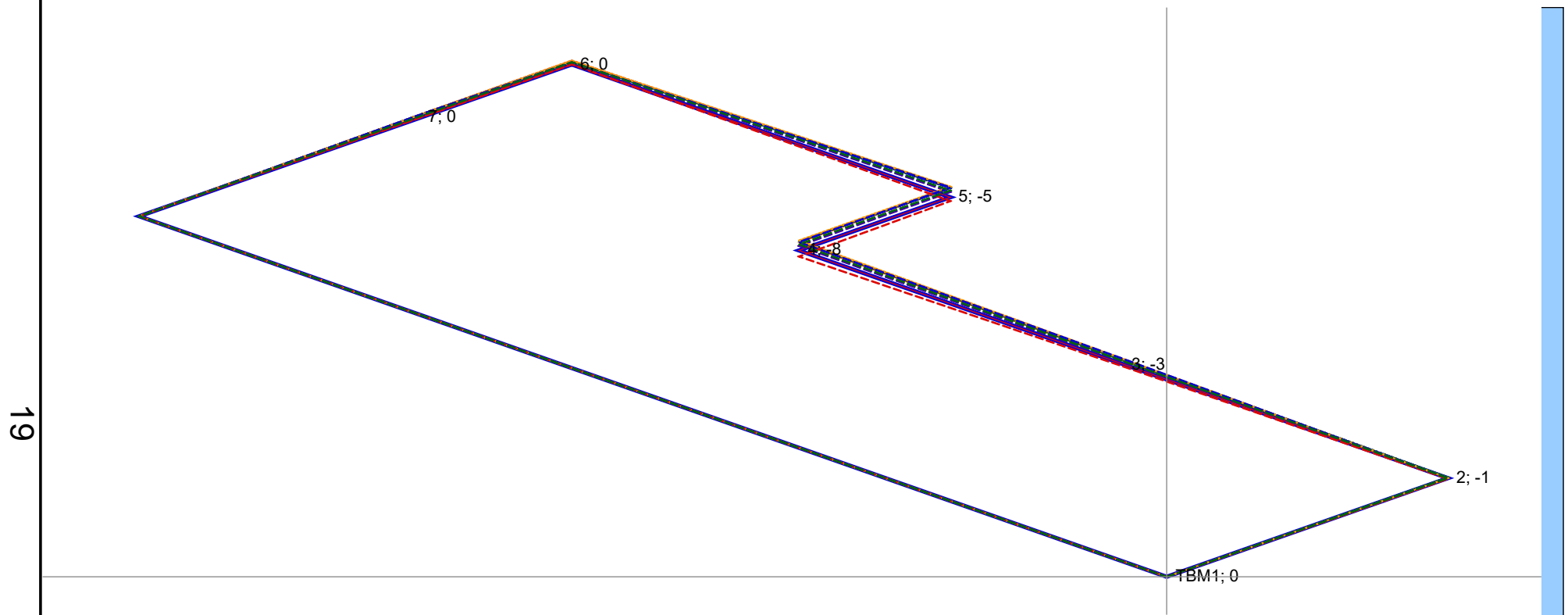
FRONT.

- 20/02/23 Readings taken.
- A common brickcourse could not be followed, subsequently relative data only.
- No further readings are planned

LEVEL MONITORING - RELATIVE MOVEMENT SKETCH

Client: Crawford

Client Ref: 0



Notes:
Vertical distorted scale 1: 20

Point labels give level difference of last reading from original datum in mm.

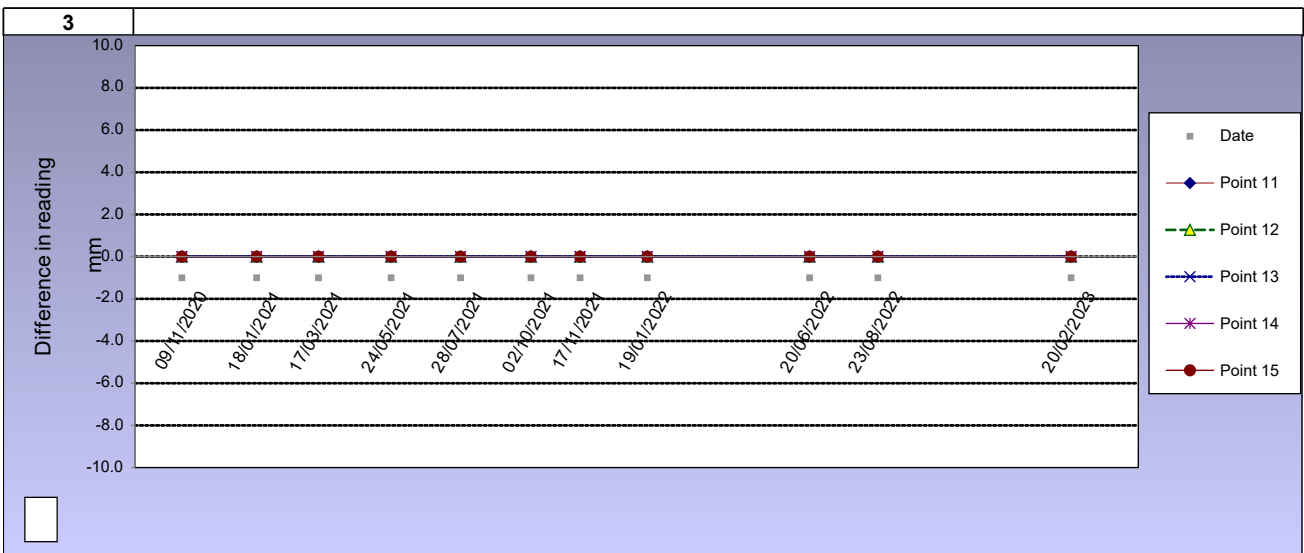
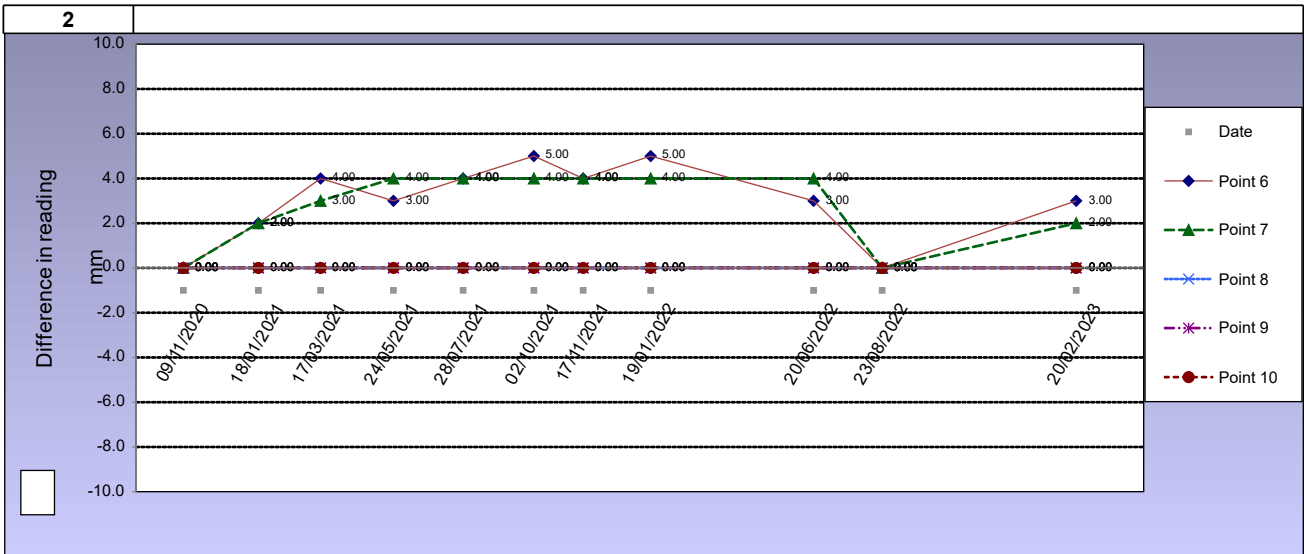
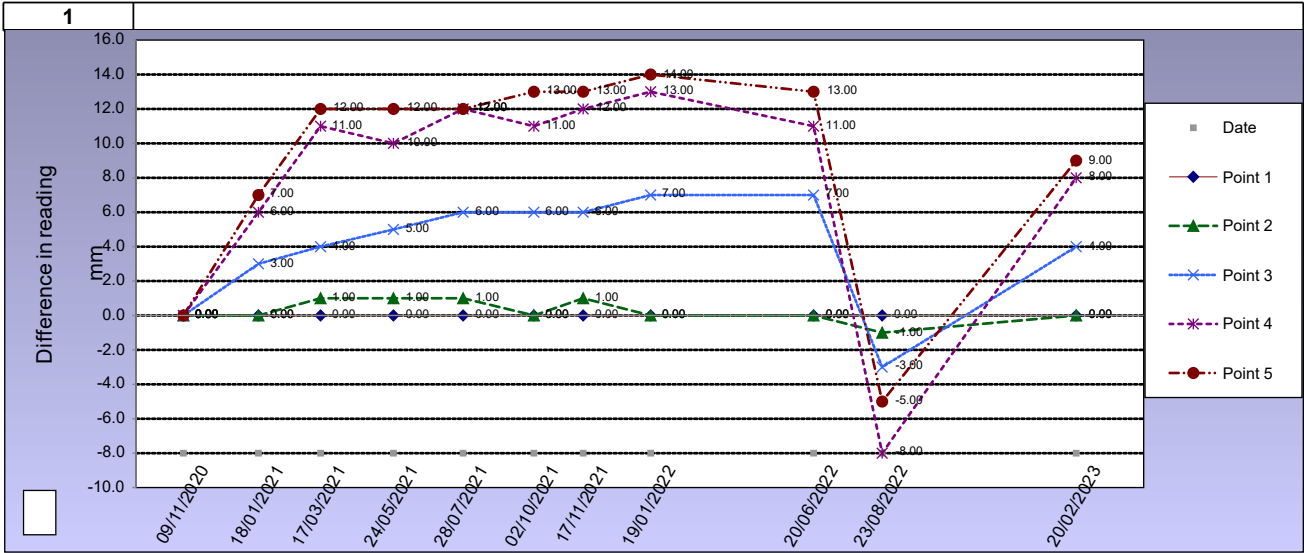
LEVEL MONITORING - RELATIVE SURVEY READINGS

Client: Crawford

Client Ref: 0

0

Chart Scale 1:1000



Standard Comments for selection in Readings and Sketch Worksheets
User may edit these as appropriate

Standard Comments	
No Comment	
Standard Comment 1	A further visit is due in
Standard Comment 2	No further readings are planned
Standard Comment 3	The Insured requested an update.
Standard Comment 4	Points fitted and readings taken.
Standard Comment 5	

Standard Bullet
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APPENDIX B – CAVAT Results

Agenda Item 13



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

REFERENCE NO: - 23/500230/FULL		
APPLICATION PROPOSAL: Erection of a care village comprising of a 87no. bed care home and 12 assisted living apartments with doctors consulting room, car parking, landscaping and associated development.		
ADDRESS: Land at Forsham House, Forsham Lane, Sutton Valence, ME17 3EW		
RECOMMENDATION: Application Refused		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposal is urbanising and significantly extends built development in terms of overall mass, height, greater site coverage and footprint encroaching further into the countryside at the base of the Greensand Ridge and will be highly visible and harmful to the setting of Sutton Valence. It is sited on former garden and will be out of keeping with and consolidate existing sporadic development in the locality. The proposals are therefore contrary to Policies SS1 and SP17 of the Maidstone Borough Local Plan 2017. The application site is in an environmentally unsustainable location due to poor scope for staff to commute and for residents to access services by walking, cycling or using public transport. The proposed development would therefore be contrary to Policies SP17 and DM14 of the MBLP. It accepted that there is a general need for care and extra care housing within Class C2. However, there are likely to be more suitable sites for Class C2 development that are not in environmentally unsustainable locations in the countryside which would harm local rural character and appearance as this scheme would. Therefore, this proposal does not provide benefits that would override the harm identified. The application is also deficient in Biodiversity Net Gain, contrary to the NPPF and policies DM1 and DM3 of the Maidstone Borough Local Plan 2017.		
REASON FOR REFERRAL TO COMMITTEE: The application has been called into Committee by Sutton Valence PC.		
WARD: Sutton Valence And Langley	PARISH/TOWN COUNCIL: Sutton Valence	APPLICANT: Cloverdown Ltd AGENT: Tanner & Tilley Planning Consultant
CASE OFFICER: Marion Geary	VALIDATION DATE: 11/01/23	DECISION DUE DATE: 03/05/23
ADVERTISED AS A DEPARTURE: YES		

Relevant Planning History

21/506642/FULL

Erection of a care village comprising a 87no. bed care home and 13no. assisted living apartments with associated car parking and landscaping and amended access to Forsham Lane.

Withdrawn 08.04.2022

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is 500m south of the village confines of Sutton Valence in the designated countryside.
- 1.02 The site is open land, being 1.49ha of residential curtilage which is to be severed from the host dwelling which will remain with a 30m deep garden. Policy DM5 and supporting text of the MBLP qualifies that residential gardens in the borough are not considered to be brownfield land (aka 'previously developed land').
- 1.03 The site is L-shaped and slopes gradually down approx. 10m in levels from north east to south west with the lowest part of the site being along the road frontage with Forsham Lane.
- 1.04 There is an overgrown hedgerow of hawthorn and Field Maple with an average approx. 6m height to Forsham Lane on the south-eastern and southern boundaries and a similar hedgerow on part of the south-western boundary shared with a terrace of 3 cottages (1-3 Forsham Cottages). These cottages have long rear gardens of approx. 40m so 1 Forsham Cottage shares a long flank garden boundary with the application site.
- 1.05 To the north of Forsham House is Somersby Stables. Opposite the site, along Forsham Lane, is a dwelling of Brookfield and a residential caravan site of The Stables, Brookfield. The locality therefore comprises established sporadic development.
- 1.06 The existing driveway of Forsham House fronts a 2-way section of Forsham Lane which has a junction with the A274 towards Sutton Valence.
- 1.07 In terms of landscape character, the site lies on Linton Park and Farmlands of the Low Weald. The Maidstone Landscape Character Assessment 2012 states it has an area of 'high sensitivity' and 'good condition' with key characteristics being low lying landscape; enclosed pasture; sparse development with scattered farms and small hamlets; dominance of oak trees within pasture and as mature hedgerow trees.
- 1.08 In terms of landscape character, the site lies on 'Southern Mixed Pasturelands' in the Low Weald character area, specifically Linton Park and Farmlands. Contrary to the comments of some objectors, it is not actually within an LLV but is sandwiched within the 200m gap between the LLVs of the Low Weald and the Greensand Ridge and thus is a key part of their settings.
- 1.09 It lies in Flood Zone 1, in an amber zone for GCN (ie suitable habitat)

2. PROPOSAL

- 2.01 The proposal is a Care 'village' in Use Class C2 (as per the Use Classes Order) for the residential accommodation of persons in need of care. It comprises a care home (87 ensuite bedrooms) and 12no. assisted living (ie extra care) apartments and communal facilities. There is associated car parking and landscaping and amended vehicular and pedestrian access to Forsham Lane.
- 2.02 Offsite highway works are also proposed in regard of changes to the layout of the junction to the A274, essentially to make one section one-way instead of two-way. These works have previously been agreed with KCC Highways.
- 2.03 This is a resubmission of a similar scheme withdrawn in 2022. It is the subject of a Planning Performance Agreement and a Member Briefing was held on 5 January 2023.

- 2.04 This revised scheme has 1 less assisted living unit and has added a GP consulting room instead compared to the withdrawn scheme. Overall, the floor area of 7335sqm is marginally greater but the outer extent of the building in terms of site coverage, relationship to the boundaries and heights is identical to the previous scheme.
- 2.05 The building, at its closest, will be 3m from the western and southern boundaries, and 5m from the eastern boundary. Much of the rest of the site will be given over to access roads and parking/turning. The land left undeveloped for open space and amenity is limited to the narrow peripheries of the site and an internal courtyard to the Care Home.
- 2.06 The northern wing will have 3 floors of accommodation and the southern wing and Assisted Living block will have 2 floors with 3 separate single storey Assisted Living Units. There will be 3 areas of flat roof on the buildings (shown to be sedum roofs).
- 2.07 The site slopes and there will be extensive cut and fill engineering to create a level area for the building and to create the basement parking. The greatest dig down is in the region of approx. 3.5m to create the basement parking in the east of the site including a dig down of approx. 1m in the SE corner and the land will be raised by approx. 1 m in the SW corner.
- 2.08 The external materials will be brick, Kentish ragstone, white render and black board cladding and red plain tiles.
- 2.09 Approx 87-90 full-time staff and approximately 30 part-time staff will be employed depending on the final operator expected to be on a shift basis and some overnight cover. Overall there are 36 parking spaces with 10 cycle parking spaces.
- 2.10 The Travel Plan notes continuous pedestrian infrastructure to the main residential areas of Sutton Valence, where it says public transport can be accessed (200m walking distance). Rail services to Ashford and London can be accessed via Headcorn Station, 4.5km to the south of the proposed site. Provision of washing and changing facilities will be provided on site to encourage active modes of travel for staff plus provision of a shuttle minibus service to provide staff with an alternative travel mode.
- 2.11 There will be a SuDS drainage strategy includes vegetated rain gardens; rainwater planters; cellular storage, and permeable paving. Some of the cellular storage will be excavated along the boundaries, including the most of the southern and the southwestern boundary.
- 2.12 The Preliminary Ecological Appraisal concludes no rare or nationally scarce botanical species or habitats. For Great Crested Newts, reasonable avoidance measures will be followed. The submission claims generous native planting and the installation of bird and bat boxes on the new buildings as enhancing the site for biodiversity.
- 2.13 In terms of low carbon design, the submission is ambiguous: the Design and Access Statement refers to PV panels to roof areas and Combined heat and power generating LPHW (Low Pressure Hot Water System) whereas the Energy Report only refers to Air Source Heat Pumps.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031): SS1, SP17; DM1; DM2; DM3; DM8; DM14; DM19; DM21; DM24DM30.

Kent Waste and Minerals Plan (amended 2020):

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

Supplementary Planning Documents: Air Quality Guidance (2017); Public Art Guidance (2017)

The Regulation 22 Local Plan Review submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is a material consideration and some weight must be attached because of the stage it has reached.

Local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan and the extent to which there are unresolved objections to relevant policies.

The only draft policy in the Regulation 22 potentially relevant in the determination of this specific planning application is LPRHOU7 'Specialist Residential Accommodation' which is the proposed revision of DM14 'Nursing and Care Homes'.

However, in this case, it is of low weight because it is currently the subject of an Examination in public with Stage 2 hearing commencing in May 2023 and there are unresolved objections to the draft policy.

4. LOCAL REPRESENTATIONS

Local Residents: 7 representations received from local residents raising the following (summarised) issues

- Cramped overdevelopment
- Size, height, mass and volume out of character
- Dominates the countryside/Landscape of Local Value (Low Weald and Greensand Ridge)
- Visible from protected ridge of Greensand LLV
- Noise and disturbance
- Height increased by the "oast cowls" design
- Overlooking, domination, loss of morning sunlight
- Close to local WWTW - odours
- Air pollution
- Extra traffic
- Too remote from hospital care
- No green space for residents
- Fails CQC guidelines for accessibility - isolated residents
- Post Office and Haven Farm shop closed in January 2023.
- Inadequate public transport for staff and visitors
- No scope for overflow parking in Forsham Lane or Headcorn Road
- Cycling to and from site is unrealistic
- Local bus routes are infrequent and shift patterns of staff means they will drive
- The walk distances do not take account of the Hill, unlit roads and traffic speed
- Transport Statement refers to wrong speed limit- vehicles exceed the limit.

- Greater visibility splays to junction are needed.
- Inadequate parking
- New junction unsuitable for farm machinery and agricultural supplier lorries.
- No need- plenty of local vacancies and capacity in local recent developments
- Will struggle to recruit staff
- No care partner: will maximise built form and then sell on
- Harms wildlife eg Great Crested Newts, bats, deer, badgers and birds of prey, slow worms/grass snakes
- No net gain for biodiversity
- The site was cleared of trees and shrubbery prior to any TPO studies
- Light pollution
- Forsham Lane flooding will worsen
- Underground parking area will flood
- Sets a precedent for development of gardens
- Piling will be needed for foundations, damaging neighbouring property
- desk-top' studies via consultants who do not have local knowledge

The local GP has stated that his practice will have 2 Care Homes in their catchment and cannot cope with a third.

Issues which are not material planning considerations: desk-top' studies via consultants; no care partner; maximisation of profit.

5. CONSULTATIONS

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

Sutton Valence PC

- Accept need but is contrary to Policies DM14, DM30 and SP17.
- The development is in an area of Local Landscape Value.
- Visible from the Greensand ridge
- Sited amongst the scattering of small settlements.
- Extra traffic
- Light pollution.
- Speed limit is 40mph which means the visibility splay needs to be amended.
- Noise and disturbance to neighbours
- Overlooking
- Harms street scene
- GP service exclusively for the care home cannot be guaranteed- strong objection from local GP
- The developers have not yet secured a care provider

Environment Agency

5.01 No comments.

Southern Water

- 5.02 No significant risk to operations at Sutton Valence WWTW with regard to odour.
- 5.03 The nearest public sewer is 240 metres away - it is the responsibility of the developer to provide the sewerage infrastructure up to the point of practical connection. The applicant may need to examine alternative means of foul sewage disposal in consultation with the appropriate authorities

KCC Flood and Water Management

- 5.04 Surface water will be discharged to the watercourse at the west of the site and rain gardens, permeable paving and cellular storage will be utilised throughout the site.
- 5.05 Objection to calculations and data used in the Strategy

(Officer note- a revised drainage strategy has been submitted and any comments from KCC will be included in an Urgent Update)

KCC Economic Development

- 5.06 The use will have impact on libraries, community learning and social care.

KCC Highways

- 5.07 No objection subject to conditions: use of a bound surface for the first 5 metres of the access; provision of construction parking facilities and vehicle loading/unloading and turning facilities; measures to prevent the discharge of surface water onto the highway; wheel washing; reserved vehicle parking; Travel Plan Monitoring.

KCC Ecology

- 5.08 BNG calculations are not standard methodology. There is net-loss of biodiversity regarding the proposals, whichever metric is used, but there may be ways to bring this up to a very small positive result with revised landscaping.

Weald of Kent Protection Society

- 5.09 Objection:
- The site is not allocated and was rejected in the latest Call for Sites.
 - Contrary to SP17 – Countryside: the site is in an LLV; SP15 – Sutton Valence – Loss of green spaces; SP11: focus development within the village boundaries.
 - The 2/3 storey design breaches Planning Policy DM 30 – Design Principles in the Countryside:
 - Contrary to DM14 – Nursing and Care homes: harms local character and amenity
 - Access hazardous because of the fast flow of traffic descending the steep Sutton Valence hill on the A274, often in excess of the speed limits.
 - No support from the local Medical Practice
 - inadequate Open Space
 - Surface water strategy will be inadequate on Wealden Clay.
 - There is a surplus of Care Home places in the immediate area.
 - Isolated location this site fails the guidance of the Care Quality Commission
 - overdevelopment in the wrong place

MBC- Parks and Open Space

- 5.10 The 12 assisted living units will require open space and none is provided so contribution of £18,900 sought for off-site provision.

MBC Landscape Officer

- 5.11 Scheme does not conform to the principles of the Maidstone Borough Council Landscape Character Assessment Supplement 2012 (MBCLCAS2012) due to use of non-native species and inadequate planting to peripheries of the development.
- 5.12 The application is accompanied by a Landscape Visual Appraisal rather than a Landscape and Visual Impact Assessment as that is more detailed and should identify 'significant' effects in accordance with the requirements of Environmental Impact Assessment Regulations 2017, as well as type, nature, duration and geographic extent of the effect.

MBC Environmental Protection

- 5.13 No objection subject to conditions on dust/air quality; plant noise; lighting; decontamination.

6. APPRAISAL

The key issues are:

- **Countryside Location/Character and Appearance**
- **Sustainability**
- **Need**
- **Highway Safety**
- **Other Matters**

Countryside Location/Character and Appearance

- 6.02 The development will erode the openness of the site by adding considerable bulk in terms of height, spread of development and associated engineering to create undercroft development, by cutting into the slope and widening of the access point. The upwards topography of the site away from Forsham Lane will mean a visual domination of bulky roofscape. The level of built development to create the Care Village is cramped being close to the boundaries. This restricts the amount of open space and widths of buffers and as the development is in depth, it is at odds with the prevailing pattern of development of the locality.
- 6.03 The site is garden curtilage and so is largely undeveloped in character and appearance with its most basic characteristic being its openness and undeveloped nature. It is outside of the village of Sutton Valence and is within a small area of sporadic development which is often seen in the open countryside. Due to the sheer scale of development proposed, both the openness of this site and the loose morphology of this area would be significantly harmed contrary to the tests in Policy SP17.
- 6.04 The site is open garden of one large detached dwelling and slopes gradually down with the lowest part of the site being along the road frontage with Forsham Lane. Currently the site is partly screened by an overgrown hedgerow of hawthorn and Field Maple. However, that hedge has an average height of approx 6m so has a limited screening function in terms of the size and height of the development which is proposed particularly close to the boundaries and due to the upward slope of the land. Hence it would have a significant adverse impact on openness.
- 6.05 Immediately west of the site is a typical rural terrace of 3 cottages (1-3 Forsham Cottages). To the north is Somersby Stables. Opposite the site, is a detached dwelling of Brookfield and a residential caravan site of The Stables, Brookfield with

- agricultural land and buildings further to the west. There are no local examples of large footprint 3 storey care buildings erected close to site boundaries so this would be out of keeping and would be consolidating sporadic development.
- 6.06 The application site is not in an area of Local Landscape Value but lies close to and below the steeper edge of the Greensand Ridge LLV. Sutton Valence is sited on the plateau of the Greensand Ridge and the open foreground on approach from the south (the Low Weald LLV) is an important component of the identity of the village. This would be eroded by the introduction of a bulky 3 storey building in this locality.
- 6.07 What little screening is afforded by the hedgerow could be eradicated entirely if the works close to it are considered: the building itself and terraces/paths are close to the southern and eastern boundaries; there is significant land excavation and land raising along the southern boundary and it is furthermore intended to have underground drainage crates installed close to the southern and western boundaries. All of these could adversely affect the integrity and longevity of the hedgerow and the limited screening it provides, thus totally opening up the site to views from the local area.
- 6.08 It is not considered to be feasible for significant landscape screening of this large and tall building to be secured in the short to medium term and it would consequently be extremely visually prominent to the public domain. Even in the very long term, the buildings will not be well screened as the highest ridge of the 3 storey wing is approx. 17m taller than the level of the southern boundary. The proximity of the building to the boundaries means no scope for buffer planting to increase the natural screening of the building or assist it to be subsumed into the landscape.
- 6.09 Moreover, the opening to create the widened access point will also reduce the screening value of any boundary screening. There is an existing gap in landscape screening at both the SW and NE corners and the latter gap will increase due to the need to improve the access width and construct a new footway. The amendments to the access required by KCC will be harmful to rural character and urbanising by introducing a road entrance 5.5m wide with footways 1.8m either side instead of the existing domestic scale driveway. The bellmouth will increase in width from approx. 6m to 17m and the works to the footways extends the urbanisation over a distance of 27m width. This fully opens up more of the development to be visually prominent from the NE which is the view from Headcorn Road itself.
- 6.10 Although it is the case, as the objectors mention, that the site will be visible from parts of the Greensand Way itself as it passes through the village, most of the harmful impact on the character and appearance of the rural locality is therefore in the shorter range distances.
- 6.11 The applicant submitted an LVA which is more limited than and LVIA in its assessment of the type, nature, duration and geographic extent of the landscape effect and may not have fully considered the long range impacts on the LLVs, eg from the Greensand Way. For closer range impacts, the LVA is considered to over-credit the existing boundary planting in terms of its screening value.
- 6.12 The principle of the development in the countryside relatively distant from Sutton Valence village is contrary to the spatial hierarchy in policy SS1 and to the countryside protection Policy SP17. It is noteworthy that development of the site was not endorsed as a specific development site in the Local Plan Review despite a smaller part being put forward in the call for sites for housing (site 012).
- 6.13 Paragraph 130 of the NPPF requires development to be sympathetic to local character including the surrounding built environment and landscape setting. This is a cramped over-intensive development of urban proportions in a rural location.

By reason of its siting, scale, height, bulk, form and the extent of land level changes needed and associated hard surfacing from parking and access requirements would erode the openness of the countryside, dominate the locality and cause unacceptable visual harm to the character and appearance of the area contrary to SP17.

- 6.14 Many of the issues raised above are contrary to Policies DM1 and DM30 (good design) of the MBLP. Moreover, the bulk and form of the building has not been designed to reflect the form and scale of the local vernacular. The southern wing along Forsham Lane will have eaves height and ridge height 2m and 3m higher respectively than the neighbouring cottages. The incorporation of sedum roofs would need to be more detailed to overcome concerns with their impact on the intended vernacular design. The roof form is bulky and the addition of gable features to the elevations does not successfully break up the roof form to make it more vernacular.

Sustainability

- 6.15 Paragraph 73 of the NPPF requires residential development to have sufficient access to services. As mentioned above, policy DM14 directs C2 Care or Nursing Homes to localities where there are good connections to local services. The lane serving the site is single carriageway width with no streetlights. The route to Sutton Valence village is uphill and unlit. The footpaths are narrow, there are dangerous junctions to cross and the A274 is extremely busy, often congested on the approach to the village including with large vehicles serving farms and commercial premises locally. The local topography and highway network is such that walking or cycling access to the village is not particularly safe or accessible for most people and especially not for the persons expected to occupy a C2 building (ie older persons in need of care).
- 6.16 It is understood the village shop has ceased trading and the only local convenience facilities are in a petrol station on Headcorn Road to the south, 800m away along and across a busy main road with no street lights. Again, this is not particularly safe or accessible for most people and especially not for the persons expected to occupy a C2 building (ie older persons in need of care).
- 6.17 Notwithstanding the suggestion of a minibus service to and from Maidstone to give accessibility for staff or to local services for the residents, the proposal would fail to contribute to a sustainable pattern of growth, where the fullest use could be made of public transport, walking and cycling both in terms of residents accessing local services and staff attending for work. The local bus services are poor except for Weekdays and Saturday timetables of the no.12 that serves the Maidstone to Headcorn route (the Sunday service would not be good for the shift patterns). Shift staff who commute by bus from Maidstone in particular would struggle to arrive or depart at convenient times, especially in the evenings and on Saturdays. Hence, despite being close to a main road, there are limited bus timetables that coincide with shift changes so the public transport provision makes the site overall unsustainable bearing in mind the anticipated numbers of staff and visitors.
- 6.18 The location is unsuitable for the proposed use due to its relative inaccessibility by walking, cycling and public transport. It would result in an unsustainable pattern of development and conflict with the aim behind MBLP Policy DM14 which seeks to locate Class C2 schemes within defined settlement boundaries because such schemes are places of work as well as residences and it is a policy position that should be located within the borough's main settlements.

Need

- 6.19 The application includes a Needs Assessment which concludes that within its defined 10 mile catchment, there is deficit to 2031 of 348 standard bedspaces and

782 for those with modern ensuite 'wetrooms'. (NB The needs assessment makes no reference to "need" for the 12 Extra Care units as such).

- 6.20 The application also includes an Alternative Site assessment which concludes that:
- There is an ageing population
 - 62% of existing bedrooms in the local care home stock need to be modernised
 - The schemes in the planning pipeline will not meet the deficit
 - They say there are no 'suitable, sustainable, achievable, available' alternative sites between 1 and 2 acres in size within their defined catchment.
- 6.21 The Strategic Housing Market Assessment (2021 update) covering Maidstone were produced by Icenii Projects Limited and their methodology is considered to be sufficiently robust and the need figures are up to date in that they are informing the Local Plan Review. Specialist/older person elements are not used which are allocated sites in the Local Plan and so supply is expected to arise from windfall developments that are locationally appropriate.
- 6.22 In terms of the care/nursing home accommodation, the latest SHMA indicates a need of 1228 bedspaces over the period 2019 to 2037. Recent planning permissions will provide 179 Care bedspaces which were all in the urban settlement boundary (ie in policy compliant locations). This equates to 2.6 years supply.
- 6.23 In terms of the Assisted Living (Extra Care) Units, the latest SHMA indicates a need of 803 units over the period 2019 to 2037. There have been permissions for 179 units since 2019 which equates to 4 years' supply. There has been recent provision of this type of accommodation, albeit not within settlements.
- 6.24 Whilst it is accepted that there is future need for both forms of C2 proposed in the scheme, that is not outweighed in the planning balance.

Highway Safety

- 6.25 Despite the concerns of the PC and local residents, KCC (H&T) are now satisfied that the access as reengineered is satisfactory and has passed a stage 1 Safety Audit. However, that is achieved from excessive engineering in the countryside as referred to above. KCC have no parking or transport objections to the scheme.

Other Matters

- 6.26 It is accepted that windows along the western flank are secondary and could be obscured glazed for privacy. However, there will be a significant loss of outlook and overbearing impact on the neighbours at Forsham Cottages, particularly no. 1 with the 2-storey range of the building along their side boundary and the 3-storey wing visible and on higher ground. The Care Home building is level with the front of the cottages and 3-6m from the boundary so will result in loss of morning sunlight to neighbouring property. The landscaping plan indicates a hedgerow along most of the common boundary but that is omitted from the Tree Survey and in reality, is gappy and overmature and as mentioned above, the prospect of its longevity will be low with the proximity of the Care Home building, land level changes and underground drainage crates nearby. There is considered to be harm to residential amenity contrary to policy DM1 and DM14.
- 6.27 The application included an odour contour assessment due to being 250m from a WWTW. Southern Water are satisfied that there will be no loss of amenity of the potential occupants that would breach policy DM1.

- 6.28 The communal nature of the development and the 24 hour care basis would mean a need for external lighting, detrimental to rural character and appearance. Light pollution of this type is contrary to paragraph 185 of the NPPF and Policy DM8 of the MBLP.
- 6.29 The lack of a Biodiversity Net Gain arises from the NPPF revised in July 2021 and the Environment Act (November 2021) which altered the baseline date of ecological surveys to deter removal of biodiversity interest before submitting a planning application. In this case, many trees were felled in 2020 before the application was submitted. The very large scale of the development restricts the amount of onsite planting in mitigation. The lack of BNG could possibly be overcome but much more native planting would need to be included, which is a point also noted by the Council's Landscape Officer. The absence of this information is therefore contrary to the National Planning Policy Framework and breaches Policies DM1 and DM3 of the MBLP which aim to protect biodiversity.
- 6.30 There are many objections received as to surface water drainage problems in the area. The submitted strategy did not satisfy KCC from a technical point of view and so the applicant has not satisfactorily evidenced that surface water flooding will not be worsened as a result of the proposals. Comments from KCC on the revised strategy are awaited and may need to form a further reason for refusal.
- 6.31 As the development is exempt from CIL, if planning permission were to be granted, it would be appropriate to seek financial contributions for matters such as Open Space and GP Facilities.

PUBLIC SECTOR EQUALITY DUTY

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

CIL

- 6.33 The proposed development type is currently exempt from CIL.

7. CONCLUSION

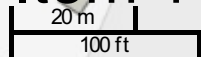
- 7.01 The proposal is urbanising and significantly extends built development in terms of overall mass, height, greater site coverage and footprint encroaching further into the countryside at the base of the Greensand Ridge and will be highly visible and harmful to the setting of Sutton Valence. It is sited on former garden and will be out of keeping with and consolidate existing sporadic development in the locality. The proposals are therefore contrary to Policies SS1 and SP17 of the Maidstone Borough Local Plan 2017
- 7.02 The application site is in an environmentally unsustainable location due to poor scope for staff to commute and for residents to access services by walking, cycling or using public transport. The proposed development would therefore be contrary to Policies SP17 and DM14 of the MBLP.
- 7.03 It is accepted that there is a general need for care and extra care housing within Class C2. However, there are likely to be more suitable sites for Class C2 development that are not in environmentally unsustainable locations in the countryside which would harm local rural character and appearance as this scheme would. Therefore, this proposal does not provide benefits that would override the harm identified.
- 7.04 The application is also deficient in Biodiversity Net Gain, contrary to the NPPF and policies DM1 and DM3 of the Maidstone Borough Local Plan 2017.

8. RECOMMENDATION

REFUSE planning permission for the following reason(s):

- 1) The application site is in the countryside and the C2 Care development is contrary to the adopted Maidstone Borough Local Plan Spatial Strategy policy SS1 which directs development to defined built areas and to policy SP17 which protects the countryside from development that harms its character and appearance. In this case, there will be loss of openness and consolidation of sporadic development. There are no material circumstances that would justify departing from this strategy with the resulting harm to the character and appearance of the countryside these being the two primary tests of "harm" in adopted policy SP17. The proposals are therefore contrary to Policies SS1 and SP17 of the Maidstone Borough Local Plan 2017 and the National Planning Policy Framework.
- 2) The proposal significantly rec extends built development in terms of overall mass, height, greater site coverage and footprint encroaching further into the countryside at the base of the Greensand Ridge, with limited existing screening remaining, and is highly visible from Headcorn Road and Forsham Lane and public vantage points and national PROW trail. By reason of the bulk, scale, height and siting of the buildings, external lighting, the engineering alterations to the access, the extent of hardstanding and the cramped layout, it would result in an urbanising and visually prominent form of development, out of character with the rural locality, harmful to the setting of Sutton Valence in its rural context on approach form the south and therefore harmful to the character and appearance of the countryside. It is contrary to policies SP17, DM1 and DM30 of the Maidstone Borough Local Plan 2017 and the National Planning Policy Framework.
- 3) The application site is in an environmentally unsustainable location due to poor scope for staff and residents to access by walking, cycling or using public transport. The proposed development would therefore be contrary to Policies SP17 and DM14 of the Maidstone Borough Local Plan 2017 and the National Planning Policy Framework.
- 4) The development has not been demonstrated to result in Biodiversity Net Gain and is therefore contrary to the National Planning Policy Framework and Policies DM1 and DM3 of the Maidstone Borough Local Plan 2017.

Case Officer: Marion Geary



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

REFERENCE NO: - 20/504976/FULL		
APPLICATION PROPOSAL: Demolition of existing buildings and erection of 6no. dwellings with associated parking, hardstanding, landscaping and area of ecological enhancement, infrastructure and earthworks. Enhancement of an existing access and provision of a new access from Lenham Heath Road.		
ADDRESS: Little Dene, Lenham Heath Road, Lenham Heath, ME17 2BS		
RECOMMENDATION: GRANT subject to a s106 legal agreement and conditions as set out in Section 8.0		
SUMMARY OF REASONS FOR RECOMMENDATION: This is an existing part brownfield site, in a countryside location. Whilst there will be a substantial increase in the massing on the site, there will be use of vernacular materials, the siting at the base of a slope providing the opportunity for a landscape scheme on land in the control of the applicant to give a robust backdrop reducing the visual impact of this development. Therefore, specific conditions are proposed together with a s106 to redress this balance. In accordance with Policy DM5, the development will deliver some environmental and ecological benefits both on and off-site. In respect of policy DM5, the site is not sustainable but the net impact in terms of trips is limited. Conditions are recommended for fast EV charging points and designed/bespoke working from home space. There are no transport, environmental or other technical objections from Statutory Consultees. The scheme has the potential to deliver housing in a nutrient neutral manner. On balance, the harm to the countryside's character and appearance is considered to be outweighed by the on and off-site benefits that can be secured. A s106 legal agreement would be needed in regard to nutrient neutrality and the landscaping and ecological benefits being secured by a LEMP (Landscape and Ecological Management Plan).		
REASON FOR REFERRAL TO COMMITTEE: The development would be a departure from the development plan principally due to the volume of new build in comparison with the existing former cattery buildings and the erection of a dwelling in the side garden of 'Little Dene'. The recommendation is contrary to the views of Lenham Parish Council.		
WARD: Harrietsham And Lenham	PARISH/TOWN COUNCIL: Lenham	APPLICANT: Esquire Developments
CASE OFFICER: Rob Jarman	VALIDATION DATE: 03/11/20	DECISION DUE DATE: 23/02/21
ADVERTISED AS A DEPARTURE: YES		

Relevant Planning History

Little Dene (cattery site)
90/1227 Outline application for a new dwelling for cattery.
Refused 05.09.1990 DISMISSD at appeal

81/1752 Erection of cattery for 20 cats
Approved 10.02.1982

Little Dene (dwelling itself)

20/504566/FULL Provision of new access with a dropped kerb, driveway with turning area and parking spaces.
Approved 18.12.2020

Land to the north of Little Dene

10/0458 Application to discharge conditions relating to MA/09/1017 (Change of use of land for the erection of 4 no. Yurts and a facilities cabin to provide holiday accommodation between April and September each year) - submission of details received on 18 March 2010 pursuant to condition 2 landscaping.
Approved 03.06.2010

09/1017 Change of use of land for the erection of 4 no. Yurts and a facilities cabin to provide holiday accommodation between April and September each year as shown on main proposals plan, planting plan and typical elevations received on 15/6/09; and site location plan received on 23/6/09.
Approved 17.08.2009

Land to south-east corner of the application site

07/0107 Outline application for the erection of one dwelling on land adjacent Little Dene with all matters reserved for future consideration as shown on three unnumbered plans received on 17/01/07.
Refused 09.03.2007 (reasons: unsustainable location and visual harm to countryside)

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is located to the north of Lenham Heath Road and is an irregular shaped plot of land measuring approximately 0.48 ha. There is no settlement boundary to formally define the extent of Lenham Heath with the area being 'washed over' by the countryside. The CTRL and M20 transport corridor lies south of Lenham Heath Road. The start of PROW KH408 runs from the south west corner of the site. PROW KH405 runs E-W some 100m north of the application site.
- 1.02 The part of the site that was the cattery contains vehicular access, driveway, car parking, hardstanding, an office/admin block, cattery structures and other outbuildings/structures. The application site also includes residential garden land and agricultural grazing land east of the access.
- 1.03 Agricultural grazing land to the north of the site is in the control of the applicant, being outlined in blue on the site location plan.
- 1.04 There are no heritage assets within or bordering the site, although 'Sheathers' to the south-east is Grade II listed.
- 1.05 The 'Bull Heath Pit' local wildlife site occupies much of the woodland to the immediate west of the site. There are no TPOs or ancient woodland within or abutting the site.
- 1.06 The location does not lie within an area of Landscape of Local Value (LLV). There is limited mature planting on the site, with the majority being ornamental.
- 1.07 The topography of the surrounding land rises above the application site to both the west (Bulls Wood) and to the north to Mount Pleasant.

- 1.08 The established character of the immediate area is that of a hamlet of sporadic development with large undeveloped gaps between properties which front Lenham Heath Road together with other agricultural/commercial buildings. There is no prevailing architectural style, with dwelling types ranging from terraced cottages and former commercial uses to large detached houses.
- 1.09 Surrounding roads are typically narrow country lanes with no formal footpaths or lighting. However, a number of PRow provide local connections, including to Lenham Forstal Road and bus stops at Rose Lane.

2. PROPOSAL

- 2.01 The proposals seek to demolish the existing cattery structures and redevelop the site for residential purposes with new ecological habitat. The application originally proposed 7 dwellings, reduced to 6 comprising:
- 1 No. 5-bed detached dwelling (frontage detached)
 - 3 No. 3-bed dwellings (terraced)
 - 2 No. 4-bed dwellings (semi-detached)
- 2.02 The scheme proposes a two storey house in a "Farmhouse" style with side double car port (unit 1) in the side garden of 'Little Dene', infilling the existing built frontage. Units 2, 3 and 4 are a terrace and follow the general alignment of the cattery structures along the western boundary, with units 5 and 6 being semi-detached, closing off the courtyard to provide a L-shaped 'farmstead' character to the scheme. Parking is provided in a combination of open bays and an open fronted 5 bay car barn intended to replicate rural typology.
- 2.03 The existing access will be retained and slightly widened with acceptable sight lines that do not affect the existing front hedgerow. Hardstanding will be limited to the site access and parking areas
- 2.04 A SuDS area and meadow planting is proposed on former agricultural land east of the site access which will also provide new habitat. This will be connected by a reptile/wildlife corridor to a new biodiversity and reptile area that is to be created north of the main site area. New tree planting is proposed together with mixed native hedgerows.



Illustrative CGI from Lenham Heath Road



Frontage House (Unit1)



Illustrative CGI of rear dwellings

- 2.05 The materials for the rear buildings include multi-stock brick plinth, black weatherboarding and blue/grey slate roof tiles, with 'cart' style entrances and shuttered window openings.
- 2.06 The frontage dwelling and carport is indicated to be of red multi-stock brick with red clay roof tiles and white weatherboarding.
- 2.07 The applicant initially submitted a "shadow" Habitats Regulation Assessment (HRA) because the site is located within the catchment of the River Stour. It concluded that in addition to mitigation within the application site and in neighbouring land controlled by the applicant, a purchase of "credits" equating to 1.2ha of land at the new Forestry England site "Pleasant Forest" will assist in providing the necessary mitigation for nitrate and phosphate pollution from the new dwellings to demonstrate the development is "nutrient neutral". A revised Shadow Assessment was submitted which calculated an increase in Nutrient pollution but the applicant wishes to additionally mitigate by reducing water usage estimates significantly.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2017)

- SS1 Spatial Strategy
- SP17 Countryside
- SP19 Housing Mix
- DM1 Principles of Good Design
- DM3 Natural Environment
- DM5 Brownfield Land
- DM14 Density
- DM19 Open Space
- DM23 Parking Standards

- DM30 Design Principles in the Countryside

Kent Minerals and Waste Local Plan

- DM7 Safeguarding

Lenham Neighbourhood Plan (2020)

- D1 Design Policy
- D2 Small Scale Development
- D5 Residential Parking
- AT1 Active Travel
- GS1 Natural Space
- AQ1 EV Charging
- SHDS1 Supporting Assessments

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Supplementary Planning Documents: Maidstone Building for Life

Emerging Policies – Maidstone Borough Council – Local Plan Review Regulation 22 Submission: The regulation 22 submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is a material consideration, and some weight must be attached to the document because of the stage it has reached. The weight is limited, as it has yet to be the subject of a full examination in public

4. LOCAL REPRESENTATIONS

Members should note that since these comments were received, the application has been reduced from seven to six dwellings.

The application has been recently re-advertised as a departure from the development plan by virtue of an amended site notice and press advertisement. These expire 14th and 13th April 2023 respectively and should these elicit any further representation following the publication of this report, Members will be updated either by written or verbal urgent updates.

Local Residents: Two representations received from local residents raising the following (summarised) issues

- Overlooking and loss of privacy
- Inadequate parking
- Increase in traffic
- Form of development out of character
- Loss of cattery business
- Impact on infrastructure
- Loss of habitat
- Would support a smaller scheme

5. CONSULTATIONS

Members should again note that since these comments were received, the application has been reduced from seven to six dwellings.

Lenham Parish Council

- Severe negative visual impact on the surrounding countryside.

- A large number of substantial executive homes on cramped and limited plots is out of character with this part of Lenham Heath is that of isolated detached dwellings and small holdings, many of them occupying fairly large plots.
- Introduces a fundamentally suburban character to the detriment of unspoilt countryside.
- Significant reduction in the potential of the site to support wildlife.
- The development would form an isolated car-based enclave.

5.01 Natural England (28/9/22) (these comments are based on the applicant's HRA, comments awaited on the Council's HRA which differs in terms of necessary mitigation. Members will be updated either by written or verbal updates as necessary)

5.02 No objection subject to appropriate mitigation including 1.2 ha area of land within the same fluvial catchment as the development site being converted from general farming use to woodland planting and managed in perpetuity through a S106 agreement with Forestry England.

KCC LLFA

5.03 No Comments

KCC Minerals

5.04 A Minerals Assessment is needed.

[Officer Note – the Applicant subsequently submitted the requested information.]

Southern Water

5.05 No issues raised – identify location of sewers.

KCC Ecology

5.06 No objections subject to mitigation measures and ecological enhancement measures in a Biodiversity Method Statement secured as a condition.

5.07 Due to potential impacts upon great crested newts, a Conservation Payment Certificate is needed to confirm adherence to a District Level Licensing Scheme.

5.08 The site is located directly adjacent to Bull Heath LWS. A construction management plan condition requiring details of timings and locations of mitigation measures should be secured by condition.

MBC Environmental Protection

5.09 No objection subject to conditions covering noise, any potential contamination and EV charging.

6. APPRAISAL

The key issues are:

- Principle of Development and Landscape Impact
- Design, Layout
- Nutrient Neutrality
- Ecology and Biodiversity

- Highways

Principle of Development and Landscape Impact

- 6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The MBLP 2017 and the Lenham Neighbourhood Plan 2020, together with the Kent Waste and Minerals Local Plan form the Development Plan.
- 6.02 The applicant asserts that both the NPPF and the MBLP recognise the importance of housing delivery, with the NPPF further emphasising the role that small sites can make to local housing targets; and that sites such as this make a material contribution to the Council's windfall targets and respond to Government initiatives to support the role of SMEs in delivering housing on smaller sites.
- 6.03 The principle of the development in the countryside relatively distant from Lenham village is contrary to the spatial hierarchy in policy SS1 and to the countryside protection Policy SP17. Policy SS1 directs the focus for new housing to a hierarchy of sustainable settlements and site allocations: as such, there is a limited reliance upon windfall housing to meet local housing targets.
- 6.04 Policy SP17 states that new development in the countryside will be permitted if, inter alia:
- it accords with other policies in the Local Plan;
 - it is of a high quality design;
 - it will not result in harm to the character and appearance of the area, and maintains, or where possible, enhances the local distinctiveness of an area;
 - it will protect and enhance any on-site biodiversity features where appropriate, or provide sufficient mitigation measures; and
 - it will respect the amenities of occupiers of neighbouring properties.
- 6.05 The key issue in policy SP17 is consideration of any harm to the character and appearance of the area. Due to the layout and modest height and size of most of the cattery buildings, the redevelopment of this site extends built development in terms of overall height, greater site coverage and siting further eastward into the countryside. It is inevitably of greater built mass than the existing buildings on the site. Therefore, the proposed built mass is significantly greater than that existing, so the site's openness will be eroded and it will be more suburban in character and appearance as opposed to rural.
- 6.06 However, within the site specific context, the visual prominence of the additional built form when viewed from Lenham Heath Road is lessened by reason of the site being a low level compared to the rising land behind the site. The land at the rear is in the control of the applicant and securing a high quality landscape scheme of native trees for that land would, over time, create a green backdrop to the development.
- 6.07 Whilst the site is visible from KH405, which passes up the hill behind the site, it is viewed in the context of the backdrop of existing housing on Lenham Heath Road. Views of the new housing will, to some extent, be screened by the new native-led landscape scheme and new ecological areas. Longer distance views towards and beyond the M20 will not be disrupted due to the topography.

- 6.08 The impact upon the visual amenity of users of the PRow would be in the context of the dispersed frontage to Lenham Heath Road and the cluster of buildings around Mount Pleasant.



- 6.09 The site does not lie within an LLV. The Maidstone Landscape Character Assessment identifies the site as lying within the Lenham Heath Farmlands which is characterised by, inter alia, broadleaf woodland, bracken and birch. This assessment is now dated being 2012 and whilst the applicant has not submitted an LVIA (Landscape and Visual Impact Assessment, the degree of harm to the landscape needs careful consideration. An LVIA would have provided a useful narrative as in this sort of case, the landscape impact is the primary issue.
- 6.10 Due to the site's relationship to existing built development and reduced visibility from the surrounding countryside, subject to sensitive design and layout of the development and securing landscaping of the site and surrounding land in the control of the applicant via a comprehensive LEMP (e.g. Hazelnut block planting), over time, the development would be subsumed into the wider rural landscape of the area, reducing the degree of harm to the character and appearance of the countryside.
- 6.11 MBLP Policy DM5 states that redevelopment on brownfield sites (which are not residential gardens) within the countryside will exceptionally be acceptable subject to a number of criteria.
- 6.12 Until relatively recently, part of the site (totalling 0.4ha) was used since the 1980s as a cattery, with the cat pens and associated outbuildings occupying the north-western most corner of the site. The existing access from Lenham Heath Road has been shared by the cattery and the dwellinghouse ('Little Dene', which is excluded from the application site), with the cattery being run by the occupiers of that dwelling.
- 6.13 The NPPF defines previously developed land (brownfield land) as:
Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.
- 6.14 The area which readily meets this definition and can truly be considered as brownfield land is the northern part of the site which is currently occupied by the cat pens and ancillary buildings. Hence, the site is considered as a mix of brownfield/garden land/agricultural land and has been advertised as a departure from the development plan for this reason.
- 6.15 However, in line with the recent court of appeal judgement received by the Council, when dealing with Policy DM5, 'the site' needs to be considered as a whole and the existing value and proposed enhancements to the entire site within the red line needs to be taken into account, not just the area considered as 'brownfield' land.

6.16 Policy DM5 requires that the site is not of high environmental value. The Local Plan does not formally define what is considered as high environmental value, however the Government's Guidance on Natural Environment sets out:

'Some previously developed or 'brownfield' land is of high environmental value, providing habitats for protected or priority species and other environmental and amenity benefits'

6.17 The application is accompanied by an Ecological Impact Assessment, this identifies

- There is no evidence of bat roosts and limited opportunity for foraging
- No evidence of dormice
- A small population of slow worms

6.18 The site therefore possesses very limited ecological value, with much being currently occupied by buildings/structures, hardstanding, access and parking. The existing side garden and agricultural land provides some visual amenity benefit and contributes to the open character of the landscape. However, it is not considered that the application site is of 'high environmental value' based on the PPG definition above.

6.19 Policy DM5 also requires the density and character of development to reflect its surroundings. Whilst density alone is not a reliable measure on small sites, at circa 12dph, the development is of a similar density to another DM5 site 400m to the north at Burgess Fields. There is no formal settlement boundary to Lenham Heath and the character of the area is one that is typified by a hamlet of sporadic development with large undeveloped gaps between properties which front Lenham Heath Road together with other agricultural/commercial buildings.

6.20 As highted above, the scale and plot size of the frontage dwelling replicates this established character, whilst the creation of a SuDS/ecological area to the east will be in-keeping with the rural character of the overall site frontage. The rear dwellings, by virtue of their layout design, materials and siting aim to replicate a traditional rural farmstead character.

6.21 Within the broader countryside, MBLP Policy DM5 introduces additional tests such as the proposals resulting in significant environmental improvement.

6.22 As detailed above, the existing site is of not of 'high environmental value'. The proposals would introduce features to support wildlife and biodiversity:

- SuDS pond which will maintain permanent water and appropriate native marginal planting
- A surrounding botanical wetland
- Native tree planting on site boundaries
- New and enhanced native woody hedgerow species
- Nectar rich ground planting
- Bat boxes/bricks on built fabric and trees.
- House sparrow and starling boxes on built fabric and robin etc boxes on trees.
- Log piles around the site and reptile areas.

- 6.23 To the north of the development site, on grazing land of approx. 0.35ha within the applicant's control, it is proposed to create a 0.13ha reptile receptor. This will lie adjacent to the LWS, but also be connected through the site, with a reptile corridor created to connect to the new pond.
- 6.24 Existing non-native planting will be removed, whilst appropriate species such as a beech hedge will be retained. Species that are considered to be invasive to heathland will be excluded from the planting scheme.
- 6.20 As such the proposals have the potential to increase the environmental value of the site and wider area.
- 6.25 DM5 includes a criterion that the site is, or can be made sustainable. The NPPF states that "*Significant development should be focused on locations which are or can be made sustainable....However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making....*".
- 6.26 The site is some distance from the services in Lenham Village and the local bus service is extremely limited. The lack of footway and streetlights means that the site is in conflict with that aspect of DM5. However, the reasoned justification to Policy DM5 states that consideration should be given to:
- what sustainable travel modes are available or could reasonably be provided;
 - what traffic the present or past use has generated; and
 - the number of car movements that would be generated by the new use, and what distances, if there are no more sustainable alternatives.
- 6.27 There are bus stops within walking distance (albeit along roads without footpaths or lighting), but services are limited to one per day and no service on Sundays.
- 6.28 A cattery use would generate a level of traffic movement that is not restricted by any planning conditions. This reduces the net impact of traffic generated by the proposed residential redevelopment. Journey distances and times by car to Lenham are relatively short. Both of these factors have been afforded weight by a number of planning inspectors and are relevant when considering if the site is environmentally sustainable.

Design and Layout

- 6.29 Policy DM1 outlines the principles of good design requiring all development to be of a high quality, responding positively to the character and appearance of the local area in which it is situated. Policy DM30 provides further guidance in respect of rural sites, where sensitivity to local typology is emphasised.
- 6.30 The scheme proposes two building typologies. The front dwelling in the former side garden of 'Little Dene' reflects the existing character of dispersed dwellings which front Lenham Heath Road, with form and materials reflecting traditional local styles. Open gaps to both sides of the dwelling ensure that it does not appear cramped within the plot and so the impact on Lenham Heath Road is relatively limited.
- 6.31 The rear buildings adopt a form aimed at creating a 'farmstead' courtyard with traditional materials such as black weatherboarding and slate roofs; timber side-hung ledge and brace shutters, and double height "barn style" doors (which for units 5 and 6 are to galleried landings).
- 6.32 The character of the scheme is inevitably suburban given the mass of the buildings and layout. Farm buildings would have been much smaller and arranged randomly

as they evolved as needs be. The only similar type of farm would be a Victorian range farm building complex.

- 6.33 Nevertheless, the use of vernacular materials typical of a Kentish farmstead secured by condition would contribute to the quality of the development. This would mean specifically requiring: timber feather edged weatherboarding; natural slate; plain clay tiles. In terms of the Farmhouse, it is considered that hanging clay tiles including fish scale design would be a better reflection of the local vernacular and so the incorporation of this material is also required by a suggested condition. The incorporation of Kentish Ragstone plinths will also be key to meeting the high quality design that is necessary to mitigate the impact of the development on the character and landscape of the locality.
- 6.34 The scheme also responds to BfL 12 encouragement to incorporate natural drainage via an infiltration pond to combine surface water attenuation with ecology and visual amenity benefits; adequate car parking is provided to meet needs without dominating the layout due to careful siting of car barns.

Nutrient Neutrality

- 6.35 Regulation 63 of *The Conservation of Habitats and Species Regulations 2017* requires an assessment where a project may give rise to significant effects upon any Natura 2000 site including:
- Special Areas of Conservation (SAC)
 - Special Protection Areas (SPA)
 - RAMSAR Sites
- 6.36 The application site lies within the upper River Stour catchment and is hydrologically connected to the Stodmarsh SAC, SPA and Ramsar site north east of Canterbury as waste water from the site would discharge to the Lenham WWTW, then the River Stour, which itself enters Stodmarsh.
- 6.37 Since July 2020, Natural England advice is that a likely significant effect on the internationally designated Stodmarsh sites (SAC, SPA and Ramsar) cannot be ruled out due to the increases in wastewater from new residential developments coming forward in the River Stour catchment. This increases phosphate and nitrate pollution to protected habitats by resulting in ecologically damaging eutrophication.
- 6.38 In accordance with methodology prescribed by Natural England, the applicant's 'shadow' HRA identifies that to achieve nutrient neutrality, in addition to the land use changes within the red and blue lined land detailed in the planning application, the off-site delivery of 1.2ha of woodland on former cereal farming land at Pleasant Forest would assist in providing the necessary credits required. It also requires the Council to accept water usage levels by the new dwellings very much lower than standard water usage figures.
- 6.39 The Council is the "competent authority" and is obligated by the Regulations to carry out its own appropriate assessment which concludes:
- The mitigation offered from conversion of land from cereals to woodland at Pleasant Farm/Forest is insufficient mitigation for Phosphates both pre and post 2025.
 - Pre-2025 occupation is unlikely to be acceptably mitigated as the Phosphate discharge is extremely high. Any planning permission would need to be restricted accordingly in terms of the date of occupation.
 - Post 2025 occupation, mitigation for the remaining 3 of the 6 units would need to be demonstrated

- 6.40 The differences in conclusions of the Council's HRA compared to the applicant's HRA stem from differing assessments of the existing land uses on the site and water usage figures.
- 6.41 Potentially any or all of the following mitigation would be required:
- confirmation of purchase of more credits of offsite mitigation of Phosphate
 - quantifying if the SuDS strategy reduces phosphate in surface water run off
 - converting more lowland agricultural land within the Stour Catchment to Shrub or similar non-farming use
 - increase on-site semi natural greenspace or shrubland instead of residential land (eg reduce the garden sizes of plots 1 and 5 and increase area of Water/Greenspace).
- 6.42 Revised comments from Natural England are awaited but it is expected that an objection would be raised until the mitigation measures have been secured prior to occupation of the dwellings.
- 6.43 There is an obvious appetite by the developer to secure the necessary mitigation and given a range of opportunities are and may become available in the short term, there is a reasonable likelihood that Nutrient Neutrality could be demonstrated within the time-limit imposed by any permission (3 years). This would not include proposals for water usage rates lower than the Building Regulations as such restrictions would have to be controlled by planning conditions and it is considered that they would not meet the legal tests for conditions, not least being unreasonable and unenforceable.
- 6.44 Therefore it is considered a s106 legal agreement would be necessary to restrict implementation until full Nutrient Neutrality can be satisfactorily evidenced and to ensure the mitigation is in place prior to occupation.

Ecology and Biodiversity

- 6.45 The application site has been the subject of an Ecological Impact Assessment, the findings of which KCC's Biodiversity Officer supports and ecological enhancement is proposed as detailed above.
- 6.46 The condition requested by KCC to secure a CMP to ensure no adverse construction phase impacts on the neighbouring woodland is appropriate
- 6.47 The ecological benefits associated with the scheme accord with Policy DM3.

Highways

- 6.48 Policies DM21 and DM23 focus on assessing the transport impact of the development and the Council's parking standards. The Transport Statement has been assessed and demonstrates that there will be no adverse impact on the local highway network.
- 6.49 The existing access to the cattery site will be retained with adequate sight lines provided and accords with the recommendations of a road safety assessment.
- 6.50 Car parking is provided in accordance with standards at 2 spaces per dwelling, plus two visitor spaces. Each dwelling will have EV charging (a Building Regulations requirement) and cycle storage which can be secured by condition. It is considered that fast EV charging (above 7KWh) for each dwelling are necessary to be secured

by condition in this situation due to the relatively poor sustainability of the site (i.e. in excess of normal Building regulations requirements).

Other Matters

- 6.51 In response to KCC's representations, the applicant submitted a Minerals Assessment which confirmed no conflict with Policy DM7 of the KMWLP.
- 6.52 Surface water drainage will be managed through a SuDS system incorporating permeable hard surfaces and infiltration pond.
- 6.53 Due to the scale of development, a requirement for affordable housing is not triggered.
- 6.54 In terms of residential amenity, the siting of the new dwellings provides adequate distance between the new dwellings and neighbouring dwellings and their gardens and so policy DM1 is complied with.
- 6.55 To retain the character of the scheme and amenity, conditions restricting permitted development are suggested and a condition on sensitive external lighting is needed.

Public Sector Equality Duty,

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

Community Infrastructure Levy

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

7. CONCLUSION

- 7.01 This is an existing part brownfield site, in a countryside location. There is no prevailing form to development in this location.
- 7.02 Whilst there will be a substantial increase in the massing on the site, there will be use of vernacular materials, the siting at the base of a slope providing the opportunity for a landscape scheme on land in the control of the applicant to give a robust backdrop reducing the visual impact of this development. Therefore, specific conditions are proposed together with a s106 to redress this balance.
- 7.03 In accordance with Policy DM5, the development on the previously developed land will deliver some environmental and ecological benefits both on and off-site.
- 7.04 In respect of policy DM5, the site is not sustainable. However when the existing use is taken into account, the net impact in terms of trips is limited. Given the unsustainable location, conditions are recommended for rapid EV charging points and designed/bespoke working from home space.
- 7.05 There are no transport, environmental or other technical objections from Statutory Consultees. The scheme has the potential to deliver housing in a nutrient neutral manner.
- 7.06 On balance, the harm to the countryside's character and appearance is considered to be outweighed by the on and off-site benefits that can be secured.

- 7.07 A s106 legal agreement would be needed in regard to nutrient neutrality and the landscaping and ecological benefits being secured by a LEMP (Landscape and Ecological Management Plan).

8. RECOMMENDATION

GRANT planning permission subject to the following conditions and the prior completion of a legal agreement to secure the heads of terms set out below with delegated authority to the Head of Development Management to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee:

s106 to require prior payment of monitoring fees of £1530 in total

HEADS OF TERMS

- Demonstrate Nutrient Neutrality prior to implementation and ensure the mitigation is in place prior to occupation.
- On and off site landscaping and ecological benefits (secured by a LEMP) which shall include a substantial planting and maintenance scheme to provide an enhanced backdrop to the scheme incorporating Hazelnut block planting. This is a s106 head due to the long term maintenance required.

CONDITIONS

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

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

- 2) The development hereby permitted shall be carried out in accordance with the following drawings:

29691A / 100 Rev N - Site Block Plan
29691A/H 100 Rev M - Sketch Scheme – Coloured
29691A / 124 Rev B - Plot 1 Floor Plans
29691A / 125 Rev B - Plot 1 Elevations
29691A / 120 Rev C - Plots 2,3, 4 Floor Plans
29691A / 121 Rev C - Plots 2, 3, 4 Elevations
29691A / 122 Rev D - Plots 5, 6 Floor Plans
29691A / 123 Rev D - Plots 5, 6 Elevations
0370/20/B/20D – Landscape Strategy

Reason: To clarify which plans have been approved.

- 3) The construction of the dwellings shall not commence above slab level until written details and photographs of samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved by the Local Planning Authority. Notwithstanding the submitted details, for the 'Kentish farmstead' units 2-6 (incl), these shall include coursed Kentish ragstone plinths, dark stained timber featheredged weatherboarding, and natural slate roof tiles and timber ledge and brace shutters/barn doors. For unit 1

'Farmhouse', these shall include Kentish ragstone plinths, white painted timber featheredged weatherboarding, fish scale clay tile hanging, plain clay roof tiles with bonnet hip tiles. The development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development in the countryside.

- 4) No development above slab level shall take place until details in the form of large-scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority:

- a) Details of arched soldier headers above windows.
- b) 'Fishscale' tile hanging detail.
- c) Details of fenestration, cills, and recesses/reveals.
- d) Details of gable verges,
- e) Details facias and soffits (which shall be of timber)

Reason: To ensure a satisfactory appearance to the development in the countryside.

- 5) Prior to slab level, a Biodiversity Delivery Plan shall be submitted to and approved by the Local Planning Authority, which shall accord with the proposed mitigation measures set out the Native Ecology Ecological Impact Assessment Reference 0547_R01 Rev A dated 16/10/20. The development shall be carried out in accordance with the details submitted and any enhancement/mitigation features shall be retained and maintained in the future.

Reason: To ensure that appropriate biodiversity mitigation / enhancements are secured.

- 6) The development hereby approved shall not commence above slab level until details of roadways and hard landscape works have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings.
Reason: To ensure a satisfactory appearance to the development

- 7) 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) (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.

- 8) The construction of the dwellings shall not commence above slab level until a detailing planting scheme has been submitted to and approved by the Local Planning Authority and which accords with the principles landscape strategy as shown on HW&Co drawing 0370/20/B/20D. All new hedging shown to southern, eastern and northern boundaries shall be double staggered mixed native species and the final maintenance height shall be detailed. The approved planting shall be carried out no later than the first planting season (October to February) following

first occupation of the development. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation. The details shall specifically address screening to the south, north and eastern boundaries of the site.

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

- 9) All existing trees and hedges on and immediately adjoining the site shall be retained, unless identified on the approved plan 0370/20/B/20D as being removed, except if the Local Planning Authority gives prior written consent to any variation. All trees and hedges shall be protected from damage in accordance with the current edition of BS5837. Any trees or hedges removed, damaged or pruned such that their long term amenity value has been adversely affected shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions to mitigate the loss as agreed in writing with the Local Planning Authority.

Reason: In the interests of landscape, visual impact and amenity of the area and to

- 10) None of the dwellings hereby permitted shall be occupied until the sustainable surface water drainage works have been submitted to and approved by the Local Planning Authority and which shall accord with the principles set out in the iDLtd report reference IDL/1032/DS/001 Revision P01 dated October 2020. The submitted details shall:

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site, including any requirement for the provision of a balancing pond and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii) include a timetable for its implementation in relation to the development; and,

iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: In the interests of pollution and flood prevention pursuant to the National Planning Policy Framework.

- 11) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the LPA. Reason: There is always the potential for unexpected contamination to be identified during development groundworks

- 12) Prior to commencement, a construction management plan shall be submitted to and approved by the LPA, which demonstrates that appropriate measures will be in

place during the construction period to mitigate any potential impacts upon the adjacent Bulls Heath Pit wildlife site. This shall include measures to mitigate impacts from activity, noise, artificial lighting and dust as set out in the Native Ecology Ecological Impact Assessment Reference 0547_R01 Rev A dated 16/10/20.

Reason: To ensure that there are no adverse impacts upon the site's wildlife value

- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development or gates, fences, walls shall be carried out to any dwelling hereby permitted within Schedule 2, Part 1, Classes A-H (inclusive) or Part 2, Class A to that Order.

Reason: To safeguard the character, appearance and functioning of the surrounding area.

- 14) The development shall not commence above slab level until details of how decentralised, renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved by the local planning authority. Measures shall include EV fast charging points (above 7kW) to each dwelling and details of number and location of equipment such as solar array and/or Air Source Heat Pumps. The approved details shall be installed prior to first occupation of the relevant dwelling and maintained thereafter. If any PV panels are installed and are or become defective, they shall be replaced as soon as is reasonably practicable.

Reason: In the interests of sustainable and energy efficient form of development.

- 15) Prior to occupation, a lighting design plan for biodiversity should be submitted to and approved by the Local Planning Authority. The plan will show the type and locations of external lighting, demonstrating that areas to be lit will not disturb bat activity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021 (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. No lighting shall be installed except in accordance with the approved scheme which shall be retained and operated in accordance with the approved scheme.

Reason: In the interests of biodiversity and rural amenity.

- 16) The development hereby approved shall not commence above slab level until details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and retained thereafter;

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

- 17) No development shall commence until details have been submitted to and approved by the Local Planning Authority indicating rooms specifically designed for "working from home" within each dwelling hereby approved. The details shall be implemented as approved.

Reason: In the interests of environmental sustainability.

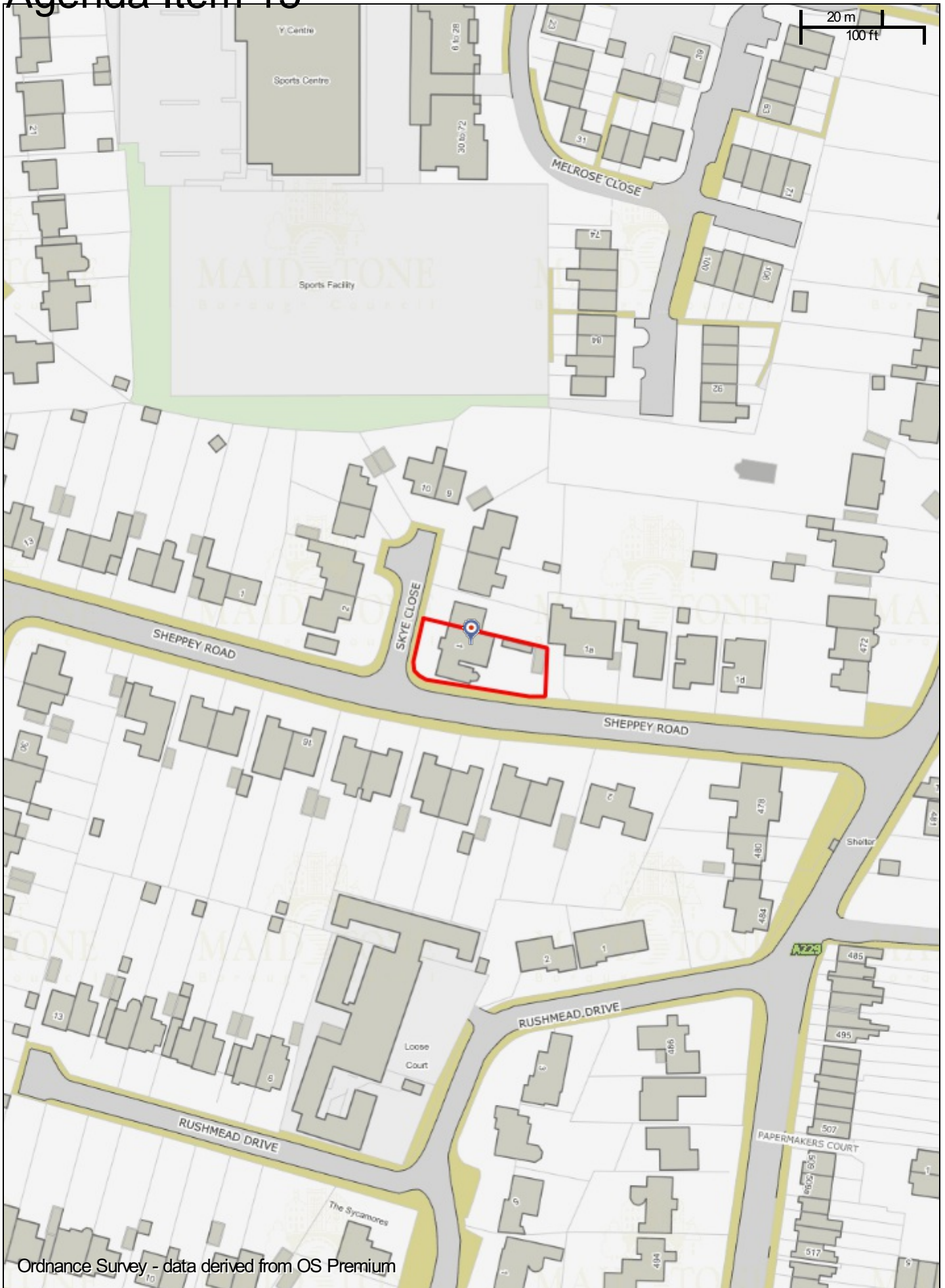
INFORMATIVES

- 1) The mixed native hedgerows shall reflect the species and % mix detailed for 'Lenham Heath Farmlands' in the Maidstone Landscape Character Assessment Supplement 2012.
- 2) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.
- 3) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present
- 4) It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/whatwe-look-after/highway-land/highway-boundary-enquiries>. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site. 6) The buildings being demolished should be checked for the presence of asbestos and any found should only be removed by a licensed contractor. 7) No demolition/construction activities shall take place, other than between 0700 to 1900 hours (Monday to Friday) and 0700 to 1300 hours (Saturday) with no working activities on Sundays, Bank or Public Holidays. 8) You are advised that wheel washing and dust mitigation should be carried out during the construction period.

Case Officer: Rob Jarman

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

Agenda Item 15



Ordnance Survey - data derived from OS Premium

23/500195/FULL - 1 Skye Close, Maidstone, Kent, ME15 9SJ
Scale: 1:1250
Printed on: 31/3/2023 at 9:07 AM by JoannaW

REPORT SUMMARY

REFERENCE NO: - 23/500195/FULL		
APPLICATION PROPOSAL: Demolition of existing garage and open sided shed. Erection of a detached residential annexe ancillary to the main dwelling.		
ADDRESS: 1 Skye Close Maidstone Kent ME15 9SJ		
RECOMMENDATION: GRANT – subject to planning conditions set out in Section 8.0 of the report.		
SUMMARY OF REASONS FOR RECOMMENDATION: For the reasons set out below it is considered that the proposed detached annexe would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor would it be unacceptable in terms of any other material planning considerations. The proposed development are considered to be in accordance with current policy and guidance.		
REASON FOR REFERRAL TO COMMITTEE: The recommendation is contrary to the views of North Loose Residents Association who have requested the application be presented to the Planning Committee.		
WARD: South	PARISH/TOWN COUNCIL: Unparished	APPLICANT: Mr A Poad AGENT: Frances Norman Ltd
CASE OFFICER: Ping Tye	VALIDATION DATE: 20/01/23	DECISION DUE DATE: 28/04/23 (EOT)
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

07/0439 - Erection of a two-storey side extension, a single storey front extension and single storey rear extension together with the demolition of existing garage and the erection of a single storey extension to provide garage space. Refused 02.04.07.

08/0416 - Erection of two storey side extension with integral garage and front and rear dormer windows, single storey front extension, single storey rear extension and removal of first floor rear window together with demolition of existing garage and erection of fence and wall with access points to the boundary of Anglesey. Rerused 21.05.08.

19/505626/FULL - Erection of single storey rear and single storey front extension with linked roof to new garage. Approved 18.02.2020.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application relates to a two-storey semi-detached dwelling located in a small cul-de-sac within the Maidstone Urban Area. The application site is a corner plot at the junction of Skye Close and Anglesey Avenue and falls within the North Loose Neighbourhood Plan Area.
- 1.02 The property is a residential dwelling, and the site is not situated within a conservation area, or an area of outstanding natural beauty. Additionally, there are no restrictions on the permitted development rights to extend or alter the dwelling house.

2. PROPOSAL

- 2.01 The proposal is for the demolition of existing garage and open sided shed and erection of a detached residential annexe ancillary to the main dwelling. The property has been previously extended with a single storey rear and front extension with linked roof to new garage (which was granted planning permission under reference 19/505626/FULL).
- 2.02 There is an existing closed boarded timber fence to the boundary adjoining the pavement along Anglesey Avenue. This would not be altered. There are existing garage and outbuildings on the site, and these are proposed to be demolished and replaced with the proposed annexe.
- 2.03 The proposed annexe would consist of a living area, bedroom and bathroom plus storage area in the roof space above the bathroom. It is noted that the storage area is not considered habitable due to the limited headroom. The proposed annexe is considered ancillary to the host dwelling.
- 2.04 The proposed annexe would have an L-shaped footprint that echoes the footprint of the existing garage and outbuildings to be demolished (see Figure 1 below). The proposed annexe is approximately 8.1m wide by 7.03m deep measured at the widest and deepest points. It would have an intersecting gable roof with an overall ridge height of 4.03m and an eaves height of 2.4m.

Figure 1: Existing and Proposed Roof Plans



3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):

- DM1 – Principles of good design
- DM9 – Residential extensions, conversions and redevelopment within the built-up area
- DM23 – Parking standards

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22):

- LPRSP15 – Principles of good design
- LPRHOU2 – Residential extensions, conversions, annexes, and redevelopment in the built-up area

Neighbourhood Plan: North Loose

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

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

4. LOCAL REPRESENTATIONS

Local Residents: 9 neighbours consulted.

1 representation received from local residents (No.1A Anglesey Avenue).

Supportive comment:

- The proposed building appears to be well designed and in proportion to the site and in keeping with the residential neighbourhood; therefore I do not object to the development.

However, the following concerns were raised:

- Visual appearance: The main house seems to be under refurbishment and in an unfinished state, which has been so since I moved in 18 months ago. Therefore, I am concerned this new project will not be finished well or take an extended period to complete.
- Disturbance from Use: Occasionally, there have been noisy parties on the premises which have gone late into the night. Therefore, I am concerned that with the new building so close to boundary, I will suffer increased disturbance.

The concerns are noted however issues of build time or potential parties are not material planning considerations. The use of the annexe would be conditioned to be ancillary to the main dwelling and only normal residential activities would be expected to occur in the annexe.

5. CONSULTATIONS

North Loose Residents Association Planning Forum

5.01 Object to this application for the following reasons:

- Questionable whether the annexe is an extension as it is not attached to the main property and comprises a new detached dwelling. We therefore consider this to be a back garden development.
- The North Loose Neighbourhood Plan, HD Policy 1, states that garden development will be considered only in exceptional cases and where there is a demonstrable local need. We do not consider this criteria to have been met and as such, we object to the application.
- If the planning officer is inclined to approve the application, as it is believed there is demonstrable need, we would ask that conditions be impose:
 - The 'annexed' property can never be sold separately to the main house;
 - No separate access to be allowed to the new development.

6. APPRAISAL

The key issues are:

- Site background/Principles of Development/Policy Context
- Visual Impact
- Residential Amenity

- Parking/Highway Safety
- Other Matters

Site Background/Principle of Development/Policy Context

- 6.01 The application site is located within the Maidstone Urban Area. It falls within the North Loose Neighbourhood Plan Area.
- 6.02 Policy DM1 (ii) in terms of design refers to developments responding positively to the local character of the area, with regard being paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage. DM1 (iv) re-iterates consideration to be paid to adjoining neighbouring amenity. DM (xiv) refers to being flexible towards future adaptation in response to changing life needs.
- 6.03 Policy DM9 refers to residential extensions, conversions and redevelopment within the built-up area. DM9 states that within the defined boundaries of the urban area, rural services centres and larger villages, proposals for the extension, conversion and redevelopment of a residential property, design principles set out in this policy must be met. DM9 1 states:
- (i) *The scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the street and/or its context;*
 - (iii) *The privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents would be safeguarded; and*
 - (iv) *Sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene.*
- 6.04 The Residential Extensions SPD in relation to this proposal sets out the following:
- Garages and other outbuildings should be subservient in scale and position to the original dwelling and not impact detrimentally on the space surrounding buildings or the street scene by virtue of their scale, form or location.*
- 6.05 North Loose Neighbourhood Development Plan, HD Policy 1, states that garden development will be considered only in exceptional cases where *there is demonstrable local need.*
- 6.06 As detailed in the applicant's design and access statement, the requirement for the proposed annexe is to accommodate family members, necessary because of the current cost of living crisis, to enable them to be close by yet maintaining independence. However, in any event, the proposed annexe is actually considered as a residential extension and not garden development providing new residential development so local housing needs does not need to be considered for such proposals. What needs to be ensured is that the proposal remains ancillary to the main dwelling.
- 6.07 The proposed annexe would be considered ancillary to the host dwelling and a condition will be imposed to address North Loose Residents Association's concerns regarding the potential creation of a separate dwelling. Such conditions are regularly used on annexe permissions to ensure that the annexe remains ancillary and read as follows:
- "The additional accommodation to the principal dwelling hereby permitted shall not be sub-divided, separated or altered in any way so as to create a separate self-contained unit; and shall only be used as ancillary accommodation to the main dwelling currently known as 1 Skye Close, Maidstone."*

- 6.08 The principle of residential extensions within settlements is therefore considered acceptable, provided that the material planning considerations discussed below would be acceptable.

Visual Impact

- 6.09 As mentioned, the proposed annexe will be sited at the north-eastern corner of the curtilage where the garage and outbuildings are presently located.
- 6.10 The proposed annexe would be predominantly shielded by the existing closed boarded timber fence and would only be partially visible from the streetscene. It is considered that the proposed annexe would be an improvement visually from the dilapidated garage and outbuildings. Furthermore, the annexe roof which would be visible above the fence would be considered to match that of the existing rear and side extensions.
- 6.11 Additionally, soft landscaping shall be conditioned within the garden along the southern boundary to further shield the proposed annexe and also to soften the large expanse of the closed boarded timber fence. Overall, the proposed annexe is not considered to have a detrimental impact on the streetscene or character of the area. Such buildings at the rear end of the garden are not unexpected and would not look out of place.

Figure 2: View from Anglesey Avenue



- 6.12 The scale of the proposed annexe is considered modest and subservient to the host dwelling. The proposed materials consist of rendered masonry, grey/black fibre cement wall cladding, concrete roof tiles and anthracite UPVC door and windows, all of which would match the host dwelling. Therefore, the overall design and materials proposed are considered to be visually acceptable and be in keeping with host building.

Residential Amenity

- 6.13 The adjoining neighbour is No. 3 Skye Close to the north and No. 1A Anglesey Avenue to the east. All other neighbouring properties are considered to be a significant distance away to be unaffected by the proposal.

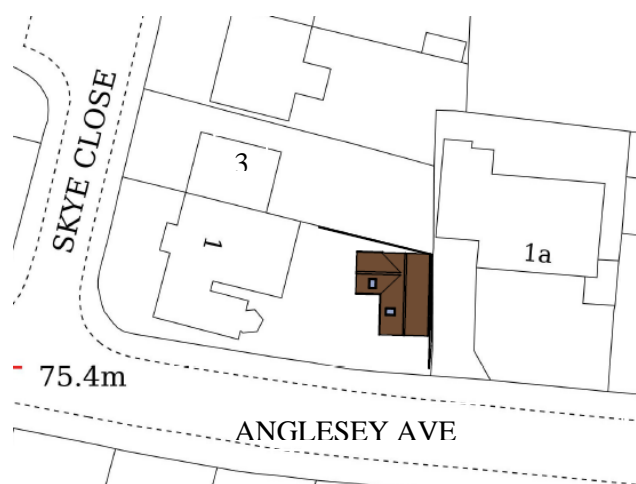


Figure 3: Neighbouring Properties

- 6.14 The proposed annexe is in close proximity to the common boundary with No. 1A Anglesey Avenue on the east. However, the outlook is towards No. 1A's car port. With regards to No. 3 Skye Close, the modestly scaled annexe is setback by approximately 9.9m away from the property and is considered sufficient distanced. Overall, it is considered that no detrimental impact on neighbouring amenity in terms of loss of light or overshadow would result.
- 6.15 In terms of loss of outlook, No. 1A and No. 3 currently look onto the existing dilapidated outbuildings and garage and so the outlook will not be noticeably different. In fact with the rationalizing of the outbuildings and garage as well as overall tidying up of the area, the outlook is likely to be improved with the proposal.
- 6.16 There is no adjacent facing fenestration proposed on the north or east elevations and therefore, it is considered that no additional overlooking and loss of privacy to neighbouring occupiers would result.
- 6.17 Taking the above into consideration, it is considered that the proposal will not cause unacceptable harm to the residential amenity of the adjoining properties.

Parking/Highways

- 6.18 The proposal would facilitate an additional bedroom. However, there is a purpose-built garage and sufficient off-road parking at the front of the host dwelling for a minimum of 3 cars. No harm highway safety/parking provision would result.

Other Matters

- 6.19 Biodiversity/Ecological Enhancements: Due to the nature and relative scale of the development and the existing residential use of the site, it is not considered that any ecological surveys were required.

Policy DM1 of the Local Plan sets out, at point viii, that proposals should 'protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide mitigation.' This is in line with the NPPF and advice in the Residential Extensions SPD. Consequently, it is considered that a condition should be attached requiring biodiversity enhancement measures are provided integral to the proposed extensions and within the curtilage of the dwellinghouse.

PUBLIC SECTOR EQUALITY DUTY

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

7. CONCLUSION

- 7.01 For the reasons set out above it is considered that the proposed erection of a detached annexe ancillary to the main building would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor would it be unacceptable in terms of any other material planning considerations. The proposed developments are considered to be in accordance with current policy and guidance.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions

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

CONDITIONS:

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location and Block Plans. Received 09.01.2023.

Existing and Proposed Floor, Roof Plans and Elevations - Drawing no. B01. Received 11.01.2023.

Proposed Ground and Upper Ground Floor Plans - Drawing no B02. Received 11.01.2023.

Internal 3D Views - Drawing no. B03. Received 11.01.2023.

Reason: To clarify which plans have been approved.
- 3) The materials to be used in the construction of the external surfaces of the building(s) hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development.
- 4) The additional accommodation to the principal dwelling hereby permitted shall not be sub-divided, separated or altered in any way so as to create a separate self-contained unit; and shall only be used as ancillary accommodation to the main dwelling currently known as 1 Skye Close, Maidstone.

Reason: Its use as a separate unit would be contrary to the provisions of the development plan for the area within which the site is located.
- 5) The development hereby approved shall not commence above slab level until details of a scheme for the enhancement of biodiversity on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through at least one integrated method into the

design and appearance of the extension by means such as swift bricks, bat tubes or bee bricks, and through the provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to first use of the extension/s and all features shall be maintained thereafter.

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

- 6) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall use predominantly native or near-native species as appropriate and show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. The landscape scheme shall specifically address the need to provide native or near-native species planting to screen the proposed annexe along the southern boundary.

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

- 7) The use or occupation of the development hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

INFORMATIVES:

- 1) It is the responsibility of the developer to ensure, before the development hereby approved is commenced, that approval under the Building Regulations (where required) and any other necessary approvals have been obtained, and that the details shown on the plans hereby approved agree in every aspect with those approved under such legislation.
- 2) The grant of this permission does not convey any rights of encroachment over the boundary with the adjacent property in terms of foundations, eaves, guttering or external cladding, and any persons wishing to implement this permission should satisfy themselves fully in this respect. Regard should also be had to the provisions of the Neighbour Encroachment and Party Wall Act 1995 which may apply to the project.
- 3) Your attention is drawn to the following working practices which should be met in carrying out the development:
 - Your attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition: if necessary you should contact the Council's environmental health department regarding noise control requirements.

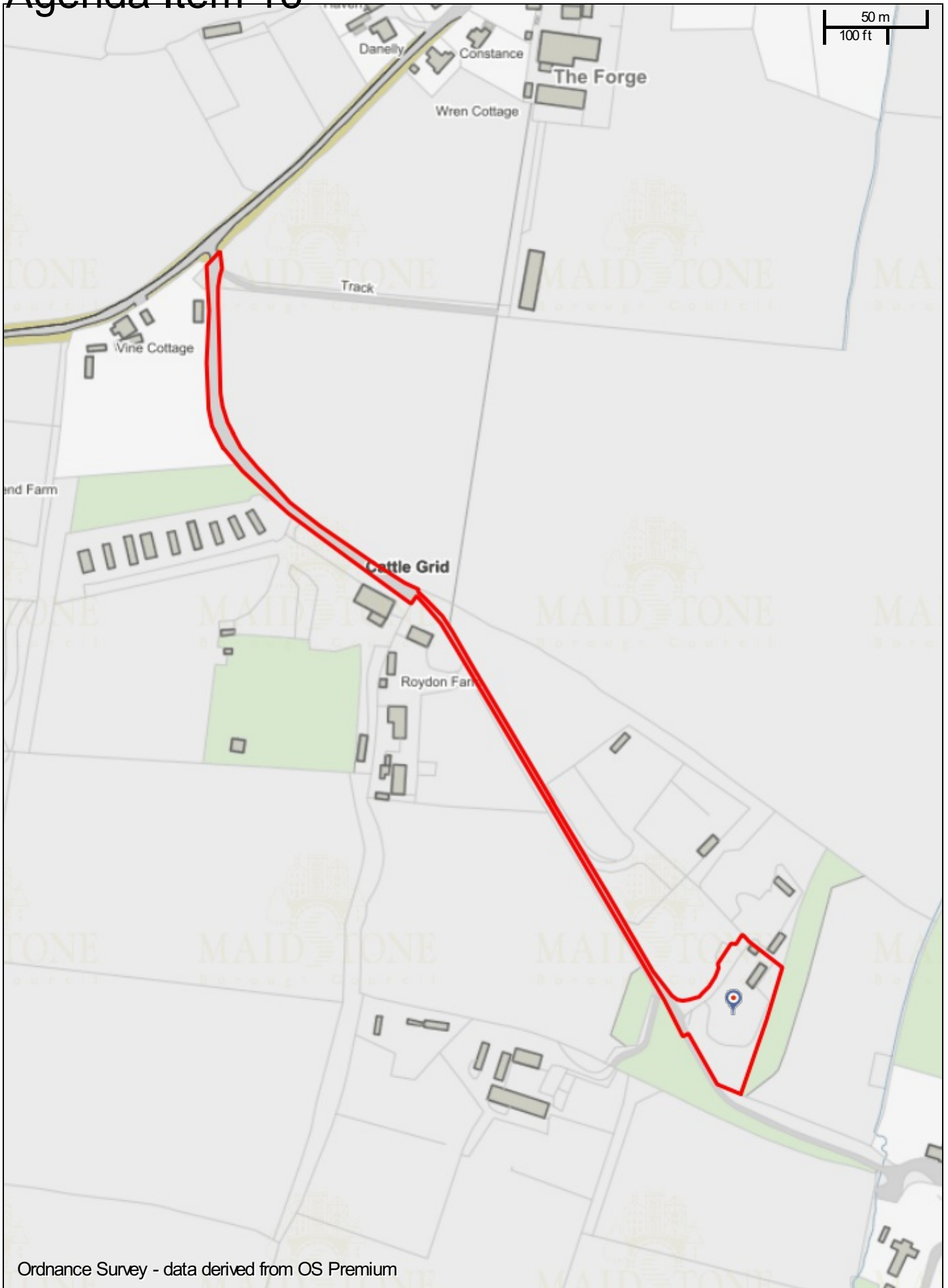
- Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Council's environmental health department.
- Plant and machinery used for demolition and construction should only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.
- Vehicles in connection with the construction of the development should only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.
- The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours is advisable. Where possible, the developer shall provide residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work.
- Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.
- It is recommended that the developer produces a Site Waste Management Plan in order to reduce the volumes of waste produced, increase recycling potential and divert materials from landfill. This best practice has been demonstrated to both increase the sustainability of a project and maximise profits by reducing the cost of waste disposal.
- Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

If relevant, the applicant must consult the Environmental Health Manager regarding an Environmental Permit under the Environmental Protection Act 1990.

Case Officer: Ping Tye

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

Agenda Item 16



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

REFERENCE NO: - 23/500381/FULL		
APPLICATION PROPOSAL: Change of use of the land for the stationing of one static mobile, one touring caravan and one day room for Gypsy / Traveller occupation. Associated hard and soft landscaping (Part retrospective).		
ADDRESS: Land Adjacent to The Hawthorns Pye Corner Ulcombe Kent ME17 1EF		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION FOR APPROVAL: <ul style="list-style-type: none"> The proposal has been assessed in relation to harm to the character and appearance of the countryside, sustainability, cumulative impact, highways, residential amenity, flooding and drainage and found to be acceptable. The development is acceptable regarding the relevant provisions of the Local Plan, the National Planning Policy Framework and all other material considerations such as are relevant. A recommendation of permanent approval is therefore made on this basis, subject to the suggested conditions. 		
REASON FOR REFERRAL TO COMMITTEE: Ulcombe Parish Council referral		
WARD: Headcorn	PARISH: Ulcombe	APPLICANT Mr Patrick Cash AGENT: Mr Simon McKay
CASE OFFICER: Pieter De Villiers	VALIDATION DATE: 26/01/2023	DECISION DUE DATE: 24.04.2023 (EoT)
ADVERTISED AS A DEPARTURE: No		

Relevant Planning History

03/1810 – Retrospective application for the erection of a pole barn – Granted.

09/0208 - Change of use to gypsy caravan site to include to 2 No. mobile homes, 2 No. touring caravans, 2 No. utility blocks and 2 No. stables and tack room. Granted

12/2231 - An Application for Discharge of Conditions relating to MA/09/0208 (Change of use to gypsy caravan site to include to 2 No. mobile homes, 2 No. touring caravans, 2 No. utility blocks and 2 No. stables) being details of Condition 2 - Materials and Condition 9 Foul Water Drainage. Granted

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 This site is in open countryside within Ulcombe Parish. This is an area characterised by grassed paddocks on level land to the south of the Greensand Ridge. The site is located within Low Weald Landscape Character Area, specifically within the Ulcombe mixed farmlands area. A long access track leads south-eastwards from Pye Corner, passing the Roydon Farm gypsy site on the south side, before arriving at the site on its north side. Much of the length of the track is shared with Public

Footpath KH330 (which joins Pye Corner to the north with Crumps Lane to the south). The footpath passes the site and leads to a group of dwellings based around Kingsnoad Farmhouse further to the south east.

- 1.02 The site is accessed from the aforementioned access track and is located to the eastern side of the access track and south of an irregularly shaped area of flat land, known as Hawthorn Farm. At the time of the officer site visit, the irregular shape land included 3 existing mobile homes, one of which is the subject of this application, with a small day room which is occupied by the applicant. There are rough hardstandings, principally of rubble and roadstone, mostly in the vicinity of the building and caravans. The site is enclosed by close boarded fencing.
- 1.03 Views from higher land to the north would be interrupted to an extent by the various intervening field boundaries. The site is more exposed in views from the south and west and it is clearly visible in short distance views from the public footpath close to the site entrance. Longer distance views from the public footpath are partially screened by hedging along the footpath.
- 1.04 Hawthorn Farm has been allocated as a Gypsy and Traveller site for a total of 5 pitches in accordance with Policy GT1(15) of the Maidstone Borough Local Plan (subject to certain landscaping requirements). This allocation includes the existing 2 authorised pitches at Hawthorn Farm. The application site forms the southern part of the allocated site.

2. PROPOSAL

- 2.01 Planning Permission is sought retrospectively for the change of use of the land for the stationing of one static mobile, one touring caravan and one day room for Gypsy / Traveller occupation including parking and turning area within the site and soft landscaping. The existing close boarded fence along the boundaries are to be retained.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017:

SS1 - Spatial strategy

GT1(15) - Hawthorn Farm, Pye Corner, Ulcombe

SP17 - Countryside

DM1 - Principles of good design

DM3 - Natural environment

DM15 - Gypsy, Traveller and Travelling Showpeople accommodation

DM30 - Design principles in the countryside

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Supplementary Planning Documents:

- Maidstone Landscape Character Assessment (amended 2013),
- Planning Policy for Traveller Sites 2015 (PPTS)
- Gypsy and Traveller and Travelling Showpeople Topic Paper (2016)
- Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) (2012)

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021. - The Regulation 22 draft is a material consideration however weight is currently limited, as it is the subject of an examination in public that commenced on the 6 September 2022 (hearings currently adjourned until 15 May 2023). The relevant policies in the draft plan are as follows:

LPRSP10: Housing

LPRSP10(A): Housing mix
LPRSP12: Sustainable transport
LPRSP14: The Environment
LPRSS1: Maidstone borough spatial strategy
LPRSP9: Development in the countryside
LPRSP14A: Natural environment
LPRSP14(C): Climate change
LPRSP15: Principles of Good Design
LPRHOU 8: Gypsy and traveller accommodation
LPRTRA2: Assessing the transport impacts of development
PRTRA4: Parking
LPRQ&D 1 Sustainable design
LPRQ&D 2: External lighting
LPRQ&D 6: Technical standards

4. LOCAL REPRESENTATIONS

Local Residents:

4.01 No response to neighbour consultation

4.02 Ulcombe Parish Council

Ulcombe Parish Council objects to this application on the following grounds:

- Absence of evidential proof for Traveller status.
- Harm to the local landscape Low Weald Landscape of Local Value.
- The site does not fulfil the definition of "sustainability" in policy DM15.
- The effect of this proposal on protected species

5. CONSULTATIONS

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

KCC Public Rights of Way

5.01 No objection to the proposal.

MBC Landscape Officer

5.02 No objection on landscape grounds.

MBC Tree Officer

5.03 There are no submitted arboricultural reports or supporting plans. The site location and block plans (Ref: 2023-1006v1-LocBlock) do give an indication of trees being located on-site and potentially within influencing distance of the proposal.

Environmental Health

5.04 No objection, subject to conditions and informatives.

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Supply and need for sites
- Gypsy Status
- Visual and Landscape impact
- Highways
- Sustainability
- Cumulative Impact
- Residential amenity
- Flooding / Drainage

Supply and need for gypsy sites

- 6.02 The Maidstone Borough Local Plan was adopted in October 2017 and includes policies relating to site provision for Gypsies and Travellers. Local Authorities also Planning Committee Report: 16 February 2023 have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans.
- 6.03 The GTAA is the only complete assessment of need that is currently available forming part of the evidence base to the Local Plan (Total need Oct 2011 to March 2031 of 187 pitches). The GTAA when it was carried out provided a reasonable and sound assessment of future pitch needs. However, this is now over 11 years old and because of its age, little weight can be attached to this document.
- 6.04 The Local Plan Review examination in public commenced on the 6 September 2022 (currently between Stage 1 and Stage 2 hearings). Whilst this document is a material planning consideration, at this time it is not apportioned much weight. Furthermore, the Council has chosen to separate the matter of gypsy and traveller policy from the LPR and is pursuing a separate DPD on this matter. This DPD is yet to go out to first stage consultation.
- 6.05 A call for sites exercise ran from 1 February 2022 to 31 March 2022 as part of the process. The Gypsy, Traveller and Travelling Showpeople DPD is at its early stages and is not due to be completed until 2024.
- 6.06 In contrast to the full assessment in the 2012 GTAA, (and whilst it is highlighted that nothing has to date been published), the work completed so far on an up to date assessment has indicated a significant emerging need for Gypsy and Traveller accommodation in the borough.
- 6.07 Importantly, in the recent Meadows appeal decision (APP/U2235/C/18/3210851 and others), dated 17 March 2023, the Inspector concluded that the 2012 GTAA does not represent a robust and accurate assessment of need within the Borough. Into the future, the Inspector found that evidence points to an existing shortfall of sites and a shortfall in the supply of 5 years' worth of deliverable sites. At the same time, the Council accepted the need for pitches over the plan period to 2037, is likely to be significant.
- 6.08 The Local Plan, with a plan period of 2011 to 2031, includes policies and allocations for traveller sites to meet the identified need. Hawthorn Farm, as mentioned earlier in the report, has been allocated as a Gypsy and Traveller site for a total of 5 pitches in accordance with Policy GT1(15) of the Maidstone Borough Local Plan (subject to certain landscaping requirements). This allocation includes the existing 2 authorised pitches at Hawthorn Farm. The proposal would fall within limits of the allocated site.

Gypsy Status

- 6.09 A judgement dated 31 October 2022, from the Court of Appeal in Smith v. SoS for Levelling Up, Housing and Communities (CA-2021-00171, 31st October 2022) concerned a planning inspector's reliance on the definition of Gypsies and Travellers in Planning Policy for Traveller Sites. This guidance was introduced by the government in August 2015.
- 6.10 The previous definition before August 2015. had been: "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' education or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such". The new definition post 2015 deleted "or permanently".

- 6.11 The SoS accepted that this indirectly discriminated against elderly and disabled Gypsies and Travellers but argued that the discrimination was justified. The appeal court judgement sets out 66... "the nature of the discrimination before the judge was the negative impact on those Gypsies and Travellers who had permanently ceased to travel due to old age or illness, but who lived or wanted to live in a caravan. This discrimination was inextricably linked to their ethnic identity". 139 "... the effect of the relevant exclusion was – as the Secretary of State has conceded – discriminatory, and that, on the evidence before the court in these proceedings, there was no proper justification for that discrimination..."
- 6.12 Permission is sought on the basis that the proposed pitch is required to satisfy an identified need for one Gypsy and Traveller family. The agent has submitted that the intended occupiers of the site qualify for Gypsy and Traveller status for planning purposes. It is understood the applicant often travels for economic purposes and there remains a strong need and desire to travel for cultural purposes such as attending events at Horsmonden, Appleby, Stow on the Wold and Five Legged Cross. Additionally, there is an obvious need for schooling and a structured family life.
- 6.13 The applicant and their family have not ceased travelling for any reason and the applicant is someone who previously lived on the consented site at the Hawthorns, but now require their own accommodation due to marriage and age. Like the adjacent Hawthorn site, upon implementation, the applicant site would include members of the applicant's family.
- 6.14 Based on the evidence available it can be reasonably concluded that the intended occupants are of Gypsy heritage and are from the travelling community. A condition is recommended to ensure that the site shall not be used as a caravan site by any persons other than Gypsies or Travellers and their family and/or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015.

Visual and Landscape impact

- 6.15 Guidance in the PPTS states that local planning authorities should very strictly limit new traveller development in the countryside but also states that where sites are in rural areas they should not dominate the nearest settled community and or place undue pressure on local infrastructure. Specifically, policy DM15 of the Local Plan allows for Gypsy accommodation in the countryside provided certain criteria are met. This includes allowing development that does not result in significant harm to the landscape and rural character of the area.
- 6.16 The Maidstone Landscape Character Assessment advises that the site lies within the Low Weald Landscape Character Area, specifically within the Ulcombe mixed farmlands area. The Low Weald Landscape of Local Value (LLV), for the purposes of the Local Plan, is a landscape that is highly sensitive to significant change and is recognised as having distinctive landscape features: the field patterns, many of medieval character, hedgerows, stands of trees, ponds and streams and buildings of character should be conserved and enhanced where appropriate. It is also considered to be a landscape that is highly sensitive to significant change, and it is a landscape that should be conserved and enhanced where appropriate.
- 6.17 It is generally accepted that mobile homes comprise visually intrusive development that are out of character in the countryside. Consequently, unless well screened or hidden away in unobtrusive locations they are normally considered unacceptable in their visual impact. There is a public right of way immediately to the south of the application site. Public views of the site are partially screened by mature vegetation along the footpath.

- 6.18 The application site is an allocated Gypsy and Traveller site for a total of 5 pitches in accordance with Policy GT1(15) of the Local Plan. It specifically states a landscaping scheme should provide for the retention and future maintenance of the woodland area which lies to the south of the site and of the hedge and tree belts along the southeast and northeast boundaries of the site which together form an effective screen to the development.
- 6.19 Drawing no. 2023-1006v1-LocBlock drawn by SJM Planning titled Site Location and Block Plans has been submitted with the application and provides details on the proposed landscaping for the site. MBC Landscape Officer deemed this to be acceptable and suggested other relevant landscape conditions are applied for the site. It was also suggested the existing boundary planting to be retained as this could be beneficial to the local ecosystem.
- 6.20 The MBC Tree Officer suggested a tree survey should be carried out; however, it should be noted no trees are protected along the southeast and northeast boundaries.
- 6.21 The existing site does have a parking and turning area which consists of aggregate which may encroach slightly within the root protection areas of some trees along the southeast and northeast boundaries. However, the surface is permeable and would still let rainwater through to the tree's roots and likely aids in reducing compaction caused by vehicular movement. The proposal indicates a smaller parking and turning area than existing on the site. Given the free-draining ability of the surface and the nature of the site, it is not necessary to request a tree survey in this instance.
- 6.22 Overall, the existing authorised development does cause limited harm to the character of the countryside. However, given the minor increase on the current development, the harm is only considered to be localised with no significant medium to long range impact.

Highways

- 6.23 Policy DM1 states that applications must ensure that development does not result in, amongst other things excessive activity or vehicle movements. Policy DM15 states that there must be safe site access from the highway. DM30 also continues this theme stating that proposals must not result in unacceptable traffic levels on nearby roads or unsympathetic changes to the character of rural lanes.
- 6.24 There are no highway issues as an existing access is to be used. Although the track running from the unclassified county road also benefits from footpath status, the track is also subject to vehicular rights of access. It is my opinion that the vehicle movements from the application site can easily be accommodated on the local road network.

Sustainability

- 6.25 The site is located outside of the urban settlement boundaries and the nearest village, Ulcombe, which has very little in the way of basic amenities/services. Bus services are infrequent, and, given the nature of the local road network, being unlit with no pavements, cars are the only realistic mode of transport to access local services and facilities.
- 6.26 The supporting text to policy DM15 states in relation to gypsy and traveller accommodation "It is preferable for sites to be located close to existing settlements where there are community facilities such as schools and health services. However, the rural location of the site is not untypical of Gypsy and Traveller lifestyle choices which results in a preference for sites in these locations.

- 6.27 Although not a highly sustainable in respect of location, the site would be approximately 5km from a Local Service Centre and thus not so far removed from basic services and public transport opportunities as to justify refusal on this basis. The Local Plan acknowledges that traveller sites will be in rural areas because of land availability, and this is reflected in the criteria of Policy DM 15 and the location of the allocated sites.

Cumulative Impact

- 6.28 Policy DM15 advises that the cumulative effect on the landscape arising as a result of the development in combination with existing lawful caravans needs to be assessed and to ensure no significant harm arises to the landscape and rural character of the area.
- 6.29 As mentioned, Hawthorn Farm has been allocated as a Gypsy and Traveller site for a total of 5 pitches in accordance with Policy GT1(15) of the Maidstone Borough Local Plan. This allocation includes the existing 2 authorised pitches at Hawthorn Farm. Additionally, it has been assessed the landscape harm to be localised with no significant medium to long range impact.
- 6.30 The proposal, which benefits from existing landscaping would be a 'low key' and will not result in significant cumulative landscape harm that is sufficient to warrant refusal.

Residential amenity

- 6.31 Policy DM1 states that proposals will be permitted where they "respect the amenities of occupiers of neighbouring properties...by ensuring that development is not exposed to, excessive noise, activity, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties".
- 6.32 Hawthorn Farm has been allocated as a Gypsy and Traveller site for a total of 5 pitches in accordance with Policy GT1(15) of the Maidstone Borough Local Plan (subject to certain landscaping requirements). This allocation includes the existing 2 authorised pitches at Hawthorn Farm. The proposal would fall within limits of the allocated site and is of sufficient size to accommodate one mobile home, touring caravan and day room, such that there would be sufficient amenity space for the future occupiers.
- 6.33 A group of dwellings exist to the southeast, however, the site would be reasonably distant and as such would not be readily visible to these neighbours. In addition, existing boundary vegetation are to be retained and additional landscaping would be introduced and secured by condition, which with the passage of time would provide enhanced screening and provide enhanced separation. Consequently, the impact on residential amenity is considered acceptable.

Flooding/Drainage

- 6.34 The site lies within Flood Zone 1, consequently flooding is not an issue. A planning condition will however be imposed in order to secure permeability of site hardstanding and assist in surface water drainage.
- 6.35 The application form suggest foul drainage is to be disposed of via a septic tank, however, no details have been provided regarding the type and size of septic tank(s) to be installed/used, and the submitted drawings does not indicate any labelled location or details pertaining to a septic tank. Further details of the provision of potable water and how foul sewage will be dealt are to be secured by way of condition (including the size of any septic tank or cesspool and where it will over flow to).

PUBLIC SECTOR EQUALITY DUTY

- 6.36 Article 8 of the European Convention on Human Rights, as incorporated into UK law by the Human Rights Act 1998, protects the right of an individual to, amongst other things, a private and family life and home.
- 6.37 Race is one of the protected characteristics under the Equality Act and ethnic origin is one of the things relating to race. Romany Gypsies and Irish Travellers are protected against race discrimination because they are ethnic groups under the Equality Act. This application has been considered with regard to the protected characteristics of the applicant and the gypsies and travellers who occupy the caravans. I am satisfied that the requirements of the PSED have been met and it is considered that the application proposals would not undermine objectives of the Duty.
- 6.38 Due regard has been had to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The ethnic origins of the applicant and his family and their traditional way of life are to be accorded weight under the PSED.

7. CONCLUSION

- 7.01 A new GTAA is being prepared to inform the Gypsy, Traveller and Travelling Showpeople Development Plan Document (the DPD). Survey work commenced in September 2019 but the publication of the GTAA has been delayed, not least by the restrictions related to the Covid pandemic. In a recent Meadows appeal decision (APP/U2235/C/18/3210851 and others), dated 17 March 2023, the Council accepted the need for pitches over the plan period to 2037, is likely to be significant.
- 7.02 Local Plan policy DM15 allows for gypsy and traveller accommodation in the countryside provided certain criteria are met; and policies SP17 and DM30 allow for development provided it does not result in harm to the character and appearance of the area. The Council's Regulation 22 Local Plan, although not apportioned much weight at this time, states that there is a potentially significant emerging need for gypsy and traveller accommodation.
- 7.03 Hawthorn Farm has been allocated as a Gypsy and Traveller site for a total of 5 pitches in accordance with Policy GT1(15) of the Maidstone Borough Local Plan (subject to certain landscaping requirements). This allocation includes the existing 2 authorised pitches at Hawthorn Farm.
- 7.04 The proposal which falls within limits of the allocated site, has been assessed in relation to its visual and landscape impact, highways impact, sustainability, residential amenity and flooding / drainage and found to be acceptable. 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.
- 7.05 For the reasons set out above, it is recommended that permission be granted.

8. RECOMMENDATION: GRANT planning permission subject to the following conditions

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

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
- Drawing no. 2023-1006v1-DayRoom - Proposed Day Room Floor Plans and Elevations
 - Planning Statement

received on 23 January 2023

- Drawing no. 2023-1006v1-LocBlock - Site Location and Proposed Block Plan received on 25 January 2023
- Drawing no. 2023-1006-001-Survey Plan (Pre-proposed)

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2) The site shall not be used as a caravan site by any persons other than Gypsies or Travellers, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015 (or any subsequent definition that supersedes that document).
Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted.
- 3) No more than 1 static caravan, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 and 1 tourer, shall be stationed on the land at any one time. The static home shall be positioned on the site as set out on the submitted drawing no. 2023-1006v1-LocBlock and the touring caravan shall only be used for the purposes ancillary to the residential use of the static caravan hereby approved.
Reason: To safeguard the character and appearance of the countryside.
- 4) If the lawful use of the site ceases, all caravans, structures, equipment and materials brought onto the land for the purposes hereby permitted including hardstandings and buildings shall be removed within two months from the date of the use ceasing.
Reason: To safeguard the character and appearance of the countryside.
- 5) No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site at any time.
Reason: To safeguard the character and appearance of the countryside.
- 6) No commercial activities shall take place on the land, including the storage of materials.
Reason: To prevent inappropriate development; to safeguard the character and appearance of the countryside; and in the interests of residential amenity.
- 7) Notwithstanding the provisions of Schedule 2 Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land other than those expressly authorised by this permission (as shown on the approved plans).
Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside; and in the interests of residential amenity.
- 8) The use hereby permitted shall cease and all caravans, structures, equipment, and materials brought onto the land for the purposes of such use shall be removed and the land restored to its condition before the development took place within 6 weeks of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - i) Within 6 weeks of the date of this decision a Site Development Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority. The Scheme shall include details of:
 - a) means of enclosure,
 - b) extent of existing hardstanding and parking.
 - c) the means of foul and surface water drainage at the site, along with details regarding the provision of potable water and waste disposal. These details should include the size of individual cess pits and/or septic tanks and/or

other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation).

- d) existing external lighting on the boundary of and within the site.
 - e) details of existing landscaping and details of soft landscape enhancements
 - f) details of the measures to enhance biodiversity at the site; and,
 - g) a timetable for implementation of the scheme including a) to g) with all details implemented in accordance with the agreed timetable and all details retained for the lifetime of the development.
- ii) Within 11 months of the date of this decision the Scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Scheme shall have been approved by the Secretary of State.
 - iv) The approved Scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.

Reason: To ensure the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value is safeguarded.

- 9) The landscaping required by condition 9 (i) (e) shall be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012). The landscaping details shall:
 - show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed,
 - include a planting specification, implementation details and a [5] year landscape management plan (Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted).

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

- 10) All planting, seeding and turfing specified in the approved landscape details shall be completed by the end of the first planting season (October to February) following its approval. Any seeding or turfing which fails to establish or any existing or proposed trees or plants which, within five years from planting die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme.

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

- 11) No additional external lighting shall be installed unless full details of any such lighting have first been submitted to, and approved in writing by, the local planning authority. The approved details shall be in accordance with the Institute of Lighting Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E1. The development shall thereafter be carried out in accordance with the approved details and retained as such thereafter.

Reason: In order to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.

- 12) The enhancement of biodiversity on the site, required by condition 9 shall include the installation of a minimum of one bat tube on the approved mobile home; the

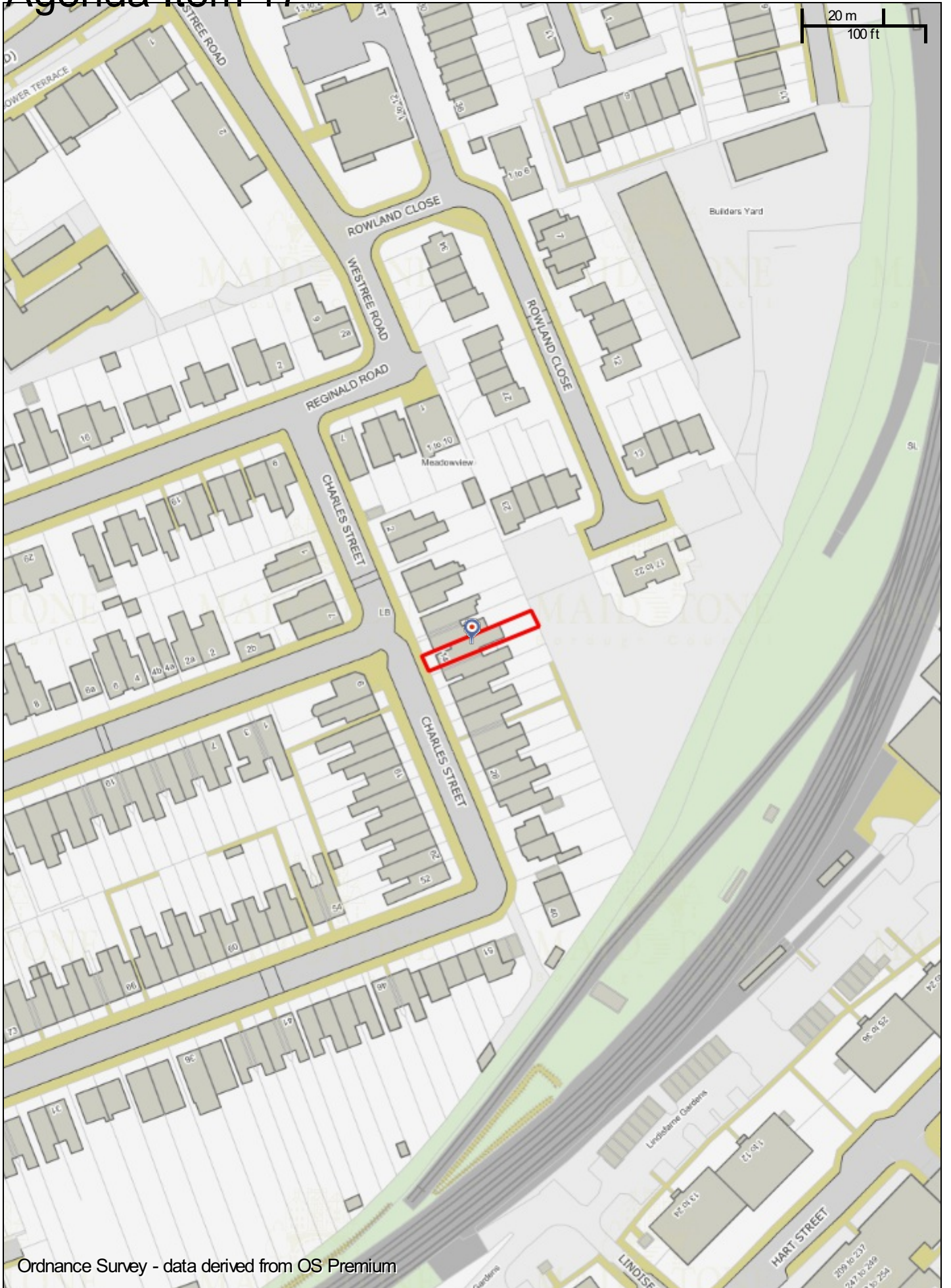
provision of gaps in the approved fencing to allow the free movements of wildlife; and the installation of ready-made bird and bat boxes on the site. The development shall be implemented in accordance with the approved details prior to the first occupation of the mobile home hereby approved and all these features shall be maintained as such thereafter.

Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.

- 13) All hardstanding areas shall be of permeable construction as indicated on drawing no. 2023-1006v1-LocBlock.

Reason: In the interests of amenity.

Agenda Item 17



Ordnance Survey - data derived from OS Premium

22/505206/FULL 14 Charles Street, Maidstone, Kent, ME16 8ET

Scale: 1:1250
N

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REPORT SUMMARY

REFERENCE NO: - 22/505206/FULL		
APPLICATION PROPOSAL: Change of use from Class C4 6-bedroom HMO to Sui-Generis 8-bedroom HMO to include erection of a single storey rear extension and loft conversion with a rear dormer and 1no. front rooflight (Resubmission of 22/503713/FULL).		
ADDRESS: 14 Charles Street Maidstone Kent ME16 8ET		
RECOMMENDATION: GRANT PERMISSION Subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposal is acceptable in relation to design, appearance, residential amenity, neighbour impact and impact on parking and would accord with Policies DM1 and DM9 of the Local Plan (2017), the guidance contained within the Residential Extensions SPD (2009) and the NPPF		
REASON FOR REFERRAL TO COMMITTEE: Decision deferred at the committee meeting on the 16 February 2023		
WARD: Fant	PARISH/TOWN COUNCIL: N/A	APPLICANT: Mr Kemsley AGENT: Kent Design Studio Ltd
CASE OFFICER: Jake Farmer	VALIDATION DATE: 31/10/22	DECISION DUE DATE: 28/04/23(EOT)
ADVERTISED AS A DEPARTURE: No		

1. BACKGROUND

- 1.01 This application was first considered by members at the planning committee meeting on the 16 February 2023. The committee report to this meeting is provided as an appendix to this report.
- 1.02 The committee resolved to defer a decision on the application for the following reasons:
 - (a) Seek further information from Kent County Council about the highways, parking, and sustainability issues, including cycle parking.
 - (b) Seek further details of the arrangements for storage, screening, and collection of refuse bins.
 - (c) Seek an appropriate solution to refuse storage and collection in connection with HMOs.

2. PROPOSAL

- 2.01 The application proposes a change of use from a 6 bedroom HMO (Use Class C4) to a Sui-Generis (Class of its own) 8 bedroom HMO. The proposal includes a single storey rear extension and loft conversion and extensions to the rear and side roof slopes and a front rooflight.

3. APPRAISAL

- 3.01 This report seeks to address the following three points as set out in the committee minutes from the meeting on the 16 February 2023:
 - (a) Seek further information from Kent County Council about the highways, parking, and sustainability issues, including cycle parking.

- (b) Seek further details of the arrangements for storage, screening, and collection of refuse bins.
- (c) Seek an appropriate solution to refuse storage and collection in connection with HMOs.

3.02 These three points in the minutes are considered in turn below.

(a) Seek further information from Kent County Council about the highways, parking, and sustainability issues, including cycle parking.

3.03 KCC Highways do not provide comments to Maidstone Council on planning applications involving 5 or less dwellings (threshold not applied cumulatively). This arrangement is a protocol between KCC Highways and local authorities across Kent.

3.04 The assessment of potential highways impact for planning applications of 5 or less dwellings is carried out by Maidstone Council, not KCC Highways.

3.05 The 5 dwelling threshold is set for several reasons including the following:

- low level of potential highway impact from applications of this size, and
- high threshold of 'harm' required to refuse planning permission on highway grounds (NPPF para 111 - 'severe' impact).

Off street car parking standards

3.06 Off street parking standards for new dwellings are provided in the adopted Maidstone Local Plan (Appendix B). The standards are based on the number of proposed bedrooms and the nature of the location (town centre, edge of centre, suburban or village/rural).

3.07 14 Charles Street is in an 'edge of centre' location (existing high on street parking demand – on street one way traffic controls, permit parking).

3.08 In 'edge of centre' locations, adopted local plan off street parking standards are set as a 'maximum' (i.e not 'minimum' standards as in other areas).

3.09 Maximum off street parking standards:

- optimise the density of development in existing sustainable locations well served by public transport (as advised at NPPF paragraph 108 and Chapter 11).
- reduce the negative visual impact of off street parking on the street scene and building setting caused by large areas of hardstanding.
- reduce the negative impact on residential amenity with front gardens separating car parking from ground floor living rooms and bedrooms.
- Retain the on street car parking space lost in providing access to off street car parking space.

3.10 It is highlighted that the supporting text to the car parking standards (Footnote 3) also encourages flexibility in 'edge of centre' locations advising: "*Reduced or even nil provision acceptable for rented properties, subject to effective tendency controls*". In the 2021 Census 39.9% of households in local area did not own a car, compared to 18.5% in the Tovil area and 14.6% in Maidstone Borough as a whole.

3.11 The proposal is for two additional rooms in an existing House in Multiple Occupation (HMO). There is no car parking standard for HMO uses in the Local Plan, but where planning permission is required, the standard consistently applied is one off street space for each HMO room and 0.2 visitor spaces per room.

3.12 The current application compiles with these adopted off street car parking standards. The standards require a maximum of two off street spaces and 0.4

visitor spaces per unit (no off street space parking is provided as part of the application).

Impact on highway network and on local amenity, character, and appearance

- 3.13 Notwithstanding compliance with off street parking standards, other potential related impacts include the impact of additional on street parking on the highway network and on local amenity, character, and appearance.
- 3.14 The baseline for all highway impact assessment is the existing lawful use operating at full capacity. Any additional highway impact above that baseline is then relevant.
- Existing HMO does not require planning permission
 - Car ownership for occupiers of HMO's is generally lower than flats or houses
 - On street demand from proposal is 2 spaces and 0.4 visitor spaces (3 spaces).

View along Charles Street looking south with application site on left hand side.



- 3.15 Additional on street parking can have a visual impact on the character and appearance of an area. Charles Street is in a controlled parking zone. Charles Street has marked parking bays on both sides of the street with no pavement parking.
- 3.16 Charles Street is a one way street with exit only at the northern end at the junction with Douglas Street. It is concluded that given the relatively low additional need for three on street spaces there are no grounds to refuse planning permission on visual impact grounds.
- 3.17 The additional impact from the current planning application will be insignificant when compared to the scale of the wider issues in the area. It is suggested that the current planning application is not the correct or most effective route to address these wider issues.
- 3.18 In the planning balance, the cost of the additional on street parking demand is substantially less than the benefit of the proposed new accommodation of a good

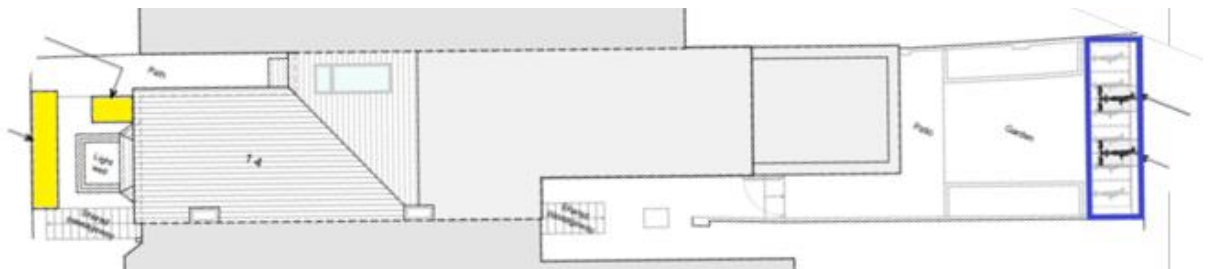
standard, in a sustainable location with a design and scale that is in keeping with the surroundings.

- 3.19 NPPF advice on assessing highway impact 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*" (NPPF paragraph 111).
- 3.20 Existing local on street parking demand is acknowledged. The proposal will generate a relatively low need for three additional on street car parking spaces within walking distance of 14 Charles Street. This additional on street demand will not meet the NPPF threshold of causing 'severe' harm that is required to refuse planning permission.

Cycle parking

- 3.21 Cycle parking standards are set out in the KCC Supplementary Planning Guidance SPG 4 Kent Vehicle Parking Standards. There are no standards for HMO's however the standard of one space per room is applied.
- 3.22 The application site benefits from an external undercroft pedestrian access to the rear garden. This access at lower ground floor level is located on the boundary with 16 Charles Street. Cycle storage for 8 cycles is provided in the rear garden. A condition attached to the recommendation seeks to secure this cycle parking. This arrangement will provide simple, practical, and accessible cycle storage and is acceptable.

14 Charles Street – Refuse storage (yellow) and cycle storage (blue)



(b) Seek further details of the arrangements for storage, screening, and collection of refuse bins.

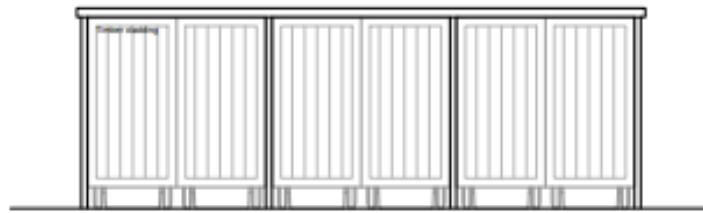
- 3.23 MBC Waste services have confirmed that for an HMO "*Developers should use a calculator of 120 litres per HMO dwelling per waste stream*". For every two HMO rooms, this standard requires provision of one 240 litre refuse bin and one 240 litre recycling bin
- 3.24 The proposed refuse storage area is shown on the submitted planning application plans at the front of the site. This is sufficient space for the bins outlined above. There is space available for the refuse bins to be moved from the storage onto the pavement for collection whilst providing sufficient space for pedestrians.

(c) Seek an appropriate solution to refuse storage and collection in connection with HMOs.

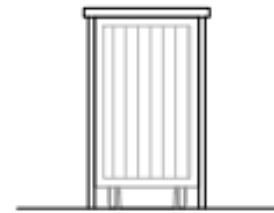
- 3.25 Following the committee resolution planning officers have discussed refuse bin provision for HMOs with MBC Waste Services. Following this discussion MBC Waste Services have now set out a general standard that will apply to all HMO's in terms

of the provision of refuse bins. The refuse bin provision set out in this report is in accordance with these new standards.

Proposed refuse store 1



Proposed Refuse Store 1 - Front Elevation
Scale 1:20



Proposed Refuse Store 1 - Side Elevation
Scale 1:20

CONCLUSION

- 3.26 Overall, for the reasons outlined in this report, the proposed development would accord with the policies of the Local Plan (2017) and, as such the recommendation is to grant planning permission subject to conditions.

RECOMMENDATION

GRANT planning permission subject to the following conditions

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

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

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Drawing No. 3839 – 001 – B (Site Location and Existing Block Plans)(rec 06.04.2023)
- Drawing No. 3839 – 002 – B (Existing Floor and Roof Plans) (rec 06.04.2023)
- Drawing No. 3839 – 003 – A (Existing Elevations) (rec 06.04.2023)
- Drawing No. 3839 – 005 – D (Proposed Block Plan) (rec 06.04.2023)
- Drawing No. 3839 – 006 – C (Proposed Floor Plans) (rec 06.04.2023)
- Drawing No. 3839 – 007 – B (Proposed Elevations) (rec 06.04.2023)
- Drawing No. 3839 – 009 – B (Existing Site Plan) (rec 06.04.2023)
- Drawing No. 3839 – 010 – C (Proposed Site Plan) (rec 06.04.2023)
- Drawing No. 3839 – 011 (Proposed Refuse Stores) (rec 05.04.2023)

Reason: To ensure that the development is undertaken in accordance with the approved drawings and documents

- 2) The external facing materials of the extensions hereby permitted shall match those used on the existing building.
Reason: To ensure a satisfactory appearance to the development.
- 3) The development hereby approved shall have no more than 8 separate households occupying the building at any one time.
Reason: To protect the amenity of future occupants.
- 4) Prior to the first occupation of the new accommodation hereby approved, the facilities for the storage and screening of refuse bins and the storage of cycles,

shown on the submitted plans shall be in place. These details will be maintained as such thereafter.

Reason: In the interests of amenity.

- 5) The use of the extension shall be as set out in the application and no development or the formation of any door providing access to the roof of the extension shall be carried out, nor shall the roof area of the extension be used as a balcony, roof garden or similar amenity area.

Reason: In the interests of amenity.

Informatives

- 1) The applicant is advised that as of 1st October 2018, the Maidstone Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus, any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website Community Infrastructure Levy - Maidstone Borough Council.
- 2) The applicant is advised that the accommodation will require an HMO licence from the Council's Housing and Health Team.

REPORT SUMMARY

REFERENCE NO: - 22/505206/FULL		
APPLICATION PROPOSAL: Change of use from Class C4 6-bedroom HMO to Sui-Generis 8-bedroom HMO to include erection of a single storey rear extension and loft conversion with a rear dormer and 1no. front rooflight (Resubmission of 22/503713/FULL).		
ADDRESS: 14 Charles Street Maidstone Kent ME16 8ET		
RECOMMENDATION: GRANT PERMISSION Subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposal is acceptable in relation to design, appearance, residential amenity, neighbour impact and impact on parking and would accord with Policies DM1 and DM9 of the Local Plan (2017), the guidance contained within the Residential Extensions SPD (2009) and the NPPF The application is a re-submission of a previous scheme which comprised a front roof extension, a rear roof extension and a single storey rear extension as part of a larger HMO property. The previous application was refused solely on the visual impact of the front roof extension. The front extension has been removed from this resubmitted proposal.		
REASON FOR REFERRAL TO COMMITTEE: Call in from Cllr Harper for the following reasons: <ul style="list-style-type: none"> • Existing HMO is out of character with this residential street • Enlargement to an 8 bed HMO is unsustainable. • No provision for existing or the proposed increased on street parking demand • no cycle parking facilities • no proposals for waste collection or disposal areas, • no increase in amenity areas for additional occupants • gross over development in an already high density neighbourhood suffering due to over development. 		
WARD: Fant	PARISH/TOWN COUNCIL: N/A	APPLICANT: Mr Kemsley AGENT: Kent Design Studio Ltd
CASE OFFICER: Jake Farmer	VALIDATION DATE: 31/10/22	DECISION DUE DATE: 27/01/23
ADVERTISED AS A DEPARTURE: No		

Relevant Planning History

- 19/506230/PNEXT Prior notification for proposed single storey rear extension which:
A) Extends by 4 metres beyond the rear wall of the original dwelling. B) Has a maximum height of 2.85 metres from the natural ground level. C) Has a height of 2.85 metres at the eaves from the natural ground level. Prior Approval Not Required 17.01.2020.
- 22/503713/FULL Change of use from Class C4 6 Bedroom HMO to Sui-Generis 9 bedroom HMO to include erection of a single storey rear extension and loft conversion with a rear and front dormer. Refused 03.10.2022 for the following reason:

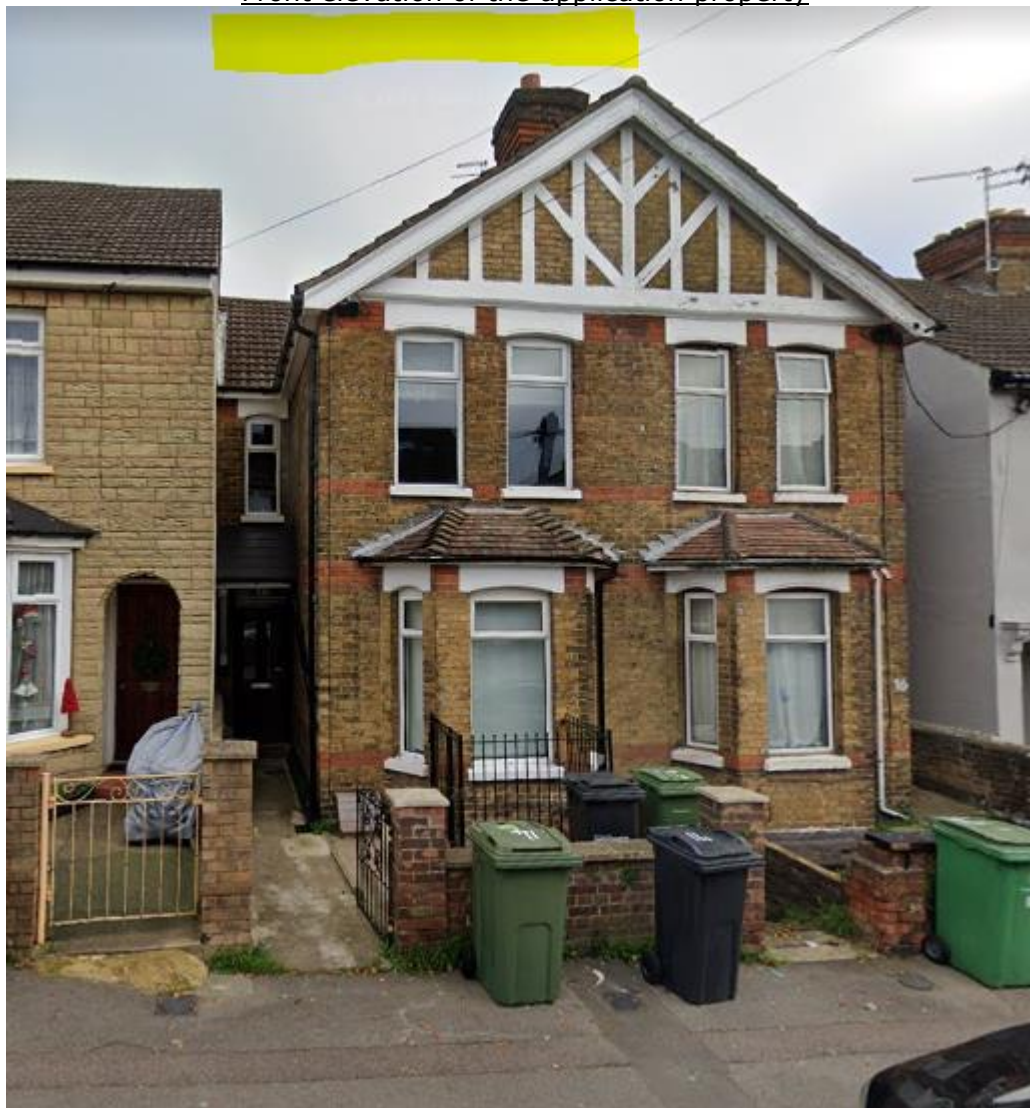
"The proposed front roof extensions by reason of their bulk, massing and location on the front elevation would appear as prominent and visually awkward features at roof level resulting in a detrimental impact on the symmetry of the pair of properties at No 14 and 16 Charles Street. The front roof extensions visible in short and medium distance views would appear alien and out of character in the street scene along Charles Street where front roof extensions are not a feature. The proposals thus fail to accord with Policies DM1 and DM9 of the Maidstone Local Plan (2017) and Chapter 12 of the NPPF" (Officer comment: The earlier decision to refuse planning permission is material to a decision on the current application and this earlier decision did not raise any issue in relation to the additional HMO accommodation).

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The application site is located in Charles Street that is situated centrally within Maidstone in close proximity to the town centre. The site is in residential area comprising terraced dwellings with some properties converted into HMOs.

Front elevation of the application property



1.02 The character and appearance of Charles Street is Edwardian terraced properties that commonly feature front bay windows on the ground floor with sash windows at first floor. The majority of properties along Charles Street are brickwork, with

some being finished with render. Some properties also feature brick soldier courses as well as sailor courses.

- 1.03 The Edwardian application property is has a front bay windows at ground floor level and sash windows at first floor level. The existing property is brickwork with soldier courses and mock Tudor detailing in the front facing gable under a concrete tiled roof.
- 1.04 The application property is currently in use as a House in Multiple Occupation (HMO). The current use is within Planning Use Class C4 of the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.05 Class C4 uses are small houses which are used by between 3 and 6 unrelated residents as an HMO where residents share basic amenities such as kitchen or bathroom and use the property as their only (or main) residence. There is no requirement for planning permission to change a family dwelling into an HMO in Planning Use Class C4

2. PROPOSAL

- 2.01 Change of use from a 6 bedroom HMO (Use Class C4) to a Sui-Generis (Class of its own) 8 bedroom HMO. The proposal includes a single storey rear extension and loft conversion and extensions to the rear and side roof slopes and a front rooflight.

The previously submitted application (22/503713/FULL) was refused on the grounds that the front dormer would adversely impact the character and appearance of the street scene. m. The changes from the previously refused scheme include a reduction from three extra rooms to two extra rooms and the removal of the front roof extension.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2017): Policies SS1, SP1, SP19, DM1, DM9, DM23
 Emerging Policies: LPRSP2, LPRSP10, LPRSP10 (A), LPRSP15
 The National Planning Policy Framework (NPPF):
 National Planning Practice Guidance (NPPG):
 Residential Extensions SPD (2009)

4. LOCAL REPRESENTATIONS

Local Residents:

10 representations were received from local residents objecting to the application for the following reasons (summarised)

- Parking
- Waste and refuse storage
- Privacy
- HMO density
- Resident health
- Safety and wellbeing

Cllr Harper

- Existing HMO is out of character with this residential street
- Enlargement to an 8 bed HMO is unsustainable.
- No provision for existing or the proposed increased on street parking demand
- no cycle parking facilities
- no proposals for waste collection or disposal areas,
- no increase in amenity areas for additional occupants
- gross over development in an already high density neighbourhood suffering as a result of over development.

5. CONSULTATIONS

MBC Housing and Health

No objection. The change in the number of units will require a new licence, and a new fire risk assessment .

6. APPRAISAL

6.01 The key issues are:

- Principle of development
- Design and appearance
- Residential amenity
- Parking and servicing

Principle of Development

- 6.02 The supporting text to policy DM9 of the Maidstone Local Plan (2017) states *"houses in multiple occupation (HMOs) aid the provision of accommodation for smaller households and contribute towards a mix and choice of homes, (this is advocated by the NPPF"*.
- 6.03 Further, policy DM9 states that residential extensions should have a suitable scale, height, form and appearance as well as suitable relationship to the street scene. Policy DM9 is supported by the Residential Extensions SPD (2009) which reinforces the principles of good design when it comes to residential extensions and conversions.
- 6.04 There is general policy support for the provision of a range of different types of accommodation in the borough to provide for different sections of the community and no policy that restricts the concentration of housing types in any one area. In policy terms, the principle of the proposed change of use from 6- bedroom HMO (Class C4) to 8-bedroom HMO (Sui Generis) is acceptable and in accordance with the development plan and NPPF.
- 6.05 Notwithstanding the policy background, concerns have been expressed about the concentration of HMOs in the area surrounding the application site. In addition to the application property, the Maidstone Public Register of Licensed Houses in Multiple Occupation, shows the following HMO's in Charles Street
- a 6-bedroom HMO at No. 1 Charles Street
 - a 5-bedroom HMO at No. 7 Charles Street
 - a 6-bedroom HMO at No. 15 Charles Street
 - a 5-bedroom HMO at No. 16 Charles Street.
- 6.06 In terms of the Charles Street, 4 of the 40 properties along Charles Street are in lawful use as HMOs representing 10% In addition to the HMOs along Charles Street there are three further properties in lawful use as HMOs along the adjacent Douglas Road, 3 in Florence Road and 2 in Reginald Road. This number of HMO's is not considered to represent an over concentration in this area. (The impact of HMOs with up to 6 residents is not deemed great enough by national legislation to require the benefit of planning permission).

Design and Appearance

- 6.07 Policy DM9 of the Maidstone Local Plan (2017) states that *"...the scale, height, form, appearance would fit unobtrusively with the existing building and the character of the street scene"*.

- 6.08 In order to facilitate the two extra HMO bedrooms, the current proposal includes a single storey rear extension, loft conversion with rear roof extensions (front extension removed following earlier refusal on the grounds of visual impact).
- 6.09 After removal of the existing 'lean to' extension (1 metre deep, eaves circa 2.3 metres high rising to circa 3 metres high), the ground floor level rear flat roof extension would extend 4 metres from the main rear elevation and would be 3.1 metres high. The proposed rear extension was found to acceptable in terms of its design, appearance and scale.

Rear elevation of the application property



- 6.10 The proposed design of the rear roof extension would not extend above the roof ridge height of the property ensuring that it would be a subordinate addition to the main building. The proposed rear roof extension was found to acceptable in terms of its design, appearance and scale.
- 6.11 The proposed rooflight to the front roof slope serving the proposed bedroom 7 will have a negligible impact on the character and appearance of Charles Street and the existing building itself.
- 6.12 The roof and ground floor extensions are identical to those submitted and considered acceptable under application 22/503713/FULL. The ground floor extension was in addition, also considered under application 19/506230/PNEXT and found to be acceptable.
- 6.13 Overall, the extensions are of an acceptable scale, form and design that ensure they do not appear out of character with the application property or the vicinity of the property. The location of the extensions at the rear will restrict public views from the street.
- 6.14 As such, the proposals are visually acceptable and in accordance with Policies DM1 and DM9 of the Maidstone Local Plan (2017).

Residential Amenity

- 6.15 Policy DM1 of the Local Plan (2017) states that developments should "Respect the amenities of occupiers of neighbouring properties...and provide adequate

residential amenities for future occupiers ... by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties”.

- 6.16 Similarly, policy DM9 of the development plan states that extensions and conversions should consider “...privacy, daylight, sunlight and maintenance of a pleasant outlook...”.
- 6.17 After removal of the existing ‘lean to’ extension (a metre deep, eaves circa 2.3 metres high rising to circa 3 metres high), the ground floor level rear flat roof extension would extend 4 metres from the main rear elevation and would be 3.1 metres high.
- 6.18 Whilst the ground floor rear extension would be constructed up against the boundary shared with No. 12 Charles Street, this is a common arrangement in the terrace. With the proposed extension being single storey, there will be minimal impact upon the adjoining neighbours in terms of their outlook, daylight and sunlight and amenity.
- 6.19 The proposed ground floor rear extension is of a height that would not restrict the daylight/sunlight enjoyed by the windows serving habitable rooms of the properties on either side of the application site. The proposed roof extension is found to be acceptable in relation to the impact on daylight and sunlight enjoyed by the adjacent neighbours. As highlighted earlier in this report the ground floor and roof extensions were also found to be acceptable as part of earlier planning applications.
- 6.20 The proposed ground floor extension will provide an additional communal dining room area for residents. Other than the new loft access stair there is no change to the first floor layout of the building. The new accommodation at loft level provides two new ensuite bedrooms, a landing and a storage area.
- 6.21 The internal standard of the accommodation in terms of natural light, privacy and floorspace has been found to be acceptable. The internal layout has also been assessed by the Council’s Housing Team who have found the proposal acceptable. The accommodation will require a HMO licence.
- 6.22 As such, with regards to the impact upon residential amenity, the application is acceptable and accords with policies DM1 and DM9 in this respect.

Parking and servicing

- 6.23 Policy SP1 of the Local Plan (2017) sets out “As the largest and most sustainable location, Maidstone urban area... will be the focus for new development”. Policy DM23 states that car parking standards for residential development will take into account “the type, size and mix of dwellings ...; and secure an efficient and attractive layout of development ...”.
- 6.24 The application site is located approximately 15 minute walk from Maidstone High Street which provides a large number of services, facilities and retail. The site is also located within proximity to other local services such as a convenience store located approximately 5 minutes’ walk away. The application site is within a controlled parking zone which allows for permit holders and a maximum stay of 2 hours for non-permit holders
- 6.25 Further, the site is well-served by local public transport networks with bus stops located within a short walk from the site, providing services into the town centre

and the surrounding areas. As such, the application site is in a sustainable location for new residential accommodation, where occupants do not require a private motor vehicle for their daily needs.

- 6.26 There is no direct access to the rear garden of the property from the street, and it does not appear feasible to provide cycle parking either in the front garden or that relies on access through the house. There does appear capacity to provide bin storage or screening in the front garden and a condition is recommended to seek details and to secure the approved details.
- 6.27 The current application is assessing the impact of two additional bedrooms, (currently 6 with 8 proposed) and it is highlighted that in general terms census data indicates that car ownership associated with HMOs is lower than family accommodation.
- 6.28 Whilst parking availability along Charles Street and the surrounding roads is limited, particularly at peak times, the proposed development would not result in a severe impact upon the local highways network such that it would be in conflict with the relevant test in the National Planning Policy Framework (2021)(paragraph 111).

Other Matters

- 6.29 The proposal is found to be acceptable in relation to flood risk.

PUBLIC SECTOR EQUALITY DUTY

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

7. CONCLUSION

- 7.01 The proposal is acceptable in relation to design, appearance, residential amenity, neighbour impact and impact on parking and would accord with Policies DM1 and DM9 of the Local Plan (2017), the guidance contained within the Residential Extensions SPD (2009) and the NPPF.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions

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

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

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

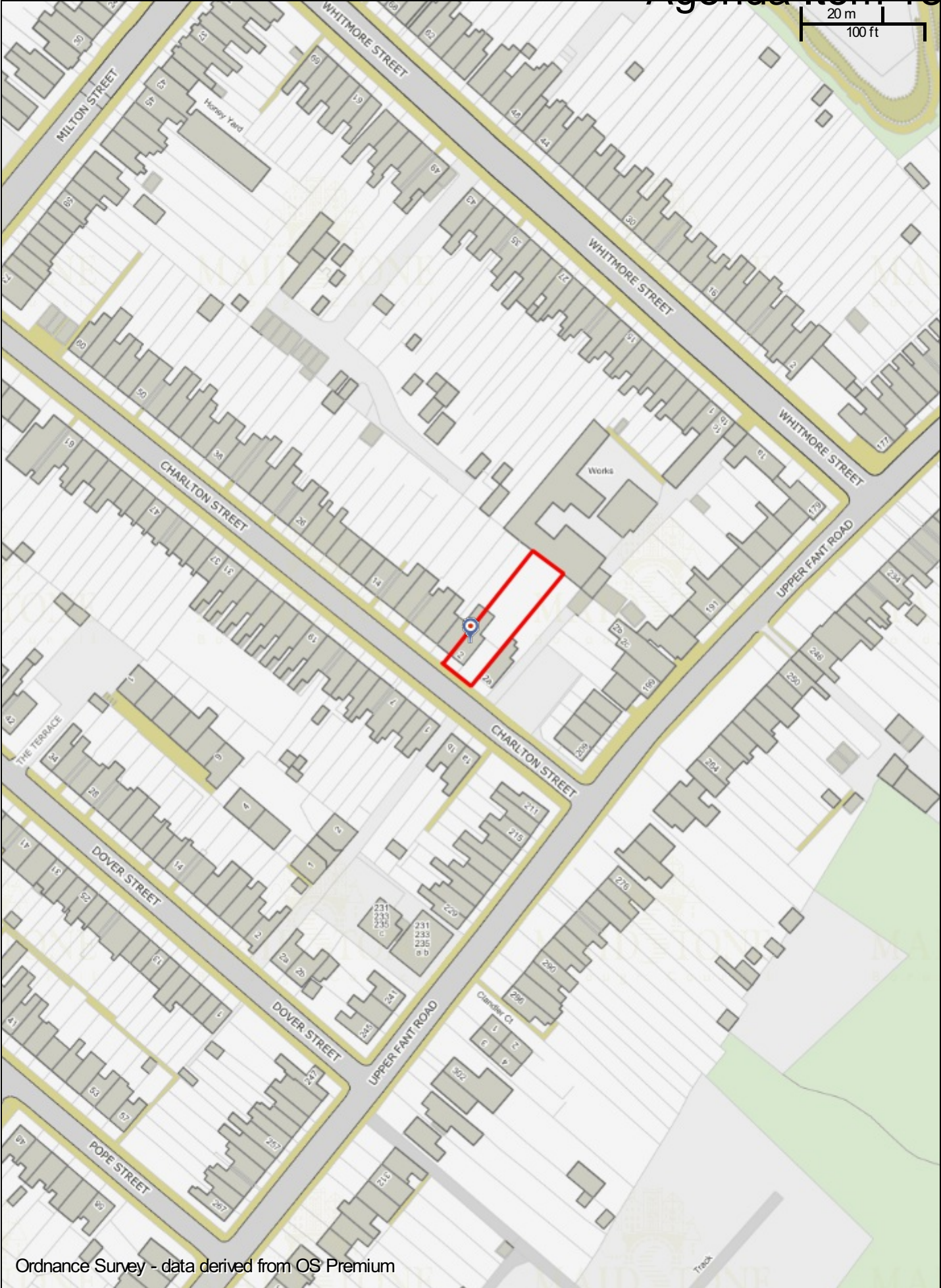
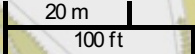
- Drawing No. 3839 – 001 (Site Location and Existing Block Plans)
- Drawing No. 3839 – 002 (Existing Floor and Roof Plans)
- Drawing No. 3839 – 003 (Existing Elevations)
- Drawing No. 3839 – 005 – A (Proposed Block Plan)
- Drawing No. 3839 – 006 – B (Proposed Floor Plans)
- Drawing No. 3839 – 007 – A (Proposed Elevations)

Reason: To ensure that the development is undertaken in accordance with the approved drawings and documents

- 2) The external facing materials of the extensions hereby permitted shall match those used on the existing building.
Reason: To ensure a satisfactory appearance to the development.
- 3) The development hereby approved shall have no more than 8 separate households occupying the building at any one time.
Reason: To protect the amenity of future occupants.
- 4) Prior to the first occupation of the new accommodation hereby approved, facilities for the storage and screening of refuse bins, shall be in place that are in accordance with details that have previously been submitted to and approved by the Local Planning Authority. These details will be maintained as such thereafter. Reason: In the interests of amenity.
- 5) The use of the extension shall be as set out in the application and no development or the formation of any door providing access to the roof of the extension shall be carried out, nor shall the roof area of the extension be used as a balcony, roof garden or similar amenity area.
Reason: In the interests of amenity.

Informatives

- 1) The applicant is advised that as of 1st October 2018, the Maidstone Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus, any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website Community Infrastructure Levy - Maidstone Borough Council.
- 2) The applicant is advised that the accommodation will require an HMO licence from the Council's Housing and Health Team.



Ordnance Survey - data derived from OS Premium

22/505414/FULL 2 Charlton Street, Maidstone, Kent, ME16 8LA

Scale: 1:1250

Printed on: 7/2/2023 at 18:38 PM by JoannaW



REPORT SUMMARY

REFERENCE NO: - 22/505414/FULL		
APPLICATION PROPOSAL: Erection of an attached two-bedroom dwelling.		
ADDRESS: 2 Charlton Street Maidstone Kent ME16 8LA		
RECOMMENDATION: GRANT PLANNING PERMISSION Subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: <ul style="list-style-type: none"> • The proposals would provide accommodation that meets the Nationally Described Space Standards and provide sufficient amenity space. • The proposed dwelling comprises similar massing and elevational treatments to other properties within the terrace. • The proposed dwelling will not have an adverse impact upon the amenity of neighbouring properties or harm the character and appearance of the street scene. • The proposed development will not result in any adverse impact upon the highways and parking within the street to a severity that would warrant a refusal. 		
REASON FOR REFERRAL TO COMMITTEE: Decision deferred at the committee meeting on the 16 February 2023		
WARD: Fant	PARISH/TOWN COUNCIL: N/A	APPLICANT: Mr. Terry Brown AGENT: Peter Court Associates
CASE OFFICER: Jake Farmer	VALIDATION DATE: 17/11/22	DECISION DUE DATE: 28/04/23 (EOT)
ADVERTISED AS A DEPARTURE: No		

1. BACKGROUND

- 1.01 This application was first considered by members at the planning committee meeting on the 16 February 2023. The committee report to this meeting is provided as an appendix to this report.
- 1.02 The committee resolved to defer a decision on the application for the following reasons:
 - (a) Seek further information from Kent County Council about the highways, parking, and sustainability issues, including cycle parking.
 - (b) Seek further details of the arrangements for storage, screening, and collection of refuse bins.

2. PROPOSAL

- 2.01 The application proposes a semi-detached 2-bedroom dwelling that will form an end of terrace property. The application proposes the removal of an existing shed and a single tree.
- 2.02 The proposed new dwelling will be two storeys in height, with the roof ridge and eaves lines stepped down from the existing dwelling at No. 2 Charlton Street. The

proposed dwelling would be constructed using traditional brickwork and feature a ground floor bay window

- 2.03 The proposal includes the subdivision of the existing garden land at No. 2 Charlton Street (circa 9.2 metre wide) to provide private amenity space for occupants of the proposed house (circa 5 metres wide) and the retained house (circa 4.2 metres wide).

3. APPRAISAL

- 3.01 This report seeks to address the following two points as set out in the committee minutes from the meeting on the 16 February 2023:
- (a) Seek further information from Kent County Council about the highways, parking, and sustainability issues, including cycle parking.
 - (b) Seek further details of the arrangements for storage, screening, and collection of refuse bins.

- 3.02 These two points in the minutes are considered in turn below.

(a) Seek further information from Kent County Council about the highways, parking, and sustainability issues, including cycle parking.

- 3.03 KCC Highways do not provide comments to Maidstone Council on planning applications involving 5 or less dwellings (threshold not applied cumulatively). This arrangement is a protocol between KCC Highways and local authorities across Kent.

- 3.04 The assessment of potential highways impact for planning applications of 5 or less dwellings is carried out by Maidstone Council, not KCC Highways.

- 3.05 The 5 dwelling threshold is set for several reasons including the following:
- low level of potential highway impact from applications of this size, and
 - high threshold of 'harm' required to refuse planning permission on highway grounds (NPPF para 111 - 'severe' impact).

Off street car parking standards

- 3.06 Off street parking standards for new dwellings are provided in the adopted Maidstone Local Plan (Appendix B). The standards are based on the number of proposed bedrooms and the nature of the location (town centre, edge of centre, suburban or village/rural).

- 3.07 2 Charlton Street is in an '*edge of centre*' location (existing high on street parking demand – on street one way traffic controls).

- 3.08 In '*edge of centre*' locations, adopted local plan off street parking standards are set as a 'maximum' (i.e. not '*minimum*' standards as in other areas).

- 3.09 Maximum off street parking standards:
- optimise the density of development in existing sustainable locations well served by public transport (as advised at NPPF paragraph 108 and Chapter 11).
 - reduce the negative visual impact of off street parking on the street scene and building setting caused by large areas of hardstanding.
 - reduce the negative impact on residential amenity with front gardens separating car parking from ground floor living rooms and bedrooms.
 - Retain the on street car parking space lost in providing access to off street car parking space.

- 3.10 It is highlighted that the supporting text to the car parking standards (Footnote 3) also encourages flexibility in 'edge of centre' locations advising: "*Reduced or even nil provision acceptable for rented properties, subject to effective tendency controls*". In the 2021 Census 18.4% of households in local area did not own a car, compared to 18.5% in the Tovil area and 14.6% in Maidstone Borough as a whole.
- 3.11 The proposal for the construction of a two bedroom end of terrace house on land adjacent to 2 Charlton Street compiles with adopted off street car parking standards. These standards require a maximum of one off street space and 0.2 visitor spaces (no off street space parking provided as part of the application).

View along Charlton Street towards the site which is on the right hand side

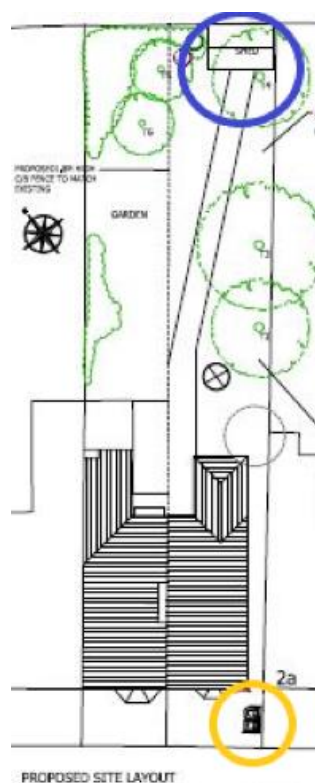


Impact on highway network and on local amenity, character, and appearance

- 3.12 Notwithstanding compliance with off street parking standards, other potential related impacts relate to the impact of additional on street parking on the highway network and on local amenity, character, and appearance.
- 3.13 The baseline for all highway impact assessment is the existing lawful use operating at full capacity. Any additional highway impact above that baseline is then relevant.
- Off street space for existing house will be displaced on to the street but an extra on street space gained by the removal of the existing 5 metre wide crossover (standard car parking space is 4.8 metres long – with works to raise the kerb secured by planning condition). So nil impact from loss of existing off street space.
 - The on street demand from the proposed house is one off street space and 0.2 visitor space.
 - Additional on street demand generated of 1 car parking space and 0.2 visitor spaces (rounded up to 2 off street spaces).

- 3.14 The application site is on Charlton Street which has pavement parking on both sides of the road due to the narrow width of the existing carriageway. This parking situation provides a poor environment, including for pedestrian access (especially the elderly, infirm and parents with young children) and in terms of visual impact.
- 3.15 Notwithstanding, these conclusions, the additional impact from the current planning application will be insignificant when compared to the scale of the wider issues in the area. It is suggested that the current planning application is not the correct or most effective route to address these wider issues.
- 3.16 In the planning balance, the cost of the additional on street parking demand is substantially less than the benefit of the proposed new dwelling in a sustainable location providing a good standard of accommodation with a design and scale that is in keeping with the surroundings.

Cycle storage (blue circle) and refuse storage (yellow circle)



- 3.17 On street parking can have a visual impact on the character and appearance of an area and on access along pavements. In this instance officers are seeking the reinstatement of the crossover in Charlton Street and the provision of a front garden to the property. It is concluded that the positive visual impact of these changes will counteract the negative impact of the additional one on street car parking space.
- 3.18 NPPF advice on assessing highway impact 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*" (NPPF paragraph 111).
- 3.19 Existing local on street parking demand is acknowledged, however the proposal will generate relatively low need for 1 additional on street car parking space within walking distance of 2 Charlton Street. This additional on street demand will not meet the NPPF threshold of causing 'severe' harm and this level of 'severe' harm is required to refuse planning permission.

Cycle parking

- 3.20 Cycle parking standards are set out in the KCC Supplementary Planning Guidance SPG 4 Kent Vehicle Parking Standards. These standards require one cycle parking space for each proposed flat.
- 3.21 The submitted proposal includes an external access to the rear garden along the side boundary of the new house and a shed in the rear garden for cycle storage. A condition attached to the recommendation seeks to secure this cycle parking. This arrangement will provide simple, practical and accessible cycle storage and is acceptable.

(b) Seek further details of the arrangements for storage, screening, and collection of refuse bins.

- 3.22 MBC Waste services have confirmed that the new houses requires "...1 x black refuse bin (180l), 1 x green recycling bin (240l) and 1 x black/orange food waste bin (23l)".
- 3.23 The proposed refuse storage area is shown on the submitted planning application plans at the front of the site. This is sufficient space for the bins outlined above. There is space available for the refuse bins to be located at the front boundary for collection without blocking the pavement.

CONCLUSION

- 3.24 Overall, for the reasons outlined in this report, the proposed development would accord with the policies of the Local Plan (2017) and, as such the recommendation is to grant planning permission subject to conditions.

RECOMMENDATION

GRANT PLANNING PERMISSION Subject to conditions

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

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of the permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - Drawing No. 2225-PL01 (Existing Plans & Elevations)
 - Drawing No. 2225-PL02 (Proposed Plans and Section)
 - Drawing No. 2225-PL03 (Proposed Elevations)
 - Drawing No. 2225-PL04 (Site Plans)
 - GRS/TS/TCP/AIP/AIA/TPP/90/22 (Arboricultural Report)
 - Design & Access Statement (Dated May 2022)Reason: To ensure that the development is undertaken in accordance with the approved drawings and documents
- 3) The development hereby approved shall not commence above slab level until details (manufacturer name, product name, and photographs) of the external facing materials to be used for the building 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 and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development.

- 4) No development including site clearance shall take place until tree protection is in place for all trees both within the red line application site boundary, and within falling distance of the red line application site boundary. The tree protection shall be in accordance with BS 5837 and maintained until all equipment, machinery and any surplus materials have been removed from the site. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority.

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

- 5) Prior to first occupation of the approved dwelling the biodiversity enhancement shown on 2225-PL4 site plan Planning drawings (May 2022) shall be in place in accordance with the drawing with the measures maintained thereafter.

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

- 6) Prior to first occupation of the dwelling hereby approved the existing vehicular crossover (dropped kerb) in Charlton Street shall be removed with full height pavement reinstated in this location.

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

- 7) Prior to the first occupation of the dwelling hereby approved, facilities for (a) the storage and screening of refuse bins, and (b) the collection of refuse bins, and (c) secure bicycle storage shall be in place that are in accordance with details that have previously been submitted to and approved by the Local Planning Authority. These details will be maintained as such thereafter.

Reason: In the interests of amenity, to promote sustainable travel choices and the reduction of CO2 emissions.

- 8) Prior to the first occupation of the dwelling hereby approved, landscaping shall be in place that shall be in full accordance with a landscape scheme that has previously been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be designed in accordance with the principles of the Council's landscape character guidance and include details of a planting schedule (including location, planting species, quantities and size) of the front garden and front boundary treatment.

Reason: In the interests of amenity

- 9) Any planting in the approved landscape scheme which fails to establish or any trees or plants which, within five years from the first occupation, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme.

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

- 10) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011 (and any subsequent revisions) and follow the recommendations within Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting', 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 interests of residential amenity

Informatives:

- (1) You are advised that as of 1st October 2018, the Maidstone Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus, any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website Community Infrastructure Levy - Maidstone Borough Council.

REPORT SUMMARY

REFERENCE NO: - 22/505414/FULL		
APPLICATION PROPOSAL: Erection of an attached two-bedroom dwelling.		
ADDRESS: 2 Charlton Street Maidstone Kent ME16 8LA		
RECOMMENDATION: GRANT PLANNING PERMISSION Subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION:		
<ul style="list-style-type: none"> • The proposals would provide accommodation that meets the Nationally Described Space Standards and provide sufficient amenity space. • The proposed dwelling comprises similar massing and elevational treatments to other properties within the terrace. • The proposed dwelling will not have an adverse impact upon the amenity of neighbouring properties or harm the character and appearance of the street scene. • The proposed development will not result in any adverse impact upon the highways and parking within the street to a severity that would warrant a refusal. 		
REASON FOR REFERRAL TO COMMITTEE:		
Call in by Cllr Harper for the following reasons:		
<ul style="list-style-type: none"> • Overdevelopment • Loss of off-street parking • Unsustainable • Impact on local environment • Local concerns of residents. 		
WARD: Fant	PARISH/TOWN COUNCIL: N/A	APPLICANT: Mr Terry Brown AGENT: Peter Court Associates
CASE OFFICER: Jake Farmer	VALIDATION DATE: 17/11/22	DECISION DUE DATE: 24/02/23
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

- 02/1039 Outline application for a dwelling with means of access and siting for consideration Refused 12.08.2002 for the following reason:

"The proposal does not make adequate provision for the parking of vehicles within the curtilage of the site, in accordance with the standards adopted by the local planning authority and is therefore likely to give rise to conditions which are prejudicial to the free flow of traffic on the adjoining highway which already suffers from an evident parking problem, contrary to policy T13 of the Maidstone Borough Wide Local Plan (2000)".

- 02/1519 An outline application for a new dwelling with means of access and siting for consideration Refused 09.10.2002 for the following reason:
"The proposal would remove any opportunity for the provision of off street parking for the occupiers (or future occupiers) of the existing dwelling at 2 Charlton Street, would not provide sufficient parking provision for the proposed dwelling and would effectively result in the loss of an existing on-street parking space and is therefore likely to give rise to conditions which are prejudicial to the free flow of traffic on the adjoining highway".

An appeal for the development was also dismissed by the Planning Inspectorate on 11th April 2003 under appeal ref: APP/U2235/A/02/1103456.

(Officer comment: The current planning policy background consists of the adopted Local Plan (2017) and the NPPF (2021) with the above decisions and appeal made 14 years and 18 years before the adoption of the LP and the NPPF. In this respect due to the age of these decisions no weight should be placed on these decisions).

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is in the Maidstone urban area. The site is in Charles Street which runs perpendicular to and joins Upper Fant Road (south east) and Milton Street (north west). The area generally comprises of terraced dwellings many with feature bay windows at ground floor level.
- 1.02 There is a general fall in ground level down towards the south-eastern end of Charles Street where it meets Upper Fant Road. As a result of this level change, there is a consistent stepping down of the ridge heights of dwellings in Charles Street.
- 1.03 Properties along Charlton Street typically have short 'front gardens or patio areas' with all parking provision on the street. Whilst the surrounding area is of mixed character a large number of properties are traditional brickwork and painted render under concrete tiled roofs.
- 1.04 According to information provided by the Environment Agency, the application site is of low risk of surface water flooding and of very low risk to fluvial flooding.
- 1.05 The application site consists of the end of terrace property at 2 Charlton Street and land to the side and rear of the existing building. When compared to other nearby properties 2 Charlton Street is on a double width plot.
- 1.06 A detached building at 2a Charlton Street contrasts with other properties as it is detached, of narrower width with the entrance to the side and finished in stone.

2. PROPOSAL

- 2.01 The application proposes a semi-detached 2-bedroom dwelling that will form an end of terrace property. The application proposes the removal of an existing shed and a single tree (denoted as T1 on the submitted plans).
- 2.02 The proposed new dwelling will be two storeys in height, with the roof ridge and eaves lines stepped down from the existing dwelling at No. 2 Charlton Street. The proposed dwelling would be constructed using traditional brickwork and feature a ground floor bay window

- 2.03 The proposal includes the subdivision of the existing garden land at No. 2 to provide private amenity space for occupants of the proposed house and the retained house.

3. POLICY AND OTHER CONSIDERATIONS

SS1 – Maidstone borough spatial strategy
 SP1 – Maidstone urban area
 SP19 – Housing mix
 DM1 – Principles of good design
 DM9 – Residential extensions, conversion within the built-up area.
 DM12 – Density of housing development
 DM23 – Parking standards (Appendix B)

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021. –

The Regulation 22 draft is a material consideration however weight is currently limited, as it is the subject of an examination in public that commenced on the 6 September 2022 (Stage 1 hearings concluded). The relevant policies in the draft plan are as follows:

SS1 – Maidstone borough spatial strategy
 SP2 – Maidstone urban area
 SP10(a) – Housing mix
 SP15 – Principles of good design
 HOU2 – Residential extensions, conversions...in the built-up area
 HOU5 – Density of residential development
 TRA4 – Parking standards (Appendix B)
 Q&D6 – Technical Standards
 Q&D7 – Private open space standards

4. LOCAL REPRESENTATIONS

Local Residents:

- 8 objections received from local residents raising the following (summarised) issues
- Increased parking stress
 - Overly cramped form of development
 - Congestion/disruption during construction phase
 - Concerns over the proposed ground floor layout

5. CONSULTATIONS

Mid-Kent Environmental Health

- 5.01 No objections subject to a condition on external lighting and informatives on building regulations and construction code of practice.

6. APPRAISAL

- 6.01 The key issues are:
- Principle of development
 - Visual impact
 - Residential amenity
 - Highways and parking

Principle of development

- 6.02 The application site is in the Maidstone urban area. Government guidance in the National Planning Policy Framework (NPPF) and policies SS1, SP1 and DM9 of the

adopted Maidstone Borough Local Plan are generally supportive of new housing in sustainable urban locations as an alternative to residential development in more remote countryside locations.

- 6.03 As such, the principle of a new dwelling within the defined urban area is acceptable and the proposed development is assessed in the following sections against other relevant policies of the Local Plan (2017).

Visual impact

- 6.04 Government guidance in the NPPF (para. 124) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.05 Local plan policy DM1 states that developments must “respond positively to and where possible enhance, the local, natural or historic character of the area Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage”. Similar requirements are set out in policy DM11.
- 6.06 The proposal involves adding an end of terrace two-storey, two- bedroom dwelling to an existing two storey end of terrace dwelling. The proposed design of the dwelling will be of similar architectural character to the majority of dwellings located along Charlton Road.
- 6.07 The proposed building’s massing and two storey form match the adjacent dwelling to the north west (No 2 Charlton Street). The proposal would be in keeping with the scale of dwellings in the application terrace on this side of Charlton Street.
- 6.08 The proposed design would incorporate architectural features such as ground floor bay windows as well as soldier brick courses above doors and windows to reflect features found in Charlton Street. The proposed finishing materials also reflect those found within Charlton Street with use of traditional brickwork under a concrete tiled roof.
- 6.09 The proposed property is attached to the existing terrace and as a result does not seek to reflect the nearest neighbour to the south east (No 2A) as this dwelling is both detached and distinct in style and architectural form.
- 6.10 As mentioned in the site description, the road slopes down towards the south east end of Charlton Street resulting in a clear ‘stepping down’ of the ridge and eaves heights of the properties. The proposed development would continue this character by stepping down the roof ridge and eaves heights from the existing property.
- 6.11 The total width of the new plot is approximately 4.5m with the proposed end of terrace dwelling approximately 4m wide with a 0.5m gap to the dwelling at No. 2A Charlton Street.
- 6.12 The site width is comparable to other properties in the terrace and is easily able to accommodate a dwelling that matches the scale of neighbouring properties (no 2 Charlton Street circa 3.8 metres wide, no 4 circa 4.4 metres wide, and no 6 circa 4.1 metres wide) and fits well in the site and the street scene. In this context the proposed development does not appear out of place or cramped.
- 6.13 In light of the above, and the planning balance, the proposed development would accord with policies DM1, DM9 and DM11 with respect to its impact on the character and appearance of the area and the street scene.

Residential amenity

- 6.14 Policy DM1 of the Local Plan (2017) states that developments should "*Respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties*".
- 6.15 The proposed south-east flank wall would be approximately 0.5 metres from the flank wall of 2A Charlton Road. However, the proposed development does not propose any fenestration on the south-eastern elevation and there are no windows on the flank elevation of No. 2A. Further the existing property at 2A is beyond the rear elevation of the proposed dwelling.
- 6.16 The commercial property to the rear a sufficient distance away from the rear elevation as to not comprise any adverse overlooking or amenity impacts upon the prospective occupants of the proposed dwelling or the current or future occupants of other adjacent residential properties.
- 6.17 In terms of the new party wall and environmental health comments, the control of structure borne noise is dealt with outside the planning system through the Building Acts. If planning permission is granted the applicant would need to make a separate Building Regulations application.
- 6.18 In terms of the standard of accommodation. The Nationally Described Space Standards require double bedrooms to comprise a minimum of 11.5 sq. metres and single bedrooms to comprise 7.5 sq. metres. In addition, the Maidstone Local Plan Review within policy LPRQ&D 6: Technical Standards requires two-bedroom dwellings over two storeys to comprise a minimum of 70m² of Gross Internal Floor Area (GIA). The dwelling comprises approximately 71m² in GIA.
- 6.19 The proposals would result in the creation of two bedrooms at first floor level, with the proposed bedrooms measuring 13 sq. metres and 9 sq. metres respectively. In this regard the proposals would provide an acceptable standard of accommodation. Other habitable rooms including the living and kitchen spaces are considered to comprise sufficient floorspace and well served by windows.
- 6.20 The proposed development would also allow for the provision of a rear garden area of approximately 60 sq. metres which is considered to be sufficient private amenity space for a two-bedroom dwelling. This area of garden space is comparable to neighbouring properties.
- 6.21 In summary, the proposals are considered to be acceptable in residential amenity terms and would accord with Policy DM1 of the Maidstone Local Plan (2017).

Highways and parking

- 6.22 Paragraph 111 of the NPPF states that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*"
- 6.23 Policy DM1 also seeks to ensure that proposed development does not cause any adverse impact upon the highways or parking provision within the area. Paragraph 6.97 states that "*New developments have the potential to generate a considerable number of vehicular and pedestrian trips which in turn can have both direct and cumulative impacts on the transport network.*"

- 6.24 The additional vehicle trips associated with a single new dwelling can be accommodated on the local highway network without harm to highway safety.
- 6.25 All eight of the objections raised against the application cite current car parking issues along Charlton Street and the surrounding roads. This existing parking stress was confirmed during the case officer site visit.
- 6.26 Whilst the proposal would result in the loss of one existing off-street parking space, (for the existing dwelling), as the vehicle access would not be required, the reinstatement of the full height kerb across the frontage would provide an additional on street space to compensate for this loss.
- 6.27 A 2-bedroom dwelling would generally require one off street parking space and the proposed development does not provide any off-street parking.
- 6.28 It is accepted that the absence of an off street parking space for the new dwelling is not ideal in terms of local on street parking demand. Notwithstanding this, the resulting on street parking demand generated by the proposed dwelling does not meet the relevant test for refusal set out in the NPPF of a 'severe' highway impact.
- 6.29 An off street parking space would require the proposed dwelling to be pushed back from the pavement which would represent poor urban design. The location of the building in this situation would have a poor relationship with neighbouring properties, a poor building setting consisting of a parked car and potential amenity neighbour issues at the rear of the building.
- 6.30 In addition, with the need to retain the existing dropped kerb to access any off street space that is provided, there would also be no on-street parking gain. After the assessment of these issues, it is found that the proposal located in a sustainable location is acceptable in relation to parking and highways impact.

Other matters

- 6.31 An arboricultural impact assessment has been submitted in support of the application which provides a rationale for the removal of a single category C tree (referred to as T1). The removal of this tree, is found to be acceptable.
- 6.32 The application site is located in Flood Zone 1 and, according to the information provided by the Environment Agency, the application site is subject to low risk of surface water flooding and subject to very low risk of fluvial flooding.

PUBLIC SECTOR EQUALITY DUTY

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

CIL

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

7. CONCLUSION

- 7.01 Overall, for the reasons outlined in this report, the proposed development would accord with the policies of the Local Plan (2017) and, as such the recommendation is to grant planning permission subject to conditions.

8. RECOMMENDATION

GRANT PLANNING PERMISSION Subject to conditions

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

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of the permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - Drawing No. 2225-PL01 (Existing Plans & Elevations)
 - Drawing No. 2225-PL02 (Proposed Plans and Section)
 - Drawing No. 2225-PL03 (Proposed Elevations)
 - Drawing No. 2225-PL04 (Site Plans)
 - GRS/TS/TCP/AIP/AIA/TPP/90/22 (Arboricultural Report)
 - Design & Access Statement (Dated May 2022)Reason: To ensure that the development is undertaken in accordance with the approved drawings and documents
- 3) The development hereby approved shall not commence above slab level until details (manufacturer name, product name, and photographs) of the external facing materials to be used for the building 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 and maintained as such thereafter.
Reason: To ensure a satisfactory appearance to the development.
- 4) No development including site clearance shall take place until tree protection is in place for all trees both within the red line application site boundary, and within falling distance of the red line application site boundary. The tree protection shall be in accordance with BS 5837 and maintained until all equipment, machinery and any surplus materials have been removed from the site. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 5) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in

writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter.

Reason: To ensure an energy efficient form of development.

- 6) Prior to first occupation of the approved dwelling the biodiversity enhancement shown on 2225-PL4 site plan Planning drawings (May 2022) shall be in place in accordance with the drawing with the measures maintained thereafter.

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

- 7) Prior to first occupation of the dwelling hereby approved the existing vehicular crossover (dropped kerb) in Charlton Street shall be removed with full height pavement reinstated in this location.

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

- 8) Prior to the first occupation of the dwelling hereby approved, facilities for (a) the storage and screening of refuse bins, and (b) the collection of refuse bins, and (c) secure bicycle storage shall be in place that are in accordance with details that have previously been submitted to and approved by the Local Planning Authority. These details will be maintained as such thereafter.

Reason: In the interests of amenity, to promote sustainable travel choices and the reduction of CO2 emissions.

- 9) Prior to the first occupation of the dwelling hereby approved, landscaping shall be in place that shall be in full accordance with a landscape scheme that has previously been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be designed in accordance with the principles of the Council's landscape character guidance and include details of a planting schedule (including location, planting species, quantities and size) of the front garden and front boundary treatment.

Reason: In the interests of amenity

- 10) Any planting in the approved landscape scheme which fails to establish or any trees or plants which, within five years from the first occupation, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme.

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

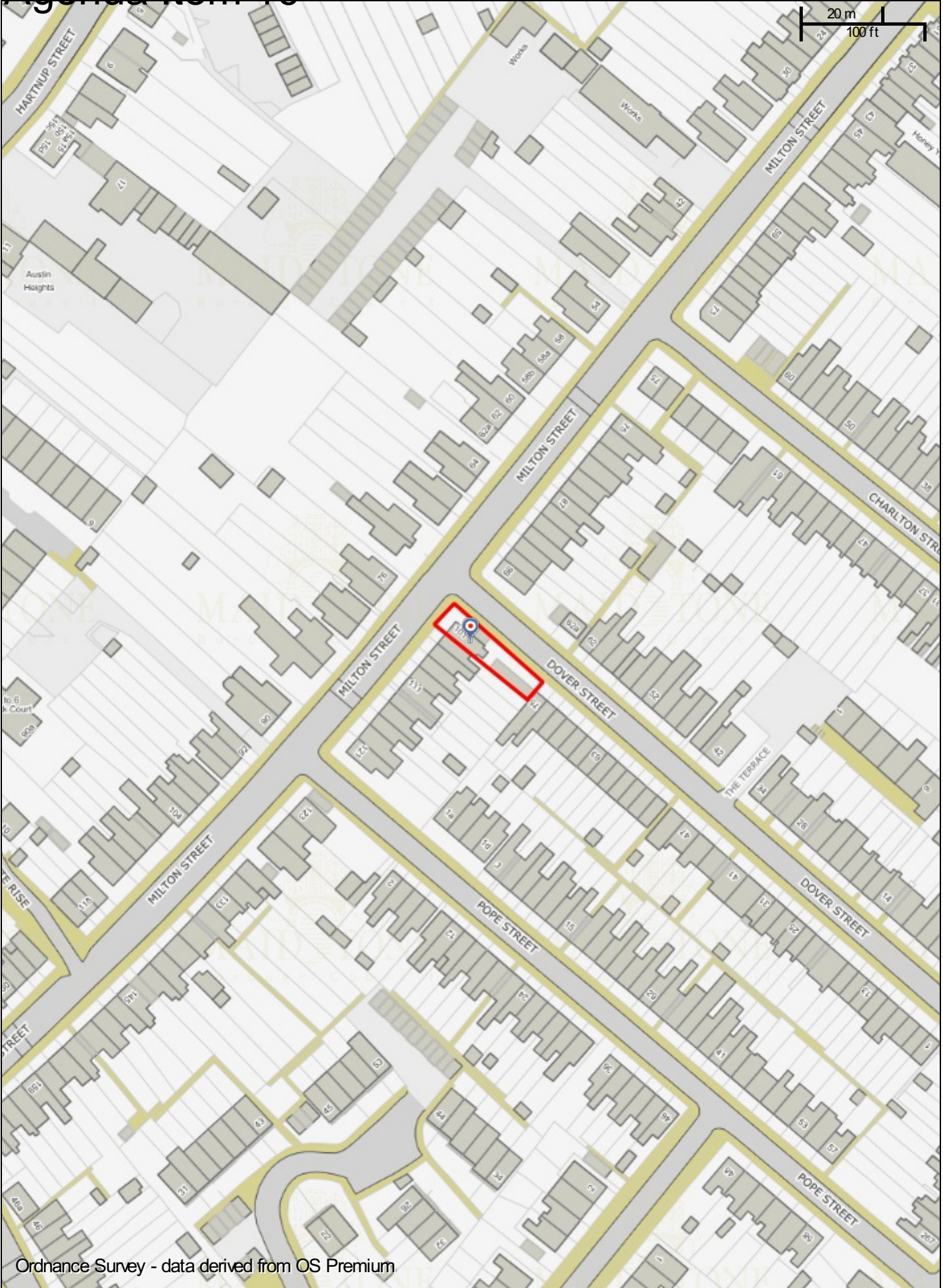
- 11) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011 (and any subsequent revisions) and follow the recommendations within Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting', 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 interests of residential amenity

Informatives:

- (1) You are advised that as of 1st October 2018, the Maidstone Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus, any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website Community Infrastructure Levy - Maidstone Borough Council.
- (2) The advice provided in the Mid Kent Environmental Code of Development Practice is highlighted to the applicant. Broad compliance with this document is expected. This document can be found at:
<https://tunbridgewells.gov.uk/environmental-code-of-development-practice>

Agenda Item 19



Ordnance Survey - data derived from OS Premium

22/503535/FULL 101 Milton Street, Maidstone, Kent, ME16 8LD
Scale: 1:1250
Printed on: 7/2/2023 at 18:47 PM by JoannaW

REPORT SUMMARY

REFERENCE NO: - 22/503535/FULL		
APPLICATION PROPOSAL: Conversion of existing four storey dwelling into 3no. self-contained flats, incorporating a single storey ground floor pitched roof side extension and single storey lower ground floor flat roof rear extension, and new pedestrian access within boundary wall.		
ADDRESS: 101 Milton Street Maidstone Kent ME16 8LD		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The development is acceptable regarding the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: Decision deferred at the committee meeting on the 16 February 2023		
WARD: Fant	PARISH/TOWN COUNCIL: N/A	APPLICANT: Mr P Olayinka AGENT: Cadscapes Ltd
CASE OFFICER: William Fletcher	VALIDATION DATE: 26/07/22	DECISION DUE DATE: 28/04/23(EOT)
ADVERTISED AS A DEPARTURE: No		

1. BACKGROUND

- 1.01 This application was first considered by members at the planning committee meeting on the 16 February 2023. The committee report to this meeting is provided as an appendix to this report.
- 1.02 The committee resolved to defer a decision on the application for the following reasons:
- (a) Seek further information from Kent County Council about the highways, parking, and sustainability issues, including cycle parking.
 - (b) Seek further details of the arrangements for storage, screening, and collection of refuse bins.

2. PROPOSAL

- 2.01 The application seeks the conversion of the existing four storey, four-bedroom dwelling into three self-contained flats. The proposal includes a single storey ground floor pitched roof side extension and single storey lower ground floor flat roof rear extension. A new pedestrian access is proposed within the boundary wall.
- 2.02 The proposed accommodation is as follow:
- Lower ground(basement): (Flat 1) two bedroom flat of 74m² accessed from the rear of the building and including a single storey rear extension.
 - Ground: (Flat 2) one bedroom flat of 37m² accessed from the front corner of the building and including a small single storey side extension.
 - First: (Flat 3) lower floor of a split level flat (kitchen and living room) accessed by existing rear external staircase, rear door at ground floor level in and internal staircase. Flat is total of 74m².
 - Second: (Flat 3) upper floor of a split level flat (2 bedrooms and a bathroom)

3. APPRAISAL

- 3.01 This report seeks to address the following three points as set out in the committee minutes from the meeting on the 16 February 2023 and additionally a fourth point following further neighbour comments made after the publication of the report to the last committee meeting:
- (a) Seek further information from Kent County Council about the highways, parking, and sustainability issues, including cycle parking.
 - (b) Seek further details of the arrangements for storage, screening, and collection of refuse bins.
 - (c) Further consider privacy and overlooking in respect of access arrangements.

3.02 These points are considered in turn below.

(a) Seek further information from Kent County Council about the highways, parking, and sustainability issues, including cycle parking.

- 3.03 KCC Highways do not provide comments to Maidstone Council on planning applications involving 5 or less dwellings (threshold not applied cumulatively). This arrangement is a protocol between KCC Highways and local authorities across Kent.
- 3.04 The assessment of potential highways impact for planning applications of 5 or less dwellings is carried out by Maidstone Council, not KCC Highways.
- 3.05 The 5 dwelling threshold is set for several reasons including the following:
- low level of potential highway impact from applications of this size, and
 - high threshold of 'harm' required to refuse planning permission on highway grounds (NPPF para 111 - 'severe' impact).

Off street car parking standards

- 3.06 Off street parking standards for new dwellings are provided in the adopted Maidstone Local Plan (Appendix B). The standards are based on the number of proposed bedrooms and the nature of the location (town centre, edge of centre, suburban or village/rural).
- 3.07 101 Milton Street is an 'edge of centre' location (existing high on street parking demand – on street one way traffic controls).
- 3.08 In 'edge of centre' locations, adopted local plan off street 'maximum' parking standards apply (i.e not 'minimum' standards as in other areas).
- 3.09 Maximum off street parking standards:
- optimise the density of development in existing sustainable locations well served by public transport (as advised at NPPF paragraph 108 and Chapter 11).
 - reduce the negative visual impact of off street parking on the street scene and building setting caused by large areas of hardstanding.
 - reduce the negative impact on residential amenity with front gardens separating car parking from ground floor living rooms and bedrooms.
 - Retain the on street car parking space lost in providing access to off street car parking space.
- 3.10 It is highlighted that the supporting text to the car parking standards (Footnote 3) also encourages flexibility in 'edge of centre' locations advising: "*Reduced or even nil provision acceptable for rented properties, subject to effective tendency controls*". In the 2021 Census 18.4% of households in local area did not own a car, compared to 18.5% in the Tovil area and 14.6% in Maidstone Borough as a whole.

- 3.11 The conversion of 101 Milton Street into three flats (2 two bedroom and 1 one bedroom units) complies with adopted off street car parking standards that require a maximum of three off street spaces (one off street space provided/retained) and 0.6 visitor spaces.

Impact on highway network and on local amenity, character, and appearance

- 3.12 Notwithstanding the compliance of the application proposal with off street parking standards, the impact of additional on street parking on the highway network and on local amenity, character, and appearance need to be assessed.
- 3.13 The baseline for all highway impact assessment is the existing lawful use operating at full capacity. Any additional highway impact above that baseline is then relevant.
- Demand from existing house - 2 car parking spaces and 0.2 visitor spaces.
 - Demand from proposed flats - 3 car parking spaces and 0.6 visitor spaces
 - Additional on street demand of 1 car parking space and 0.4 visitor spaces (rounded up to 2 off street spaces).

View along Dover Street with application site on the right hand side

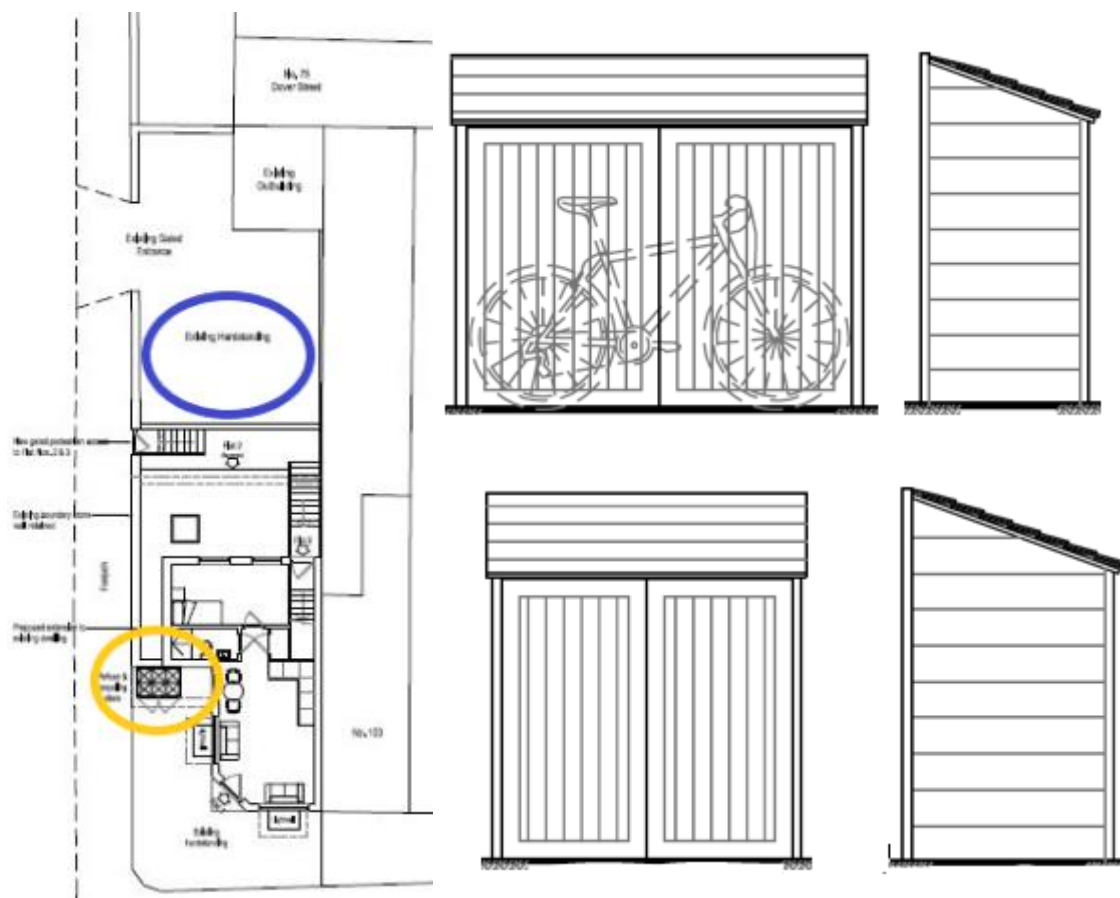


- 3.14 The application site is located at a road junction and has two road frontages. This location provides greater opportunities for future residents to park outside or within a reasonable walking distance of the site.
- 3.15 The side boundary of the application site is on Dover Street. It is accepted that pavement parking is an issue on the south west side of Dover Street, and this is due to the narrow width of the existing carriageway. The existing 4 bedroom house on the application site generates existing on street parking demand. Whilst there will be a slight increase in this on street parking demand from the current application, this additional impact will be insignificant when compared to issues in the wider area.
- 3.16 The traffic flow in Dover Street is restricted to one direction with entry from Upper Fant Road and exit on to Milton Street. Traffic flow is also restricted in Milton Street

with no right hand turn from Dover Street. Double yellow line parking restrictions are in place at the south eastern end of Dover Street (junction with Upper Fant Road). There are no parking restrictions at the north western end of Dover Street (junction with Milton Street) preventing parking at the junction and it appears that this is due to the traffic flow restriction on both Dover Street and Milton Street, and the generally lower traffic speeds.

- 3.17 On street parking can have a visual impact on the character and appearance of an area and on access along pavements. In this instance officers are seeking the enclosure and landscaping of the open areas of the site on the two road frontages (forecourts to the former ground floor commercial use). It is concluded that the positive visual impact of these changes will counteract the negative impact of the additional 2 on street car parking spaces.
- 3.18 Notwithstanding, these conclusions, the additional impact from the current planning application will be insignificant when compared to the scale of the wider issues in the area. The current planning application is not the correct route to address these issues. It is suggested that the current planning application is not the correct or most effective route to address these wider issues.
- 3.19 In the planning balance, the cost of the additional on street parking demand is substantially less than the benefit of the proposal providing additional dwellings in a sustainable location providing a good standard of accommodation with a design and scale that is in keeping with the surroundings.

Cycle storage (blue circle) and refuse storage (yellow circle)



- 3.20 NPPF advice on assessing highway impact 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" (NPPF paragraph 111).

- 3.21 Existing local on street parking demand is acknowledged, however the proposal will generate relatively low need for 2 additional on street car parking spaces within walking distance of 101 Milton Road. This additional on street demand will not meet the NPPF threshold of causing 'severe' harm and this level of 'severe' harm is required to refuse planning permission.

Cycle parking

- 3.22 Cycle parking standards are set out in the KCC Supplementary Planning Guidance SPG 4 Kent Vehicle Parking Standards. These standards require one cycle parking space for each proposed flat.
- 3.23 A drawing has been submitted of the proposed timber clad cycle storage (see preceding page). This storage can be provided on an existing area of hardstanding at the rear of the application site. A planning condition is recommended seeking details of the precise location of this storage on the site and again provision of this store prior to first occupation of the accommodation and its retention.

(b) Seek further details of the arrangements for storage, screening, and collection of refuse bins.

- 3.24 MBC Waste Services standards set out that in flatted developments of four or less units, each flat will be provided with their own set of bins (not provided as communal Eurobin). The requirements for flats are one 180 litre bin, one 240 litre bin for recycling and one 23 litre caddy for food waste.
- 3.25 The proposed refuse storage for the proposed flats is shown on the submitted planning application plans on the Dover Street frontage (see preceding page). The storage is of a sufficient size and located in a discrete and accessible location. There is space available for the refuse bins to be located at the boundary of the site for collection without blocking the pavement. A planning condition is recommended requiring the provision of this refuse store prior to first occupation of the accommodation and retention thereafter.

Further consider privacy and overlooking in respect of access arrangements.

- 3.26 Following publication of the original committee report additional comments have been received in respect of privacy and overlooking and the access arrangements to the proposed flat on the upper floors of the building. In addition to the assessment in the original report the following response is provided.
- 3.27 The access to the single dwelling proposed at first and second floor levels is by way of an existing external staircase from basement level to an entrance at ground floor level (with an internal staircase then giving access from ground to first floor level).
- 3.28 The historic and existing use of the floorspace at first and second floor levels is residential and the access door and the window immediately adjacent to the door are both existing.
- 3.29 A neighbour has commented that the external staircase has not been in recent use in connection with the existing four bedroom dwelling and this is acknowledged. It is also noted that whilst the proposed flat only has two bedrooms (existing dwelling has four bedrooms), the staircase will be the sole access to the flat unlike the existing situation. It is accepted that based on these facts there will be more activity and noise associated with the use of the staircase and access.

Existing access staircase and door and existing high boundary treatment between the application site and 103 Milton Road)



3.30 At the top of the access staircase the boundary between 101 and 103 Milton Road is shown on the submitted existing plans as 1.8 metres high. A boundary of this height is normally considered sufficient to protect privacy and overlooking and to screen noise and activity. The proposed plans show the retention of the existing boundary. A planning condition is recommended to ensure that the boundary is retained at this height.

Proposed rear elevation showing retention of the existing high boundary treatment between the application site and 103 Milton Road.



3.31 It is highlighted (as can be seen in the photo above) that the landing at the top of the external staircase is a similar height to pavement level in Dover Street. With this situation, background noise levels at the top of the external staircase level are already going to be higher than in more screened locations. It is concluded that the noise and activity associated with the use of the existing staircase and access would not be sufficient to refuse planning permission on amenity grounds

CONCLUSION

- 3.32 Overall, for the reasons outlined in this report, the proposed development would accord with the policies of the Local Plan (2017) and, as such the recommendation is to grant planning permission subject to conditions.

4. RECOMMENDATION

GRANT planning permission subject to the following 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 be carried out in accordance with the following approved plans and documents:
Application for planning permission
PA_22_060_001 - Existing Plans and Elevations
PA_22_060_002 - Proposed Plans and Elevations
PA_22_060_004 Rev A - Site Location, Existing and Proposed Block Plans and Layout Plan
PA/22/060/005 - Refuse and Cycle Store Elevations
Design and Access Statement Revised
Reason: To clarify the approved plans and to ensure the development is carried out to an acceptable visual standard.
- 3) Prior to the extensions hereby approved commencing above slab level, written details and samples of facing materials and all fenestration shall have been submitted to and approved in writing by the local planning authority. The development shall be constructed using the approved materials and retained thereafter.
Reason: To ensure a satisfactory appearance to the development.
- 4) Prior to the extensions hereby approved commencing above slab level, a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the extensions by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details prior to first occupation of the approved accommodation and all features shall be maintained thereafter.
Reason: To protect and enhance the ecology and biodiversity on the site in the future.
- 5) The boundary between between 101 and 103 Milton Road shall be retained at a minimum height of 1.8 metres measured from ground level, measured from the treads of the external access stairs, and measured from the landing at the top of the stairs.
Reason: To protect amenity in terms of privacy and overlooking.
- 6) Prior to first occupation of the approved accommodation the refuse storage indicated in drawing PA_22_060_004 Rev A shall be provided in accordance with the approved details and shall be maintained thereafter.
Reason: In the interests of amenity and the streetscene.

- 7) Prior to first occupation of the approved accommodation cycle storage shall be in place that is accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The approved details shall be maintained thereafter.
Reason: In the interests of amenity and the streetscene.
- 8) Prior to first occupation of the approved accommodation the existing open forecourt areas between the building and pavements in Dover Street and Milton Street shall be enclosed (maximum height of one metre) and landscaped in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The approved details shall be maintained thereafter. Reason: In the interests of amenity, building setting and the street scene.

Informative

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

REPORT SUMMARY

REFERENCE NO: - 22/503535/FULL		
APPLICATION PROPOSAL: Conversion of existing four storey dwelling into 3no. self-contained flats, incorporating a single storey ground floor pitched roof side extension and single storey lower ground floor flat roof rear extension, and new pedestrian access within boundary wall.		
ADDRESS: 101 Milton Street Maidstone Kent ME16 8LD		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The development is acceptable regarding the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: The reasons for referral to committee from Cllr Paul Harper are detailed below within section 4 (Local Representations)		
WARD: Fant	PARISH/TOWN COUNCIL: N/A	APPLICANT: Mr P Olayinka AGENT: Cadscapes Ltd
CASE OFFICER: William Fletcher	VALIDATION DATE: 26/07/22	DECISION DUE DATE: 27/01/23
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

12/0164 - Change of use of redundant barber's shop to residential use as part of attached property at 101 Milton Street – approved 06.07.2012

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is in a residential area in the Maidstone urban area to the west of the town centre and north of the river Medway. The surrounding character is predominantly 2 storey properties in terraces with small front gardens There are several properties in the locality already converted to self-contained flats. This matter is discussed in greater detail below in section 6.
- 1.02 The application site is located at the junction of Milton Street and Dover Street. The plot is marginally wider than the surrounding plots but otherwise reflects the shape of surrounding properties.
- 1.03 With a fall in ground level towards the rear of the site, the existing building is three storeys to the front elevation in Milton Street and four storeys to the rear elevation (basement, ground, first and second floors). The existing dwelling includes former commercial floorspace at ground floor level converted to residential use to the Milton Street frontage.
- 1.04 A two-storey building (which the supporting statement describes as being vacant) is located to the rear of the application site. This building is attached to 75 Dover

Street and accessed via Dover Street. There is no change to this building as part of the current application.

- 1.05 There is currently a dropped kerb in Dover Street providing vehicular access to the land at the rear of the application site. Dover Street is a one way street with traffic movements only permitted towards Milton Street (north west direction). Milton Street is also one way with traffic only permitted in a southwest direction towards Hackney Road.

2. PROPOSAL

- 2.01 The application seeks the conversion of the existing four storey, four-bedroom dwelling into three self-contained flats. The proposal includes a single storey ground floor pitched roof side extension and single storey lower ground floor flat roof rear extension. A new pedestrian access is proposed within boundary wall.

- 2.02 The proposed accommodation is as follow:

- Lower ground(basement): (Flat 1) two bedroom flat of 74m² accessed from the rear of the building and including a single storey rear extension.
- Ground: (Flat 2) one bedroom flat of 37m² accessed from the front corner of the building and including a small single storey side extension.
- First: (Flat 3) lower floor of a split level flat (kitchen and living room) accessed by existing rear external staircase, rear door at ground floor level in and internal staircase. Flat is total of 74m².
- Second: (Flat 3) upper floor of a split level flat (2 bedrooms and a bathroom)

- 2.03 Original application also sought the conversion of the existing outbuilding into a single dwelling This separate conversion has now been removed from the application and the building will remain as an outbuilding.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):

SS1 – Maidstone borough spatial strategy

SP1 – Maidstone urban area

SP19 – Housing mix

DM1 – Principles of good design

DM9 – Residential extensions, conversion within the built-up area.

DM12 – Density of housing development

DM23 – Parking standards (Appendix B)

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021. –

The Regulation 22 draft is a material consideration however weight is currently limited, as it is the subject of an examination in public that commenced on the 6 September 2022 (Stage 1 hearings concluded). The relevant policies in the draft plan are as follows:

SS1 – Maidstone borough spatial strategy

SP2 – Maidstone urban area

SP10(a) – Housing mix

SP15 – Principles of good design

HOU2 – Residential extensions, conversions...in the built-up area

HOU5 – Density of residential development

TRA4 – Parking standards (Appendix B)

Q&D6 – Technical Standards

Q&D7 – Private open space standards

4. LOCAL REPRESENTATIONS

Local Residents:

26 representations have been received from local residents, 25 in objection and 1 in support.

The representations in objection to the development raise the following summarised issues.

- Lack of parking provision in the area.
- Impact upon trees.
- Principle of converting the building.
- Access to emergency services.
- Aural amenity of the area.
- Deficiencies in social facilities.

(Officer comment: Whilst deficiencies in social facilities i.e. spaces in schools and GP provision are a material planning consideration, each planning application must be assessed on its own merits. Two additional dwellings here would not create so 'additional' demand (one of the new dwellings is a 'studio' flat and whilst there are more households, existing and proposed accommodation provides the same number of bedspaces [8]) that local services would be overwhelmed).

The representation in support of the development raises the following:

- traffic impacts are manageable.
- development would improve the appearance of the building.
- 'Local' need for HMOs.

Cllr Paul Harper

Application has raised considerable local concerns from Fant residents and is yet again a conversion of a dwelling into multiple flats.

It is unsustainable in its current location which is a very congested street. It does not provide sufficient off street parking, amenity space and is classic overdevelopment.

5. CONSULTATIONS

KCC Highways

This consultee responded to the consultation request with their standing advice. No objections issued.

6. APPRAISAL

6.01 The key issues are:

- Cumulative assessment
- Visual impact
- Standard of accommodation
- Neighbouring amenity
- Highways
- Ecology, biodiversity and trees

Cumulative assessment

6.02 The application site and surrounding roads are within Maidstone urban area and a short distance from the town centre. Adopted policy states that the urban area will be the focus for new development subject to other planning consideration such as

neighbour impact etc. In policy terms, the 'principle' of subdividing single dwellings in this location is accepted.

- 6.03 Representations received raise concerns regarding the number of dwellings that have been subdivided in the area. An assessment of the number of subdivisions in Milton Street, Dover Street, Charlton Street and Pope Street (the closest neighbouring streets) is provided below.
- 6.04 In terms of planning applications for single dwellings converted into self-contained flats. A search of internal Council systems indicates:
- 7 permissions along Milton Street which sought to convert single dwellings into flats and 2 seeking to convert single dwellings into HMOs.
 - 6 permissions for conversions to flats along Dover Street, no permissions for HMOs.
 - 6 permissions for conversions along Charlton Street, 1 permission for a HMO.
 - No applications for conversions or HMOs along Pope Street.
- 6.05 As the resulting impact is not great enough to require planning permission the conversion of a single family dwelling to a house of multiple occupancy with up to 6 occupants does not require planning permission.
- 6.06 The Council's Housing and Community Services team have advised that in Fant Ward overall there are approximately 30 HMOs and approximately 40 buildings converted into flats. When considering that there are at least 4000 'dwellings' in total in Fant Ward it is concluded that there is currently no local over concentration and the current additional conversion will not result in a concentration of non-single family homes in this location.

Visual impact

- 6.07 Policy DM1 states that development must respond positively to, and where possible enhance local, character. Regard will be paid to scale, height, materials, detailing, mass, bulk, articulation, and site coverage- incorporating a high quality, modern design approach and making use of vernacular materials where appropriate.
- 6.08 Policy DM9 continues, stating that development will be permitted if "the scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and character of the street scene and/or its context".
- 6.09 The proposed extensions are to the rear and side of the building. The rear extension is at 'lower ground floor' level and projects 3m from the existing rear elevation. The side extension projects 1.8m from the side elevation of the dwelling and has a total height of 4.3m (situated on top of the lower ground floor/basement) and an eaves height of 2.7m with its pitched roof form and a breadth of 4.2m.
- 6.10 The proposed side and rear extensions would not have a harmful impact on the character and appearance of the application property or the surrounding area. Due to the topography of the area the flat roof rear extension at basement level is situated below the boundary wall of the dwelling and as such the extension would not be overly visible from the street.
- 6.11 The roof and overall form of the side extension is in keeping with the host building and would appear as a sympathetic addition.
- 6.12 The application form indicates that the extensions would be finished in materials that match the host dwelling. The application form indicates that proposed windows

would be uPVC. It is not clear if existing windows would be replaced. Conditions will be imposed requiring the applicant to submit materials details for approval.

Existing Front Elevation



Proposed Front Elevation



Standard of accommodation

6.13 Policy DM1 details the need to provide an appropriate level of amenity for future occupants. The internal space of the flats are as follows:

- Flat 1 - Ground Floor 37sqm /1-bedroom/ 1 person
- Flat 2 - Basement 70sqm 2-bedroom/3 person
- Flat 3 - First & Second Floor 74sqm 2-bedroom/3 person

6.14 The accommodation is in accordance with national space standards (and LPR policy Q&D6) which require the internal space of 1 bedroom (1 person) dwellings to be at least 37m² and 3 person dwellings to be at least 70m² in size. Dwellings, including the basement would have sufficient natural light.

Whilst little weight is given to LPR policies at this stage, in terms of private amenity space LPR Policy Q&D7 states "All new dwellings created through subdivision, conversion or new build should have private amenity space"..."For flats, have a space (balcony or terrace) large enough for two persons to use".

6.15 A planning condition is recommended seeking a plan of the open area at the rear of the main building to show the provision of external amenity space for future occupants. A further condition is recommended seeking details of the enclosure of areas to the front and side of the building to ensure that the amenity of future occupiers are protected. It is also highlighted that in terms of the general standard of accommodation, the two larger flats are 9m² in excess of the space standard.

Neighbouring amenity

6.16 Policy DM1 of the Local Plan detail the need for development to respect the amenity of neighbouring occupiers. The extensions to the building would not cause any loss of light to neighbouring properties. By its nature the 'lower ground floor' extension would not overshadow the adjoining neighbouring property to its south due to the difference in building heights as well as the boundary wall to the south. The closest neighbouring property to the side extension is 15m to the north.

6.17 Loss of privacy has been raised in neighbouring representations specifically in terms of visitors to the building. The access to the proposed ground floor accommodation uses the former access to the ground floor commercial use (shop front is still in place). In addition to the parking and (likely early morning) deliveries associated

with the former commercial use (a barbers and believed to include a bakery), the former use would have attracted many visitors to the application site and likely greater disturbance than a residential use.

- 6.18 The access to the single dwelling at first and second floor levels is by way of an existing external staircase from basement to an entrance at ground floor level (with an internal staircase to first floor level). The historic and existing use of the floorspace at first and second floor levels is residential which would have involved visitors to the building. The current proposal also provides residential use and there are no grounds found to refuse permission in terms of activity levels associated with the converted building.
- 6.19 Potential noise issues from the property are also raised in consultation responses. There is nothing to indicate that the potential for anti-social behaviour is any higher from smaller residential units and in any event noise nuisance is dealt with outside the planning system by environmental legislation. The comments on the former use of the ground floor made above and the likely associated disturbance are also highlighted.

Highways and servicing

- 6.20 Policy DM1 states that applications must ensure that development does not result in, amongst other things excessive activity or vehicle movements. Paragraph 6.99 of the supporting text to policy DM23 states that "The council adopts a flexible approach to minimum and maximum parking standards to reflect local circumstances and the availability of alternative modes of transport to the private car".
- 6.21 The adopted Local Plan considers Maidstone urban area the most 'sustainable' location for new housing development in the borough. With easy access available on foot to facilities (such as education, employment, leisure uses) and public transport, residents do not necessarily need to own a private vehicle to carry out normal day to day activities in the urban area.
- 6.22 The additional vehicle trips associated with the proposal can be adequately accommodated on the local road network without harm to highway safety.
- 6.23 The application includes drawings of a refuse store with the location of this store indicated on drawing 004A. A planning condition is recommended requiring the provision of this refuse store prior to first occupation of the accommodation. A drawing has been submitted of a cycle storage building. A planning condition is recommended seeking details of the precise location of this storage on the site and again provision of this store prior to first occupation of the accommodation.
- 6.24 Car parking demand is assessed in relation to the anticipated increase from 'existing' accommodation at maximum lawful occupancy when compared to the 'proposed' outcome from a planning application.
- 6.25 The existing building provides a 4 bedroom property which could reasonably generate existing demand for 4 car parking spaces (2 adults and 2 'adult' children), however for the purposes of this assessment adopted car parking standards have been used.
- 6.26 In this 'suburban' location (in 'town centre' and 'edge of centre' locations standards are maximum not minimum), adopted Local Plan parking standards would require a new build 4 bedroom house to have a minimum of 2 off street car parking spaces (2 off street spaces for 4+ bedroom houses).

- 6.27 The current proposal provides 2, two bedroom flats and a one bedroom flat. Adopted Local Plan parking standards would require a similar new build development to have one off street space for each of the one and two bedroom flats. The parking demand for the proposed accommodation would as a result be 3 off street spaces, an increase in one space from existing accommodation (with former ground floor barber discounted).

View of the rear of the site from Dover Street.



- 6.28 Paragraph 111 of the NPPF states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." (Officer emphasis). Census data indicates that of 4788 local households 909 do not own a vehicle, 1938 households own a single vehicle, 989 two vehicles, 188 three vehicles and 69 four vehicles.
- 6.29 The existing local on street parking stress highlighted in neighbour letters and witnessed during the officer site visit is acknowledged. Notwithstanding this existing parking stress, the additional single car parking space will not result in a severe impact. No grounds are present that would reasonably justify refusal of planning permission on parking or highways impact grounds.

Ecology, biodiversity and trees

- 6.30 Local Plan policy DM3 highlights the need where relevant to appraise the value of the borough's natural environment to take full account of the biodiversity present. The application site consists of an existing property, with the open areas of the site predominantly covered in hardstanding. In this context the likelihood of protected species being present on the site is low. A planning condition is recommended seeking biodiversity enhancements on the site.
- 6.31 Representations raise the recent loss of trees on the application site. It is evident that a Leylandii (or similar) tree to the rear of the site that appears to have been

in poor health/dying has been removed. No trees on the application site were covered by a Tree Preservation Order and the site is not in a conservation area. IN this context the trees could be lawfully removed from the site.

PUBLIC SECTOR EQUALITY DUTY

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

CIL

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

7. CONCLUSION

- 7.01 The application site is within the urban area (the most sustainable location for new residential development), a short distance from the Maidstone Town Centre boundary and is a suitable location for a new dwelling.
- 7.02 The extensions proposed would not have a harmful impact upon the character and appearance of the host dwelling or the wider area. The dwelling provides an appropriate level of residential amenity for future occupants.
- 7.03 The proposal would not result in a loss of privacy or amenity to neighbouring occupants nor do the external works to the building cause any loss of light or privacy.
- 7.04 In terms of parking provision, when considering the number of vehicles that could be associated with the existing dwelling the impact from the proposal would not be 'severe'. The proposal as a result does not meet the relevant NPPF threshold that would justify refusal on highway safety or cumulative impact grounds.

8. RECOMMENDATION

GRANT planning permission subject to the following 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 be carried out in accordance with the following approved plans and documents:
Application for planning permission
PA_22_060_001 - Existing Plans and Elevations
PA_22_060_002 - Proposed Plans and Elevations
PA_22_060_004 Rev A - Site Location, Existing and Proposed Block Plans and Layout Plan
PA/22/060/005 - Refuse and Cycle Store Elevations
Design and Access Statement Revised

Reason: To clarify the approved plans and to ensure the development is carried out to an acceptable visual standard.

- 3) Prior to the extensions hereby approved commencing above slab level, written details and samples of facing materials and all fenestration shall have been submitted to and approved in writing by the local planning authority. The development shall be constructed using the approved materials and retained thereafter.

Reason: To ensure a satisfactory appearance to the development.

- 4) Prior to the extensions hereby approved commencing above slab level, a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the extensions by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details prior to first occupation of the approved accommodation and all features shall be maintained thereafter.

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

- 5) The development hereby approved shall not be occupied until the refuse storage indicated in drawing PA_22_060_004 Rev A has been provided and shall be maintained thereafter.

Reason: In the interests of amenity and the streetscene.

- 6) The development hereby approved shall not be occupied until details of the location of covered cycle storage have been approved in writing by the Local Planning Authority. The approved details shall be installed prior to first occupation of the relevant dwelling and maintained thereafter.

Reason: In the interests of amenity and the streetscene.

- 7) The development hereby approved shall not be occupied until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into each dwelling to provide at least 10% of their total annual energy requirements, have been approved in writing by the local planning authority. The approved details shall be installed prior to first occupation of the relevant dwelling and maintained thereafter.

Reason: To ensure an energy efficient form of development.

- 8) Prior to the extensions hereby approved commencing above slab level a plan of the open areas of the site forward of the building to the Milton Street and Dover Street frontages shall be submitted to and approved in writing by the local planning authority. Whilst protecting the existing lightwells the plan show the landscaping and enclose of these areas.

Reason: In the interests of amenity and the streetscene.

Informative

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

Agenda Item 20



Ordnance Survey - data derived from OS Premium

22/505747/FULL Springwood Road Nurses Accommodation, Springwood Road, Barming, Kent Scale: 1:1250



Printed on: 12/9/2022 at 14:07 PM by JoannaW

REPORT SUMMARY

REFERENCE NO: - 22/505747/FULL		
APPLICATION PROPOSAL: Section 73 - Application for variation of conditions 4 (to remove the requirement for solar PV panels) and 9 (to reduce the number of electric vehicle charging points from ten to four) pursuant to 22/501405/FULL for - Change of use from 4 blocks of residential nurses accommodation to 3 no. blocks comprising of 18 X 5 bed HMO units and 1 no. block comprising of 8 X 3 bedroom residential units.		
ADDRESS: Springwood Road Nurses Accommodation, Springwood Road, Barming, ME16 9NX		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to the planning conditions: (with amendment of condition 4 and condition 9 deleted)		
SUMMARY OF REASONS FOR RECOMMENDATION FOR APPROVAL:		
<ul style="list-style-type: none"> • <u>Amend condition 4</u> (energy efficiency) as follows: "Prior to first occupation of the development hereby approved the energy efficiency measures set out in the DHA letter dated 23 September 2022 shall be in place and all features shall be maintained thereafter. Reason: To ensure an energy efficient form of development". • <u>Delete condition 9</u> (electric vehicle charging points) as from June 2022 provision of electric vehicle charging points are now provided under Building Regulations. 		
REASON FOR REFERRAL TO COMMITTEE: Deferred from 23 rd March 2023 committee meeting		
WARD: Heath	PARISH: N/A	APPLICANT Jedi Developments Ltd AGENT: DHA Planning Ltd
CASE OFFICER: Tony Ryan	VALIDATION DATE: 12/02/22	DECISION DUE DATE: 27/04/2023 (EOT)
ADVERTISED AS A DEPARTURE: No		

1.0 BACKGROUND

- 1.01 This S73 application was first considered by members at the planning committee meeting on the 23 March 2023 (original application 22/501405/FULL went to the committee meeting in October 2022). The committee report to the meeting on the 23 March 2023 is provided as an appendix to this report.
- 1.02 The committee resolved to defer a decision on the application to see further information regarding:
- (a) the physical and financial viability of installing solar panels and cavity wall insulation and
 - (b) the default position in respect of the provision of electric vehicle charging points as now required under the Building Regulations.

1.03 The proposal involves the change of use of the 4 existing blocks of HMO residential nurses accommodation (currently providing 114 HMO rooms) as follows:

- 90 open market HMO rooms (arranged across three residential blocks in 18 five room HMO clusters with each cluster having a separate front door) and
- 8 three bedroom residential flats (total of 24 bedrooms in the fourth block).
- No physical internal building changes.
- Only external changes are new ground floor patio doors (requested by officers during initial application to provide improved access to external amenity areas).
- 23 off street car parking spaces (Retention of 21 existing with 2 proposed additional)

2. PROPOSAL

2.01 The current s73 application as submitted by the applicant seeks to:

- **Vary condition 4 with the removal of the underlined text below:**

"Prior to first occupation of the development hereby approved the energy efficiency measures set out in the DHA letter dated 23 September 2022 shall be in place.

Unless it can be adequately demonstrated in writing that they are not physically capable of being provided, the development should additionally, include the installation of solar PV panels (to provide at least 10% of total annual energy requirements of the development) and cavity wall insulation both provided prior to first occupation of the approved development.

All features shall be maintained thereafter for the lifetime of the development. Reason: To ensure an energy efficient form of development".

- **'Amend' condition 9 (electric vehicle charging points) as follows (with requirement reduced from 10 to 4 charging points):**

"Prior to first occupation of the development hereby approved a minimum of four operational electric vehicle charging points for low-emission plugin vehicles shall be installed and ready for the use of the new occupant with the electric vehicle charging point thereafter retained and maintained operational as such for that purpose. The siting of the electric vehicle charging points shall ensure that every parking space has access to a charging point. Reason: To promote to promote sustainable travel choices and the reduction of CO2 emissions through use of low emissions vehicles".

2.02 Notwithstanding, the proposal submitted by the applicant, officers are recommending that condition 9 relating to the provision of electric vehicle charging points be deleted (i.e not amended) from the decision.

3.0 APPRAISAL

3.01 This report seeks to respond to the following three points as set out in the committee minutes from the meeting on the 23 March 2023. The committee resolved to defer a decision on the application to see further information regarding:

- (a) the physical and financial viability of installing solar panels and cavity wall insulation and
- (b) the default position in respect of the provision of electric vehicle charging points as now required under the Building Regulations.

(a) the physical and financial viability of installing solar panels and cavity wall insulation and

- 3.02 The applicant has said that they will not be providing the viability information requested by members as listed above. The applicant has said the following:

"It is our firm view that the conditions fail the 6 tests set out with the National Planning Policy Framework (paragraph 55) which makes clear that planning conditions should be kept to a minimum and only used where they satisfy the tests...."

There is no sound policy basis for imposing conditions 4 and 9 on the planning permission, for a material change of use. ...the applicant has offered a suite of energy efficiency measures that go above and beyond what is required by Maidstone's adopted planning policy and that required by building regulations (Part L). Therefore, there is no sound basis or mechanism to justify the request for the additional documentation requested by the Planning Committee. Should the application be refused, we will appeal this decision".

- 3.03 The recommendation from officers is that condition 4 be amended with the underlined text shown in paragraph 2.01 above removed from the condition.

- 3.04 The amended condition reads as follows:

"Prior to first occupation of the development hereby approved the energy efficiency measures set out in the DHA letter dated 23 September 2022 shall be in place. All features shall be maintained thereafter for the lifetime of the development.

Reason: To ensure an energy efficient form of development".

- 3.05 This officer recommendation is made for the following two reasons i) the planning policy background and ii) whether the requests are reasonable.

i) planning policy background

- 3.06 There is no planning policy support in the adopted plan for the measures that have been outlined.

- 3.07 The adopted Local Plan does not include a policy on the provision of cavity wall insulation. A planning policy is not required as cavity wall insulation is not a planning consideration and is dealt with outside the planning system under Approved Document Part L of the Building Regulation (title "Conservation of fuel and power").

ii) whether the requests are reasonable.

- 3.08 The applicant has advised *"...the cost associated with installation and maintenance, (of solar panels) in the context of the minor alterations to the building, would be disproportionate to the proposed development".*

- 3.09 In addition, the appellant advises that a requirement for cavity wall insulation "... *would have a significant financial impact on the scheme, which would be disproportionate to the proposed development*".
- 3.10 The applicant has chosen not to provide viability information and there is no policy requirement for them to provide this information. The applicant has stated that the requests for solar panels and cavity wall insulation would make the development unviable. It is concluded that the provision of a condition in this context would fail the statutory test of reasonableness.

(b) the default position in respect of the provision of electric vehicle charging points as now required under the Building Regulations.

- 3.11 The applicant has stated that 4 electric vehicle charging points will be provided and that this is in accordance with Part S of the Building Regulations. The applicant has confirmed that the development will meet the requirement in the Building Regulations that each dwelling will always have 'access to' an EV charging point.
- 3.12 Part S of the Building Regulations states:
"Where one or more dwellings with associated parking result from a building, or a part of a building, undergoing a material change of use at least one associated parking space for the use of each such dwelling must have access to an electric vehicle charge point" (committee report emphasis).
- 3.13 The relevant thresholds and delivery of electric vehicle charging points are not planning considerations. It is also not normally the role of the planning system to 'top up' any requirement for charging points under Building Regulations.
- 3.14 Approved Document 'S' took the provision of electric vehicle charging points out of the planning system. The thresholds for when electric vehicle charging points are required and the quantity required are now covered under Building Regulations. In this context condition 4 fails to meet the statutory tests in terms of the condition being 'necessary', 'relevant to planning' and 'enforceable'.

4.0 CONCLUSION

- 4.01 Amend condition 4 (energy efficiency) as follows: *"Prior to first occupation of the development hereby approved the energy efficiency measures set out in the DHA letter dated 23 September 2022 shall be in place and all features shall be maintained thereafter. Reason: To ensure an energy efficient form of development"*.
- 4.02 Delete condition 9 (electric vehicle charging points) as provision of electric vehicle charging points are now provided under Building Regulations.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions: (with amendment of condition 4 and condition 9 deleted)

- 1) Commencement: The development hereby permitted shall be begun before 28.10.2025.
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) Plans: The development hereby approved shall be carried out in accordance with the following approved plans and documents:
- Site Plan Existing drawing 21.208-01
 - Rowan House existing 21.208-10
 - Birch House existing 21.208-11
 - Chestnut House existing 21.208-12
 - Hawthorn House existing 21.208-13

 - Site Plan Proposed drawing 21.208-001 T5 (received 06.10.2022)
 - Rowan House proposed Floor Plans 21.208-200 P2 (received 06.10.2022)
 - Birch House proposed Floor Plans 21.208-201 P2 (received 06.10.2022)
 - Chestnut House proposed Floor Plans 21.208-202 P2 (received 06.10.2022)
 - Hawthorn House proposed Floor Plans 21.208-203 P2 (received 06.10.2022)
 - Rowan House proposed Elevations 21.208-300 (received 06.10.2022)
 - Birch House proposed Elevations 21.208-301 (received 06.10.2022)
 - Chestnut House proposed Elevations 21.208-302 (received 06.10.2022)
 - Hawthorn House proposed Elevations 21.208-303 (received 06.10.2022)
 - Rowan House Area Comparison
 - Birch House Area Comparison
 - Chestnut House Area Comparison
 - Hawthorn House Area Comparison
 - Vehicle Swept Path Analysis 11.4 Refuse 16675-T-01-P1

 - DHA Letter dated 23.09.2022
 - DHA Covering letter and Design and Access Statement
- Reason: For the avoidance of doubt and in the interests of proper planning.
- 3) Biodiversity: Prior to first occupation of the development hereby approved details of a scheme for the enhancement of biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through means such as swift bricks, bat tubes or bee bricks, and through provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to first occupation of the development hereby approved and all features shall be maintained thereafter. Reason: To enhance the ecology and biodiversity on the site.
- 4) Energy Efficiency: Prior to first occupation of the development hereby approved the energy efficiency measures set out in the DHA letter dated 23 September 2022 shall be in place and all features shall be maintained thereafter. Reason: To ensure an energy efficient form of development.
- 5) Landscaping details: Prior to first occupation of the development hereby approved a soft landscaping scheme (designed using the principle's established in the Council's adopted Landscape Character Assessment 2012) shall be submitted to and approved in writing by the local planning authority. The soft landscaping scheme shall include the following:
- a) Indications of all existing hedgerows on the land, and confirmation of those to be retained,
 - b) A planting schedule using indigenous species (including location, planting species, spacing, maturity and size). Only non-plastic guards shall be used for the new trees and hedgerows.
 - c) A programme for the approved scheme's implementation and long term management, including long term design objectives, management responsibilities and a maintenance schedule for the landscaped areas.

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

- 6) Landscaping implementation: All planting, seeding and turfing specified in the approved landscape scheme shall be completed by the end of the first planting season (October to February) following first occupation of the dwelling hereby approved. The approved long term management details shall be carried out with the approved details and any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development
- 7) Boundary treatment: Prior to first occupation of the development hereby approved details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority (to include gaps at ground level in the boundaries to allow the passage of wildlife) and the development shall be carried out in accordance with the approved details before the first occupation of the buildings and maintained as such thereafter. Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers and for the passage of wildlife.
- 8) Provision of garden areas Prior to first occupation of the development hereby approved the hedging shown on drawing 21.202-001 T5 shall be provided (including hedging to protect the ground floor windows) and shall be maintained for the lifetime of the development. Reason: In the interests of landscape and amenity.
- 9) Car Parking Management Plan Prior to the first occupation of the dwelling hereby approved a car parking management plan shall be submitted to and approved in writing by the local planning authority. The plan should include arrangements for the management of the car parking area, the electric vehicle charging points and the allocation of spaces. Reason: In the interests of amenity and highway safety.
- 10) Bin and cycle storage: Prior to the first occupation of the dwelling hereby approved, facilities for
 - (a) the storage and screening of refuse bins,
 - (b) the collection of refuse bins, and
 - (c) secure bicycle storageshall be in place that are in accordance with details that have previously been submitted to and approved by the Local Planning Authority. These details will be maintained as such thereafter. Reason: To ensure a satisfactory appearance to the development
- 11) Parking, turning and access: Prior to the first occupation of the dwelling hereby approved the approved parking, turning and access details shall be completed and shall thereafter be retained. 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 their operation. Reason: Development without adequate parking, turning and access provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- 12) External lighting: Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter. Reason: In the interests of amenity.
- 13) Removal of permitted development: 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), no development within Schedule 2, Part 1, Classes A, B, C, D, E and F; and Schedule 2, Part 2, Class A, to that Order shall be carried out. Reason: To ensure a satisfactory appearance to the development.
- 14) Site Management Plan: Prior to the first occupation of the dwelling hereby approved a site management plan shall be submitted to and approved in writing by the local planning authority. The plan should include arrangements for the upkeep and maintenance of the open areas of the site and details of a complaints procedure and management contact. Reason: In the interests of amenity.
- 15) Car Parking Management Plan: Prior to the first occupation of the dwelling hereby approved a car parking management plan shall be submitted to and approved in writing by the local planning authority. The plan should include arrangements for the management of the car parking area, the electric vehicle charging points and the allocation of spaces. Reason: In the interests of amenity and highway safety.

Planning Committee Report: 23 March 2023

REPORT SUMMARY

REFERENCE NO: - 22/505747/FULL		
APPLICATION PROPOSAL: Section 73 - Application for variation of conditions 4 (to remove the requirement for solar PV panels) and 9 (to reduce the number of electric vehicle charging points from ten to four) pursuant to 22/501405/FULL for - Change of use from 4 blocks of residential nurses accommodation to 3 no. blocks comprising of 18 X 5 bed HMO units and 1 no. block comprising of 8 X 3 bedroom residential units.		
ADDRESS: Springwood Road Nurses Accommodation, Springwood Road, Barming, ME16 9NX		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to the planning conditions: (with amendment of condition 4 and condition 9 deleted)		
SUMMARY OF REASONS FOR RECOMMENDATION FOR APPROVAL: No solar photovoltaic panels are included as part of the change of use application and officers find this acceptable for the reasons set out in this report at paragraphs 5.03 to 5.08 below. The applicant is proposing the list of energy efficient measures in the report at paragraph 5.11. <ul style="list-style-type: none"> Action - Amend condition 4 (energy efficiency) as follows: "<i>Prior to first occupation of the development hereby approved the energy efficiency measures set out in the DHA letter dated 23 September 2022 shall be in place and all features shall be maintained thereafter. Reason: To ensure an energy efficient form of development</i>". <p>The provision of electric vehicle charging points and the thresholds for when they are required passed from the planning system to Building Regulations in June 2022. In this context the provision of electric vehicle charging points is not a planning consideration and a planning condition requiring installation of charging points fails 3 of the six statutory tests for planning conditions ('necessary', 'relevant to planning', and 'reasonable')</p> <ul style="list-style-type: none"> Action - Delete condition 9 (electric vehicle charging points) as from June 2022 provision of electric vehicle charging points are now provided under Building Regulations. <p><i>(NB: the package of energy efficiency measures provided by the applicant includes 4 electric vehicle charging points. This offer by the applicant does not impact on the conclusions reached above on a standalone condition)</i></p>		
REASON FOR REFERRAL TO COMMITTEE: Call in from Cllr Ashleigh Kimmance and Cllr Peter Homes as the application relates to conditions that were amended by the planning committee.		
WARD: Heath	PARISH: N/A	APPLICANT Jedi Developments Ltd AGENT: DHA Planning Ltd
CASE OFFICER: Tony Ryan	VALIDATION DATE: 12/02/22	DECISION DUE DATE: 31/03/2023 (EOT)
ADVERTISED AS A DEPARTURE: No		

1.0 BACKGROUND, PROPOSAL AND RELEVANT PLANNING HISTORY

1.01 At the committee meeting on the 20 October 2022 members considered and resolved to approve the planning application under reference 22/501405/FULL (decision issued 28.10.2022). This application was for Springwood Road Nurses Accommodation, Springwood Road, Barming, ME16 9NX.

1.02 The proposal involves the change of use of the 4 existing blocks of HMO residential nurses accommodation (currently providing 114 HMO rooms) as follows:

- 90 open market HMO rooms (arranged across three residential blocks in 18 five room HMO clusters with each cluster having a separate front door) and
- 8 three bedroom residential flats (total of 24 bedrooms in the fourth block).
- No physical internal building changes.
- Only external changes are new ground floor patio doors (requested by officers during initial application to provide improved access to external amenity areas).
- 23 off street car parking spaces (Retention of 21 existing with 2 proposed additional)

1.03 Relevant extract from the minutes of the committee meeting on the 20 October 2022 is:

"...That permission be granted subject to the conditions set out in the report with:

The amendment of condition 4 (Energy Efficiency Measures) to expand on Members' additional expectations in terms of the installation of solar PV panels within the development unless it is demonstrated that it is not physically possible to do so and cavity wall insulation; and

The amendment of condition 9 (EV Charging) to require a minimum of 10 operational electric vehicle charging points; the siting to ensure that every parking bay has access to a charging point..."

1.04 An application for the removal or variation of planning conditions (s73) can be used to change or remove conditions which have been previously imposed. The Local Planning Authority can either

- grant the s73 permission unconditionally or
- grant subject to different conditions, or
- or can refuse the s73 application if they decide that the original conditions should continue.

1.05 Whatever the result of the s73 application, the original planning permission will remain and can be implemented as normal if the applicant chooses to. The applicant also has the right of appeal against the original conditions and this appeal can be submitted to the planning inspectorate up to 28 April 2023.

1.06 The current s73 application seeks to vary condition 4 (energy efficiency) and condition 9 (electric vehicle charging points) to remove the amendments that the planning committee made to these conditions.

2.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan policies SS1, SP1, SP19, SP20, DM1, DM2, DM3, DM6, DM8, DM9, DM11, DM21, DM23.

Planning Committee Report: 23 March 2023

- Supplementary Planning Guidance: Affordable housing
- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021. - The Regulation 22 draft is a material consideration however weight is currently limited, as it is the subject of an examination in public that commenced on the 6 September 2022 (hearings currently adjourned until 15 May when stage 2 hearings commence). The relevant policies in the draft plan are as follows:

LPRSP10:Housing
 LPRSP10(A):Housing mix
 LPRSP12:Sustainable transport
 LPRSP14:The environment
 LPRSS1:Maidstone borough spatial strategy
 LPRSP9:Development in the countryside
 LPRSP14A:Natural environment
 LPRSP14(C):Climate change
 LPRSP15:Principles of good design
 LPRTRA2:Assessing the transport impacts of development
 PRTRA4:Parking
 LPRQ&D 1:Sustainable design
 LPRQ&D 2:External lighting
 LPRQ&D 6:Technical standards

3.0 LOCAL REPRESENTATIONS

3.01 No response from neighbour consultation

Cllr Ashleigh Kimmance

3.02 Would like to call this application in as it needs to be decided at committee.

Cllr Peter Homes

3.03 Would like to call this application in if officers are minded to approve as the application relates to conditions that were added by the committee.

4.0 CONSULTATIONS

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

KCC Highways

4.01 No objections, recommend standard infomatives.

Kent Police

4.02 No objection. Suggest security measures if PV panels are installed.

KCC Local Lead Flood Authority.

4.03 No objection as proposal considered low risk.

KCC Minerals Team

4.04 No objection

5.0 APPRAISAL

- 5.01 The key planning considerations are:
- Condition 4 energy efficiency
 - Adopted LP policy DM2: Sustainable design
 - Local Plan Review policy LPRP14(C): Climate Change
 - Statutory tests for the imposition of planning conditions
 - Condition 9 EV charging and Approved Document 'S' Building Regulations

Condition 4 energy efficiency

- 5.02 The amended condition 4 on the decision notice is as follows (current application seeks to remove the underlined text).

"Prior to first occupation of the development hereby approved the energy efficiency measures set out in the DHA letter dated 23 September 2022 shall be in place.

Unless it can be adequately demonstrated in writing that they are not physically capable of being provided, the development should additionally, include the installation of solar PV panels (to provide at least 10% of total annual energy requirements of the development) and cavity wall insulation both provided prior to first occupation of the approved development.

All features shall be maintained thereafter for the lifetime of the development. Reason: To ensure an energy efficient form of development".

Adopted LP policy DM2 and Approved Document Part L

- 5.03 Policy DM2 of the adopted Local Plan states that all new homes will be expected to meet the strengthened on site energy performance standards in Approved Document Part L of the Building Regulations.
- 5.04 Building Regulations Part L1b covers renovations to existing buildings. The requirements of part L1b only apply in certain circumstances such as major renovation (major renovation defined as replacing more than a quarter of the building's surface area).
- 5.05 The current proposal does not involve any change to the internal layout, does not include the use of additional internal space and does not include building extensions.
- 5.06 Other than the new patio doors (that were requested by officers to improve the standard of the accommodation) there are no physical building changes. In this context it is understood that the proposal is not covered by Part L of the Building Regulations.
- 5.07 The only adopted policy that considers renewable energy is LP DM2, and this policy defers to the relevant thresholds and requirements of Part L of the Building Regulations. Building Regulation applications are submitted and considered outside the planning system and a condition requiring compliance with the Part L would fail the necessary and reasonableness statutory planning condition tests.
- 5.08 The applicant advises that *the cost associated with installation and maintenance and the solar panels and cavity wall installation "...in the context of the minor alterations to the building, would be disproportionate to the proposed development".* Officers agree with these conclusions and advise that there is no policy requirement to provide onsite renewable energy or cavity wall installation.

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Local Plan Review policy LPRP14(C)

5.09 Whilst not adopted and as a result currently carrying little weight, policy LPRP14(C) of the Local Plan Review states:

- at point 4 of policy LPRP14(C) "...the Council will...support the provision of renewable energy infrastructure within new development". (Officer comment: note text refers to 'support' rather than 'require' renewable energy infrastructure).
- at point 8 of policy LPRP14(C) in contrast states "...the Council will...require new development involving the creation of new dwellings...to plan for and respond to the impacts of climate change..."

5.10 In relation to point 4 of LPRP14(C) and the 'support' for renewable energy infrastructure the applicant has advised "*...it is acknowledged that the installation of PVs would provide sustainability benefits, however the cost associated with installation and maintenance, in the context of the minor alterations to the building, would be disproportionate to the proposed development*". In addition, the appellant advises that a requirement for cavity wall insulation "*... would have a significant financial impact on the scheme, which would be disproportionate to the proposed development*".

5.11 Whilst the policy LPRP14(C) currently carries little weight, the appellant in seeking "...to plan for and respond to the impacts of climate change..." (point 8 policy LPRP14(C)) is proposing the following list of energy efficiency measures:

- LED lighting to be provided throughout the buildings including externally.
- 400mm loft insulation to be installed inside all roofs.
- Individual thermostatic controls to the buildings heating to be installed.
- The provision of all electric 'A' rated appliances / white goods to the units.
- The fitting of flow restrictors on all showers & taps to limit the use of hot water and thus the energy required for its generation.
- Water harvesting (water butt), recycling rain water for external maintenance.
- 4 x EV charging points.

Statutory tests for imposition of planning conditions

5.12 The six statutory tests for the imposition of planning conditions are set out in NPPG guidance (Paragraph: 003 Reference ID: 21a-003-20190723) and paragraph 56 of the current (2021) version of the NPPF. These six statutory tests require planning conditions to be 'necessary', 'relevant to planning', 'enforceable', 'precise' and 'reasonable in all other aspects'.

5.13 The current proposal does not include any additional floorspace and does not include any changes to internal layout. The only physical building changes being the new patio doors.

5.14 The legislative minimum threshold for energy performance standards are Part L of the Building Regulations and the setting of these thresholds would have accounted for the financial burden on developers. In the context of the above information condition 4 as drafted fails to meet the statutory test of being 'necessary' and due to the financial burden on the project fails the 'reasonable in all other aspects' test.

Condition 9 EV charging and Building Regulations Approved Document 'S'

5.15 The amended condition 9 on the decision notice is as follows: "*Prior to first occupation of the development hereby approved a minimum of ten operational electric vehicle charging points for low-emission plugin vehicles shall be installed*

and ready for the use of the new occupant with the electric vehicle charging point thereafter retained and maintained operational as such for that purpose. The siting of the electric vehicle charging points shall ensure that every parking space has access to a charging point. Reason: To promote to promote sustainable travel choices and the reduction of CO2 emissions through use of low emissions vehicles”.

- 5.16 Building Regulations Approved Document ‘S’ took effect from 15 June 2022 and covers the infrastructure for charging electric vehicles. This forms part of the government's push toward the adoption of electric vehicles, the gradual removal of petrol and diesel powered vehicles by 2030 and the general reduction in carbon production.
- 5.17 Approved Document ‘S’ took the provision of electric vehicle charging points out of the planning system. The thresholds for when electric vehicle charging points are required and when there are required, how many are required are now covered under Building Regulations. In this context condition 4 fails to meet the statutory tests in terms of the condition being ‘necessary’, ‘relevant to planning’ and ‘enforceable’.

Public Sector Equality Duty

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

6.0 CONCLUSION

- 6.01 Amend condition 4 (energy efficiency) as follows: *“Prior to first occupation of the development hereby approved the energy efficiency measures set out in the DHA letter dated 23 September 2022 shall be in place and all features shall be maintained thereafter. Reason: To ensure an energy efficient form of development”.*
- 6.02 Delete condition 9 (electric vehicle charging points) as provision of electric vehicle charging points are now provided under Building Regulations.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions: (with amendment of condition 4 and condition 9 deleted)

- 1) Commencement: The development hereby permitted shall be begun before 28.10.2025.
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) Plans: The development hereby approved shall be carried out in accordance with the following approved plans and documents:
 - Site Plan Existing drawing 21.208-01
 - Rowan House existing 21.208-10
 - Birch House existing 21.208-11
 - Chestnut House existing 21.208-12
 - Hawthorn House existing 21.208-13

 - Site Plan Proposed drawing 21.208-001 T5 (received 06.10.2022)
 - Rowan House proposed Floor Plans 21.208-200 P2 (received 06.10.2022)
 - Birch House proposed Floor Plans 21.208-201 P2 (received 06.10.2022)

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- Chestnut House proposed Floor Plans 21.208-202 P2 (received 06.10.2022)
- Hawthorn House proposed Floor Plans 21.208-203 P2 (received 06.10.2022)
- Rowan House proposed Elevations 21.208-300 (received 06.10.2022)
- Birch House proposed Elevations 21.208-301 (received 06.10.2022)
- Chestnut House proposed Elevations 21.208-302 (received 06.10.2022)
- Hawthorn House proposed Elevations 21.208-303 (received 06.10.2022)
- Rowan House Area Comparison
- Birch House Area Comparison
- Chestnut House Area Comparison
- Hawthorn House Area Comparison
- Vehicle Swept Path Analysis 11.4 Refuse 16675-T-01-P1

- DHA Letter dated 23.09.2022
- DHA Covering letter and Design and Access Statement

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3) Biodiversity: Prior to first occupation of the development hereby approved details of a scheme for the enhancement of biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through means such as swift bricks, bat tubes or bee bricks, and through provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to first occupation of the development hereby approved and all features shall be maintained thereafter. Reason: To enhance the ecology and biodiversity on the site.
- 4) Energy Efficiency: Prior to first occupation of the development hereby approved the energy efficiency measures set out in the DHA letter dated 23 September 2022 shall be in place and all features shall be maintained thereafter. Reason: To ensure an energy efficient form of development.
- 5) Landscaping details: Prior to first occupation of the development hereby approved a soft landscaping scheme (designed using the principle's established in the Council's adopted Landscape Character Assessment 2012) shall be submitted to and approved in writing by the local planning authority. The soft landscaping scheme shall include the following:
- a) Indications of all existing hedgerows on the land, and confirmation of those to be retained,
 - b) A planting schedule using indigenous species (including location, planting species, spacing, maturity and size). Only non-plastic guards shall be used for the new trees and hedgerows.
 - c) A programme for the approved scheme's implementation and long term management, including long term design objectives, management responsibilities and a maintenance schedule for the landscaped areas.
- Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development
- 6) Landscaping implementation: All planting, seeding and turfing specified in the approved landscape scheme shall be completed by the end of the first planting season (October to February) following first occupation of the dwelling hereby approved. The approved long term management details shall be carried out with the approved details and any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme.

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

- 7) Boundary treatment: Prior to first occupation of the development hereby approved details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority (to include gaps at ground level in the boundaries to allow the passage of wildlife) and the development shall be carried out in accordance with the approved details before the first occupation of the buildings and maintained as such thereafter. Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers and for the passage of wildlife.
- 8) Provision of garden areas Prior to first occupation of the development hereby approved the hedging shown on drawing 21.202-001 T5 shall be provided (including hedging to protect the ground floor windows) and shall be maintained for the lifetime of the development. Reason: In the interests of landscape and amenity.
- 9) Car Parking Management Plan Prior to the first occupation of the dwelling hereby approved a car parking management plan shall be submitted to and approved in writing by the local planning authority. The plan should include arrangements for the management of the car parking area, the electric vehicle charging points and the allocation of spaces. Reason: In the interests of amenity and highway safety.
- 10) Bin and cycle storage: Prior to the first occupation of the dwelling hereby approved, facilities for
 - (a) the storage and screening of refuse bins,
 - (b) the collection of refuse bins, and
 - (c) secure bicycle storage
 shall be in place that are in accordance with details that have previously been submitted to and approved by the Local Planning Authority. These details will be maintained as such thereafter. Reason: To ensure a satisfactory appearance to the development
- 11) Parking, turning and access: Prior to the first occupation of the dwelling hereby approved the approved parking, turning and access details shall be completed and shall thereafter be retained. 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 their operation. Reason: Development without adequate parking, turning and access provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.
- 12) External lighting: Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter. Reason: In the interests of amenity.
- 13) Removal of permitted development: 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), no development within Schedule 2, Part 1, Classes A, B, C, D, E and

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F; and Schedule 2, Part 2, Class A, to that Order shall be carried out. Reason: To ensure a satisfactory appearance to the development.

- 14) Site Management Plan: Prior to the first occupation of the dwelling hereby approved a site management plan shall be submitted to and approved in writing by the local planning authority. The plan should include arrangements for the upkeep and maintenance of the open areas of the site and details of a complaints procedure and management contact. Reason: In the interests of amenity.
- 15) Car Parking Management Plan: Prior to the first occupation of the dwelling hereby approved a car parking management plan shall be submitted to and approved in writing by the local planning authority. The plan should include arrangements for the management of the car parking area, the electric vehicle charging points and the allocation of spaces. Reason: In the interests of amenity and highway safety.

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 20TH APRIL 2023**

APPEAL DECISIONS:

- 1. 21/506640/FULL** Erection of two storey side and single storey rear extension, including insertion of rooflights.

APPEAL: DISMISSED

11 Forest Hill
Tovil
Maidstone
Kent
ME15 6UX

(Delegated)

- 2. 22/500896/FULL** Retrospective application for change of use of land to residential garden, erection of a 1.9m close board fence and demolition of existing 1.9m brick boundary wall.

APPEAL: DISMISSED

4 Tall Trees Close
Kingswood
Maidstone
Kent
ME17 3PT

(Delegated)

- 3. 22/501047/FULL** Retention of marquee to be sited for a period of 3 years for continued use for ancillary purposes to the existing winery site.

APPEAL: ALLOWED

Balfour Winery
Five Oak Lane
Staplehurst
Maidstone

Kent
TN12 0HT

(Delegated)

- 4. 21/500240/FULL** Change of use of land and the erection of a single storey dwelling for occupation exclusively by a gypsy/traveller family

APPEAL: DISMISSED

Green Tops
Symonds Lane
Yalding
Maidstone
Kent
ME18 6DD

(Delegated)

- 5. 21/500238/FULL** Redevelopment of an existing gypsy/traveller site comprising of the demolition of existing single storey gypsy/traveller dwelling on-site and the erection of 4no. single storey dwellings for occupation exclusively by members of the gypsy/traveller community.

APPEAL: DISMISSED

Pear View
Symonds Lane
Yalding
Kent
ME18 6HA

(Delegated)

- 6. 22/500380/TNOT56** Prior Notification for Electronic Communication for a proposed 15m phase 8 monopole C/W wraparound cabinet at base and associated ancillary works. For its prior approval to: siting and appearance.

APPEAL: DISMISSED

Telecommunications Unit At
Yalding Hill
Yalding
Kent
ME18 6AL

(Delegated)

7. 22/502761/FULL

Demolition of existing lean-to and erection of a part single storey, part two storey side and rear extension, and a front porch with canopy.

APPEAL: DISMISSED

2 Fleet Farm Cottages
Chart Hill Road
Staplehurst
Kent
TN12 0RW

(Delegated)

8. 22/503767/FULL

Demolition of existing rear extension and erection of a two storey rear extension and a first floor side extension, including pergola to rear.

APPEAL: ALLOWED

34 Salts Avenue
Loose
Kent
ME15 0AZ

(Delegated)

9. 22/503398/FULL

Erection of a first floor rear extension.

APPEAL: DISMISSED
COSTS: REFUSED

Broadlands
North Pole Road
Barming
Maidstone
Kent
ME16 9HG

(Delegated)

10. 22/502695/FULL

Erection of a two storey side extension.

APPEAL: ALLOWED

7 Glebe Lane
Maidstone
Kent
ME16 9BB

(Delegated)

11. 22/502613/FULL

Erection of a garden gate and fence
(Retrospective).

APPEAL: DISMISSED

4 Winifred Road
Bearsted
Maidstone
Kent
ME15 8NR

(Delegated)

12. 22/502488/FULL

Erection of a two storey side and rear infill extension with 3no roof lights. Demolition of conservatory and replacement with the erection single storey rear extension with roof lantern.

APPEAL: DISMISSED

29 Harvesters Way
Weaving
Kent
ME14 5SH

(Delegated)

- 13. Enforcement Notice 1** Use of land for stationing of a mobile home and two touring caravans for gypsy/traveller family together with utility room and provision of hardstanding.

APPEAL: ALLOWED, the enforcement notice is quashed and planning permission is granted.

Land known as Plot 6,
The Meadows,
Lenham Road,
Headcorn,
Maidstone,
Kent TN27 9LG

- 14. Enforcement Notice 2** Use of land as residential to provide 5 plots for gypsy families, with a total of 5 mobile homes, 10 touring caravans and 5 utility blocks with associated works.

APPEAL: Appeals succeed in part and permission for that part is granted for plots 4 and 5, but otherwise the appeals fail and the enforcement notice as corrected and varied is upheld.

Land known as Land to the rear of
The Meadows,
Lenham Road,
Headcorn,
Maidstone,
Kent TN27 9LG

15. Enforcement Notice 3 Use of land as residential to provide 5 plots for gypsy families, with a total of 5 mobile homes, 10 touring caravans and 5 utility blocks with associated works.

APPEAL: The appeals succeed in part and permission for that part is granted for plots 8, 8a, 8b and 9a, but otherwise the appeals fail and the enforcement notice as corrected and varied is upheld

Land known as Plots 6 - 10
The Meadows,
Lenham Road,
Headcorn,
Maidstone,
Kent TN27 9LG

16. 22/501972/FULL Demolition of 4 No. stables, retention of 5 No. stables and change of use of land from paddock to residential to allow the siting of 1 No. caravan with incidental paddock plus associated access road and parking.

APPEAL: DISMISSED

Still Acres Touring And Camping Park
Longend Lane
Marden
Tonbridge
Kent
TN12 9SE

(Delegated)